

# **FIT AND PROPER DECLARATION – MB/ LSI**

## **supporting new management body<sup>1</sup> and authorised management applications submitted by Less Significant Institutions (LSI)**

### **Appointee's declaration**

The following Fit and Proper Declaration is based on an ECB template for significant institutions (SI) that has been modified in accordance with proportionality criteria to suit less significant institutions supervised by the CSSF.

This Fit and Proper declaration shall also be used for applications made by financial holding companies (FHC) and mixed financial holding companies (MFHC) included in the consolidated prudential supervision directly exercised by the CSSF.

The declaration should be read in conjunction with the Prudential nomination process of members of the management body and key function holders in credit institutions, the CSSF circular 12/552 on central administration, internal governance and risk management as amended, the Joint ESMA and EBA Guidelines on the assessment of the suitability of members of the

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<sup>1</sup> Management body refers to the definition as mentioned in the CSSF Circular 12/552



Commission de Surveillance  
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management body and key function holders under Directive 2013/36/EU and Directive 2014/65/EU (EBA/GL/2021/06), the EBA Guidelines on internal governance under Directive 2013/36/EU (EBA/GL/2021/05), Article 91 of Directive 2013/36/EU as amended, and the Luxembourg Law of 5 April 1993 on the Financial Sector as amended (LFS), in particular Articles 7 and 38-2 of the LSF.

The appointee is responsible for providing the CSSF with complete and accurate information regarding the proposed appointment. Some of the statements to be provided in this declaration require that the institution<sup>2</sup> and the appointee work together in close cooperation. If inaccurate or incomplete information is provided, this will lead to delays in the assessment or may make it impossible to take a positive decision. In addition to the specified information, both the appointee and the institution have a responsibility to disclose all matters that may be relevant to the assessment.

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<sup>2</sup> "Institution" throughout this document can refer to a credit institution, a FHC or MFHC.

**1) Information on the appointee**

<b>a) Personal information</b>	
<b>Name</b>	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/>
Family name	enter text
First name	enter text
Middle name(s)	enter text
Variation of first name(s)	enter text
Other (e.g. previous name, name at birth if different, ...)	enter text
<b>Professional address</b>	
Address	enter text
City	enter text
Country	enter text
<b>Private residence</b>	
Address	enter text
City	enter text
Country	enter text
Start date of residence at this address	Click or tap to enter a date.

	<b>Previous residence</b>	
	Full address	enter text
	Period of residence (from Click or tap to enter a date.... to Click or tap to enter a date....)	enter text

	<b>Other details</b>	
	Date of birth	Click or tap to enter a date.
	Place of birth	enter text
	Nationality	enter text
	Current valid ID/passport number(s) <sup>3</sup>	enter text
	Country where ID/passports was/were issued	enter text
	Social Security Identification Number	enter text
	Expiry date of the current ID/passport	Click or tap to enter a date.
	Contact (professional) phone number (including country code)	enter text
	Private phone number (including country code)	enter text
	Email address	enter text

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<sup>3</sup> List all current passports from all countries issued to appointee

b) Previous supervisory assessments							
Competent Authority involved	Institution involved	Function involved	Start date of the term of office	End date of the term of office	Date of the decision or date of appointment on a non-objection basis. If not applicable, date of application for an assessment	Conclusion of the assessment (approval/non approval/objection to the appointment/ non-objection to the appointment)	
enter text	enter text	enter text	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.	enter text	
enter text	enter text	enter text	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.	enter text	
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enter text	enter text	enter text	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.	enter text	
enter text	enter text	enter text	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.	enter text	

	enter text	enter text	enter text	Click tap enter date.	or to a	Click or tap to enter a date.	Click or tap to enter a date.	enter text
	enter text	enter text	enter text	Click tap enter date.	or to a	Click or tap to enter a date.	Click or tap to enter a date.	enter text
	enter text	enter text	enter text	Click tap enter date.	or to a	Click or tap to enter a date.	Click or tap to enter a date.	enter text
<b>c)</b>	<b>In the case of non-approval: please explain the reasons</b>							
	enter text							

