



# **CREDIT RESEARCH – A DAY WITH A CREDIT ANALYST**

Susanne Reichhuber, Credit Analyst

### **AGENDA**

- WHAT IS CREDIT RESEARCH?
- CORPORATE CREDIT RESEARCH COVERAGE
- CORPORATE CREDIT RESEARCH SETUP

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# Divergence in the credit and equity philosophies

What is Credit Research?

### **Credit Research**

Focuses on the downside of the investment and its risks

Maximum upside: Limited

Focuses on ability to repay creditors and on credit protection

**Equity Research** 

Focuses on the upside potential and growth of the investment

Maximum upside:
Theoretically infinite

Focuses on earnings growth, EPS and enterprise value

Negative – for bondholders

Debt-financed acquisitions, share buybacks, special dividends

Positive – for shareholders

# Corporate credit analysis – Combination of fundamental credit analysis and relative value aspects

What is Credit Research?

### Company business risk

- Macroeconomic environment
- Industry drivers (e.g. Porter's five forces, regulatory risks)
- Quality of business and assets; cyclicality of the operating business
- Quality/experience of management

### ■ Company financial risk

- Operating performance (operating margin, cash conversion, free cash flow generation, capex plan)
- Credit metrics (e.g. net debt/EBITDA, interest coverage, cash-flow-based ratios)
- Headroom under current ratings
- Off-balance financial obligations (unfunded pension liabilities, operating lease liabilities, contingent liabilities)
- Available cash/cash equivalents and committed credit lines
- Management's financial policy (dividend payments, share buybacks, debt-financed M&A, net debt target)
- Ownership structure

### **■** Relative value

- Peer group comparison
- Credit curve trades, sector trades, trades based on improving credit quality, secured/unsecured/subordinated securities

Source: UniCredit Research

# Corporate credit analysis – Frequently asked questions by Fixed Income investors

What is Credit Research?

### Company business profile

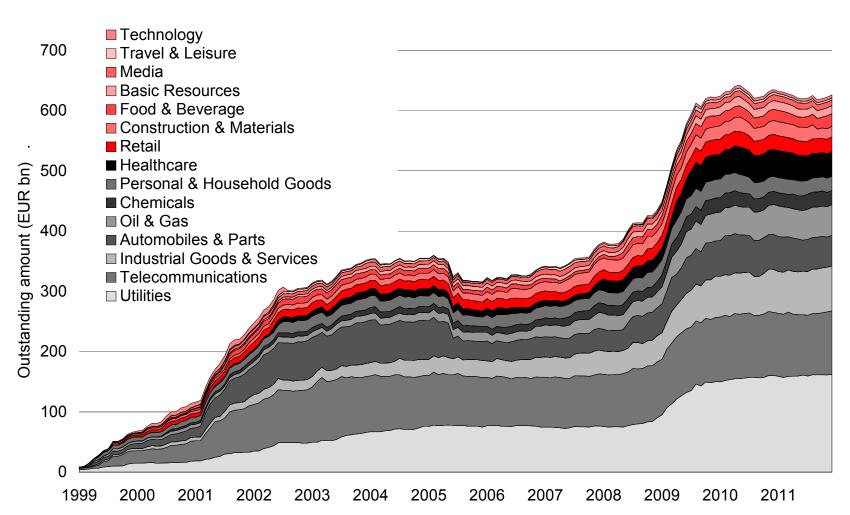
- Envisaged mix of regulated vs. unregulated business
- Internationalization (potentially into higher-risk markets) vs. focus on core markets
- Expansion outside the company's core business

