

Regulations

Based on article 6 of the statutes of finpension Vested Benefits Foundation (hereinafter Foundation), the following regulations are issued:

1 Opening of vested benefits accounts

The pension fund member enters into a pension agreement with the Foundation; these Foundation Regulations, the Investment Regulations and the Fee Schedule all form an integral part thereof.

The Foundation accepts payments from pension funds under Swiss law for the benefit of pension fund members who leave the pension fund before an insured event occurs. The Foundation also accepts payments from other institutions which serve to maintain pension protection and, in the cases provided by law, from pension fund members. The Foundation may reject a pension fund member without giving reasons.

The Foundation maintains a separate pension relationship for each pension fund member. The pension fund member is informed at least once a year about the status of his/her pension assets.

2 Risk benefits

The Foundation may arrange risk benefits for pension fund members to cover the risks of death and disability with an insurance company subject to the Swiss Financial Market Supervisory Authority (FINMA). The Foundation acts exclusively as an intermediary and is not a party to any risk insurance contracts. There is no entitlement to benefits from the Foundation in the event of a benefit claim.

3 Investments

The pension fund member may choose between account-linked and/or securities-linked investments.

In the case of account-linked investments, the relevant credit balances are invested by the Foundation as savings deposits at a bank subject to FINMA.

Securities-linked investments may be delegated under an asset management agreement to legally qualified asset managers, banks, securities traders and fund management companies subject to FINMA, or implemented with collective investments which are subject to Swiss supervision or licensed for distribution in Switzerland or set up by a Swiss investment foundation. Article 71(1) BVG and articles 49 to 58 BVV 2 apply mutatis mutandis to the investment of assets in securities-linked savings. The interest and the income and losses from the securities-linked investments are divided proportionally between the retirement assets and the remaining assets.

In the case of securities-linked investments, the pension fund member is expressly advised of the particular risks. Vested benefits invested in investment products are entitled neither to interest nor to preservation of capital value.

The Foundation periodically reviews compliance with the investment strategy and its consistency with the individual risk tolerance of the pension fund members in accordance with the clarifications and provisions of the Investment Regulations.

4 Interest with account-linked investments

The interest rate set by the Foundation board is credited to pension assets of the account-linked investments.

5 US Persons

Pension fund members or beneficiaries regarded as US Persons (persons with citizenship, residence or tax liability in the USA) may not request the transfer of securities units to a securities custody account.

6 Reporting obligations of the Foundation

The Foundation complies with the Swiss documentation and disclosure requirements. Any additional documentation or reporting obligation, possibly imposed by foreign authorities, exclusively concerns the relevant pension fund members, for which the Foundation is not liable and does not offer any services.

7 Data of the pension fund member

The Foundation is entitled to call in third parties, in particular banks or insurance companies subject to the Banking Act, to perform its tasks under the pension fund agreement. The pension fund member agrees that a bank or insurance company subject to the Banking Act may obtain knowledge of his/her data to the extent that this is necessary for the performance of its duties. The pension fund member also acknowledges that the Foundation may be obliged by law to disclose information to authorised third parties.

The pension fund member will store his/her documents and means of identification such as passwords or codes carefully and take all precautionary measures to prevent unauthorised persons from accessing them. When placing orders, he/she observes all precautionary measures that reduce the risk of misuse or fraud. Damage resulting from a breach of these duties of care will be borne by the pension fund member.

Communication between the Foundation and the pension fund member and with authorised third parties via encrypted or unencrypted electronic media such as telephone, fax, mobile phone, text message, email, chat, social media, applications for mobile devices or other internet-based platforms, regardless of whether the communication is from or via Switzerland or abroad, is permitted. The Foundation is authorised to use all the aforementioned means of contact indicated by the pension fund member to the Foundation.

8 Withdrawal of the retirement assets

In accordance with article 16(1) FZV, the retirement assets may be paid out to the insured person at the earliest five years before and at the latest five years after reaching the ordinary AHV retirement age. An early payment of the retirement assets is permitted at the request of the pension fund member if he/she:

- receives a full disability pension from the Federal Disability Insurance and the disability risk is not additionally insured;
- leaves Switzerland permanently; however, the mandatory portion may not be drawn if the pension fund member moves to an EU/EFTA country if the pension fund member is also subject to an insurance obligation in that country (however, a cash payment of the vested benefits as a result of leaving Switzerland is not possible if the pension fund member moves to Liechtenstein, and also not of the non-obligatory portion of the vested benefits);
- takes up self-employment within one year and is no longer subject to the mandatory occupational pension scheme;
- has a credit balance with finpension Vested Benefits Foundation which is less than an annual contribution with the last pension fund before the transfer in accordance with article 5(1)(c) FZG;
- uses his/her pension assets within the framework of owner-occupied residential property for:
 - purchase or construction of residential property
 - investment or
 - repayment of mortgage loans.

