Swiss Exchange

Reporting Office Rules for the Fulfilment of the Legal Reporting Requirements for Securities Dealers

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1. Purpose

[1] Pursuant to Article 6 of the Stock Exchange and Securities Trading Ordinance of the Swiss Financial Market Supervisory Authority (SESTO-FINMA)[1], SIX Swiss Exchange Ltd "SIX Swiss Exchange" is the reporting office for transactions in securities and contracts that are admitted to trading on SIX Swiss Exchange, SIX Structured Products Exchange Ltd. and/or Eurex Zurich Ltd ("Eurex").

[2] These Reporting Rules ("Rules") govern the fulfilment of the legal reporting requirements for securities dealers in respect of SIX Swiss Exchange as the reporting office ("Reporting Office").

2. Legal foundations

Art. 15 para. 2 SESTA, Art. 42a SESTA, Art. 53-53a SESTO, Art. 2-6 SESTO-FINMA and FINMA Circular 2008/11 "Disclosure Requirements for Securities Transactions".

3. Scope

3.1 Securities dealers subject to reporting obligations

[1] All securities dealers who are subject to the Swiss Federal Stock Exchange and Securities Trading Act (SESTA) ("Securities Dealers") are under an obligation to report.[2]

[2] Foreign participants on a Swiss exchange who are authorised under Art. 53 and Art. 53a of the Stock Exchange Ordinance (SESTO) are also subject to the reporting obligation. These Securities Dealers must report transactions abroad in securities which are admitted to trading on a Swiss exchange to the SIX Swiss Exchange Reporting Office or to a foreign reporting office recognised by it.[3]

3.2 Legal Transactions subject to reporting obligations

3.2.1 Principle

The following securities transactions are subject to the reporting obligation:

a) All transactions[4] in securities which are admitted to trading on a Swiss stock exchange, irrespective of whether the trade was executed in Switzerland or abroad.

b) All Transmissions of Orders which ultimately result in transactions in accordance with letter (a) of this provision, must be reported by every Securities Dealer in the transaction chain.

3.2.2 Exceptions

Exemptions from the reporting obligation are governed by Art. 3 SESTO-FINMA and FINMA Circular 2008/11 "Disclosure Requirements for Securities Transactions".

4. Registration and tools (reporting tools)

[1] Securities Dealers subject to reporting requirements must be registered with the Reporting Office.

[2] The Reporting Office issues a registration number to each Securities Dealer that is subject to reporting obligations.

1 SR 954.193.
2 See Art. 2 lit. d and 15 para. 2 SESTA (Stock Exchange Act, SR 954.1), as well as Arts. 2, 3, 53 and 53a SESTO (Stock Exchange Ordinance, SR 954.11)
3 A list of recognised foreign reporting offices is available on the SIX Swiss Exchange website
4 Transactions made by participants of SIX Swiss Exchange, SIX Structured Products Exchange Ltd. or Eurex on one of these exchanges are deemed to have been reported in the sense of these Rules.

[3] Participants of SIX Swiss Exchange and SIX Structured Products Exchange Ltd. are deemed registered.

[4] The Securities Dealer must report Legal Transactions subject to reporting obligations with the tools and technology provided by the Reporting Office. The Reporting Office issues binding, generally accepted standards for the interfaces and publishes them in separate guides.

5. Contents of the report

Reports must be submitted as a Trade Report or Transaction Report, with the following content:

a) **Identification of the Securities Dealer subject to reporting requirements** (registration number);

b) **Description of the transaction type** (buy or sell);

c) **Identification of the securities concerned** (ISIN);

d) **Execution volume** (number of traded securities or contracts, or nominal value for bonds);

e) **Closing price or price less commission and fees** (incl. statement of currency);

f) **Time of execution or time of order fulfilment in the case of Transmission of Order** (trade date and time);

g) **Value date, if this differs from the general rule:** the value date corresponds to the general rule if the transactions are transmitted and paid three trading days after the trade itself (T+3);

h) **Information whether the execution was a nostro or a client transaction.** Nostro transaction (trading in own name and for own account) or client transaction (trading in own name but for the account of the client);

i) **Designation of the counterparty.** In the case of transactions: Securities Dealer subject to reporting requirements, other Securities Dealers or client. In the case of Transmissions of Orders: name of the order taker;

j) **Trading centre** (trading centre code);

k) **Trade Type:** designation which further specifies the Report[5].

