

The supervisor's response

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

The influx of crypto foundations confronted the federal supervisory authority, which had supervised mainly charitable and family-related foundations with conventional investments, with a new type of foundation. It now received applications from foundations whose assets consisted of volatile crypto-assets, whose purposes concerned the development of software protocols and whose boards included young developers from abroad. For the authority, crypto foundations were a completely new subject that raised unresolved questions of governance, accounting and supervision. Its supervision consisted mainly of reviewing the annual accounts, in which the valuation of volatile crypto-assets posed particular difficulties.¹

The Tezos affair tested the model when the dispute between the founders of the project and the president of the Tezos Foundation in 2017 blocked the foundation's work for months. The founders had created the foundation and appointed the board, but they had no legal right to control it once it existed. Only the supervisory authority could intervene against the board, and only where the law or the deed had been breached. After the founders had appealed publicly to the supervisory authority and to the community, the president eventually resigned in 2018.² The affair showed the strengths and the weaknesses of the foundation. Its independence protected the funds from the founders, which was the purpose of the structure, but it also meant that nobody could quickly resolve a conflict within the board. For later projects, the lesson was to design the governance of the foundation with care: to define the powers of the board precisely, to provide for the removal of board members by a defined procedure and to set up committees or advisory bodies that gave the community a voice.

1 Notes

1. finews.ch, "Krypto-Stiftungen: Die Festungswälle bröckeln", 18 February 2019: the Federal Foundation Supervisory Authority was unprepared for the crypto foundation boom, a completely new subject with open questions of governance and accounting; its supervision is limited essentially to the annual review of the accounts; the valuation and management of volatile digital assets posed particular difficulties; the authority declined to comment further on its practice. ↩
2. swissinfo.ch, "Johann Gevers steps down from Tezos Foundation board", 22 February 2018: Gevers relinquished his position as founding president; Ryan Jespersen replaced him as president and Michel Mauny replaced Diego Olivier Fernandez Pons, while Lars Haussmann remained on the board. ↩

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/zug-the-supervisor-s-response