

Annex Practical guide

**FSMA\_2019\_16-1 of 17/07/2019**

Questionnaire concerning the initial appointment of a member of an operational body of an Institution for Occupational Retirement Provision (IORP)

Scope:

Institutions for Occupational Retirement Provision

Members of an operational body of an IORP must possess the necessary professional integrity and appropriate expertise for the exercise of their function. The FSMA is tasked with evaluating whether these requirements are met.

For this purpose, we ask you to complete the present questionnaire for any application for the function of member of an operational body and to upload it in the correct section of the eCorporate application. We ask you these questions pursuant to Article 77 of the Law of 27 October 2006 on the supervision of institutions for occupational retirement provision (‘LIRP’).

This questionnaire has two sections, both of which need to be filled in.

* Are you **applying for the function of member of an operational body**? If so, please fill in **section A**.

 Your answers to this questionnaire are necessary for us to gauge your appropriate expertise and professional integrity.

* Are you an **IORP putting forward an applicant for the function of member of an operational body?** If so, please fill in **section B**.

 We will use your responses to this questionnaire to assess how you, as an IORP, have complied with your responsibilities as regards the appropriate expertise and professional integrity of the person put forward for the function of member of an operational body of your institution.

 With these questions, we would also like to verify whether the members of the operational bodies of your institution collectively possess the requisite qualifications, knowledge and experience. To do so, we will not only take into account the tasks and responsibilities of the applicants themselves but also the tasks, responsibilities, knowledge, skills and experience of the other members of the operational body. The extent to which applicants themselves or the operational body call on advisors with the requisite expertise will also be taken into consideration in our evaluation.

It is important that you answer truthfully. You need to supply all the information you could reasonably expect would be useful to our evaluation. We will take into account any special circumstances as well as any explanations you have given.

Therefore, disclosing certain information does not necessarily lead to rejection. We will, in particular, take into account any mitigating circumstances, the extent to which you are accountable for the facts, the measures taken to resolve problems, how long ago the facts took place etc.

If you are unsure as to whether certain information may or may not be pertinent, it is best to mention it in any case, and explain why you think this information is not—or is no longer—pertinent. We may also invite you for an interview.

***We respect your privacy***

**Processing of personal data**

The personal data provided through the present questionnaire and its annexes will be handled by the FSMA in the way described in our [Privacy Policy](https://www.fsma.be/en/faq/fsma-privacy-policy).

The FSMA collects data as part of its enforcement of the requirements for professional integrity and appropriate expertise as provided for by Article 77 of the LIRP. We may also use the data communicated as part of the present application when evaluating future applications for the same function or for functions to which similar requirements of professional integrity and appropriate expertise apply, and for the purposes of our permanent supervision of compliance with the requirements for mandates already exercised in companies subject to the FSMA’s supervision.

In accordance with Article 75, § 3 of the Law of 2 August 2002 on the supervision of the financial sector and on financial services, the FSMA may also use the data collected for other purposes if the processing of this data is required in order to perform the other public-interest tasks we have been conferred by Article 45, § 1 of the said Law or any other provision under national or European law.

In accordance with the General Data Protection Regulation (Regulation (EU) 2016/679, ‘GDPR’), the persons concerned have a series of rights relating to their personal data. Some of these rights are subject to special conditions or exceptions. For more information on these rights and on the way in which they may be exercised, please refer to the FSMA’s [Privacy Policy](https://www.fsma.be/en/faq/fsma-privacy-policy).

**Structure**

Section A

1. You hereby agree to provide complete and truthful answers
2. Your application
3. You have the appropriate expertise
4. You have professional integrity
5. You are aware of the conflicts of interest that may arise
6. You are able to devote sufficient time to the function
7. Your signature

Section B

1. You hereby agree to provide complete and truthful answers
2. What expertise does the IORP expect from members of the operational body?
3. According to the IORP, the applicant has the appropriate expertise
4. According to the IORP, the operational body has collective expertise
5. Your signature

Section A: You are applying for the function of member of an operational body

# You hereby agree to provide complete and truthful answers

[ ]  I hereby agree to provide complete and truthful answers. I am aware that withholding or falsifying any relevant information may have a negative impact on the FSMA’s evaluation of my professional integrity and appropriate expertise.

