方法的局限

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本书中的每一项比较都需要注意三点。第一，两种体系的发展速度不同，方向也略有差异。瑞士从宽松的起点出发，通过FINMA指引和反洗钱改革逐步收紧。新加坡在2022年至2025年间大幅收紧，目前正围绕代币化和机构业务进行整合。一项在2026年6月30日成立的比较，在新加坡一方可能一年内就需修订，在瑞士一方则可能在三年内需要修订。

第二，在某些领域，实践与文本的差距比其他领域更大。在牌照和税务领域，两种体系的文本都是可靠的指引。而在银行开户、法院是否愿意给予非常规救济、检察官对某类受害人的态度等方面，实践比文本更重要，只有经验才能告诉您答案。本书凡依据实践之处，均会明确说明。

第三，全球层面正从外部改变这两种体系。FATF的标准、FSB2023年的框架、巴塞尔委员会对加密资产风险敞口的审慎处理、IOSCO2023年的建议、OECD的《加密资产报告框架》以及欧盟的MiCA，各以不同方式进入瑞士法和新加坡法。忽视它们的比较会把全球规则误认为本地规则。[1]第O部分第II章至第V章阐述了这一层面，以便读者区分二者。

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实务提示

为客户比较一项瑞士规则和一项新加坡规则时，请为每项规则记下四点：规则文本及其出处、规则所服务的目的、监管机构或法院在实践中如何适用，以及其发展方向。只有两种体系的这四点都摆在纸面上，比较才足以作为行动依据。跨境咨询中的大多数错误，源于只比较了第一点。本书的表格给出第一点，正文给出其余三点。

注释

1. Financial Stability Board，“High-level Recommendations for the Regulation, Supervision and Oversight of Crypto-asset Activities and Markets”，2023年7月17日；Basel Committee on Banking Supervision，“Prudential treatment of cryptoasset exposures”（SCO60），2022年12月，2024年7月修订；IOSCO，“Policy Recommendations for Crypto and Digital Asset Markets”，2023年11月16日；Regulation (EU) 2023/1114 on markets in crypto-assets, OJ L 150，2023年6月9日。 ↩

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