### **■** Financial profile

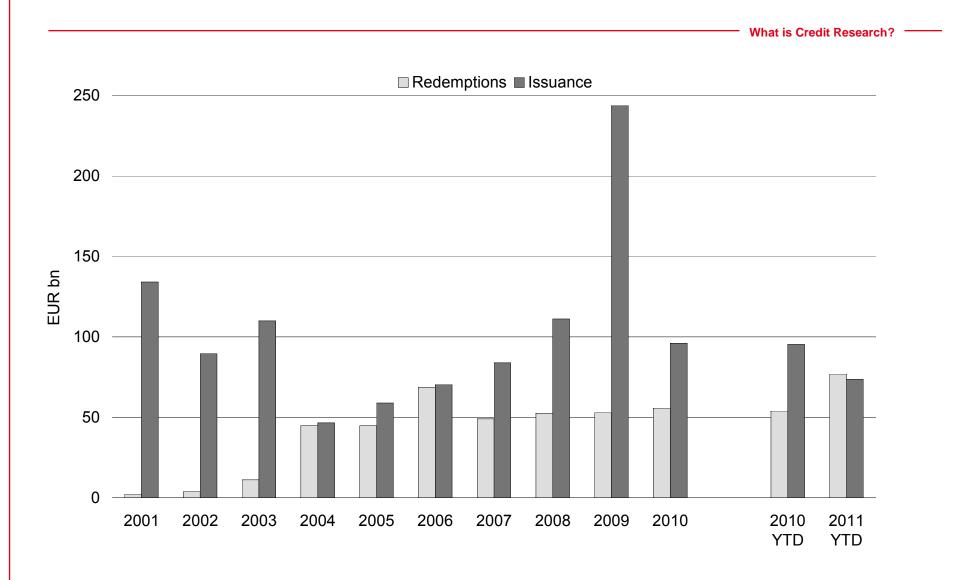
- Financial policy
  - Rating commitment ("A flat" rating vs. "A-range rating" vs. "investment grade rating")
  - Dividend policy
  - Capex plan (committed vs. uncommitted, maintenance vs. expansion capex)
  - Envisaged funding mix (equity vs. debt, fixed vs. floating, currencies)
  - Project finance structures (ring-fenced financings via SPVs?)
  - Structural subordination issues
  - Net debt target/Leverage target
- Debt maturity profile
- Drawn and undrawn committed credit facilities, maturity of credit facilities
- Covenants included in financial debt
- M&A strategy and potential funding

# iBoxx non-financials volume development by sector



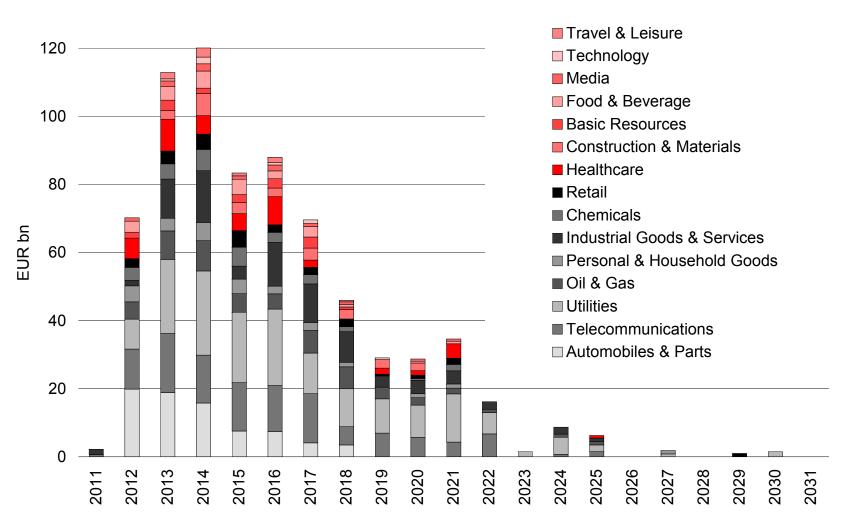


# iBoxx non-financials issuance and redemptions



# iBoxx non-financials maturity profile





# Fixed Income investor – Not the shareholder's ugly stepsister

What is Credit Research?

### In recent years, companies have come to acknowledge the importance of bondholders

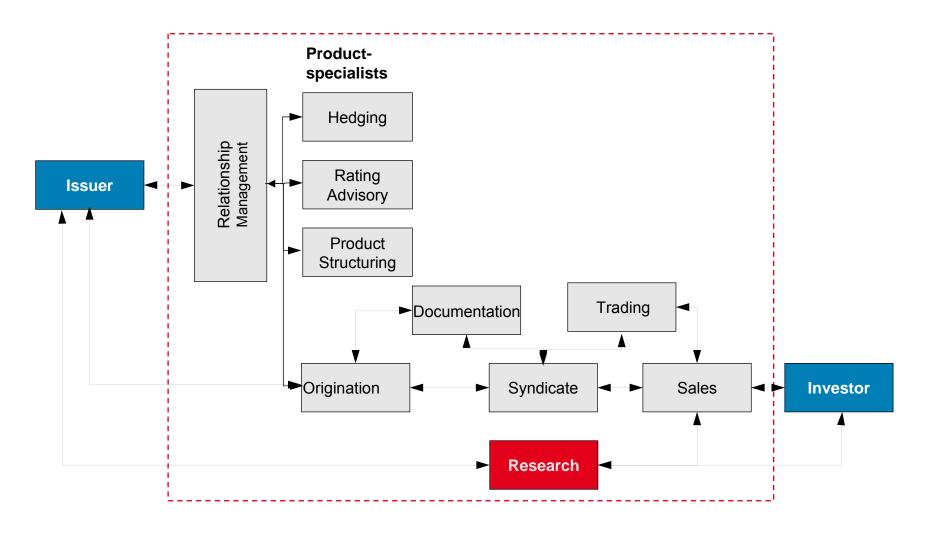
- Due to the high costs of equity operations, and as the current financial market environment is curtailing access to bank debt, issuers are increasingly relying on the corporate bond market
- Increasing funding activity via the bond market has led to higher competition among issuers
- A higher percentage of corporate bonds in the funding mix has increased bondholders' visibility and influence
- However, a volatile market environment might hamper access to the primary market
- Many companies have therefore recognized the need to balance shareholder and bondholder needs
- Although less "glamorous" than the equity side, bondholders must also be regarded as investors in the company, which also entails the information requirements associated with this
- However, this requires understanding how the credit approach differs from that of equity and thus the need to provide adequate services
  - Credit Investor Relations with dedicated contact persons
  - Non-deal-related roadshows also for credit investors
  - Credit investor day
  - Debt investor update calls
- The target is to establish a transparent and long-term relationship with the credit side, in order to ensure supportive dialogue in all market environments
  - Facilitate primary market activity via continuous communication with the credit side
  - Bondholders price in intransparent communication!

