

Travel rules for relationship managers

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

The most practical part of the country manual is the travel policy. Before the end of banking secrecy, many Lugano relationship managers travelled to Italy regularly to see clients, and some of them carried documents, account statements or cash. The cases described in the previous section show how Italian prosecutors reconstructed such travel through the Italian clients' files. Banks today commonly require that any business trip to Italy be approved in advance by compliance, with a stated purpose, a list of the clients to be met and a report after the trip. Many prohibit trips whose purpose is to meet clients, except for social or representative occasions, and prohibit the carrying of client documents across the border. Some also regulate the devices that may be used for client communication and exclude private telephones.¹

A permitted trip has narrow limits. A relationship manager may attend a conference in Milan, visit the bank's Italian branch or meet an existing client socially. He may not advise the client on investments, present products, collect signatures on contracts or take instructions. The distinction is easier to state than to apply. A dinner at which the client asks about the performance of his portfolio and the relationship manager answers becomes an advisory meeting in Italy, which falls within Article 166 TUF. The manuals therefore advise relationship managers to direct such questions to a subsequent contact initiated by the client from Italy to Switzerland, by telephone or by a visit to Lugano.

1 The FinSA and Italian clients

The FinSA, in force since 1 January 2020, applies to Swiss financial service providers whatever the domicile of their clients. A Lugano bank serving an Italian client must classify him as a retail, professional or institutional client under Article 4 FinSA, inform him under Articles 8 and 9, assess the appropriateness or suitability of the service under Articles 10 to 14,

document the service and disclose third-party compensation under Article 26. Article 89 FinSA punishes with a fine of up to CHF 100,000 anyone who wilfully provides false information or withholds material facts in complying with the information duties, seriously violates the duties to assess appropriateness and suitability or violates the rules on disclosure of third-party compensation.²

The application of Swiss rules of conduct does not reduce the Italian requirements. A Swiss bank that serves an Italian client from Switzerland under the reverse solicitation exemption applies the FinSA. If it serves the same client through its Italian branch, the Italian rules implementing MiFID II apply. The two regimes are close in substance, because the FinSA was modelled on MiFID II, but they differ in detail, for example in the treatment of inducements, in the documentation of advice and in the classification of clients. Banks with dual structures must ensure that the client's file reflects the regime under which each service was provided.

2 Notes

1. Banks' travel policies are internal and unpublished. FINMA's position paper (above) warns that repeated physical presence abroad can create foreign tax obligations. ↩
2. Federal Act of 15 June 2018 on Financial Services (Financial Services Act, FinSA), SR 950.1, Art. 89, English text at <https://www.droit-bilingue.ch/en-de/9/95/950.1-89-92.html>. For Art. 4, 8–14 and 26 FinSA see the index at <https://www.droit-bilingue.ch/en-de/9/95/950.1-index.html>. ↩

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/lugano-travel-rules-for-relationship-managers