

NIEDERER KRAFT FREY

COVID-19 Swiss Government Measures Supporting Business

新冠疫情下 瑞士政府的商业支持措施

Zurich — 24 April 2020 苏

黎世 — 2020年4月24日

Overview

概览

In addition to drastic interest rate cuts, central banks and governments across the globe have taken action, predominantly in the form of fiscal spending (e.g., tax cuts and holidays), large lending schemes, employment related aids as well as certain insolvency law related reliefs, to help businesses weather the COVID-19 storm.

在新冠疫情的影响下，全球各国央行和政府纷纷采取各种措施帮助企业度过困难，除了大幅降息之外，主要是以财政支出（如减税和放假）和大额贷款计划等形式。

This paper provides an overview of the measures taken by the government in Switzerland.

本文件概述了瑞士政府所采取的措施

Cash is king and we continue to help clients identify how these government measures can reduce their expenses and bolster their cash position.

现金流是最重要的，我们将继续帮助客户分析这些政府措施如何帮助减少开支和提高现金状况。

No limitation to Swiss owned businesses - No international cap

不限于瑞士籍所有人拥有的企业-无国际上限

As a rule, the Swiss aids apply to businesses/companies in Switzerland **regardless of the nationality of the shareholder(s).**

瑞士惠商措施适用于所有在瑞士注册成立的企业，对企业的所有人或股东的国籍无限制。

To date, no 'unified' approach has been taken by governments in different jurisdictions, and the key thing for internationally present corporate groups to note is that there is no international cap on government aid. International corporate groups present in Switzerland and elsewhere should have a plan in place to access what they can where they can.

到目前为止，不同国家和地区的政府还没有采取“统一”的惠商办法。跨国企业及集团需要注意的关键是，政府援助没有国际上限。在瑞士及其他国家均有实体存在跨国企业集团应该充分计划，在所有可能提供补助的国家和地区，尽可能的得到更多的补助或优惠政策。

Overview

概览

Interaction with other legal obligations

与其他法律义务的交互作用

COVID-19 caught governments by surprise and little thought has been given to the practical implications of a company accessing state-backed lending programs. This means each company should carefully consider how government relief interplays with its existing financing arrangements, as waivers or consents to access the funding may be required.

新冠疫情令政府措手不及，很少考虑到公司获得国家支持的贷款方案的实际影响。这意味着每家公司都应仔细考虑政府救济与现有融资安排之间的相互作用，因为可能需要豁免或同意才能获得救济资金。

Adherence to directors' duties

遵守董事的职责

In these unprecedented times, directors of companies will need to be well-prepared by having a solid understanding of directors' duties and the insolvency framework in the jurisdictions within which their businesses operate. Some jurisdictions, including Switzerland, also have already taken steps to adapt insolvency law in light of COVID-19 (see Slide 5 below).

在这个前所未有的情况下，公司董事需要做好充分的准备，对董事的义务和其业务经营所在法域的破产法律框架有充分的了解。包括瑞士在内的一些法域也已采取步骤，根据新冠疫情对破产法进行调整（参见下文第五页）。

Important Disclaimer

重要声明

This document only summarizes key measures implemented to benefit businesses operating in Switzerland. The measures described above were in place as of 16 April 2020. Updates and additional government measures are expected.