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# **Credit Research in the value chain**

**Corporate Credit Research Coverage** 



# **Coverage – Secondary Market**

**Corporate Credit Research Coverage** 

### **Secondary Market**

- Coverage of about 300 corporates (iBoxx/iTraxx indices)
   240 Investment-Grade and 55 High-Yield Bonds
- Coverage divided among 8 corporate credit analysts, following a sector approach
  - Usually larger coverage in Credit than in Equity Research (example Utilities sector: 53 companies are currently being covered)
- Frequent updates following the release of market-relevant information:
  - Earnings releases/regulatory environment
  - Potential M&A activities
  - Rating changes, etc.
- Providing investment recommendations for investors
- Supporting the market-making efforts of UniCredit
- Attending analyst meetings
- Investor roadshows/conferences with sales
- Regular contact with investors and media
- Credit portfolio advisory

# **Coverage – Primary Market & Advisory Support**

**Corporate Credit Research Coverage** 

### **Primary Market**

- Benchmark Bonds
- Schuldscheindarlehen
- Domestic Bonds
- Convertible Bonds

- In-depth analysis/new issue research report of the company/industry following a meeting with the issuer's management and a site visit
- Numerous (undisclosed) rating assessments and pitch support for DCM Munich (multinationals and German SME) and DCM Austria, ECM Convertible bonds
- Pre-marketing roadshow to brief investors on the issuer and to provide the issuer with frequently asked questions in preparation for the roadshow
- Investor calls

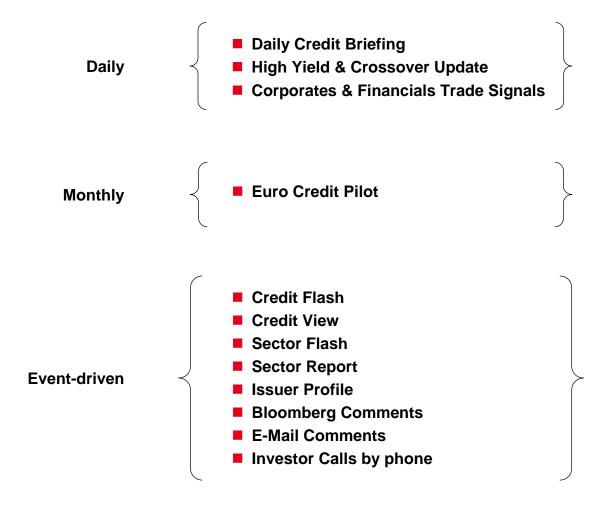
### **Advisory support for Corporate & Investment Banking divisions**

- DCM Munich, Austria, Milan, Paris
- ECM Convertible bonds
- Multinational corporates, private and corporate banking
- Wealth management
- Corporate Finance Advisory
- Corporate solutions

