

From tolerance to enforcement

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For about half a century the question of market access was overshadowed by banking secrecy. In the lira economy described in Chapter D.II, the Italian client of a Lugano bank had usually exported his money in breach of Italian currency law and kept it undeclared. A Swiss relationship manager who visited him in Milan exposed both of them to risk, but the risk was primarily one of currency and tax offences, and Italian authorities had few means of proving what took place in Switzerland. The service itself, the advice given and the securities bought, was seldom the object of Italian proceedings. Italian law on financial intermediation was itself young: the first comprehensive regime for securities firms (*società di intermediazione mobiliare*, SIM) dates from Law No. 1 of 2 January 1991, the TUB from 1993 and the TUF from 1998.¹

The situation changed with the tax amnesties of 2001 to 2009, the voluntary disclosure programme of 2014 and 2015 and the automatic exchange of information from 2017, which Chapter E.II describes. Once the assets were declared, the Italian state knew which of its residents held accounts in Lugano. Prosecutors and the Guardia di Finanza, the Italian finance police, could reconstruct how the relationships had been opened and serviced, and the investigation of the client's tax offence could turn into an investigation of the bank's conduct. At the same time European law tightened the rules for third-country firms and Italian law used the options it left. The result is that a Lugano bank today faces less risk from the origin of its Italian clients' money and more risk from the way in which it serves them.

Essentials. A financial service to an Italian resident is treated by Italian and European Union law as provided in Italy, whatever the place where the provider books it. Swiss authorization gives no right to serve that client. A Swiss provider needs an Italian authorization, a branch in Italy or proof that the client approached it at his own exclusive initiative. Swiss

supervisory law adds its own requirement that the provider comply with the foreign rules.

The commercial stakes are considerable. The Association of Swiss Private Banks estimates that about 40 per cent of the cross-border private assets managed from Switzerland come from clients in the European Union, and in Lugano the Italian share of that business is higher than anywhere else in Switzerland.² Chapter E.I gives the figures for the Ticinese banks. For the purposes of this chapter it is enough to note that the number of banks in Ticino has fallen from 77 in 2008 to 39 in 2024 and that bankers and politicians in the canton have repeatedly named the closed Italian market as one of the reasons.³

1 Notes

1. Law No. 1 of 2 January 1991 (Disciplina dell'attività di intermediazione mobiliare); Legislative Decree No. 385 of 1 September 1993 (TUB); Legislative Decree No. 58 of 24 February 1998 (TUF). ↩
2. Association of Swiss Private Banks (VAV/ABPS), "Market access", 1 September 2025, <https://www.vav-abg.ch/en/topics/market-access/lorem-ipsum-dolor-sit-amet/>. ↩
3. Ufficio di statistica del Cantone Ticino (USTAT), Denaro e banche, March 2026, Table 12.1, <https://www.abti.ch/sito/wp-content/uploads/Denaro-e-banche-2026.pdf> (39 banks in 2024, of which 12 with head office in Ticino); René Chopard (Centro di Studi Bancari), "Un approccio sistemico al distretto ticinese di servizi finanziari: Banche: struttura ed evoluzione", Dati 4-2010, https://www3.ti.ch/DFE/DR/USTAT/allegati/articolo/1605dss_2010-4_10.pdf (decline from 77 banks in 2008 to 73 in 2009). ↩

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