



Marco Häusermann

Partner, lic. iur. HSG, Attorney-at-law,
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Languages
German, English

Expertise

Marco Häusermann is a partner in the NKF banking, finance & regulatory team and a specialist for banking & finance (regulatory and transactional) matters, debt capital markets transactions and restructuring and insolvency law matters.

He frequently advises domestic and international financial institutions and corporates on syndicated debt financings, leveraged finance, asset and project finance and other structured finance transactions as well as in work-out and restructuring situations.

He has devoted a substantial amount of time in advising arrangers and issuers on debt capital markets transactions, including public offerings and private placements of innovative debt securities, high yield bonds, regulatory capital instruments, hybrid instruments and EMTN programmes.

His practical experience also includes the support of banks, securities dealers, pension funds, insurance companies, fund management companies and asset managers on domestic and cross-border regulatory aspects (such as licensing issues, financial products, investment restrictions, disclosure rules etc.) and he is in regular contact with representatives of the Swiss Financial Markets Supervisory Authority (FINMA) and other competent regulatory authorities with respect to licensing requirements and negative clearance requests. He also advises financial institutions on general corporate and contractual matters. Mr. Häusermann regularly publishes in the areas of his practice.

Marco Häusermann holds a JD (lic. iur. HSG) from the University of St. Gallen and is a graduate from Northwestern University Law School (LL.M.) and Kellogg School of Management (Certificate in Business Administration). He is admitted to practice in Switzerland and a member of the New York State Bar (not practising).

Marco Häusermann is distinguished as a leading Banking & Finance lawyer by Chambers Global and Chambers Europe and as a leading lawyer in Banking, Capital Markets and Financial Services Regulatory by IFLR 1000 as well as other legal directories.

Banking, Finance & Regulatory

Capital Markets

Derivatives and Structured Products

Career

2011	Partner, Niederer Kraft Frey
2009	Secondment to a Magic Circle law firm in London
2006	Secondment to legal department of Swiss fund management company
2003	Associate, Niederer Kraft Frey
1997	Assistant for International Private Law and Private Law at the University of St. Gallen / staff member of a major Swiss law journal

Education

2003	Admitted to the New York State Bar (currently non-practising status)
2003	Joint program between Northwestern University Law School (LL.M.) and Kellogg School of Management (Certificate in Business Administration) (USA)
2001	Admitted to the Swiss Bar (Rechtsanwalt)
2000	Traineeship with law firm in Istanbul, Turkey
2000	University of St. Gallen – Master of Law (Lizenziat)

Experience

The following is a selection of recent transactions and cases in which Mr. Häusermann acted as counsel to:

- Gategroup on its restructuring of its financial arrangements including a EUR 415 m combined facilities agreement and CHF 350 m Swiss law governed bonds by way of an English Restructuring Plan.
- the arrangers on the financing for the CHF6.8bn public takeover of Sunrise Communications AG (the second largest telecom provider in Switzerland) by Liberty Global plc, London through its Swiss subsidiary UPC GmbH (the fourth largest telecom provider in Switzerland).
- the arrangers on the financing for the CHF 10.2 bn acquisition of Nestlé Skin Health by EQT and Abu Dhabi Investment Authority.
- Glencore on its USD 9.975 billion revolving credit facilities arrangement.
- the arrangers on Dufry's EUR 2bn term and revolving facility agreement and a EUR 400 million term and revolving liquidity facility.
- the arrangers on Clear Channel's issuance of USD 375,000,000 6.625% Senior Secured Notes due 2025.
- the Froneri group on an approx. US\$ 6 billion acquisition financing of the Nestle Ice Cream unit
- European Investment Bank, European Investment Bank, Bpifrance, Euler Hermes, SACE as export credit agencies and various commercial banks in the 3.6 billion project financing for Trans Adriatic Pipeline AG (a Swiss project company) for the TAP project which will transport natural gas through a 878 km long pipeline from the giant Shah Deniz II field in Azerbaijan to Europe.
- the arrangers on the committed bridge facility and a term loan for Cembra Money Bank to finance the acquisition of cashgate AG and the refinancing of the balance sheet liabilities of cashgate AG amounting to around CHF 1.4 bn as of closing of the transaction.

