

Financial services: access without an agreement

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

The absence of financial services from the 2026 package confirms a long-standing situation. Switzerland and the Union have never concluded an agreement on market access for financial services. The freedom to provide services from Switzerland into the member states depends on the national law of each of them and on the third-country regimes provided for by European law, which grant equivalences by Commission decision, revocable and limited to certain areas.¹ For wealth management, the principal activity of the Geneva centre, no European third-country regime allows private clients in the Union to be actively served from Switzerland. Institutions must either confine themselves to services provided at the client's own initiative, under narrow conditions, or establish a subsidiary in a member state, whose European passport then opens the whole market to them.

The large Geneva houses made that choice long ago: they have subsidiaries in Luxembourg, Paris, Frankfurt, Milan or Madrid, which serve the European clientele while management is delegated to Geneva. Medium-sized institutions and independent asset managers do not have the means to do so and serve their European clients within the limits tolerated by each state. The differences are considerable: some states, Germany among them, grant Swiss banks conditional exemptions, whereas others, including France and Italy, are more restrictive.² The Swiss Financial Services Act, in force since 2020 and described in Part E, brought Swiss law closer to European law without obtaining in return a recognition of equivalence for wealth management.

The question of stock-exchange equivalence illustrates the fragility of this arrangement. The Union had granted Switzerland equivalence for its stock-exchange regulation only until the end of June 2019, without extending it. On 1 July 2019 Switzerland activated a protective measure prohibiting the trading of Swiss shares on European platforms, which

brought those volumes back to the Swiss exchange. On 29 January 2025 the Federal Council decided to remove the Union, with effect from 1 May 2025, from the list of jurisdictions covered by that measure, even though the Union had still not recognised the equivalence of Swiss stock-exchange regulation.³ This episode showed that equivalence is as much a political instrument as a technical one, and that Switzerland cannot build a market-access strategy on it.

Area	Situation in 2026	Consequence for Geneva
Private wealth management	no access regime; national law of each state	subsidiaries in the Union for the large houses; limits for the others
Services to professional clients	partial third-country regimes, revocable equivalences	limited and uncertain access
Stock exchange and share trading	equivalence expired in 2019; Swiss measure lifted on 1 May 2025	volumes repatriated; persistent uncertainty
Central counterparties and derivatives	equivalences granted in certain areas	operational continuity
Automatic exchange of information	Switzerland–EU agreement in force since 2017	tax transparency achieved
Data protection	recognition of Swiss adequacy by the Union	data transfers possible
United Kingdom	Berne agreement in force since 1 January 2026	direct access to wealthy British clients

1 Notes

1. Regulation (EU) No 600/2014 of 15 May 2014 (MiFIR), Art. 46 and 47 (ESMA, Interactive Single Rulebook): a third-country firm registered with ESMA may provide services to eligible counterparties and professional clients without a branch, provided that the Commission has adopted an equivalence decision finding binding prudential and conduct requirements of equivalent effect, effective supervision and a reciprocal system of recognition; the decision may be withdrawn. Federal Council, report of 27 October 2021 on market access for financial services (efd.admin.ch): the EU equivalence regime does not cover cross-border wealth management for private clients, which is a

matter for the member states (Germany: administrative exemptions; France: branch requirement; Italy: branch for private clients, cross-border services reserved for professional clients). ↩

2. Deloitte Switzerland, “Vereinfachtes Freistellungsverfahren für Schweizer Banken nach dem deutschen Kreditwesengesetz” (Simplified exemption procedure for Swiss banks under the German Banking Act): simplified exemption procedure under § 2 para. 5 KWG based on the German–Swiss memorandum of understanding of 2014; in December 2021 FINMA confirmed that the reporting obligations required by BaFin are compatible with Art. 271 of the Swiss Criminal Code. Altii, 24 August 2026: Art. 21c of the CRD VI Directive requires, from 11 January 2027, the establishment of a branch for the cross-border provision of core banking services (deposits, loans, guarantees) in the EU, which puts an end to the German exemption practice for those services; services falling under MiFID II and reverse solicitation remain possible, with contracts concluded before 11 July 2026 being grandfathered. Federal Council, report of 27 October 2021 (efd.admin.ch): France requires a branch for the active provision of services to all categories of clients; Italy abolished its cross-border authorisation regime when transposing MiFID II. ↩
3. State Secretariat for International Finance, “Mesure visant à protéger l’infrastructure boursière suisse” (Measure to protect the Swiss stock-exchange infrastructure), sif.admin.ch (accessed September 2026). ↩

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