

REGULATORY BOARD COMMUNIQUÉ NO. 4/2014 OF 16 OCTOBER 2014

Treatment of guarantors irrelevant under SIX Swiss Exchange rules and regulations

Decision of the Regulatory Board of 27 September 2013

I. BACKGROUND

SIX Exchange Regulation often receives applications for exemptions in connection with bond listings involving guarantors which are not necessary under SIX Swiss Exchange rules and regulations. In such cases, the issuer itself satisfies all of the requirements laid down in the Listing Rules (LR), but also holds one or more guarantees from guarantors. Here, it is not a matter of the guarantors fulfilling the listing requirements instead of the issuer. Rather, these guarantors often do not meet the requirements with regard to duration of existence (Art. 11 LR), capital resources (Art. 15 LR), the applicable financial reporting standard (Art. 12 LR), or the conditions for maintaining listing (Arts. 49 et seqq. LR).

The practice to date has been to submit an exemption application within the meaning of Art. 37 Additional Rules Bonds for those guarantors, irrelevant under SIX Swiss Exchange rules and regulations, which do not fulfil all of the listing requirements or conditions for maintaining listing. Such applications were submitted even though the issuer itself fulfilled all of the obligations attached to listing and maintaining listing.

II. DECISION

The Issuer Committee of the Regulatory Board has decided that, in the future, no exemption applications need be submitted for guarantors which are irrelevant under SIX Swiss Exchange rules and regulations, provided there is transparency about the fact that these guarantors are not subject to the various listing rules and regulations, and the corresponding implementing provisions.

The following must be stated prominently in the listing prospectus:

- **which guarantors do not fulfil the obligations attached to listing and maintaining;**
- **the fact that the Listing Rules and their implementing provisions do not apply to these guarantors.**

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