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- the arrangers on committed bridge facility agreements for Temenos to finance the acquisitions of Fidessa Group plc. and Kony Inc.
- a consortium led by Cellnex Telecom and further comprising Swiss Life Asset Managers and Deutsche Telekom Capital Partners in its credit financing for the acquisition of Swiss Towers AG which owns a portfolio of 2'239 telecom towers in Switzerland for the Sunrise telecom network.
- BBVA, Goldman Sachs, ING, Santander, UBS and UniCredit as arrangers in connection with a fully committed debt bridge facility of EUR 3.6 billion (CHF 3.8 billion) for Dufry for the financing of the acquisition of WDF and the refinancing of WDF's debt which is expected to be refinanced by the rights issue of at least EUR 2.1 billion (CHF 2.2 billion) and long-term debt instruments for a total amount of up to EUR 1.5 billion (CHF 1.6 billion).
- the arrangers and initial purchasers in connection with a CHF 1.3 billion senior facilities agreement as well as the issuance of CHF 500 million senior secured notes for the Sunrise Communications Group (the second largest telecom operator in Switzerland) in connection with its initial public offering on the SIX Swiss exchange with a market capitalisation in excess of CHF 3.2 billion – being the largest IPO in Switzerland since 2006 and the largest IPO of a telecom operator in EMEA since 2004.
- NJJ Capital SAS, Xavier Niel's private holding company, regarding the financing of the acquisition of the mobile telecom operator Orange Communications SA (the third largest Swiss telecom provider) for a total transaction value of CHF 2.8 billion (EUR 2.3 billion) consisting of a bridge and backstop financing in an aggregate amount of approx. CHF 1.8 billion as well as the refinancing of a CHF 100,000,000 revolving credit facility.
- Glencore on its USD 20 billion EMTN programme updates as well as various debt capital market transactions.
- The managers in relation to notes issuances by issued by Swiss Re, including:
 - Swiss Re – USD 10 bn Debt Issuance Programme (EMTN)
 - USD 1 bn Guaranteed Perpetual Subordinated Fixed Spread Callable Notes issued by Swiss Re Finance (Luxembourg) S.A. and irrevocably guaranteed on a subordinated basis by Swiss Reinsurance Company Ltd
 - USD 1 bn 5.000% Guaranteed Subordinated Fixed Rate Reset Step-up Callable Notes issued by Swiss Re Finance (Luxembourg) S.A. and irrevocably guaranteed on a subordinated basis by Swiss Reinsurance Company Ltd
 - Swiss Re's USD 500 million, 6-year non-dilutive senior exchangeable notes, which may be stock settled at the option of Swiss Re or may be exchanged at the option of noteholders for registered shares of Swiss Re, unless Swiss Re elects to settle the exchange of notes in cash
 - Swiss Re Ltd's facility for the issuance of up to USD 800,000,00 subordinated fixed-to-floating rate non step-up callable loan notes with a schedule maturity in 2052 through a "repacking vehicle"
 - Swiss Re Ltd's facility for the issuance of up to USD 400,000,00 subordinated non step-up callable loan notes with a schedule maturity in 2056 through a "repacking vehicle"
 - Swiss Re Ltd's facility for the issuance of up to USD 700,000,00 subordinated fixed-to-floating rate non step-up callable loan notes with a schedule maturity in 2050 through a "repacking vehicle"
 - Swiss Reinsurance Company Ltd's 2015 debt liability management exercise consisting of the issuance of EUR 750,000,000 Perpetual Subordinated Fixed-to-Floating Rate Callable Loan Notes issued through a "repacking vehicle" and the launch of various tender offers for outstanding debt instruments

