



St. Gallen, 23 May 2023

Press Release

regarding strike-off decision B-2254/2023 of 15 May 2023

No appeal filed by Credit Suisse Group AG

The Federal Administrative Court issues a strike-off decision in the aftermath of the withdrawal by Credit Suisse Group AG of its application for precautionary measures regarding FINMA's order to write down Contingent Capital Awards.

On 19 March 2023, the Swiss Financial Market Supervisory Authority (FINMA) instructed Credit Suisse Group AG (CSG AG) to write down all additional tier-1 capital instruments (AT1 instruments) and to inform the creditors concerned accordingly. From CSG AG's perspective, this did not apply to the Contingent Capital Awards (CCAs) which were not issued by CSG AG itself but awarded instead by other group companies to their respective employees as part of their remuneration. However, in its ruling of 22 March 2023, FINMA refuted this point of view.

As a result, on 24 April 2023, CSG AG turned to the Federal Administrative Court (FAC) filing an application for precautionary measures. The FAC admitted the application on the condition that CSG AG appealed the ruling of 22 March 2023 within the statutory time limit. Finally, on 9 May 2023, CSG AG informed the FAC that it had decided against an appeal, and withdrew its application for precautionary measures. The withdrawal has the effect of rendering irrelevant the initiated proceedings, and the FAC accordingly struck them off the list of cases. This decision may be appealed to the Federal Supreme Court.

The FAC has received approximately 230 appeals, involving roughly 2500 appellants, against FINMA's ruling of 19 March 2023 regarding the write-down of the AT1 instruments. These proceedings are still pending and the FAC cannot say when a judgment will be handed down.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65.1 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.