

CALCULATION AND PUBLICATION OF FUND PERFORMANCE DATA**1 October 2004: new Guidelines by the Swiss Funds Association SFA re Publication of Performance Data enter into force**

Guidelines are based on Art. 16 of the SFA's Code of conduct for the Swiss fund industry which states that Swiss fund management companies and representatives of foreign funds in Switzerland shall observe internationally recognised standards when publishing performance data. **Guidelines must be complied with by 31 March 2005.** They are applicable only if fund performance data are published.

➤ Summary:

- applicable to both domestic and foreign funds registered in Switzerland for public distribution
- contains calculation rules for fund performance and calculation examples
- performance data must be indicated for either of the following periods:
 - current calendar year
 - preceding calendar year
 - last 3 or 5 calendar years or since launch of fund (then either for each year or the aggregate or average for several years)
- if fund prospectus mentions benchmark index, only such index may be used for comparisons. If no benchmark index is used, this must be explained
- restrictions re comparisons with other funds with comparable investment policy
- restrictions re comparisons with performance of investment markets or model portfolios
- restrictions re use of track records in case of restructurings and mergers of funds
- performance data must be published per share class
- disclaimer: past performance is no indication of current or future performance. Performance data do not take account of commissions and costs on the issue and redemption of units
- performance promises prohibited (if not guaranteed)

➤ Compliance: Auditors (of the Swiss fund management company or the Swiss representative) will have to audit compliance with Guidelines.

For more information feel free to contact any of our investment fund specialists (www.nastra.ch).

Note: None of the information contained herein is to be regarded as binding legal advice.