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- Swiss Reinsurance Company Ltd's CHF 175 million 7.50% Subordinated Contingent Write-off Securities with a scheduled maturity in 2045 that provide for a dual contingent write-off mechanism which is triggered (i) in case the required minimum solvency margin falls below 135% and (ii) in the case of an insurance trigger event that is linked to the occurrence of a 1 in 200 year Atlantic hurricane and are listed on the SIX Swiss Exchange.
 - Swiss Reinsurance Company Ltd's USD 750,000,000 Subordinated Contingent Write-off Loan Notes issued through a "repacking vehicle" - Swiss Reinsurance Company Ltd was the first reinsurance company to place a contingent write-off instrument in the capital market
 - Swiss Reinsurance Company Ltd's EUR 500,000,000 Subordinated Fixed-to-Floating Rate Callable Loan Notes with a scheduled maturity in 2042 qualifying as lower tier capital (*unteres ergänzendes Kapital*) pursuant to Swiss insurance legislation issued through a "repacking vehicle"
 - Swiss Reinsurance Company Ltd's USD 750,000,000 Perpetual Subordinated Notes with Stock Settlement issued through a "repacking vehicle"
 - Swiss Re Corporate Solutions' Ltd debut capital market issuance of USD 500,000,000 Subordinated Fixed Rate Resettable Callable Loan Notes with a scheduled maturity in 2044 to Cloverie Public Limited Company (a repackaging vehicle) which in turn issued USD 500,000,000 Dated Deferrable Notes
- BNP Paribas, J.P. Morgan Securities plc and Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A. (Rabobank) as joint lead managers in relation to the issuance of EUR 250,000,000 Perpetual Callable Subordinated Securities by Aryzta Euro Finance Limited, an Irish incorporated financing vehicle of ARYZTA AG. ARYZTA AG is a Swiss company listed on the Six Swiss Exchange and being one of the largest frozen bakery companies in the world.
- the joint lead arrangers and joint bookrunners in connection with a USD 2,250,000,000 term and revolving credit facilities agreement for the Mallinckrodt group in connection with Mallinckrodt plc's, a leading global specialty pharmaceuticals company, acquisition of Cadence Pharmaceuticals, Inc. (for total consideration of approximately USD 1.4 billion) and Questcor Pharmaceuticals (for total consideration of approximately USD 5.6 billion).
- the Initial Purchasers (Credit Suisse Securities (Europe) Limited, BNP Paribas, Goldman Sachs International, Mediobanca and J.P. Morgan Securities plc) in connection with the offering of EUR 215,000,000 7.25% senior secured notes and EUR 200,000,000 floating rate senior secured notes by Rhino Bondco S.p.A. and the Mandated Arrangers (BNP Paribas, Italian Branch, Credit Suisse AG, Milan Branch, Goldman Sachs International and Mediobanca) in connection with a EUR 75,000,000 revolving credit facility agreement for the Rhiag Group - the proceeds of the notes were used to fund the acquisition by Apax Partners LLP of the Rhiag Group - a leading European automotive parts supplier.
- the Initial Purchasers (Credit Suisse, BNP Paribas, Commerzbank, Goldman Sachs, KKR Capital Markets) in connection with the offering of EUR 350,000,000 6.50% senior secured notes by GCS Holdco Finance I S.A and the issuance of EUR 75,000,000 12.0%/13.0% Second Lien Payment-In-Kind Notes due 2019 by Financière Daunou 1 S.A and for the Mandated Lead Arrangers (Credit Suisse, BNP Paribas, Commerzbank, Goldman Sachs) in connection with GCS Holdco Finance I S.A's EUR 40,000,000 revolving credit facility agreement
- the arrangers in connection with the (bridge) CHF 1.6 billion term loan credit financing of Dufry AG, a Swiss corporation listed on the SIX Swiss Exchange, for its acquisition of The Nuance Group AG, another global travel retailer based in Switzerland, for a consideration of approx. CHF 1.3 billion as well as the refinancing of a term loan of USD 1,010 million, a term loan of EUR 500 million and a revolving credit facility of CHF 900 million.