# Your application

## You are applying for the function of member of an operational body of...

|  |  |
| --- | --- |
| **Name of the IORP** |  |
| **FSMA identification code** |  |
| **Company number of the IORP** |  |

## You are applying as...

### A natural person

Fill in this section if you are applying in your own name as a natural person for the function of member of an operational body. If you are acting as a permanent representative of a legal entity applying for the function of member of an operational body, please fill in parts 2.2.2.1 and 2.2.2.2

|  |  |
| --- | --- |
| Surname |  |
| First name(s) |  |
| National ID number[[1]](#footnote-2) |  |
| Gender |  |
| Nationality |  |
| Domicile |  |
| Place of residence (if different from domicile) |  |
| Telephone/mobile phone number (professional) |  |
| E-mail address (professional) |  |

### As a permanent representative of a legal entity applicant

#### Information pertaining to the legal entity applicant

|  |  |
| --- | --- |
| Company name |  |
| Legal form |  |
| Nationality |  |
| Company number[[2]](#footnote-3) |  |
| Address of registered office  |  |
| Address of administrative headquarters (if different from registered office) |  |
| E-mail address  |  |

#### Information pertaining to the permanent representative of the legal entity applicant

|  |  |
| --- | --- |
| Surname |  |
| First name(s) |  |
| National ID number[[3]](#footnote-4) |  |
| Gender |  |
| Nationality |  |
| Domicile |  |
| Place of residence (if different from domicile) |  |
| Telephone/mobile phone number (professional) |  |
| E-mail address (professional) |  |

## You are applying for...

### The function of:

|  |  |
| --- | --- |
| **The function or functions you are applying for** (if applicable, you may tick several functions) | * *Member of the Board of Directors*

[ ]  Executive director[ ]  Non-executive director[ ]  Independent director (non-executive)[ ]  Director representing one or more sponsoring undertaking/s[ ]  Director representing the members or pensioners[ ]  Chair of the Board of Directors* *Member of another operational body*

[ ]  Member of the Management Committee[ ]  Member of the body tasked with day-to-day management[ ]  Member of the Administrative Committee [ ]  Member of the Investment Committee[ ]  Member of the Risk-Management Committee[ ]  Member of the Audit Committee[ ]  Member of the Remuneration Committee[ ]  Member of an operational body other than those already mentioned [ ]  name of this operational body ……........................................................[ ]  Chair of another operational body[ ]  name of this operational body……........................................................ |
| **Job title** *(your function as it will appear in the organization chart)* |  |
| **Anticipated start date** |  |
| **End date** *(if known)* |  |
| **Anticipated date of the final decision on the appointment of the applicant** |  |

### What is the content of the function concerned?

Describe, as specifically as possible, your tasks and responsibilities in the function concerned.

|  |
| --- |
|  |

### Will you combine the function concerned with another function within the IORP?

[ ]  Yes

[ ]  No

If you have answered ‘yes’, please state below what function(s) you will combine with the function concerned *(if applicable, you may tick more than one function)*.

If you are acting as a permanent representative of an applicant legal entity, state the potential combination of functions, both for the applicant legal entity and for yourself, whether you are acting as a permanent representative of a legal entity or in a personal capacity. If necessary, copy the table and indicate where applicable on each copy, the capacity in which you are filling it in.

|  |
| --- |
| [ ]  Member of the Board of Directors[ ]  Member of another operational body [ ]  name of this operational body……........................................................ [ ]  Member of a committee of the IORP that is not an operational body[ ]  name of this committee……........................................................ [ ]  Key function holder[ ]  which key function?……........................................................  |

# You have the appropriate expertise

**The answers to each of the following questions must relate to you personally:**

* either as an applicant or;
* as a permanent representative of an applicant legal entity.