<b>d)</b>	<b>Is the appointee covered by an insurance policy covering his/her professional activity</b>	<input type="radio"/> YES <input type="radio"/> NO
	Possible remarks: enter text	

## 2) Reputation

<b>a)</b>	<b>Have you<sup>4</sup> been subject to any criminal proceedings or relevant (i.e. where there is an impact on the reputation or significant impact on the financial soundness of the appointee) civil or administrative proceedings (including convictions under appeal)?</b>	<input type="radio"/> YES <input type="radio"/> NO
	If YES, please provide details below, in particular: nature of the charge; length of time since the alleged wrongdoing; likely penalty if conviction ensues; appointee's conduct since offence; any professional insight shown by appointee; stage of proceedings; any other mitigating or aggravating factors	
	enter text	
<b>b)</b>	<b>Do you have any pending criminal proceedings or relevant civil or administrative proceedings (including any formal notification of investigation or committal for trial)?</b>	<input type="radio"/> YES <input type="radio"/> NO
	If YES, please provide details below, in particular: nature of charge; length of time since the alleged wrongdoing; likely penalty if conviction ensues; stage of proceedings; any other mitigating or aggravating factors	
	enter text	
<b>c)</b>	<b>Do you have any previous disciplinary measures or pending disciplinary actions (including disqualification as a member of the management body, discharge from a position of trust or employment)</b>	<input type="radio"/> YES <input type="radio"/> NO
	If YES, please provide details below	
	enter text	
<b>d)</b>	<b>Do you have any previous or pending bankruptcy, insolvency or similar procedures?</b>	<input type="radio"/> YES <input type="radio"/> NO
	If YES, please provide details below (including whether the bankruptcy or insolvency was voluntary or not)	
	enter text	

<sup>4</sup> "You" throughout this section should be understood as "you personally", but also includes any corporate, partnership or unincorporated entity with which you are or have been associated as board member, controller, manager, or qualifying shareholder

<b>e)</b>	<b>Have any of the proceedings referred to in this section been settled out of court or within the framework of alternative dispute resolution (e.g. mediation)?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide details below		
enter text		
<b>f)</b>	<b>Have you ever been included in a list of unreliable debtors or do you have a negative record on a list established by a recognised credit bureau or have you received an enforcement measure for any such debt?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide details below		
enter text		
<b>g)</b>	<b>Have you ever been the subject of a refusal of registration, authorisation, membership or licence to carry out a trade, business or profession, or have you had such withdrawn, revoked, suspended or terminated?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide details below		
enter text		
<b>h)</b>	<b>Have you ever been sanctioned by any public authorities or professional bodies or are you the subject of any pending investigations or past investigations or enforcement proceedings?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide details below		
enter text		
<b>i)</b>	<b>Has the management body of the institution engaged in any specific deliberations regarding any aspects of your reputation?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide details on the content and outcome of this deliberation		
enter text		

<b>j)</b>	<b>Apart from the cases already mentioned elsewhere in your replies, have you been directly or indirectly involved in a situation that led to concerns or suspicions of money laundering or terrorist financing?</b>	<input type="radio"/> YES <input type="radio"/> NO
	If YES, please provide details below	
	enter text	

### 3) Experience

a)	Official Degree/Certificate	Field of study	Date	Educational organisation (university, centre of studies...)
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text
	enter text	enter text	Click or tap to enter a date.	enter text

b) Practical experience related to banking and/or the financial sector, risk management, compliance or internal audit									
	Position	Main responsibilities	Organisation, company, etc.	Size	Number of subordinates	Areas covered	From	To	Reason for termination
	enter text	enter text	enter text	enter text	enter text	enter text	Click tap enter date. or to a	Click tap enter date. or to a	enter text
	enter text	enter text	enter text	enter text	enter text	enter text	Click tap enter date. or to a	Click tap enter date. or to a	enter text
	enter text	enter text	enter text	enter text	enter text	enter text	Click tap enter date. or to a	Click tap enter date. or to a	enter text
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enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text						