- the global private banking group EFG International (SIX: EFGN) in connection with the planned sale of its remaining stake of 20.25% in EFG Financial Products for CHF 70.2 million (1,350,000 shares at CHF 52 per share).
- eight export credit agencies from Japan, Australia, Korea, France, Germany and The Netherlands, and a syndicate of 24 commercial lenders, on a USD 20 bn project financing of a liquefied natural gas (LNG) project in Australia sponsored by Inpex Corporation and Total SA.
- China Development Bank on its EUR 350 million project financing of a mine mouth coal-fired power plant in Stanari, Bosnia and Herzegovina - the first ever project financing led by a Chinese bank in Europe. The transaction involved one of the largest independent power projects (300 MW plant) in the region. Also, it is the first large scale power project to be constructed by Chinese contractors in Europe.
- the Bookrunners and Arrangers in the Charterhouse Capital Partners-backed Leveraged Buy-Out of Bartec, a global provider of industrial safety technology for explosive-hazardous areas, from Capvis. The EUR 348 million financing package comprised senior debt, revolving credit, acquisition and CapEx facilities to support the transaction.
- France Telecom SA (NYSE: FTE), one of the world's leading telecommunications operators, in connection with the staple financing (including bank facilities and high yield bond) in connection with the sales auction and sale of 100% of Orange Communications SA, France Telecom's Swiss mobile subsidiary.
- Bridgepoint in its acquisition of Infront Holding AG / Infront Sports & Media AG, Zug.
- Deutsche Bank and BNP Paribas as joint global coordinators and bookrunning managers and other syndicate members in the CHF 1,532,000,000 (equivalent) (high-yield) Senior Secured Notes and Senior Notes of Sunrise Communications International S.A. and Sunrise Communications Holdings S.A. to acquire Sunrise Communications AG.
- The International Capital Markets Association (ICMA), the International Securities Lending Association (ISLA) and the Capital Adequacy Directive Working Group regarding the annual Swiss legal opinions on the various international securities lending master agreements and on the Global Master Repurchase Agreement.
- various international financial institutions in connection with the international securities lending and repurchase master agreements and in particular on the Swiss law effects of these master netting agreements.
- Swedish Match on cash pooling and intra-group financing aspects as well as an FX ISDA swap agreement and derivatives reporting obligations under EMIR and Swiss law.
- various clients regarding the offering of new financial products and services in Switzerland and obtaining of licenses as an MTF as well as other licenses, recognitions or negative clearance letters from the Swiss Financial Market Supervisory Authority in relation to other services and products offered in Switzerland.
- various financial institutions and corporates regarding Swiss derivatives regulations and ISDA agreements.

Publications

- Marco Häusermann, Thomas Sprecher, Roman Sturzenegger, Insolvency 2021: Switzerland, in: Chambers Global Practice Guide 2021
- Philippe Weber, Marco Häusermann, Daniel Bono, Christina Del Vecchio, Deirdre Ní Annracháin, François M. Bianchi, Thomas Brönnimann, Till Spillmann, Debt Capital Markets in Switzerland 2021, in: LexGTDT - Debt Capital Markets 2021, Law Business Research, March 2021