Source: UniCredit Research

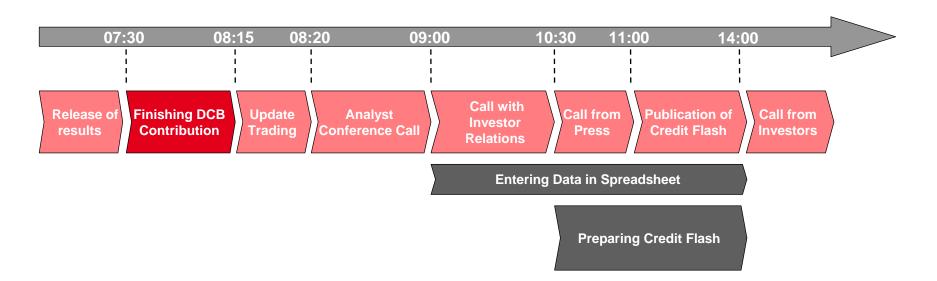
### **Product Overview**

**Corporate Credit Research Coverage** 



# Example of a credit analyst's start into the day: Not for late risers; the early bird catches the worm!

**Corporate Credit Research Coverage** 



# **Daily products – Daily Credit Briefing**

**Corporate Credit Research Coverage** 

■ Frequency: Daily at 08.30 CET

■ Language: English

■ **Size**: 8 to 20 pages

■ Coverage: Review of previous day's secondary market

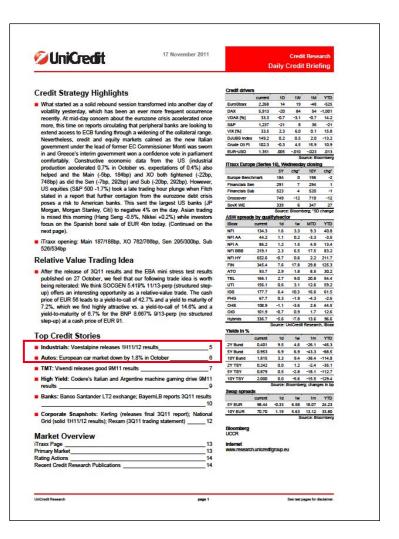
trading (HG and HY), primary market activities, update of and outlook for rating actions, M&A activity, earnings announcements and any company news of importance to the Euro credit world. Also includes trading ideas/recommendations and correlation comments. News until

08:00 CET is included.

### **Corporate Snapshot**

National Grid plo (NGGLN) (SR)

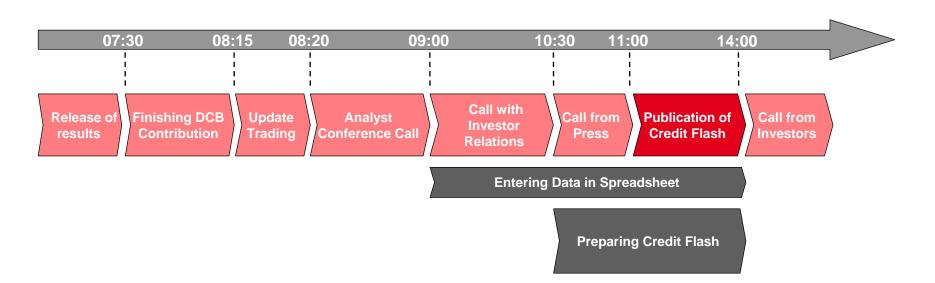
National Grid (Baa1s/A-s/BBBs) has released a solid set of plc 1H11/12 results, impacted however by one-off timing differences in FY10/11. Operating profit decreased 6% yoy to GBP 1,420mn (consensus: GBP 1,429mn), but on an underlying basis, operating profit was up 7% at constant currency excluding the impact of timing and Hurricane Irene. Operating cash flow, before exceptional remeasurements, stranded cost recoveries and taxation, was GBP 1.802m. GBP 131m lower than in the same period in 2010/11. Net debt rose to GBP 20.0bn at 30 September 2011 compared with GBP 18.7bn at 31 March 2011, reflecting the impact of the investment program and foreign exchange movements, which increased debt by £342m due to the strengthening of the US dollar. The company confirmed its "positive" outlook for 2011/2012, expecting another year of good operating performance. However, the timing effects that boosted earnings in FY10/11 are not expected to occur again in 2011/2012. The credit profile should have slightly weakened in 1H11/12. We keep our marketweight recommendation on the name.



Source: UniCredit Research

# **Example of a credit analyst's work day**

**Corporate Credit Research Coverage** 



# **Event-driven products – Credit Flash**

**Corporate Credit Research Coverage** 

■ Frequency: Occasionally

**Language:** English

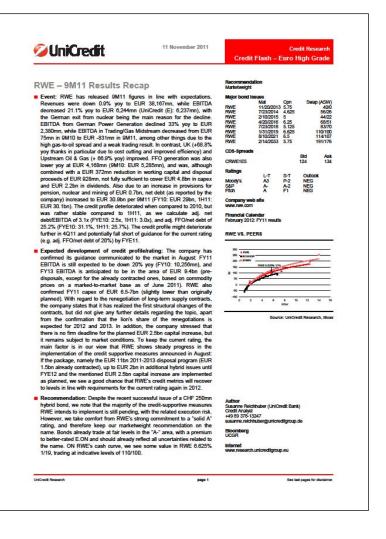
■ Size: 3 to 4 pages

■ Coverage: Event-related analysis of company-relevant credit

news, such as earnings announcements, rating actions and M&A activities, which concludes with

an investment recommendation.