本文件仅概述了为使在瑞士经营的企业受益的主要措施。上述措施截至2020年4月16日已经实施。预计会有更多的更新和政府措施。

Switzerland

瑞士

COVID-19 Response: Switzerland

新冠对策: 瑞士

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Cutting Costs 削减开支		
<ul style="list-style-type: none"> — Companies can apply for compensation (via their insurer) for 80% of the cost of an employee's wages which is attributable to the reduction in working hours as a result of COVID-19 (capped at the maximum insurable salary amount of CHF 12,350 (c. €11,700) per month). — 公司可以（通过其保险人）申请补偿因新冠疫情造成的工时减少而导致的员工工资支持的80%（上限为每月12,350瑞士法郎（约11,700欧元）的最高可投保工资额）。 — This scheme relates to employees who are: (i) in a non-terminated fixed contract, (ii) in a temporary employment relationship; (iii) completing an apprenticeship, (iv) employed on a temporary basis; or (v) in a management position. — 该计划适用于以下情况的雇员（一）未被终止的固定期限劳动合同，（二）临时雇佣关系；（三）学徒工；（四）短期雇用；或（五）担任管理职位。 	<ul style="list-style-type: none"> — Companies in Switzerland (NB: they must provide credible evidence as to how the expected decrease in work in their company relates to COVID-19 (i.e. there must be a casual link between the work stoppage/reduction and COVID-19)). — 在瑞士的公司（注：必须提供可信的证据，证明其公司的预期工作减少与新冠疫情之间的关系（即停工/减工与新冠疫情之间必须有因果关联））。 	<p>17 March 3月17日</p>

COVID-19 Response: Switzerland

新冠对策: 瑞士

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Enhancing Liquidity 增强流动性		
Loan guarantees / Hardship regulations 贷款担保/困难补助条例 <ul style="list-style-type: none"> — Swiss companies will be able to obtain loans of up to a maximum of 10% of their revenue or a maximum of CHF 20 million (c. €19 million) Swiss commercial banks are required to pay out up to CHF 500,000 (c. €475,000) per company upon request without any further requirements and the federal government will act as a guarantor for the full amount. Interest on these loans is 0.0% p.a. For loan amounts exceeding CHF 500,000 (c. €475,000) a short bank check is required and the federal government will act as a guarantor for 85% of the principal amount of the loan. Interest on the 85% of the principal amount of these loans is 0.5% p.a. Interest on remaining 15% is subject to negotiation with bank. — 瑞士企业将可获得最高不超过收入的10%或最高2000万瑞士法郎(约合1900万欧元)的贷款。瑞士商业银行需向每家公司提供最高50万瑞士法郎(约合47.5万欧元)的贷款。此项贷款提供不得有其他要求。联邦政府将作为贷款的担保人。此类贷款的年利率为0.0%。如果贷款金额超过50万瑞士法郎(约合475,000欧元), 则需要银行开具短期支票, 联邦政府将作为85%的贷款本金的担保人。贷款本金的85%的利息为年利率0.5%, 其余15%本金的利息由贷款人和银行协商决定。 — In addition, four recognized Swiss guarantee organizations will be able to grant guarantees of up to CHF 1 million (c. €950,000) per company. The bank loans received through the guarantees must be repaid but the Swiss government has eased the conditions for obtaining these types of guarantees. — 此外, 四家瑞士公认的担保机构将可以为每家公司提供最高100万瑞士法郎(约合95万欧元)的担保。通过担保获得的银行贷款必须偿还, 但瑞士政府放宽了获得这类担保的条件。 	<ul style="list-style-type: none"> — Swiss companies and other Swiss businesses that (i) are not subject to bankruptcy or composition proceedings and (ii) have been significantly adversely affected by COVID-19. — 符合以下条件的瑞士公司和其他瑞士企业: (一) 没有进入破产或分立程序; (二) 受到新冠疫情造成的重大不利影响; — Swiss companies whose turnover in 2019 exceeded CHF 500 million are not entitled to apply for the state guaranteed loans. — 2019年营业额超过5亿瑞士法郎的瑞士企业无权申请国家担保贷款。 — State guaranteed loans may only be used to secure liquidity needs. — 国家担保贷款只能用于保障流动资金需求。 — For as long as any state guaranteed loans are outstanding the respective companies are not allowed to distribute dividends or make other distributions, extend loans, refinance internal or external debt or pass on proceeds of such loans to group companies abroad (exemptions as per next bullet). — 只要有国家担保贷款尚未偿还, 公司不得分配股息或进行其他分配, 不得扩大贷款, 不得对内部或外部债务进行再融资, 也不得将该等贷款的收益转给国外的集团公司(豁免情况见下一节)。 — Swiss companies are permitted to extend or repay loans to other Swiss group companies in order to allow them to comply with pre-existing debt service obligations (interest and amortization payments as of 1 January 2021). Special rules / restrictions apply for cash pool arrangements (need to be assessed on a case by case basis). — 瑞士公司被允许向在瑞士的同一集团内的其他公司提供贷款或偿还贷款, 以使其能够履行预先存在的债务偿还义务(截至2021年1月1日的利息和摊销付款)。现金池安排则适用特别规则/限制(需要根据具体情况进行评估)。 	<p>14 April 4月14日</p>

