



[non-binding translation]

# **Additional Rules for the Admission of Exchange Traded Products (ARETP)**

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## **1. Purpose and subject matter**

- 1.1. In addition to the Admission Rules (**AR**), the Additional Rules for the Admission of Exchange Traded Products (**ARETP**) define the special requirements for the admission, maintaining and termination of the admission of Exchange Traded Products (**ETP**) on BX Digital AG (**BX Digital**).
- 1.2. Within the meaning of these ARETP, considered as ETP are secured bearer debt securities (**bonds**), issued en masse as securities in a standardised form as a DLT security and is characterised by the fact that their value depends on the value of one or several underlying instruments.
- 1.3. Exchange traded funds (**ETF**) and other collective investment schemes within the meaning of the Federal Act on Collective Investment Schemes of 23 June 2006 (Collective Investment Schemes Act, **CISA**) are not regarded as ETP.
- 1.4. The ARETP apply to all ETP in the form of DLT securities that can be admitted to trading on the BX Digital in accordance with the following provisions.
- 1.5. The Admission Board may stipulate additional requirements for the admission of certain ETP.

## **2. Admission**

- 2.1. The prerequisite for the admission of ETP is that the applicant fulfils the admission requirements prescribed in the AR and the present ARETP and provides evidence of this.
- 2.2. Details of the procedure are set out in the Directive on the Procedure (**DoP**).

## **3. Requirements for the issuer and market making**

- 3.1. The issuer must have prepared its annual financial statements for the last two full financial years in accordance with the accounting standards applicable to the issuer. Companies whose economic substance has only been in existence for a shorter period of time must submit corresponding shortened financial statements.
- 3.2. The obligations of the AR and the ARETP associated with the ETP must generally be fulfilled by both the issuer and any guarantor. If there is a promise of security (such as a guarantee, surety or keep-well agreement), the requirements can also be fulfilled by the guarantor as an alternative.
- 3.3. The issuer undertakes to ensure a market in the ETP issued and admitted by it (**market making**). If the issuer is not itself a participant on the BX Digital, it may instruct a participant admitted to the BX Digital to provide market making.
- 3.4. The BX Digital may issue implementing provisions regarding market making.

#### **4. Requirements for securities**

- 4.1. Only ETP that are DLT securities within the meaning of Art. 2 lit. b<sup>bis</sup> of the Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading of 19 June 2015 (Financial Market Infrastructure Act, **FinMIA**) and that are collateralised in accordance with clause 5 ARETP can be admitted to BX Digital.
- 4.2. The terms and conditions of the ETP must be subject to Swiss law or the foreign law of an OECD member state.
- 4.3. There is no minimum volume requirement for the issue.
- 4.4. ETP denominated in foreign currencies may be admitted if settlement of the transactions is possible via the BX Digital settlement system.
- 4.5. Only DLT securities pursuant to Article 58f para. 2 Ordinance on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading of 25 November 2015 (Financial Market Infrastructure Ordinance (**FinMIO**)) may be admitted. This excludes DLT securities structured as ETP with fair value and leverage components.
- 4.6. For ETP that do not have a fixed maturity (open end), the product terms must provide for an individual right of return in favour of the holders of the ETP and a right of termination for the issuer. The issuer's right of termination is intended in particular to enable the issuer to terminate and redeem the ETP if listing requirements that must be continuously met during the term are no longer fulfilled.

#### **5. Collateralisation**

- 5.1. The ETP is secured by:
  - a) depositing the underlying instrument directly or indirectly (e.g. in the form of a futures contract); or
  - b) in the case of crypto assets as the underlying instrument, by presenting the claim for surrender of the underlying instrument; or
  - c) liquid shares, participation certificates, profit participation certificates, depositary receipts, collective investment schemes, bonds and commodities that are listed or admitted to trading on a recognised domestic or foreign stock exchange; or
  - d) cash assets or precious metals.
- 5.2. The collateral must cover at least the outstanding amount of the ETP.
- 5.3. The assets serving as collateral are held in safe custody by a third party independent of the issuer on behalf of the issuer.

- 5.4. If the assets that serve as collateral are crypto assets, the following additional requirements must be met:
- a) The custodian must keep the assets available for the issuer at any time. The assets can be allocated either individually to the issuer or allocated to a community, provided it is clear what share of the community assets the issuer is entitled to.
  - b) Custody must be provided by a qualified custodian. The following are permitted as qualified custodians:
    - (i) Custodians within the meaning of Art. 4 para. 2 of the Federal Act on Intermediated Securities of 3 October 2008 (Federal Intermediated Securities Act, **FISA**) or a person pursuant to Article 1b of the Banking Act of 8 November 1934 (**BankA**); or
    - (ii) foreign institutions that are subject to equivalent supervision.
- 5.5. The BX Digital may demand that suitable documents are provided as evidence of the crypto asset custodian's regulatory status.
- 5.6. If the crypto asset custodian does not fulfil the requirements of clause 5.4, the issuer or the guarantor must be a bank pursuant to the BankA, an insurance company pursuant to the Federal Act on the Supervision of Insurance Companies of 17 December 2004 (Insurance Oversight Act, **IOA**), a securities firm pursuant to the Federal Act on Financial Institutions of 15 June 2018 (Financial Institutions Act, **FinIA**) or a foreign institution subject to equivalent prudential supervision, i.e. an ongoing and forward-looking supervision with regard to financial requirements (e.g. capital and liquidity requirements), the guarantee of irreproachable business conduct of owners and/or executive bodies and with regard to risks.

