



Ombudsman / Mediation Organ for Financial Services

Organisation / Fact Sheet

The Swiss Chambers of Commerce have been offering arbitration and mediation services for more than 150 years. Since 2004, they unified their dispute resolution rules and created the Swiss Chambers' Arbitration Institution (SCAI), a neutral and not-for-profit association which acts in complete independence and discretion. SCAI offers uniform, efficient and cost effective means of dispute resolution based on best practices and international standards. It relies on a network of experienced arbitration and mediation practitioners who act in complete independence, impartiality and confidentiality. Around 100 new arbitration and mediation cases are filed each year with SCAI by parties based in around 40 different countries. The Swiss and international arbitrations and mediations are administered by the SCAI offices in Zurich, Geneva and Lugano.

Ombudsman for Financial Services

SCAI obtained the necessary recognition by the Swiss Federal Finance Department in July 2020 and is now offering the Ombudsman / Mediation Services to all interested Financial Service Providers, client advisers, trustees, and clients thereof, whether subject to the Swiss Financial Services Act (FinSA) or not, in accordance with the SCAI Rules of Mediation Procedure for Financial Services.

Swiss Chambers' Arbitration Institution (SCAI)

1. Not-for-profit association

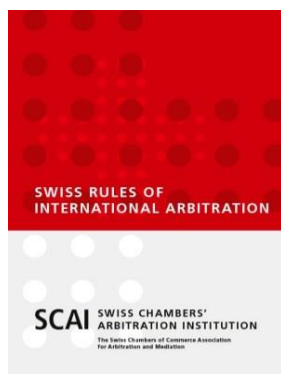
- Registered in the Basel Trade Register since 2008.

2. Purpose

- SCAI shall offer means of dispute resolution for business entities and individuals in Switzerland and abroad.

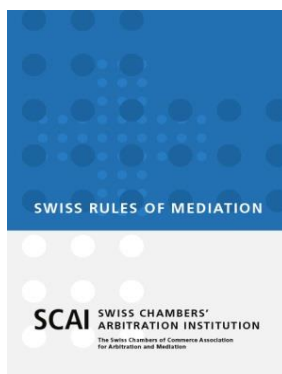
3. Services

Arbitration



Since 2004

Mediation



Since 2007

Ombudsman for Financial Services



Since 2020

*All interested Financial Service Providers and client advisers, whether subject to the FinSA or not, may affiliate themselves with the SCAI Ombudsman / Mediation Organ or use, on a voluntary basis, the SCAI Ombudsman services in accordance with the SCAI Rules of Mediation Procedure for Financial Services.

4. Members



- SCAI is fully independent of any state authority, private entity or individual person.
- The independence and quality of the SCAI Ombudsman / Mediation Organ were recognized by the Swiss Federal Finance Department (FDF) on 27 July 2020 and the financial service providers and client advisers can since then affiliate themselves with the SCAI Ombudsman / Mediation Organ to fulfil their FinSA obligations.

Ombudsman For Financial Services - Swiss Chambers' Arbitration Institution

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11, Löwenstrasse – P.O. Box – 8021 Zürich – Switzerland – Tel: +41 (0)44 217 40 61

e-mail: Ombuds-fin@scai.swiss – www.swissarbitration.org



5. Organisation

- **General Assembly**

- **Board of Directors (strategy and finances):**

- Dr. Regine Sauter (President), Director of the Chamber of commerce of Zurich (ZHK)
- Vincent Subilia (Board Member), attorney-at-law (not practicing), Director of the Chamber of commerce of Geneva (CCIG)
- Luca Albertoni (Board Member), attorney-at-law (not practicing), Director of the Chamber of commerce of Ticino (CC-Ti)
- Andreas Meier (Board Member), Member of the direction of the Chamber of commerce of Basel (HKBB).

- **Executive Director and Secretariat:**

- Caroline Ming, attorney-at-law (not practicing), LL.M.
- Secretariat: Legal counsel and assistants. Strict confidentiality rules: These employees are the only persons having access to all files and information.
 - Offices: Zurich, Geneva, Lugano.

- **Ombudspersons :**

- [Daniel Glasner](#), Geneva
- [Olivier Rivoire](#), Geneva
- [Yvette Schiess](#), Zürich
- [Prof. Rolf Weber](#), Zürich

Further ombudspersons will be hired. The Ombudspersons have only access to the files entrusted to them by the Secretariat. A thorough conflict of interest check is made for each case.

FinSA imposes strict confidentiality, impartiality and independence to all persons involved.

6. SCAI Services as Ombudsman/Mediation Organ for Financial Services

SCAI restricts itself to a LEAN organization to service the clients and the financial service providers:

- Focus on the administration of the ombudsperson/mediation cases.
- With SCAI, financial service providers and their clients benefit of a long-standing, reputed and well-functioning dispute resolution organisation present in all Swiss regions, as well as of economies of scale.
- Cost and quality control: to offer FinSA compliant Ombudsman services, SCAI used its existing staff and facilities.



7. SCAI Financial Resources

SCAI is financed through (1) Entry fees and Annual membership fees (Swiss chambers of commerce), (2) Registration and administrative fees of arbitration and mediation cases, (3) Affiliation fees paid by Financial Service Providers and Client Advisers, and (4) Revenues generated by events and sponsorships.

SCAI financial statements are audited each year by a professional audit firm.

8. Pricing of the Ombudsman / Mediation Organ for FinSA subject Financial Service Providers

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 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

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

- (1) annual or biennial 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 benefit of a lump sum, combined 2020 – 31 December 2021, affiliation fee of:

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

¹ Art. 80 FinSA / 99 FinSO.

² ART. 84 FinSA / 101 FinSO.

**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, or its professional liability insurance, 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 designated Ombudsperson, who is totally independent from SCAI, shall charge his own fees (between CHF 250 and 500/ hour, for a maximum of 40 hours) as will be agreed upon with the financial service provider involved in the mediation.

Most cases should be dealt with very quickly. As a rule, a case should not last longer than 60 days in total, unless the parties agree to continue discussing over a longer period.

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

9. Contact and Affiliation Form

Website: <https://www.swissarbitration.org/Ombuds-FIN>

E-Mail: ombuds-fin@scai.swiss ; c.ming@swissarbitration.org