- Event description referring to impact on credit
- Impact on expected development of credit profile
- Recommendation



# **Monthly products – Euro Credit Pilot**

**Corporate Credit Research Coverage** 

Frequency: MonthlyLanguage: English

■ **Size:** ~80 to 90 pages

■ Coverage: Key drivers of the Euro HG credit market,

considering credit fundamentals, market technicals and spread development. Provides a top-down credit asset allocation relative to the iBoxx credit benchmark. Includes a bottom-up security selection (top picks) in each sector based on fundamental and relative value considerations an a review of previous recommendations and trade ideas.



Source: UniCredit Research

# **Event-driven products – Credit View/Issuer Profile**

**Corporate Credit Research Coverage** 

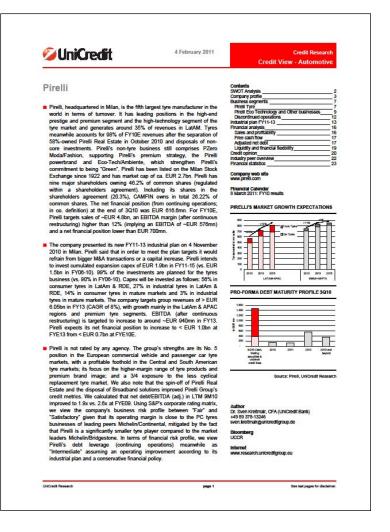
Frequency: OccasionallyLanguage: English/GermanSize: 20 to 40 pages

■ Coverage: In-depth and comprehensive analysis of a single

issuer. The company profile is presented as well as a discussion of the business strategy and evaluation of its financial profile, including a peer group comparison. In addition, we present the view of the rating agencies, our own view on the outlook

of the ratings, and our investment

recommendation.



# **Event-driven products – Sector Flash/Sector Report**

**Corporate Credit Research Coverage** 

Frequency: OccasionallyLanguage: English/German

■ **Size:** ~5 to 20 (Flash), 30 to 100 (Report)

■ Coverage: Sector analysis including fundamental drivers and

the competitive environment within one sector, financial and peer group analysis, outlook on rating trends as well as sector specific legal, regulatory

and environmental risks.



Source: UniCredit Research

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### **Credit Research MRE3**

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Service (RAS)

# **Corporate Credit Research Team**

**Corporate Credit Research Set-up** 

### **UniCredit's Dedicated Research Department**

- The UniCredit Corporate Credit Department follows a sector approach, i.e. each analyst covers his/her own sectors in HG and HY. The sector approach is combined with product responsibilities. While Sven Kreitmair is responsible for HG publications, Stephan Haber is responsible for HY and CEE publications.
- Although none of the analysts can be purely assigned to HG/HY/CEE, FTEs are roughly split as follows: 5 FTEs for HG (including unrated issuers), 2 FTEs for HY and 1 FTE for CEE.
- The total team comprises 8 credit analysts who cover more than 200 corporate issuers, i.e. the whole iBoxx (cash bond index) universe and iTraxx (CDS) index plus an additional 55 HY issuers and 15 CEE issuers.



Stephan Haber, CFA
Co-Head of Corporate Credit Research
Telecoms, Media, Technology



Rocco Schilling, CFA

Dr. Sven Kreitmair, CFA
Co-Head of Corporate Credit Research
Automotive & Mobility

Jana Arndt, CFA Senior Credit Analyst Basic Resources, Construction & Materials, Industrial Goods & Services



Max Huefner Credit Analyst Chemicals, Aerospace & Defense, Packaging







Dr. Manuel Herold Credit Analyst Oil & Gas, Travel & Leisure

Source: UniCredit Research

# **Euromoney Credit Research Poll**

**Corporate Credit Research Set-up** 

### Euromoney Fixed Income Investors Survey - Credit Research Poll 2011

UNICREDIT OVERALL RESULTS					
CREDIT RESEARCH CATEGORIES	2011	2010	2009	2008	2007
Covered Bonds & Pfandbriefe	1	1	NA	2	1
Supranational & Agencies	1	2	2	7	1
Banks	3	3	4	10	5
Autos	4	3	2	4	3
Emerging Market Sovereigns**	9	4	1	5	3
Sovereigns*	5	5	2	9	4
Telecom, Media & Technology	6	5	5	6	5
General Industries	5	5	3	6	3
Utilities	5	5	4	6	7
High Yield	7	5	5	8	4
Consumer Products & Retail	5	6	4	5	5
Non-Bank Financial Institutions	7	7	5	10	5
Emerging Market Corporates	9	_	6	8	5
OVERALL RESULTS					
Overall Credit Research	5	5	4	8	5
Overall Trade Ideas	7	6	4	_	2
Overall Credit Strategy	5	7	6	8	5