COVID-19 Response: Switzerland (Continued)

新冠对策: 瑞士(接上))

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Enhancing Liquidity (continued) 增强流动性(接上)		
Tax payments / Social security contributions 纳税 / 社保交付 <ul style="list-style-type: none"> — The Swiss government has implemented a liquidity buffer for tax payments and extended payment deadlines without interest on arrears. As a consequence, the interest rate for VAT, customs duties, steering taxes and certain other taxes will drop to 0%. The interest reduction is applicable for the period from 1 March to 31 December 2020 (for the direct federal tax) or for the period from 21 March 2020 to 31 December 2020 (for VAT and similar taxes), respectively. — 瑞士政府对税款的支付实施了流动性缓冲，并延长了支付期限，对欠款不计利息。因此，增值税、关税、指导税和某些其他税种的利率将降至0%。此次降息分别适用于2020年3月1日至12月31日期间(针对联邦直接税)或2020年3月21日至2020年12月31日期间(针对增值税和类似税种)。 — In addition, companies are entitled to a temporary and interest free deferral of payments for social security contributions. They also have the option of having their regular account contributions adjusted if their aggregate salary payments decrease significantly. — 此外，企业还有权享受暂时免息延期缴纳社会保险费。如果公司的工资总额大幅减少，他们还可以选择调整其通常社保账户缴款额。 	<ul style="list-style-type: none"> — Companies subject to the Swiss tax regime. The new regime applies at the federal level. Cantonal tax regimes are not harmonized and vary from canton to canton. — 受瑞士税收制度约束的公司。此项措施适用于联邦一级。各州的税收制度并不统一，各州的税收制度也不尽相同。 	21 March 3月21日

COVID-19 Response: Switzerland (Continued)

新冠对策: 瑞士(接上))

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Enhancing Liquidity (continued) 增强流动性(接上)		
Until 19 April 2020: Temporary halt on debt collection procedures 在2020年4月19日之前, 暂时停止债务征收程序。 As from 20 April 2020: Simplified temporary (3/6 months) debt-restructuring moratorium and deferral of duty to file for bankruptcy (each subject to certain conditions) 从2020年4月20日起: 临时简化(3/6个月) 暂停债务重组和推迟申请破产的义务(各须符合某些条件)	<ul style="list-style-type: none"> — Companies/individuals in Switzerland — 在瑞士的公司/个人 — Certain privileged claims (in part certain salary claims) not covered by Covid19 related moratorium rules — 某些特殊债权主张(如部分工资支付)不适用此暂缓机制 	16 April 4月16日
Rental payments for residential or commercial real estate can be paid within 90 instead of 30 days 住宅或商业房地产的租金可以在 90天内 支付, 而不是 30天内 支付。	<ul style="list-style-type: none"> — Applies for rental payments due between 13 March and 31 May 2020 — 适用于2020年3月13日至5月31日期间到期的租金付款。 	26 March 3月26日

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- The measures described above were in place as of 16 April 2020. Updates and additional government measures are expected. 本文件仅概述了为使在瑞士经营的企业受益的主要措施。上述措施截至2020年4月16日已经实施。预计会有更多的更新和政府措施

