Eidgenössische Finanzmarktaufsicht FINMA
Autorité fédérale de surveillance des marchés financiers FINMA
Autorità federale di vigilanza sui mercati finanziari FINMA
Swiss Financial Market Supervisory Authority FINMA

FINMA Guidance 03/2025

Disclosure of cryptobased assets in banks' annual financial statements

5 September 2025

Laupenstrasse 27, 3003 Bern, Tel. +41 (0)31 327 91 00, www.finma.ch

1 Introduction

There is a lack of clarity in the market as to how the disclosure of crypto-based assets in the notes to the annual financial statements prepared by banks[1] and the reporting of cryptobased assets in supervisory reporting should be handled since the Distributed Ledger Technology (DLT) Act came into force.[2]

On the one hand, the FINMA Accounting Ordinance of 31 October 2019 (FINMA-AO; *SR 952.024.1*) and FINMA Circular 2020/1 "Accounting – banks" refer to cryptocurrencies, but the DLT Act introduces the term crypto-based assets. On the other hand, the DLT Act has created a specific legal basis for the custody of cryptobased assets as custody assets in Article 16 no. 1bis of the Banking Act of 8 November 1934 (BA; *SR 952.0*). Recognising these positions as fiduciary transactions in accordance with Article 16 no. 2 BA is therefore no longer appropriate.

FINMA is keen to rapidly provide clarity on this matter. This Guidance explains that the proper disclosure and reporting of cryptobased assets must be continued after the entry into force of the DLT Act in the context of the FINMA-AO and FINMA Circular 20/1. At the same time, FINMA agrees that there is a need for clarification in this area.

2 Remarks

Term of cryptobased assets

On 16 February 2018, FINMA issued Guidelines for enquiries on Initial Coin Offerings (ICOs).[3] These were categorised into payment tokens, utility tokens and asset tokens. At the time, the term "cryptocurrencies" was equated with the term "payment token". The term "cryptocurrencies" is therefore also used in the FINMA-AO and FINMA Circular 20/1.

Following the entry into force of the DLT Act, there is a legal definition of cryptobased assets. Under the new terminology, the term cryptocurrencies as formulated in 2018 corresponds to cryptobased assets that are neither securities (cf. Art. 16 no. 1 BA) nor, as utility tokens, *exclusively* convey a

[1] Where the Guidance refers to banks, this also includes securities firms.

[2] At its meeting on 18 June 2021, the Federal Council brought the Federal Act on the Adaptation of Federal Law to Developments in Distributed Ledger Technology fully into force as of 1 August 2021 (AS **2021** 33).

[3] See ICO Guidelines (https://www.finma.ch/en/news/2018/02/20180216-mm-ico-wegleitung/); download from www.finma.ch > Authorisation > FinTech > Authorisation enquiries and ICOs.

right of access to a digital utility or service. FINMA already considered asset tokens to be securities in the 2018 Guidelines.

Disclosure of cryptoassets in annual financial statements

In order for a bank to recognise cryptocurrencies held for the account of clients off-balance sheet before the introduction of DLT Act, this required cryptocurrencies to be segregated in the event of bankruptcy. The banks that held cryptocurrencies in this form at the time were required to accordingly comply with the Directives on Fiduciary Investments in order to ensure adequate client protection[4]. Under these conditions, these cryptocurrencies were treated as custody assets in application of Article 16 no. 2 BA and had to be disclosed as fiduciary transactions in the notes to the annual financial statements (margin no. 214 of FINMA Circular 20/1) and reported in supervisory reporting (e.g. AUR_U, AU201, no. 6.4).[5] Cryptocurrencies therefore always had to be either recognised in the balance sheet or disclosed in the notes to the annual financial statements.

Following the introduction of Article 16 no. 1bis BA, the above-mentioned treatment as fiduciary transactions has been rendered obsolete. Crypto-based assets are now defined as custody assets under certain conditions, even if they do not qualify as securities.

3 Conclusion

FINMA agrees with the assessment that disclosure in accordance with margin no. 214 of FINMA Circular 20/1 is no longer appropriate for fiduciary transactions. This margin number can no longer be used for cryptobased assets. The corresponding section in the notes to the annual financial statements should therefore be left blank. However, transparency with regard to cryptobased assets must continue to be ensured. This need arises from the particular technological risks that these assets entail.

Until a position in the notes to the annual financial statements is introduced by regulation, it is up to the banks to select a suitable place in the notes to the annual financial statements and to disclose the cryptobased assets that are deemed custody assets based on Article 16 no. 1bis. In this context, a footnote to margin no. 214 with a reference to where the disclosure can be found in the notes to the annual financial statements may be helpful. Care must be taken to ensure that a meaningful comparison with the previous year is possible.

[4] SBA Directives on fiduciary investments

[5] See form AU201 of the AUR_U survey and the forms for the AURH_U, AUR_K and AURH_K surveys on the SNB website (https://emi.snb.ch/en/AURX).

At the same time, no more amounts are to be reported in the AUR_U, AURH_U, AUR_K and AURH_K supervisory reporting surveys in the AU201, AUH201, AU301 and AUH301 forms, in each case under no. 6.4 (Cryptocurrencies held on a fiduciary basis for the account of clients). Cryptocurrencies were previously reported in this section. In this context, FINMA does not expect any adjustments to reports already submitted in supervisory reporting. FINMA will use the EHP survey entitled “Cryptobased assets – banks and securities firms” to ensure that it continues to receive information on cryptobased assets for the account of clients.

Cryptobased assets in the form of securities must continue to be reported as custody assets in the above-mentioned forms for supervisory reporting, in each case under no. 5.1 (Custody account volume: securities and precious metals holdings of clients excluding banks/securities firms).