- TOP 5 overall ranking in the Euromoney Poll during the last three years for Pan-European Credit Research
- UniCredit was #7 in HY Research in 2011 versus #5 in 2010; HY momentum was lost due to restructurings/job cuts in the past
- A strong primary market pipeline combined with higher secondary market volumes should improve visibility of our HY research and support better rankings in the future
- Hence, we expect to improve our HY ranking rather than only defending it going forward

# **UniCredit Research on Bloomberg: UCCR**

**Corporate Credit Research Set-up** 

UCCR Msg:U.CORPS



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Tel: 49 89 378 11600

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### Global Credit Research

### Credit Strategy

- Daily Credit Briefing
- 2) Evening Credit Roundup
- 3) Euro Credit Pilot
- 4) Strategy Update/Flash/View
- 5) High Yield Pacenotes
- 6) Credit Strategy Special
- 7) Securitization Research
- 8) EEMEA Corporate Strategy

### Credit Research

- 9) Credit Flash
- 10) Credit View
- 11) Sector Report / Sector Flash
- 12) Euro High Yield & Crossovers
- 13) Corporate Credit Chartbooks
- 14) Corporate/Financial Trade Signals List
- 15) Euro High Grade Compass
- 16) Bank & Insurance Watch/
  The Financials Chartbook
- 17) Regulatory & Accounting Briefing
- 18) Covered Bond & Agency Research
- 19) EEMEA Corporate Credit Research

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### Imprint

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#### POTENTIAL CONFLICTS OF INTERESTS

ABB 3; A2A 3; Air Liquide 3; Akzo Nobel 3; Allianz 1a, 1b, 3, 6a; Allied Irish Banks 3; Alstom 3; Arcelor Mittal 3; Atlantia 3; Aviva 6a; AXA 3; Banca Monte dei Paschi di Siena 2, 3; Banco Espirito Santo 3; Banco Santander 3; Bank of America 3; Barclays 3; BASF 3; Bayer AG 1a, 2, 3; BayernLB 2, 3; BBVA 3; BCP 3; BMW AG 2, 3; BNP Paribas 3; Bouygues 3; CEZ 2, 3; Citigroup 3; Commerzbank 3; Crédit Agricole 3; Credit Suisse 2, 3; Daimler AG 3; Danone 3; Danske Bank 3; Deutsche Bank 1a, 2, 3; Deutsche Post 3; Deutsche Telekom 3; Dexia 2, 3; DnB NOR 3; E.ON 1a, 3; EADS NV 3; EDF 3; Edison 2, 3, 4, 7; EDP 3; Endesa 3; Enel 2, 3, 4, 7; ENI 3, 7; Erste Bank 2, 3; Finmeccanica SpA 3, 7; Fortum Oyi 2; France Telecom 3; Gas Natural 3; GDF Suez 3; Gazprom 3; GE (industrial) 3; Goldman Sachs 2, 3; Hera 7; Holcim 4; HSBC 2, 3; HSH Nordbank 3; Iberdrola 3; IBM 3; ING 2, 3; Intesa Sanpaolo 2; Italcementi 4, 6a, 7; JPMorgan Chase 3; KPN 3; Lanxess 2; Linde AG 1a; Lloyds Banking Group 2, 3; Lottomatica 2, 3, 7; LVMH 3; MAN 3; METRO 3; Michelin 3; Morgan Stanley 2, 3; Munich Re 3; Nederlandse Gas 3; Nostié 3; Nordea 2, 3; Novartis 3; OMV 2, 3, 4; Peugeot 3; Philip Morris 3; Philips 3; PR 3; Procter & Gamble 3; RBS 2; Renault 3; Repsol YPF 3; Roche 3; Shell 3; RWE 3; Saint-Gobain 3, 4; Sanofi 3; SCA 2; Schneider Electric SA 3; SEB 3; Siemens AG 3; Société Générale 3; STMicroelectronics 3; Südzucker 2; Svenska Handelsbanken 3; Swiss Re 3; Telecom Italia 2; Telefonica 4; Telekom Austria 3; TP Group 3; Terna 2, 3; ThyssenKrupp AG 3; Total 3; UBS 3; Unilever 3; Verbund 2, 3, 4; Vinci 3; Volkswagen 3; Würth 2; Pfizer 3; AT&T 3; Banco Popolare Scarl 3; 3M Company 3; Johnson & Johnson 3; Kraft Foods 3; Caterpillar 3; Verizon Wireless 3; Anheuser-Busch InBev 3; RZB 3; BPCE 2; WallMart 3; IPIC 1b, 2;

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Key 6b: The analyst is on the supervisory/management board of the company they cover.