6. Trade Report

6.1 Transaction

All of the Securities Dealers involved in a transaction must report the trade to the Reporting Office as a Trade Report, with the exception of cases under Clause 7.

6.2 Reporting deadlines

6.2.1 Principle

[1] During continuous trading, trades must in principle be reported immediately, but no later than three minutes after the transaction has been executed.

[2] Transactions executed outside of continuous trading must be reported before the start of trading on the next trading day at the latest.

5 A list of Trade Types is available on the SIX Swiss Exchange website.

6.2.2 Exceptions

[1] Trades in bonds that are listed on SIX Swiss Exchange must be reported before the start of trading on the next trading day at the latest.

[2] VWAP (Volume Weighted Average Price) transactions must be reported to the Reporting Office with the actual VWAP achieved and Trade Type "Special Price" no later than 30 minutes after the close of trading if the trade is an off-oder-book fixed price transaction.

6.3 Reporting functions

The following reporting functions are available to Securities Dealers:

6.3.1 Two-sided Trade Report

The Securities Dealer reports trades to the Reporting Office along with another Securities Dealer as a two-sided Trade Report, using the "Off Exchange" Trade Type.

6.3.2 One-sided Trade Report

The Securities Dealer reports trades to the Reporting Office along with a non-Securities Dealer as an one-sided Trade Report, using the "Off Exchange" Trade Type.

6.4 Publication

6.4.1 Principle

The Reporting Office publishes all information necessary for the purpose of transparency in securities trading. This applies namely to information about the price of the securities traded and the trade volume generated from this. The Reporting Office publishes the information immediately.

6.4.2 Delayed publication of transactions in shares and investment funds

[1] For shares and investment funds, the Reporting Office may publish transactions which meet certain criteria with a delay. Minimum volumes depending on average daily turnover as well as the fact that a securities transaction was executed between a Securities Dealer acting on his own account (nostro) and a client of this Securities Dealer are deemed to be criteria.

[2] The table in Annex A shows the transactions that are subject to delayed publication. Delayed publication is based on the applicable average daily turnover (ADT) of the securities in question in the market of primary listing. The Reporting Office calculates the ADTs periodically and publishes them on the SIX Swiss Exchange website.

[3] The Securities Dealer can apply for deferred publication by using the "Deferred Publication" Trade Type for the Report.

6.4.3 Publication of transactions in CHF bonds

[1] Trades in CHF bonds listed on SIX Swiss Exchange are published immediately.

[2] The Securities Dealer can apply for deferred publication by using the "Deferred Publication" Trade Type for the Report. This delays publication until before trading opens on the following trading day.

6.4.4 Publication of transactions in international bonds

Trades in international bonds listed on SIX Swiss Exchange are published monthly on a cumulative basis, with transactions separated into market segments. Only turnovers will be published.

7. Transaction Report

7.1 Transmission of Order

Every Transmission of Order in securities or contracts admitted to trading on SIX Swiss Exchange, SIX Structured Products Exchange Ltd. or Eurex which ultimately result in a trade in accordance with Clause 3 must be reported as a Transaction Report to the Reporting Office by every Securities Dealer in the transaction chain.

7.2 Transactions on foreign stock exchanges or MTFs recognised by FINMA

1 A Securities Dealer trading a Swiss security on a foreign exchange or on an MTF (Multilateral Trading Facility)[6] recognised by FINMA must additionally report this transaction as a Transaction Report to the Reporting Office, provided the trade was published abroad within the same periods. All other transactions must be reported as Trade Reports pursuant to Clause 6.

2 Foreign participants on a Swiss stock exchange are exempted from the reporting requirement in para. 1 above, providing they have and comply with equivalent reporting obligations under the law of their home country.

7.3 Eurex contract transactions not traded at Eurex

1 A Eurex contract that is not traded via the Eurex exchange system, or is not reported in accordance with its rules, must be reported as a Transaction Report to the Reporting Office by each Securities Dealer involved in the transaction.

2 The transactions recorded via the OTC Trade Entry functions of Eurex Clearing AG are automatically regarded as reported.

