



New dispute resolution service

Ombudsman/Mediation Organ for Financial Service Providers

provided in accordance with

**the SCAI Rules of Mediation Procedure for Financial Services and
the Swiss Financial Services Act (FinSA)**

This new service comes aside of the SCAI long standing arbitration and commercial mediation services and will benefit of the experience made in the commercial dispute resolution domain during more than 150 years by the Swiss chambers of commerce and around 15 years by SCAI. As is the case with its arbitration and commercial mediation services (102 cases in 2019), SCAI's new service will be provided in a confidential manner, in complete independence, in all regions of Switzerland and in at least 4 languages, as well as abroad and digitally to the maximum extent possible.

Financial Service Providers and independent client advisers active in Switzerland and subject to FinSA must affiliate themselves in the course of 2020 to a Mediation Organ for Financial Service Providers recognized by the Swiss Finance Department, as is, for instance, SCAI.

For more information: <https://www.swissarbitration.org/Ombuds-FIN>

Tariff

SCAI is a not-for-profit association and only aims at covering its unavoidable costs.

By law, the FinSA accredited ombudsman's offices/mediation organs (or an industry organisation designated by those) shall levy from the financial service providers affiliated to it fees to cover all costs incurred by it in the execution of its statutory task. The fees may be levied in the form of a fixed basic fee plus supplementary case-by-case fees.¹ This financing should cover their total costs and secure the creation of appropriate reserves. Ombudsman's offices/Mediation Organs must have sufficient separate and ring-fenced financing at their disposal.²

¹ Art. 80 FinSA / 99 FinSO.

² ART. 84 FinSA / 101 FinSO.

To finance its Ombudsman / Mediation Organ for Financial Services, SCAI decided to levy:

(1) annual or biannual affiliation fees from all affiliated financial service provider / client adviser to cover the general administration of the Ombudsman office and secure the creation of appropriate reserves, and,

(2) on a case by case basis, case related fees to cover the costs related to the administration costs related to individual mediation requests.

AFFILIATION FEES (includes the registration fees):

Combined 2020-2021 Affiliation and Registration Fee:

The Financial service providers who affiliate themselves during 2020 will benefit of a lump sum, combined 2020 – 31 December 2021, affiliation fee of:

CHF 440 per entity / company subject to FinSA (or per individual client adviser who is not included in the affiliation of an affiliated financial service provider (art. 29 para. 1 let. c FinSA))

2022 Annual Affiliation Fee:

As of January 2022, the annual affiliation fee will as a rule be reduced since the initial costs will have been covered and the mandatory reserves constituted.

There are no other charges or fees to be paid, unless one of the clients files a request for mediation, in which case the mediation cost will be charged as provided for in the [SCAI Rules of Mediation Procedure for Financial Services](#) and as mentioned below.

The affiliation process is purely digital. Financial service providers and client advisers are invited to fill the brief affiliation form available on <https://www.swissarbitration.org/Ombuds-FIN> and to pay the affiliation fee on the SCAI bank account indicated. A confirmation of affiliation is sent to all financial service providers / client advisers who have completed the form and paid the affiliation fee.

FEES FOR MEDIATION CASES

In order to file a FinSA request for mediation with SCAI, clients shall demonstrate that they have fulfilled their FinSA obligations, fill the relevant mediation request form provided on the SCAI website and pay a fee of CHF 100.

When a client's request for mediation fulfils these conditions, the relevant Financial Service Provider shall pay CHF 1,900 as registration fee. Provided the amount at stake is higher than CHF 50,000 an additional administrative cost will be levied (see Appendix B, Rules of Mediation Procedure for Financial Services).

The Ombudsperson shall charge between CHF 250 and 500/ hour, for a maximum of 40 hours.

Financial service providers may want to ensure that their professional liability insurance covers ombudsman and mediation, in addition to litigation and arbitration, costs.

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