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- François M. Bianchi, Thomas A. Frick, Sandro Abegglen, Adrian W. Kammerer, Marco Häusermann, Bertrand G. Schott, NKF Client News: NKF Banking, Finance & Regulatory Team – Update 5/2017: Swiss Banking Regulations become more FinTech-Friendly, Online Publication, <http://www.nkf.ch>, 14 July 2017
- François M. Bianchi, Thomas A. Frick, Sandro Abegglen, Adrian W. Kammerer, Marco Häusermann, Bertrand G. Schott, NKF Client News: NKF Banking, Finance & Regulatory Team – Update 4/2017, Online Publication, <http://www.nkf.ch>, 12 May 2017
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- François M. Bianchi, Thomas A. Frick, Sandro Abegglen, Marco Häusermann, Switzerland's new financial market architecture – the current status, in: Global Asset Management & Servicing Review 2016/17, p. 21-25
- Andreas F. Vögeli, Marco Häusermann, Thomas A. Frick, Sandro Abegglen, Switzerland: Law & Practice in: Chambers Global Practice Guides: Real Estate 2017, p. 1-16
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- François M. Bianchi, Philippe A. Weber, Christoph Balsiger, Marco Häusermann, Daniel Bono, Thomas M. Brönnimann, Luca Bianchi, Yannick Wettstein, Debt Capital Markets 2014, in: Getting the Deal Through – Debt Capital Markets 2014, Law Business Research Ltd, p. 96-103
- Thomas A. Frick, Sandro Abegglen, Marco Häusermann, Developments of asset management regulation in Switzerland, in: Global Asset Management & Servicing Review 2014/15, Euromoney Yearbooks, p. 85-90
- Thomas A. Frick, Sandro Abegglen, Marco Häusermann, Swiss parliament supports the Swiss asset management and fund industry in face of major regulatory changes, in: Global Asset Management & Servicing Review 2013/14
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- Sandro Abegglen, Marco Häusermann, Grenzüberschreitende Finanzdienstleistungen, in: Wirtschaftsbild, Mai 2010, S. 64-66
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- Sandro Abegglen, Marco Häusermann, Literaturanzeige: Annette Althaus Stämpfli, Personendaten von Bankkunden – ihre Weiterleitung im Finanzkonzern und an dritte Dienstleister, in: ZBJV 141 (2005), S. 410-416

Market Perception

Marco Häusermann is commended for his strong profile in credit finance, securities lending and derivatives. (Who's Who Legal Switzerland 2022)

Marco Häusermann regularly advises domestic and international banks as arrangers on a range of financing transactions, including acquisition finance. One source lauds "his impressive track record." (Chambers Global/ Chambers Europe 2022 - Banking & Finance)

Marco Häusermann – very thorough with an excellent understanding of the law and market. Professional, approachable and responsive. (Legal 500 2021: Insolvency and Corporate Recovery)

Marco Häusermann distinguishes himself in a highly competitive Swiss finance market, with strong experience advising on securities lending and debt capital market transactions. (Who's Who Legal Switzerland 2021: Banking)

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Marco Häusermann is highly respected for representing lenders in acquisition and project financing, as well as providing regulatory advice regarding financial structures. (Chambers Global 2021 - ranked in band 2 for Banking & Finance by Chambers Global and Chambers Europe)

The "fantastic" Marco Häusermann "stands out on the bank lending side" according to impressed sources, who add he excels when it comes to investment fund dealings. (Who's Who Legal Switzerland 2020)

"Thorough, knowledgeable and professional to deal with." (IFLR1000 2020)

"He has the patience of a saint," says one impressed interviewee, adding: 'He is clear and is a pleasure to deal with.'" (Chambers Global 2019 - ranked in band 2 for Banking & Finance by Chambers Global and Chambers Europe)

"The 'excellent' Marco Häusermann boasts broad expertise in debt financing and is a 'standout' practitioner in the bank lending space." (Who's Who Legal 2018)

Marco Häusermann is "adaptable and thoughtful". (Legal 500 2018: Capital Markets)

Clients are happy that "he knows all the aspects of bank financing inside out." (Chambers Global 2018: Banking & Finance)

"Marco Häusermann is described as 'committed, hard-working and pragmatic'." (Chambers Global 2017)

"Marco Häusermann is very active in the banking field, and frequently delivers effective and intuitive counsel to corporate entities and financial institutions." (Who's Who Legal Switzerland 2017)

"Marco Häusermann has been selected by his peers for inclusion in the Edition of The Best Lawyers in Switzerland for his work in Capital Markets Law and Finance Law." (Best Lawyers 2017)

"Sources describe Marco Häusermann as 'extremely diligent, with very fast turnaround times and very good technical abilities.'" (Chambers Global 2016)

Marco Häusermann continues to build his profile in the banking and finance arena, winning warm plaudits from clients: "He is an excellent lawyer; he is very responsive, fast, efficient and pragmatic." (Chambers Global 2015)

Marco Häusermann enters the rankings this year having received positive feedback from interviewees. (Chambers Global 2014)

Marco Häusermann is "fast and responsive". (Legal 500 2013)

