

Author: Dr. iur. HSG Jürg P. Brinkmann, LL.M. (Taxation), CEO ATU General Trust (Schweiz) AG

A Double Challenge for Trustees: Regulatory Burdens and Succession Planning

In our ATU newsletter dated [March 17th 2025](#), we explained the conditions under which a trustee in Switzerland is considered to be acting in a professional capacity and is therefore subject to the licensing requirement under the Financial Institutions Act (FINIG) of the Swiss Financial Market Supervisory Authority (FINMA).

A trustee's activities are considered professional if they:

- a) generate annual gross income of 50,000 Swiss francs; or
- b) enter into business relationships with more than 20 contracting parties annually that are not limited to one-time activities, or maintains at least 20 ongoing business relationships; or
- c) have indefinite discretion over third-party assets whose total value exceeds 5 million Swiss francs at any given time.

The role of a trust protector (in the sense of a pure control and/or approval protector) is generally not subject to FINMA authorization.

Implications for Swiss Trustees

Professional trustees are therefore subject to prudential supervision by a relevant supervisory organization (e.g., OSFINcontrol AG). This means that trustees not only require a license from FINMA but are also regularly audited by the supervisory organization or a commissioned audit firm. This audit entails significant (internal and external) effort as well as corresponding costs.

Working with us

If you are looking for alternative ways to avoid this effort and these costs, or if you wish to arrange for the succession of your company in a sustainable manner, a partnership with us could be a solution. Merco Trustees AG in Zurich, part of the international ATU Group, has been a FINMA-licensed company since summer 2024. Our cooperation can be tailored to your individual needs and preferences. Just talk to us – by working together, we will find the ideal solution for you and your customers. For further information or a personal meeting, please do not hesitate to contact [Dr. iur. HSG Jürg P. Brinkmann](#).

The content of this ATU Info is intended only to provide general information and is not a substitute for legal advice.