7.4 Reporting deadlines

Transactions are to be reported no later than the start of trading on the next trading day.

7.5 Publication

Transaction Reports are not published.

8. Fees

8.1 Principle

Pursuant to Art. 6 SESTO-FINMA, the Reporting Office charges a fee ("Reporting Fee") for receiving and processing reports. The Reporting Office may waive the Reporting Fee in full or in part in compliance with the principle of equal treatment.

8.2 Reporting Fees

The applicable fees are set out in Annex B of these Rules.

6 A list of foreign exchanges and MTFs that are recognised in respect of the reporting obligation is available on the FINMA website.

8.3 Payment dates

[1] Unless agreed otherwise, Reporting Office invoices must be paid within 20 days of being issued.

[2] Default interest of 10% p.a. can be charged on late payments.

9. Correction and cancellation of reports

9.1 Corrections

The Securities Dealer may correct the information on whether the trade was a nostro or a client transaction. A transaction may only be corrected once. The correction must be made by the following trading day at the latest.

9.2 Cancellations

9.2.1 Trade Reports

[1] Where a Trade Report contains errors, the parties must apply to the Reporting Office to have the report cancelled. This applies particularly in the following cases:

a) A transaction has not taken place because of legal defects, for example;

b) The content of the report as per Clause 5 contains errors;

c) The transaction is not subject to the obligation to report.

The Reporting Office may charge a fee for cancelling reports.

[2] The cancellation must be made by the following trading day at the latest.

[3] With the consent of both parties, a Securities Dealer may make a countertrade. When reporting the countertrade, the ID of the original transaction must be given, and the report must be marked with the "Special Price" Trade Type.

9.2.2 Transaction Reports

Incorrect Transaction Reports must be cancelled by the Securities Dealer themselves. The cancellation must be made by the following trading day at the latest.

10. Reports after emergency situations

[1] The Securities Dealer immediately informs the Reporting Office in the event of an emergency situation. Emergency situations do not release from the reporting obligation as a rule. Securities Dealers undertake to subsequently report to the Reporting Office transactions and Transmission of Orders which came about during an emergency situation.

[2] Transactions and Transmissions of Orders following emergency situations must be marked additionally ("Special Price" Trade Type). Transactions and Transmissions of Orders coming about during emergency situations must, as a rule, be reported as soon as possible after the end of the emergency situation.

[3] The following specific circumstances shall be deemed to be emergency situations:

a) failure of the reporting system of the Reporting Office or parts thereof;

b) failure of a Securities Dealer's access system; or

c) force majeure.

11. General terms and conditions, and place of jurisdiction

11.1 Liability for incomplete and incorrect data

The Securities Dealer is solely responsible and liable for incomplete and incorrect information that is entered in the reporting system via his connections to that system. The Securities Dealer is equally liable for acts and omissions by providers that he has commissioned.

11.2 Inspection right

The Reporting Office has the right to inspect or have inspected the compliance with legal and regulatory provisions at all times. The Securities Dealer undertakes to grant the office conducting the inspection insight into all documents and provide such information as is necessary to carry out the inspection. The Reporting Office may charge the Securities Dealer for the costs arising from the inspection, if he is responsible for a detected violation. The Reporting Office treats the findings made confidentially, unless legal provisions require the disclosure of information. The Reporting Office may inform or involve FINMA.

11.3 Amendments to the Rules

The Reporting Office may amend the Rules at any time. Securities Dealers will be notified of any amendments on the Reporting Office website in good time before they come into effect.

11.4 Applicable law and place of jurisdiction

The Rules are subject to Swiss law. Place of jurisdiction is Zurich 1, Switzerland.

11.5 Entry into force and revision

11.5.1 Entry into force

These Rules were approved by the Management Committee of SIX Swiss Exchange Ltd on 28 June 2010 and will enter into force on 1 October 2010.

FINMA approved the Rules on 30 June 2010.

11.5.2 Revision

[1] The revision that was decreed by the Management Committee of SIX Swiss Exchange Ltd on 5 July 2012 and 17 October 2012 was approved by FINMA on 11 September 2012 and 7 November 2012 and enters into force on 10 December 2012.

[2] Change of name from Scoach Switzerland Ltd. to SIX Structured Products Exchange Ltd. as of 1 January 2014.

