

## ADMISSION BOARD COMMUNIQUÉ NO. 2/2007 OF 19 JANUARY 2007

- **Recognition of equivalence by the Financial Services Authority (FSA)**
- **Entry into force of the rules and regulations for the SWX "EU-Compatible" Segment**

*Decision of the Admission Board: 1 November 2006*

*Entry into force: 20 January 2007*

### I. BACKGROUND

On 21 December 2006, the FSA, as competent authority for the United Kingdom, approved the rules of implementation of the EU Transparency Directive<sup>1</sup> (TD) and, as stipulated in the TD, set the date of entry into force of the Disclosure and Transparency Rules (DTR) at 20 January 2007.

The TD, which is applicable to issuers whose equity securities are listed on the SWX "EU-Compatible" Segment and admitted to trading on the virt-x "EU Regulated Market" Segment, contains, *inter alia*, rules on **periodic reporting, ongoing duties to provide information, the disclosure of shareholdings, and dissemination and storage obligations**. The said TD rules were implemented in the United Kingdom, *inter alia*, in DTR 4 (periodic financial reporting), DTR 5 (vote holder and issuer notification rules) and DTR 6 (dissemination and storage requirements) and enter into force on 20 January 2007. In accordance with Art. 23 para. 1 TD, where the registered office of an issuer is in a third country, the FSA, as competent authority, may exempt that issuer from these TD rules provided that the law of the third country in question lays down *equivalent* requirements in this respect.

The rules and regulations for the SWX "EU-Compatible Segment" have also been amended<sup>2</sup> in light of the DTR requirements referred to above. Details of the amendments to the SWX rules and regulations were outlined in the **Admission Board Communiqué No. 17/2006 of 21 December 2006**.

It is available on the Internet at: [http://www.swx.com/download/admission/regulation/notices/2006/notice\\_200617\\_en.pdf](http://www.swx.com/download/admission/regulation/notices/2006/notice_200617_en.pdf)

### II. RECOGNITION OF EQUIVALENCE BY THE FSA

With regard to DTR 5 ("vote holder and issuer notification rules"), the FSA has recognised the provisions of the SWX as equivalent and has included Switzerland on its list of third

<sup>1</sup> EU Directive 2004/109/EC on the harmonization of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC.

<sup>2</sup> Amendment of the Additional Rules for Listing on the SWX "EU-Compatible" Segment (AR EU) and issue of the Directive on Maintaining Listing on the SWX "EU-Compatible" Segment (DMLEU), which replaces the current Directive on Issuer-Related Obligations pursuant to Art. 23 of the Additional Rules for Listing on the SWX "EU-Compatible" Segment.

countries with equivalent regimes. Recognition of equivalence by the FSA means that these particular DTR requirements do not apply to issuers in the SWX “EU-Compatible” Segment. Consequently, Swiss bodies (including the SWX) are solely responsible for ensuring that the issuers concerned comply with the relevant requirements and for imposing any possible sanctions.

With regard to DTR 5, the FSA list of equivalent countries is available on the Internet at: [http://www.fsa.gov.uk/Pages/Doing/UKLA/company/notifications/non\\_eea/index.shtml](http://www.fsa.gov.uk/Pages/Doing/UKLA/company/notifications/non_eea/index.shtml)

### III. ENTRY INTO FORCE

The rules and regulations for the SWX “EU-Compatible” Segment outlined in Admission Board Communiqué No. 17/2006, i.e. the **Additional Rules for Listing on the SWX “EU-Compatible” Segment (AR EU)** and the **Directive on Maintaining Listing on the SWX “EU-Compatible” Segment (DMLEU)**, enter into force as announced on **20 January 2007** and are published on the Internet at:

[http://www.swx.com/download/admission/regulation/rules/addrules\\_eu\\_compatible\\_en.pdf](http://www.swx.com/download/admission/regulation/rules/addrules_eu_compatible_en.pdf)

[http://www.swx.com/download/admission/regulation/guidelines/swx\\_guideline\\_20070120-1\\_en.pdf](http://www.swx.com/download/admission/regulation/guidelines/swx_guideline_20070120-1_en.pdf)

The Admission Board Communiqués are accessible on the Internet in English, German and French at [http://www.swx.com/admission/regulation/messages/2007\\_en.html](http://www.swx.com/admission/regulation/messages/2007_en.html)