COVID-19 Response: Switzerland (Continued)

新冠对策: 瑞士(接上)

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Short-time work 短时工作		
<ul style="list-style-type: none"> — In the event of temporary reduction or complete cessation of work in a company, the employer can apply for short-time work compensation for the employees concerned. — 在公司临时减少或完全停止工作的情况下，雇主可以为有关雇员申请短时工作补偿。 — The unemployment insurance covers 80% of the loss of earnings attributable to the reduction in working hours by way of short time work compensation for a certain period of time. The maximum insured salary is CHF 148,200 per year or CHF 12,350 per month. — 失业保险覆盖了因工作时间减少而造成的收入损失的80%，在一定时期内以短时工作补偿的方式进行补偿。保险工资的最高保险金额为每年148,200瑞士法郎或每月12,350瑞士法郎。 — The employer must pay the salary (for the work that is still performed) and the short-time work compensation (80% of the loss of earnings) and will subsequently be reimbursed for the short-time work compensation of the respective employee. — 雇主必须支付工资(仍在工作的工资)和短期工作补偿(收入损失的80%)。相应雇员的短期工作补偿可以随后报销。 	<ul style="list-style-type: none"> — Ongoing employment relationship — 持续的劳动关系 — Working time controls, which, inter alia, provide information on the hours worked and on the reduction in working hours on a daily basis — 工作时间控制·包括提供关于每天工作时间和减少工作时间的信息 — Consent of the respective employee — 相关雇员的同意 — Reduction in working hours: A reduction in working hours is to be considered if (i) per accounting period (usually one month) such reduction amounts to at least 10% of the total working hours usually worked in the company and (ii) it is due to economic reasons and unavoidable — 工作时间的减少。在下列情况下，应考虑减少工作时间：(一) 每个会计期间(通常为一个月)，减少的工作时间至少相当于公司通常工作总时数的10%，以及(二) 由于经济原因和不可避免的原因而减少工作时间 — No other insurance benefits — 没有其他保险福利 	<p>17 March</p> <p>3月17日</p>

COVID-19 Response: Switzerland (Continued)

新冠对策: 瑞士(接上)

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Compensation for loss of earnings 对收入损失的补偿		
<p>Compensation for parents. 对父母的补偿</p> <ul style="list-style-type: none"> — The entitlement begins on the 4th day of the care-related incapacity to work. The compensation (paid as a daily allowance) corresponds to 80% of the average income, but not more than CHF 196 per day. — 该权利从与看护(子女)有关的丧失工作能力的第4天开始享受。补偿金(作为每日津贴支付)相当于平均收入的80%，但每天不超过196瑞士法郎。 <p>Compensation for loss of earnings 收入损失补偿</p> <ul style="list-style-type: none"> — The entitlement begins on the day on which all eligibility criteria are met, i.e. on 17 March 2020 at the earliest. The compensation (paid as a daily allowance) corresponds to 80% of the average income, but not more than CHF 196 per day. The compensation is limited to 10 daily allowances. — 补助金从符合所有资格标准之日，即最早于2020年3月17日开始发放。补偿金(以每日津贴的形式支付)相当于平均收入的80%，但每天不超过196瑞士法郎。补偿金以每天10次为限。 	<ul style="list-style-type: none"> — Entitled to compensation are employed or self-employed parents with children under 12 years of age who require leave of absence from their employment because third-party care of the children is no longer guaranteed (e.g. due to school closures or because the caregiver is a particularly vulnerable person). — 在以下每种情况下，由于无法保证由第三方照顾儿童(如学校停课、或目前儿童的看护者是有健康风险的人)，需要请假旷工的受雇或者自雇的父母有资格获得此项补偿：(一)有12岁以下子女的被雇佣的或自雇的父母；(二)有由于健康原因需要被照顾的儿童；以及(三)在特殊学校就读的青少年。 — Entitled to compensation are employed or self-employed persons who require leave of absence from their employment because of a quarantine measure — 因隔离措施而需要请假的被雇佣的员工或自雇者有资格获得此项补偿； 	