<b>c) Board-level, senior management<sup>5</sup> or other relevant experience from positions outside of banking and/or financial sector</b>											
	<b>Position</b>	<b>Main responsibilities</b>	<b>Organisation, company, etc.</b>	<b>Size</b>	<b>Number of subordinates</b>	<b>Areas covered</b>	<b>From</b>	<b>To</b>			<b>Reason for termination</b>
	enter text	enter text	enter text	enter text	enter text	enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text
	enter text	enter text	enter text	enter text.	enter text	enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text
	enter text	enter text	enter text	enter text	enter text	enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text

<sup>5</sup> On the board or 1-2 levels below the board

enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text						
enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text						
enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text						
enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text						
enter text	Click tap enter date.	or to a	Click tap enter date.	or to a	enter text						

<b>d)</b>	<b>Please note when filling out the above fields that the following criteria are relevant to the level of experience and should be mentioned where necessary: nature of the management position held and its hierarchical level; nature and complexity of the business where the position was held, including its organisational structure, scope of competencies, decision-making powers and responsibilities, and number of subordinates. Additional information may be provided below if necessary</b>
enter text	

#### 4) Conflicts of interest

<b>a)</b>	<b>Do you<sup>6</sup> have any personal relationship with:</b> - <b>other members of the management body and/or key function holders of the institution, the parent undertaking or its subsidiaries?</b> - <b>a person that has a qualifying holding in the institution, the parent undertaking or its subsidiaries?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide details below		
enter text		
<b>b)</b>	<b>Do you conduct business (in private or through a company) with the institution, the parent undertaking or its subsidiaries?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide the following information: - a description of the type and content of the business and the obligations of both parties; - if relevant, the name of the company; - the relevant period of this relationship.		
enter text		
<b>c)</b>	<b>Are you currently involved in any legal proceedings against the institution, the parent undertaking or its subsidiaries, either directly or indirectly?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide information on the content and status of the legal proceedings and the entity involved		
enter text		

<sup>6</sup> "You" throughout this section should be understood as "you personally", but also includes your close relatives (spouse, registered partner, cohabitee, child, parent or other relation with whom you share living accommodation) and any legal person of which you are or were a board member at the relevant time.

<b>d)</b>	<b>Do you have any professional<sup>7</sup> or commercial relationship or have you had such relationship over the past 2 years with:</b>				<input type="radio"/> YES <input type="radio"/> NO
<ul style="list-style-type: none"> <li>- the institution, the parent undertaking or its subsidiaries?</li> <li>- competitors of the institution, the parent undertaking or its subsidiaries?</li> </ul>					
If YES, please provide details below (where a commercial relationship exists, please provide information as to what (financial) value it represents to the business of the member or his/her close personal or business relationships)					
enter text					
<b>e)</b>	<b>Do you, either personally or through a company you are closely connected with, have any substantial financial interest (such as ownership or investment) in the institution, the parent undertaking or its subsidiaries, or in competitors or clients of the institution, the parent undertaking or its subsidiaries?</b>				<input type="radio"/> YES <input type="radio"/> NO
<b>If yes, please provide the following information:</b>					
	<b>Name of the entity</b>	<b>Main activities of entity</b>	<b>Relationship between the entity and the institution</b>	<b>Relevant period</b>	<b>Size of the financial interest (% of the capital and voting rights, or value of investment)</b>
	enter text	enter text	enter text	enter text	enter text
	enter text	enter text	enter text	enter text	enter text
<b>f)</b>	<b>Do you, in any way, represent a shareholder of the institution, the parent undertaking or its subsidiaries?</b>				<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide the following information: (1) name of the shareholder; (2) % participation (in % of the capital and voting rights).					
enter text					

<sup>7</sup> Such as holding management or senior position(s).