If the pension fund member is married or lives in a registered partnership, payment of the retirement benefit in the form of a lump sum is only possible with the official or notarised signature of the spouse or registered partner. The signature must be notarised on the withdrawal form.

When the pension assets are paid out, the Foundation will notify the tax authorities in accordance with article 19 of the Federal Withholding Tax Act. Partial subscriptions are only possible in the case of clause 8(b) within the framework of the statutory restrictions and clause 8(e). In the other cases of payment under clause 8, the entire retirement savings capital becomes due.

9 Pension benefits

The pension benefits consist based on articles 13, 14 and 16 FZV:

- a) of the retirement assets when the age limit is reached;
- b) of the retirement assets in the event of disability under clause 8(a) of the Regulations;
- c) of the retirement assets in the event of death.

10 Focal points of the benefits

Upon occurrence of a reason for termination or liquidation or a transfer in accordance with clauses 8 and 9 of the Regulations, all or part of the retirement assets will become due. The shares in securities are sold and the corresponding proceeds credited to the pension fund member's vested benefits account.

At the request of the pension fund member, and if feasible and permissible, securities holdings may be transferred from the pension fund member's vested benefits custody account to a private custody account or to the new pension fund. Any costs must be borne by the pension fund member or the beneficiaries.

All Foundation benefits are paid into an account in the name of the pension fund member or beneficiary. The benefits to be provided by the Foundation will be provided exclusively in Swiss francs. Payment of the retirement assets is due no later than 30 days after receipt of the complete application.

If the insured person joins a new pension fund, the vested benefits foundation must transfer the pension capital to the new pension fund in order to maintain pension protection.

11 Assignment and pledge

The retirement assets or the entitlement to benefits not yet due may be neither pledged nor assigned. This is subject to article 22 FZG as well as article 30b BVG, article 331d of the Swiss Code of Obligations and articles 8 and 9 of the Ordinance on the Promotion of Home Ownership with Occupational Pension Funds.

12 Beneficiaries in the event of death

If the pension fund member dies, the following persons will be deemed beneficiaries in the following order:

- a) the survivors pursuant to articles 19, 19a and 20 BVG;
- b) natural persons who have been supported to a considerable extent by the pension fund member, or the person who has been living with the pension fund member without interruption in the last five years until his/her death or who is responsible for the maintenance of one or more joint children;
- c) the pension fund member's children who do not meet the requirements under article 20 BVG, the parents or brothers and sisters;
- d) the other legal heirs, excluding the community.

The pension fund member may specify the entitlements of the beneficiaries in more detail and extend the group of persons under (a) with those under (b).

If the entitlements of the beneficiaries are not specified, the allocation among more than one beneficiary of the same category will be made in equal parts per person.

Vested benefit credits are transferred to the Security Fund after ten years from the ordinary retirement age.

13 Liability

The Foundation is not liable to the pension fund member for any consequences arising from the pension fund member's failure to comply with legal, contractual or regulatory obligations.

14 Notifications to the pension fund member

The pension fund member will inform the Foundation immediately of any changes in the address and personal details he/she has provided to the Foundation. The Foundation is not liable for the consequences of insufficient, late or inaccurate information. Notifications from the Foundation are deemed to have been made if they were sent to the last contact address from the information provided by the pension fund member.

Written notifications to the pension fund member are deemed to have been validly delivered if they were sent to the last address registered with the Foundation. The date of dispatch is presumed to be the date of the copies or dispatch lists in the possession of the Foundation.

15 Complaints

If the pension fund member or any beneficiary wishes to claim that orders were executed incorrectly or not at all, or if he/she wishes to contest account or custody account statements or other notifications from the Foundation, he/she must do so within 30 days. Otherwise, the notification is presumed to be correct.

16 Fees

The Foundation may set administration and processing fees as compensation for the management and administration of pension assets and for special efforts. These are set out in a Fee Schedule. The Fee Schedule is handed over to the pension fund member upon joining the Foundation. Amendments to the Fee Schedule will be brought to the attention of the pension fund member in a suitable manner.

17 Amendments to provisions

The Foundation board reserves the right to amend these Regulations at any time. Such amendments will be notified to the pension fund member in a suitable manner. Amendments to the laws and ordinances on which the Regulations are based and which are valid even without notification to the pension fund members remain reserved.

18 Applicable law, place of performance and place of jurisdiction

Swiss law is exclusively applicable to the relationship between the pension fund member and the Foundation or the pension fund member's beneficiaries and the Foundation. The place of jurisdiction is based on article 73(3) BVG.

19 Entry into force

These Regulations enter into force on 1 September 2019.

Schwyz, 22. August 2019

Foundation board of finpension Vested Benefits Foundation