## 6. Requirements for underlying instruments

- 6.1. Possibly considered as underlying instruments are:
- a) equity securities or bonds which are admitted to trading or listed on a Swiss stock exchange or a recognised foreign trading venue;
  - b) freely convertible currencies;
  - c) market swap and interest rates according to market standard;
  - d) precious metals according to bank standard, such as gold, silver and platinum;
  - e) commodities traded on a domestic or recognised foreign trading venue;
  - f) standardised option and futures contracts traded on a domestic or recognised foreign trading venue;
  - g) crypto-based assets (**crypto assets**);

- h) tangible fixed assets such as real estate properties, which are regularly valued by an independent valuation expert, with a detailed description of the valuation methods applied in the listing prospectus;
  - i) domestic or foreign collective investment schemes that have been approved by FINMA in accordance with the provisions of the Federal Act on Collective Investment Schemes of 23 June 2006 (Collective Investment Schemes Act, **CISA**);
  - j) indices based on the prices of the underlying instruments specified in these rules, provided that the corresponding index is recalculated and published at regular intervals;
  - k) baskets consisting of the underlying instruments specified in these rules;
  - l) ETP that are already admitted to trading on the BX Digital or another domestic trading venue or DLT trading facility at the initiative of the issuer.
- 6.2. BX Digital may admit underlying instruments in tokenised form.
- 6.3. Recognised foreign trading venues within the meaning of clause 6.1 are those trading venues which BX Digital has recognised pursuant to Art. 48 of the Ordinance on Financial Services of 6 November 2019 (Financial Services Ordinance, **FinSO**). BX Digital maintains a list of the foreign trading venues it recognises on its website.
- 6.4. The Admission Board may admit additional underlying instruments.
- 7. Special requirements for crypto assets as underlying instruments**
- 7.1. Crypto assets are assets that are issued and transferred on the basis of distributed ledger technology (**DLT**).
- 7.2. Crypto assets that facilitate private and anonymous blockchain transactions (so-called 'privacy coins') or that qualify as asset tokens or hybrid asset tokens if they represent an equity security in their economic function are not permitted as underlying instruments.
- 7.3. Further requirements and technical details are governed by the "Directive regarding crypto assets as underlying".
- 7.4. BX Digital is free to reject the admission of crypto assets as underlying instruments, even if all requirements are met, if this is in the interests of the public, the DLT trading facility or for other objective reasons.
- 7.5. The Admission Board may terminate the admission of an underlying instruments if this is in the interests of the public, the DLT trading facility or for other objective reasons.

## **8. Application**

The procedure for submitting an application, the handling of the application and the supplements to be submitted are governed by the Directive on the procedure (DoP).

## **9. Maintaining admission**

- 9.1. Maintaining admission requires ongoing compliance with the applicable maintenance provisions pursuant to the AR with regard to periodic reporting, ad hoc publicity and the announcement of changes to the rights associated with the DLT securities.
- 9.2. The issuer is obliged to ensure the submission of the required notifications to BX Digital in compliance with the Directive on the Regular Reporting Obligations, as well as all other actions for the care of the instrument during the entire term.
- 9.3. The conditions for maintaining admission must generally be fulfilled by both the issuer and the guarantor. If guarantee commitments exist, the requirements of clause 13 AR (Periodic reporting) only apply to the guarantor, while those of clause 15 AR (Ad hoc publicity) only apply to the guarantor if the issuer is a fully consolidated subsidiary of the guarantor.
- 9.4. Otherwise, the provisions of the Directive on Regular Reporting Obligations and the “Directive on Ad hoc Publicity” apply.

## **10. Suspension of trading and termination of admission**

- 10.1. The suspension of trading and the termination of admission are governed by clauses 21 and 22 AR, unless different or supplementary provisions are set out below.
- 10.2. The admission of an ETP may be terminated for the following reasons:
  - a) upon the substantiated request of the issuer or guarantor, whereby the Admission Board considers the interests of trading and investors and, where appropriate, of the issuer;
  - b) if the solvency of the issuer is seriously called into question, or insolvency or liquidation proceedings have already been initiated; the admission of DLT securities will be terminated at the latest when tradability is no longer ensured;
  - c) if the suspension has been maintained for three months and the reasons for these measures did not cease to exist;
  - d) in the course of or upon completion of sanction proceedings;
  - e) if the Admission Board terminates the admission of a crypto asset as an underlying instrument;
  - f) if the conditions for the admission are no longer met.

- 10.3. An application for termination of admission is particularly considered to be sufficiently substantiated if:
- a) the issuer is keeping all the ETP in question on its own books and thus, the termination of the admission does not infringe any investor protection; or
  - b) if there is 'open interest';
    - aa) all investors concerned have been informed about the intended termination of the admission and agree with it; or
    - bb) if:
      - (i) the announcement of the termination of the admission is made three months in advance of the last trading day; and
      - (ii) it is ensured that the announcement of the termination of admission is accompanied by a publication in accordance with the applicable conditions.
- 10.4. The ordinary termination of admission of maturing or prematurely redeemable DLT securities shall take place without prior announcement by BX Digital at the end of the term of the ETP.

## **11. Final provisions**

These rules were issued by the Admission Board, approved by FINMA on 12 March 2025 and enter into force on 1 April 2025.