Key 7: UniCredit Bank AG Milan Branch and/or other Italian banks belonging to the UniCredit Group (pursuant to relevant domestic law) extended significant amounts of credit facilities to the Issuer.

#### RECOMMENDATIONS, RATINGS AND EVALUATION METHODOLOGY

Company	Date	Rec.	Company	Date	Rec.	Company	Date	Rec.
ABB	01/03/2011	Marketweight	EUTELS	01/02/2011	Marketweight	RIFP	26/10/2011	Overweight
ABB	17/02/2011	Marketweight	EUTELS	09/11/2010	Overweight	ROSW	06/07/2011	Marketweight
ADENVX	07/12/2010	Underweight	EWE	06/07/2011	Marketweight	SABLN	21/06/2011	Underweight
ADENVX	09/11/2010	Underweight	EXPNLN	09/11/2010	event driven	SANDVK	09/11/2010	Underweight
AKEFP	07/12/2010	Underweight	FGACAP	05/04/2011	Marketweight	SANFP	18/02/2011	Marketweight
AKZANA	31/01/2011	Overweight	FNCIM	29/07/2011	Marketweight	SCABSS	01/06/2011	Marketweight
ALOFP	31/01/2011	Overweight	FRTEL	09/11/2010	Underweight	SCABSS	13/05/2011	no rec
AMCOR	04/05/2011	event driven	GSK	04/11/2011	Marketweight	SDFGR	12/08/2011	Marketweight
AMSSM	03/08/2011	Underweight	GSK	18/01/2011	Underweight	SDFGR	11/03/2011	Underweight
ASML	14/07/2011	Marketweight	HERIM	03/08/2011	Marketweight	SDFGR	10/03/2011	Marketweight
ASML	01/02/2011	Overweight	HERIM	01/06/2011	Overweight	SGOFP	01/08/2011	Overweight
ATCOA	01/03/2011	Marketweight	HNDA	07/12/2010	Underweight	SISIM	09/11/2010	Marketweight
ATLIM	03/08/2011	Marketweight	HOLNVX	07/12/2010	Marketweight	SKF	06/07/2011	event driven
ATLIM	03/08/2011	Marketweight	JAPTOB	09/11/2011	no rec	SLHNVX	18/08/2011	Marketweight
AUCHAN	04/05/2011	Marketweight	KPN	27/07/2011	Marketweight	SOLBBB	07/04/2011	Marketweight
BAYNGR	02/05/2011	Marketweight	KPN	26/07/2011	Marketweight	SZUGR	05/04/2011	Marketweight
BERTEL	30/03/2011	Underweight	KPN	21/04/2011	Underweight	SZUGR	21/03/2011	no rec
BERTEL	30/03/2011	Underweight	KPN	21/04/2011	Underweight	T	09/11/2010	Underweight
BERTEL	09/11/2010	Marketweight	LGEN	04/08/2011	Marketweight	TDCDC	01/03/2011	Marketweight
BFASM	05/10/2011	Marketweight	LMETEL	22/07/2011	Underweight	TDCDC	15/12/2010	Underweight
BFASM	03/08/2011	no rec	LTOIM	05/09/2011	Marketweight	TELEFO	12/08/2011	Marketweight
BGGRP	25/10/2011	Underweight	LTOIM	07/12/2010	no rec	TELNO	09/11/2010	Marketweight

