

# Directive on the Procedures for Exchange Traded Products

(Directive Procedures Exchange Traded Products, DPETP)

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*Basis Art. 4 LR*

## I General provisions

### Art. 1 Object

<sup>1</sup> This Directive regulates the procedure for listing exchange-traded products (ETPs).

<sup>2</sup> The Directive on the Procedures for Debt Securities (DSPD) is not applicable to the listing of exchange-traded products (ETPs).

### Art. 2 Scope of applicability

This Directive applies to domestic and foreign issuers and to any guarantors of ETPs.

## II Listing procedure

### Art. 3 Timing of submission of application

The listing application must be submitted to the Regulatory Board no later than 10 exchange days prior to the intended listing date.

### Art. 4 Annexes to the application

<sup>1</sup> The following annexes must accompany the duly signed listing application submitted within the deadlines laid down in Art. 6:

1. Evidence that the issuer has a prospectus approved by a Prospectus Office according to the FinSA or that is deemed to be approved in accordance with the FinSA. SIX Exchange Regulation can exempt the issuer from providing this evidence in so far as this information can be obtained from the competent Prospectus Office automatically and in electronic form. If an issuer is exempted from the preparation of a prospectus, this must be explained in the listing application.
2. copy of the market making agreement;
3. duly signed issuer declaration pursuant to Art. 45 LR or point 2 of Art. 9;
4. copy of the valid articles of association or valid deed of partnership of the issuer, unless the document in question has already been submitted at an earlier date and has not been changed since then. In the latter case, a negative declaration must be provided;
5. where necessary, a declaration duly signed by the issuer that the SIX SIS Ltd ("SIX SIS") printing regulations will be fulfilled should the debt securities be printed;
6. for permanent global certificates (Art. 5 seqq. Directive Form of Securities), a copy of the certificate;
7. in the case of book-entry securities – if not contained in the articles of association or general conditions of issue – the issuer must submit an explanation of the means by which those having rights may obtain proof of their holding. In the case of book-entry securities based on foreign law, the relevant legal text, and its translation into German, French, Italian or English, must also be submitted;
8. duly signed declaration from the issuer, that
  - a. the ETPs do not constitute collective investment schemes in the sense of the Federal Collective Investment Schemes Act (CISA); and
  - b. it will indemnify the Exchange in the event that the ETP is actually found to be a collective investment scheme.
9. an "Official Notice", sent by e-mail to [zulassung@six-group.com](mailto:zulassung@six-group.com), containing the following details:

- a. company name, registered office and address of the issuer;
- b. description, security number and ISIN of the securities;
- c. regulatory standard under which listing has been applied for;
- d. nature and brief description of the transaction (first day of trading, underlying instrument, nature of collateral, parties involved, etc.);
- e. person responsible for submitting the information (incl. telephone and fax numbers as well as e-mail address in case additional information is required);
- f. date (publication date of the notice).

<sup>2</sup> For new issuers, the following must be submitted in addition to the aforementioned annexes to the application:

1. duly signed declaration of consent pursuant to Art. 45 LR; as well as
2. copy of the extract from the Commercial Register or entry in the Commercial Register (journal entry), or any comparable foreign register, confirming the legal existence of the issuer.

<sup>3</sup> If multi-currency trading is to be subsequently introduced for ETPs already listed on SIX Swiss Exchange AG, an application must be submitted to SIX Exchange Regulation AG ("SIX Exchange Regulation") – providing that the subsequent introduction of multi-currency trading is specified in the product terms. It must state the additional trading currency(ies) per ETP and the desired first trading date in the additional trading currency(ies). In addition, the following annexes to the application must be submitted:

1. official notice in accordance with Art. 4 para. 1 point 9 and
2. copy of the updated market making agreement.

The issuer must also ensure that clearing and settlement is guaranteed in the additional trading currency(ies).

<sup>4</sup> If these annexes to the application are translations, the applicant must ensure the reliability and accuracy of the translation by means of official, notarised certification. The documents must be accompanied by the texts in the original language.

*See also*

- [Declaration of Consent](#)
- Directive Form of Securities (DFS)

#### **Art. 5 Number of copies to be submitted (cancelled)**

(cancelled)

#### **Art. 6 Submission deadlines for annexes to applications**

<sup>1</sup> The annexes must be submitted at the same time as the listing application. Should the annexes not yet be in final form at the time the application is submitted, then draft versions must be submitted.

<sup>2</sup> Evidence that the issuer has a prospectus that has been approved by a Prospectus Office in accordance with the FinSA must be submitted by 07.30 a.m. (Central European Time, CET) on the first trading day. The remaining annexes to the application must be submitted in their final forms no later than 4.00 p.m. (CET) one exchange day prior to the first trading day; the "Official Notice" must be submitted no later than 11.00 a.m.

### **III Registration procedure for issuance programmes**

#### **A Registration of an issuance programme**

**Art. 7 Registration of issuance programmes (cancelled)**

(cancelled)

**Art. 8 Application and deadlines (cancelled)**

(cancelled)

**Art. 9 Annexes to the application (cancelled)**

(cancelled)

#### **B Reissue of an issuance programme**

**Art. 10 Application and deadlines (cancelled)**

(cancelled)

**Art. 11 Annexes to the application (cancelled)**

(cancelled)

#### **C Supplements/Addenda**

**Art. 12 Supplements (cancelled)**

(cancelled)

**Art. 13 Application and deadlines (cancelled)**

(cancelled)

**Art. 14 Decision (cancelled)**

(cancelled)

**Art. 15 Additions as a result of ongoing financial reporting and course of business (cancelled)**

(cancelled)

### **IV Concluding provisions**

**Art. 16 Entry into force**

This Directive enters into force on 15 October 2010.

**Art. 16a Transitional provision**

The transitional provisions according to Art. 116a and 116b LR shall apply mutatis mutandis.

**Art. 17 Revision**

<sup>1</sup> The revision of Art. 4 para. 3 that was decreed by the Issuers Committee in its resolution dated 20 March 2018 enters into force on 1 May 2018.

<sup>2</sup> The revision of Arts. 1, 3, 4 and 6, the cancellation of Arts. 5 and 7-15 as well as the enactment of Art. 16a as decreed by the Issuers Committee in its resolution of 20 June 2019 enters into force on 2 January 2020.