COVID-19 Response: Switzerland (Continued)

新冠对策: 瑞士(接上)

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
Compensation for loss of earnings (continued) 对收入损失的补偿(接上)		
Compensation for self-employed persons 对自雇者的补偿 <ul style="list-style-type: none"> — The entitlement begins on the day on which all eligibility criteria are met, i.e. on 17 March 2020 at the earliest and for a maximum of up to 2 months, and the compensation (paid as a daily allowance) corresponds to 80% of the average income, but not more than CHF 196 per day — 从满足所有资格标准之日开始享受，即最早于2020年3月17日开始，最长不超过2个月，补偿金（以每日津贴的形式支付）相当于平均收入的80%，但每天不超过196瑞士法郎 	<ul style="list-style-type: none"> — Entitled to compensation are self-employed persons who suffer loss of income (i) due to a closure of business or the ban on events ordered by federal law or (ii) if this is the result of the Corona pandemic irrespective of whether their professional activity is prohibited — 符合以下条件的自雇者有资格获得此项补偿：(一)因停业或联邦法律规定的禁止活动而遭受收入损失的自营职业者，或(二)因新冠疫情造成了损失，不论其职业活动是否被禁止，均有资格获得赔偿。 	17 March 3月17日

COVID-19 Response: Switzerland (Continued)

新冠对策: 瑞士(接上)

GOVERNMENT MEASURES FOR BUSINESSES 政府的惠商措施	ELIGIBILITY 受惠资格	WHEN? 实施时间
General Principles 总体原则		
<ul style="list-style-type: none"> — Protection of the health of employees: Employer must take all necessary measures to minimize the employee's risk of infection at the workplace. — 保护雇员的健康：雇主必须采取一切必要措施，尽量减少员工在工作场所的感染风险。 — Follow the recommendations in case of illness/quarantine: The employer may order the employees to follow the recommendations of the authorities and in particular instruct the employees to stay at home in case of fever or cough. — 在感染疾病/传染病时听从建议：雇主可以命令员工听从当局建议，特别是在员工发烧、咳嗽时，可责令其在家休息。 — Home office: Order that employees work from home (home office) for a limited period of time or under certain circumstances. In principle, the necessary infrastructure must be provided by the employer. — 在家办公：命令员工在有限的时间内或在一定的情况下在家里（家庭办公室）工作。原则上，必要的基础设施必须由雇主提供。 — Overhours and overtime: Employees may be ordered to work overhours and overtime in order to compensate for employees who are absent due to illness; in accordance with legal requirements, an increase in maximum weekly working hours is also permitted. — 加班费和加班费：可令现有员工加班和加份工作，以补偿在有员工因病缺勤情况下造成的人手不足；根据法律规定，也允许增加每周最高工作时间。 		

Note:

注：

- This document only summarizes key measures implemented to benefit businesses operating in Switzerland
- 本文件仅概述了为使在瑞士经营的企业受益的关键措施。
- The measures described above were in place as of 16 April 2020. Updates and additional government measures are expected.
- 上述措施已于2020年4月16日实施。预计将有更新和补充政府措施。

THANK YOU

感谢关注

Your Contacts 您的联络人



Dr. Philippe Weber
philippe.weber@nkf.ch
D +41 58 800 83 83



Manuel Werder
manuel.werder@nkf.ch
D +41 58 800 84 35



Valerie Meyer Bahar
valerie.meyer@nkf.ch
D +41 58 800 84 88

NIEDERER KRAFT FREY

关于我们

NKF是一家瑞士和国际公认领先的综合性律师事务所，是瑞士规模最大、最优秀的律师事务所之一。NKF长期以来致力于为客户提供高质量和创新的法律服务，同时在全球化的背景之下，我们和国际上其他知名、优秀律所建立了紧密的协作关系，确保提供优质高效的法律服务到客户所需的全球每个角落。