BHP 03/08/2011 nd BMW 01/03/2011 M D1/03/2011 M D1/02/2011 UD D2 D2 D2 D2 D2 D3/2011 M D2 D3/2011 D2 D3/2011 D3 D3/2011 M D2 D3/2011 D3 D3/2011 M D2 D3/2011 D3 D3/2011 M D3 D3/2011 M D5 D3/2011 M D5/2011 M D5 D3/2011 M D5/2011 M	o rec MA Marketweight MA Inderweight MC Overweight MC Marketweight MC Marketweight ME Overweight MR Overweight MR Overweight MR Overweight MT Overweight MT Overweight NE Overweight NC Marketweight PE Marketweight PE Marketweight PE Marketweight RC MARKETWEIGHT	ANGR 04/0 ANGR 01/0 CFP 05/0 CFP 08/0 CFP 04/0 EOGR 02/0 RKGR 28/0 RKGR 09/1 TNA 26/1 TNA 26/1 TNA 26/1 TNA 21/1 OKIA 21/1 OKIA 21/1 OKIA 09/0 EUGOT 28/0 EUGOT 28/0 EUGOT 28/0 EUGOT 28/0 DSALN 19/0 DSALN 19/0 DSALN 04/0 EDELE 17/0 EDELE 06/0 EDELE 01/0	06/2011 Market 04/2011 Unden 02/2011 Unden 02/2011 Unden 04/2011 Overw 11/2010 Market 02/2011 Overw 11/2010 Market 02/2011 Unden 02/2011 Market 02/2011 Warket 05/2011 Unden 08/2011 Market 11/2010 Unden 08/2011 Market 07/2011 Market	tweight T tweigh	TITIM TKAGR TLIASS	19/04/2011 C 01/03/2011 M 21/02/2011 C 11/02/2011 M 07/12/2010 C 80/11/2010 C 80/11/2010 C 80/11/2011 M 19/04/2011 L 19/04/2011 C 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/03/2011 M 01/06/2011 M 08/09/2011 M 08/09/2011 M 08/09/2011 M 09/04/2011 M 09/04/2011 M 09/04/2011 M 09/04/2011 M	Overweight Overweight Marketweight Overweight Marketweight Overweight Marketweight John Sterner Marketweight John Sterner Marketweight Marketweight Marketweight Marketweight Marketweight Marketweight Marketweight Marketweight Marketweight Overweight Overweight Marketweight Overweight Dverweight Marketweight Overweight Overweight Marketweight Overweight Overweight Overweight Overweight Overweight Overweight Overweight
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#### Note on what the evaluation of equities is based:

We currently use a three-tier recommendation system for the stocks in our formal coverage: Buy, Hold, or Sell (see definitions below):

A Buy is applied when the expected total return over the next twelve months is higher than the stock's cost of equity.

A Hold is applied when the expected total return over the next twelve months is lower than its cost of equity but higher than zero.

A **Sell** is applied when the stock's expected total return over the next twelve months is negative.

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Restricted: A rating and/or financial forecasts and/or target price is not disclosed owing to compliance or other regulatory considerations such as blackout period or conflict of interest.

**Coverage in transition:** Due to changes in the research team, the disclosure of a stock's rating and/or target price and/or financial information are temporarily suspended. The stock remains in the research universe and disclosures of relevant information will be resumed in due course.

Not rated: Suspension of coverage.

Company valuations are based on the following valuation methods: Multiple-based models (P/E, P/cash flow, EV/sales, EV/EBIT, EV/EBITA, EV/EBITDA), peer-group comparisons, historical valuation approaches, discount models (DCF, DVMA, DDM), break-up value approaches or asset-based evaluation methods. Furthermore, recommendations are also based on the Economic profit approach. Valuation models are dependent on macroeconomic factors, such as interest rates, exchange rates, raw materials, and on assumptions about the economy. Furthermore, market sentiment affects the valuation of companies. The valuation is also based on expectations that might change rapidly and without notice, depending on developments specific to individual industries. Our recommendations and target prices derived from the models might therefore change accordingly. The investment ratings generally relate to a 12-month horizon. They are, however, also subject to market conditions and can only represent a snapshot. The ratings may in fact be achieved more quickly or slowly than expected, or need to be revised upward or downward.

#### Note on the bases of evaluation for interest-bearing securities:

Our investment ratings are in principle judgments relative to an index as a benchmark.

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Marketweight: We recommend having the same portfolio exposure in the name as the respective reference index (the iBoxx index universe for high-grade names and the ML EUR HY index for sub-investment grade names).

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Instrument level:

Core hold: We recommend holding the respective instrument for investors who already have exposure.

Sell: We recommend selling the respective instrument for investors who already have exposure.

Buy: We recommend buying the respective instrument for investors who already have exposure.

Trading recommendations for fixed-interest securities mostly focus on the credit spread (yield difference between the fixed-interest security and the relevant government bond or swap rate) and on the rating views and methodologies of recognized agencies (S&P, Moody's, Fitch). Depending on the type of investor, investment ratings may refer to a short period or to a 6 to 9-month horizon. Please note that the provision of securities services may be subject to restrictions in certain jurisdictions. You are required to acquaint yourself with local laws and restrictions on the usage and the availability of any services described herein. The information is not intended for distribution to or use by any person or entity in any jurisdiction where such distribution would be contrary to the applicable law or provisions.

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