## You have professional qualifications and appropriate knowledge

### What academic or other degrees do you have?

List the pertinent qualifications you have below. Add lines if necessary.

|  |  |  |
| --- | --- | --- |
| **Qualification/degree obtained**  | **Name and type of educational institution**  | **Year in which you obtained the qualification/degree**  |
|  |  |  |

### What complementary training courses have you followed?

List the pertinent complementary training courses you have followed below. Add lines if necessary.

|  |  |  |
| --- | --- | --- |
| **Subject matter**  | **Name and type of (educational) institution**  | **Year in which you completed the training course** |
|  |  |  |

### Do you call on advisors?

We evaluate your expertise taking into account the content of the function concerned and the extent to which you call on advisors who have the requisite expertise.

Will you call on such an advisor when exercising the function concerned?

[ ]  Yes

[ ]  No

If you have answered ‘yes’, detail the personal details of this/these advisor/s below, his/her/their qualifications, knowledge and experience, as well as the matters for which you will call on him/her/them. Add lines if necessary.

|  |  |  |
| --- | --- | --- |
| **In the case of a natural person: surname and first name** ***In the case of a legal entity:* company name, and surname and first name of the representative** | **Qualifications, knowledge and experience** | **Specific areas in which advice will be asked for**  |
|  |  |  |

## You have the necessary experience

Present an overview of the experience you have acquired **over the last ten years, as long as it is pertinent to the function concerned.** Fill in one table per function.For each function, state your position in the hierarchy, your decision-making powers and your responsibilities. Also mention the functions in which you acquired relevant experience in management.

If you have acquired experience in the financial sector, including in the IORP sector, fill in parts 3.2.3 and 3.2.4 on this subject.

**Make as many copies of the tables as necessary.**

### Current function

|  |  |
| --- | --- |
| **Name of the company**  |  |
| **Sector** |  |
| **Job title** |  |
| **Number of subordinates** |  |
| **Description of the function** |  |
| **Start date (month and year)** |  |

### Previous functions

|  |  |
| --- | --- |
| **Name of the company**  |  |
| **Sector** |  |
| **Job title** |  |
| **Number of subordinates** |  |
| **Description of the function** |  |
| **Start date (month and year)** |  |
| **End date (month and year)** |  |
| **Motive for departure** | [ ]  New function in the company or in another company within the same group[ ]  Voluntary departure[ ]  Forced departure [ ]  Expiry of the mandate |

### Current function in the financial sector

|  |  |
| --- | --- |
| **Job title** |  |
| **Name of the company or institution** |  |
| **Sector** | [ ]  Institution for Occupational Retirement Provision (IORP)[ ]  Insurance company[ ]  Credit institution [ ]  Investment firm[ ]  UCI/AIF management company [ ]  Intermediary in banking and investment services[ ]  Insurance intermediary[ ]  Credit intermediary[ ]  Regulated real-estate company[ ]  Other:  |
| **Number of subordinates** |  |
| **Description of the function** |  |
| **Start date (month and year)** |  |

### Previous functions in the financial sector

|  |  |
| --- | --- |
| **Job title** |  |
| **Name of the company or institution** |  |
| **Sector** | [ ]  Institution for Occupational Retirement Provision (IORP)[ ]  Insurance company[ ]  Credit institution[ ]  Investment firm [ ]  UCI/AIF management company[ ]  Intermediary in banking and investment services [ ]  Insurance intermediary[ ]  Credit intermediary[ ]  Regulated real-estate company[ ]  Other:   |
| **Number of subordinates** |  |
| **Description of the function** |  |
| **Start date (month and year)** |  |
| **End date (month and year)** |  |
| **Motive for departure** | [ ]  New function in the company/institution or in another company within the same group[ ]  Voluntary departure[ ]  Forced departure [ ]  Expiry of the mandate |

# You have professional integrity

Below you will find a series of statements. We would like to know whether or not they apply to you.

If the statement is *entirely true*, please confirm. If you like, you may provide additional explanations.

If the statement is *not, or not entirely true*, please provide additional explanations. This does not necessarily mean that your application will be rejected. You will also need to provide additional information and explain the situation if *you are not sure* that the statement entirely applies to you.

We have prepared a standard document in which to provide these clarifications ([link](https://www.fsma.be/sites/default/files/public/content/EN/circ/2019/fsma_2019_16-3_en.docx)). The last column of the table shows the reference to the applicable section of the document concerned.

