

Swiss regulation of art dealers

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

The Swiss Anti-Money Laundering Act applies primarily to financial intermediaries. Dealers in goods, a category that includes art dealers and auction houses, have been subject to it since 1 January 2016 only when they accept more than one hundred thousand francs in cash in a commercial transaction. A dealer who receives such a payment must identify the contracting party and the beneficial owner and must clarify the background of unusual transactions. If there is a suspicion of money laundering, the dealer reports to the Money Laundering Reporting Office Switzerland (MROS). The statute also requires these dealers to appoint an audit firm that verifies compliance with their duties.¹

In practice, the cash threshold makes the Act largely irrelevant to the established art trade, because Swiss galleries and auction houses insist on bank transfers for significant sums. Payment through a bank shifts the due diligence to the bank, which performs its checks on the basis of its knowledge of the client. A gap remains where the paying bank is located abroad, where a company of unknown ownership pays the price or where the price itself is the vehicle for transferring value. The Interdepartmental Coordinating Group on Combating Money Laundering and the Financing of Terrorism (CGMF) addressed the art market in its national risk assessments. According to the published summaries, it rated the risk as moderate while noting the lack of data.²

In 2024 the Federal Council presented a reform package together with the bill on the transparency of legal entities, which proposed to lower the cash threshold for certain sectors. According to the dispatch, dealers in precious metals and precious stones and cash payments in real estate transactions were to become subject to due diligence above fifteen thousand francs. The general threshold for other dealers was to remain unchanged. Proposals to subject art dealers to a lower threshold or to treat them as financial intermediaries were discussed, without forming the centre of the reform.

Parliament dealt with the package in 2025. The precise outcome for the art trade requires verification at the time of reading.³

Art dealers are nevertheless subject to a second set of duties that has nothing to do with the cash threshold. The Federal Act on the International Transfer of Cultural Property of 2003 entered into force on 1 June 2005. It obliges persons active in the art trade and in auctioning to verify the identity of the supplier and his or her right of disposal. They must also inform customers about the import and export rules of the states concerned and keep records of acquisitions for thirty years. These duties, discussed further in the second half of this chapter, require a form of know-your-supplier diligence that predates the financial rules.⁴

1 Notes

1. Art. 2 para. 1 lit. b, Art. 8a and Art. 15 AMLA (SR 955.0), in force since 1 January 2016, on the due diligence duties of dealers accepting more than CHF 100,000 in cash and the corresponding audit obligation. To be verified. ↩
2. On the treatment of the art market in the national risk assessments of the CGMF (first report 2015, sectoral reports thereafter), see the publications of the Federal Department of Finance and the State Secretariat for International Finance. Ratings and status to be verified. ↩
3. Federal Council, Dispatch on the Federal Act on the Transparency of Legal Entities and the Identification of Beneficial Owners and on amendments to the AMLA (May 2024), with the proposed threshold of CHF 15,000 for dealers in precious metals and stones and for cash payments in real estate; parliamentary deliberations 2025. Status to be verified. ↩
4. Art. 16 of the Federal Act on the International Transfer of Cultural Property (Cultural Property Transfer Act, CPTA, SR 444.1) of 20 June 2003, in force since 1 June 2005, and the Cultural Property Transfer Ordinance (SR 444.11) on record-keeping. To be verified. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/basel-swiss-regulation-of-art-dealers