Annex A: Delayed publication of block transactions in shares and investment funds

At the request of the Securities Dealer, the Reporting Office will publish transactions with a delay. The Securities Dealer may apply for delayed publication if all of the following conditions are fulfilled:

a) The trade is concluded between a Securities Dealer trading on his own account (nostro) and a client of this Securities Dealer

b) The required minimum volume of the trade corresponds to the average daily turnover (ADT) in the securities in question.

The following table shows the delayed publication as a function of the ADT. The Reporting Office publishes the authoritative ADT per security with the master data.

		Average daily turnover (ADT)			
		ADT < **CHF 150,000** (EUR 100,000)	CHF 150,000 (EUR 100,000) ≤ ADT < **CHF 1,500,000** (EUR 1,000,000)	CHF 1,500,000 (EUR 1,000,000) ≤ ADT < **CHF 75,000,000** (EUR 50,000,000)	ADT ≥ **CHF 75,000,000** (EUR 50,000,000)
		Minimum size of transaction for the permitted delay of publication			
Permissible delay for the publication of the transaction	60 minutes	CHF 15,000 (EUR 10,000)	Greater of 5% of ADT and CHF 37,500 (EUR 25,000)	Lower of 10% of ADT and CHF 5,250,000 (EUR 3,500,000)	Lower of 10% of ADT and CHF 11,250,000 (EUR 7,500,000)
	180 minutes	CHF 37,500 (EUR 25,000)	Greater of 15% of ADT and CHF 112,500 (EUR 75,000)	Lower of 15% of ADT and CHF 7,500,000 (EUR 5,000,000)	Lower of 20% of ADT and CHF 22,500,000 (EUR 15,000,000)
	By the end of the TD* (or extension until 12.00 noon on the next TD, if the transaction is executed within the last two hours of the TD)	CHF 67,500 (EUR 45,000)	Greater of 25% of ADT and CHF 150,000 (EUR 100,000)	Lower of 25% of ADT and CHF 15,000,000 (EUR 10,000,000)	Lower of 30% of ADT and CHF 45,000,000 (EUR 30,000,000)
	By the end of the TD which follows the TD on which the transaction was concluded	CHF 90,000 (EUR 60,000)	Greater of 50% of ADT and CHF 150,000 (EUR 100,000)	Greater of 50% of ADT and CHF 1,500,000 (EUR 1,000,000)	100% of ADT
	By the end of the second TD which follows the TD on which the transaction was concluded	CHF 120,000 (EUR 80,000)	100% of ADT	100% of ADT	250% of ADT
	By the end of the third TD which follows the TD on which the transaction was concluded	-	250% of ADT	250% of ADT	-

* trading day

Annex B: Reporting Fees

1. Trade Report

The Reporting Fee for Trade Reports is generally based on the volume of turnover in a transaction. It is expressed in basis points (1/10,000) and there is a minimum ("floor") and a maximum amount ("cap").

Reporting Fees per Trade Report and Securities Dealer subject to reporting requirements:

– Equity securities (shares)

Floor	Scale	Cap
CHF 1.50	0.25 bp	CHF 26.00

– ETF / ETSF and other investment funds

Floor	Scale	Cap
CHF 2.00	0.25 bp	CHF 26.50

– CHF bonds

Floor	Scale	Cap
CHF 3.50	0.50 bp	CHF 151.50

– International bonds

Flat
CHF 1.50

– Derivatives (ex-subscription rights)

Floor	Scale	Cap
CHF 2.00	1.50 bp	CHF 26.00

– Subscription rights[7]

Floor	Scale	Cap
CHF 0.10	0.25 bp	--

2. Transaction Report

The Reporting Fee per Transaction Report and Securities Dealer subject to reporting requirements is CHF 1.00.

3. Minimum fee

The Reporting Office charges a minimum fee of CHF 50.00 per month, provided a reporting activity was exercised.

7 For example, subscription rights within the framework of capital increases, subscription rights in connection with the distribution of a stock dividend, put options for the purpose of share repurchases, as well as shareholder and employee options.

4. Fees to cover non-standard costs

The Reporting Office charges a fee of CHF 50.00 per report for the entry and cancellation of Trade Reports on behalf of a Securities Dealer.