<b>g)</b>	<b>Do you have any substantial financial obligation to the institution, the parent undertaking or its subsidiaries (in principle, performing loans negotiated at arm's length under € 200,000 and performing private mortgages negotiated at arm's length would generally not be considered as substantial)?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please provide the following information: (1) the type of obligation; (2) the value of the obligation; (3) relevant period of this obligation.		
enter text		
<b>h)</b>	<b>Do you have or have you had over the past 2 years a position with high political influence (internationally, nationally or locally) that may represent a conflict of interest?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please explain, including the potential relationship between this position and the institution, the parent undertaking or its subsidiaries.		
enter text		
<b>i)</b>	<b>Do you have any other relationships, positions or involvement that are not addressed in the questions above, which could adversely affect the interests of the institution?</b>	<input type="radio"/> YES <input type="radio"/> NO
If YES, please explain in detail		
enter text		

## 5) Time commitment

a)									
	<b>Entity<sup>8</sup> (please mark listed companies with*)</b>	<b>Country</b>	<b>Description of the company's activity</b>	<b>Function within the entity: executive director/no n-executive director/ other</b>	<b>Additional responsibilities such as membership of committees, chair functions, etc.</b>	<b>Time committed (see footnotes below for instructions on how to complete this column) <sup>9</sup> <sub>10 11</sub></b>	<b>Size of entity<sup>12</sup></b>	<b>Number of meetings per year</b>	<b>Additional information or comments</b>
	enter text	enter text	enter text	enter text	enter text	enter text	enter text	enter text	enter text
	enter text	enter text	enter text	enter text	enter text	enter text	enter text	enter text	enter text
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	enter text	enter text	enter text	enter text	enter text	enter text	enter text	enter text	enter text

<sup>8</sup> Listed companies' names should be preceded by a leading \*

<sup>9</sup> Especially with regard to non-executive directorships, time commitment should include hours spent on preparation and, where applicable, travel.

<sup>10</sup> The time devoted to additional responsibilities attached to a given mandate must be included in the overall time commitment disclosed for this mandate.

<sup>11</sup> Time commitment should be expressed in days per year for non-executive directorships and in hours per week for executive mandates.

<sup>12</sup> Total assets or number of employees can be used as proxies.

b)	<b>Total hours per week of time committed to all directorships outside the function for which submission is made</b>	enter text
c)	<b>Total days per year of time committed to all directorships outside the function for which submission is made</b>	enter text

### 6) Additional information

a)	<b>If there is any other information the appointee or the institution considers to be relevant to the assessment, it must be included here</b>	
	enter text	

## **Declaration of the appointee**<sup>13</sup>

I, the undersigned, enter text, declare on my honour:

- That the information I have provided in this declaration is accurate, true, complete and up to date to the best of my knowledge.
- That I will notify the CSSF immediately if there is a material change (i.e. a change that may affect my suitability) in the information provided.
- That I authorise the CSSF to make such enquiries and seek such further information as it thinks appropriate to identify and verify information that it considers relevant to the fit and proper assessment.
- That I agree to the collection of my personal data through this form and its processing and storage by the CSSF in accordance with EU regulation 2016/679 and the Law of 5 April 1993 on the financial sector.
- That I am aware of responsibilities arising from the European and national legislation and international standards, including regulations, codes of practice, guidance notes, guidelines and any other rules or directives issued by the ECB, by national competent authorities and by the European Banking Authority (EBA), which are of relevance to the function for which a positive assessment is sought, and also confirm the intention to ensure continued compliance with them.

Name: enter text

Signature:

Date: Click or tap to enter a date

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<sup>13</sup> Please make sure to tick all boxes next to all of the statements to mark your agreement.