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我们的客户

我们的客户来自瑞士本土以及海外各个国家，包括国际组织、金融机构、创业企业、个人等各行业领先从业者以及新秀。

我们的国际视野

我们用国际化的方式工作和思考。在业界、我们以能够构建、领导、紧密合作、无缝对接跨国界的多律所项目团队而闻名。我们的合作律所均在世界范围内享有领先声誉。

我们的日常工作很大一部分是国际业务

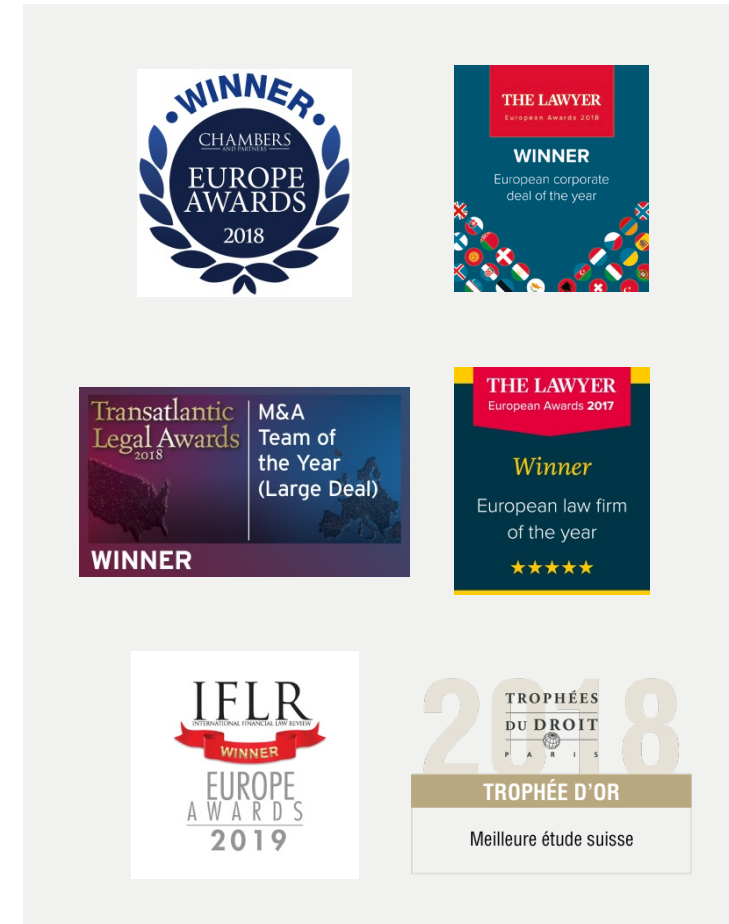
- 我们国际化的团队由来自全球的专业律师组成。尤其是NKF并购交易团队，由来自中国、德国、爱尔兰、意大利、美国和英国以及瑞士本地的一流律师组成。很多NKF律师都拥有海外教育背景和除瑞士之外的其他国家和地区律师执业资格。除此之外，我们的团队成员还具备借调到其他一流国际律所的经验。
- 在全球化的背景之下，我们和国际上其他知名、优秀律所建立了紧密的协作关系。我们务实、兼容并包的合作律所网络能确保提供优质高效的法律服务到客户所需的全球每个角落。

1936
established

34
partners

100
lawyers

13
languages



NKF

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近期经验

公司并购:

- 牵头代理**美国强生集团**以300亿美元收购瑞士制药企业**Actelion**的公开收购交易,并在收购交易之后担任Actelion分立企业**Idorsia**的首席法律顾问处理Idorsia再上市事宜
- 代理**东京海上控股**, 经办其向**Renaissance Re**出售再保险业务群子公司 Millennium Re AG 和Tokio Millennium Re (UK) Limited的交易.
- 代理**Broadcom Inc.**, 经办其以现金189亿美元收购CA Technologies 的交易
- 代理**葛兰素史克**, 在2015年经办其和诺华之间的价值美元260亿的资产置换交易

银行/ 资本市场:

- 连续六年在瑞士年度最大规模IPO项目中担任法律顾问
 - **Stadler Rail AG** (2019,上市公司法律顾问)
 - **SIG Combibloc** (2018,投行法律顾问)
 - **Landis+Gyr** (2017,上市公司法律顾问)
 - **VAT Group** (2016,上市公司法律顾问)
 - **Sunrise Communications** (2015,投行法律顾问)
 - **SFS Group** (2014,上市公司法律顾问)
- 作为借款人和出口信贷机构(包括EIB, EBRD, COFACE, SACE and Euler Hermes等)的法律顾问, 经办62亿欧元的**Trans Adriatic Pipeline (TAP)跨亚德里亚海管道**项目融资, 该项目由瑞士公司 Trans Adriatic Pipeline AG承建
- 经办**瑞士再保险公司**发行五亿美元六年期可选非摊薄股份结算的高级可交换债券, (IFLR 2019年度债券相关交易)
- 经办大型、主要瑞士企业(如**嘉能可**, **瑞士信贷**, **瑞士联合银行**, **Julius Bär**, **苏黎世州立银行**等)多起结构复杂、具有创新性的债券、资产证券化以及有资产担保债券交易
- 多起附权发行, 主要附权发行客户有**Sunrise**, **Bell Food Group**, **Clariant**, **Dufry**, **EFG**, **Evolva**, **Gategroup**, **Hochdorf**, **Leclanché**, **Leonteq**, **Mobilezone**, **OC Oerlikon**, **Repower**, **SwissPrimeSite**

私募基金:

- 代理**Sportradar AG** 和其他主要股东, 经办以21亿欧元向Canada Pension Plan Investment Board (加拿大退休金投资计划局) 以及硅谷私募基金TCV出售Sportradar AG的交易
- 代理**Capvis** (瑞士领先的私募基金) 和 Partners Group, 经办其收购VAT Holding AG 的交易, 并经办其后的IPO退出交易
- 代理**CRH plc**, 经办其向黑石集团以16.4亿欧元出售旗下欧洲供销业务子公司的交易

纠纷争议解决:

- 代理**盖茨基金会 (Bill and Melinda Gates Foundation Trust)** 成功通过公司诉讼手段协助瑞士上市公司Sika Ltd 抵御法国公司 Saint-Gobain的恶意收购
- 在瑞士金融市场监管机构 (Swiss Financial Market Supervisory Authority (FINMA)) 发起的执行程序中、以及美国司法部发起的调查程序中代理**主要瑞士银行的高管层**
- 经办**Fédération Internationale de Football Association (FIFA)** 的内部调查, 并在“FIFA 贿赂案”的司法辅助程序中代理FIFA

知识产权:

- 在瑞士本土以及国际范围办理各类知识产权保护业务, 主要客户有 **Procter & Gamble**, **Thomson Reuters**, **Partners Group**, **Navistar International**, **ASSA ABLOY**等

税:

- 我所是大型瑞士和国际公司客户的长期税法法律顾问, 例如**瑞士联合银行**, **瑞士信贷**, **EFG International**, **Thomson Reuters**, **Helvetische Bank**, and **萧邦集团**。同时我们也为HNWI 和UHNWI个人群体提供税法服务。

技术/ 数据保护:

- 我所长期为各类企业提供技术和数据保护法律服务, 主要客户有 **BearingPoint**, **The Body Shop**, **雅诗兰黛集团**, **Finast ra**, **华为**, **微软**, **RedBull**, **Schindler**, **新加坡航空**, **SR Technics** and **World Economic Forum (WEF达沃斯论坛)**等

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