## Do the following statements apply to you personally or to the applicant legal entity?

**The answers to each of the following statements must relate to:**

1. you personally,
* either as an applicant or;
* as a permanent representative of an applicant legal entity, and
1. the applicant legal entity for which you are acting as a permanent representative.

**The statements relate to facts both in Belgium and abroad.**

| N° | Statement | Can you confirm that this statement is true? | If not, please explain why this statement is not (or not entirely) true. |
| --- | --- | --- | --- |
| 4.1.1. | I am not currently an applicant for a regulated function in the financial sector other than that for which I am filling in the present questionnaire. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘financial supervision’).  |
| 4.1.2. | I have never before been subjected to a fit & proper test by a supervisory authority in the financial sector. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘financial supervision’).  |
| 4.1.3. | I have never withdrawn an application to a regulated function in the financial sector. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘financial supervision’).  |
| 4.1.4. | I have never prematurely left a regulated function in the financial sector. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘financial supervision’). |
| 4.1.5. | I have never been dismissed for serious misconduct as an employee. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 6 ‘occupational activity’). |
| 4.1.6. | I have never, whilst being self-employed, committed serious misconduct that led to the termination of a contract. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 6 ‘occupational activity’). |
| 4.1.7. | I have never been a party to an amicable settlement or legal proceedings concerning discharge of my personal debts. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 7 ‘personal debts’).  |
| 4.1.8. | I am not registered on a credit register such as the Central Individual Credit Register. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 7 ‘personal debts’). |
| 4.1.9. | I am not the beneficiary of foreign bank accounts that have not been declared to the Belgian tax authorities when they should have been. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 8 ‘funds management’).  |
| 4.1.10. | I have no interests in—and I am not the beneficiary of—a trust, a foundation or a comparable legal structure.  | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 8 ‘funds management’).  |

## Are the following statements true for you personally, for the applicant legal entity, or for companies with which you or the applicant legal entity have/has links?

**The answers to each of the following statements must relate to:**

1. you personally,
* either as an applicant or;
* as a permanent representative of the applicant legal entity;
1. the applicant legal entity for which you are acting as a permanent representative; and
2. any company with which you or the legal entity you represent have/has links because you or the legal entity
	* are/is or have/has been a member of the management body or are/is or have/has exercised a function as senior manager or as a key function holder (independent control function): and/or
	* exercise/s or have/has exercised control of this company.

For companies with which you or the legal entity you represent have/has links, only the facts dating from the period during which these links existed should be taken into account.

**The statements relate to facts both in Belgium and abroad.**

| N° | Statement | Can you confirm that this statement is true? | If not, please explain why this statement is not (or not entirely) true. |
| --- | --- | --- | --- |
| 4.2.1. | I have never been party to an amicable settlement with a view to putting an end to a dispute relating to a potential breach of financial or tax legislation or relating to a potential criminal offence. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 2 ‘amicable settlement’).  |
| 4.2.2. | I have never been involved in negotiations concerning an amicable settlement with a view to putting an end to a dispute relating to a potential breach of financial or tax legislation or relating to a potential criminal offence. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 2 ‘amicable settlement’). |
| 4.2.3. | I have never been refused, suspended or struck-off from authorization, registration or listing by a supervisory authority in the financial sector. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘financial supervision’). |
| 4.2.4. | I have never been involved in criminal proceedings. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 3 ‘criminal law’).  |
| 4.2.5. | To my knowledge, there are currently no criminal inquiries or proceedings underway against me. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 3 ‘criminal law’). |
| 4.2.6. | I have never been imposed a fine by the tax authorities for a breach committed with the purpose of tax evasion or permitting tax evasion. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 4 ‘tax law’). |
| 4.2.7. | I have never been fined or subject to administrative or disciplinary measures ruled on by an authority, a supervisory authority in the financial sector or a professional body. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 5 ‘administrative and disciplinary law’). |
| 4.2.8. | To my knowledge, there are currently no proceedings against me that may lead to the issuance of a penalty, or administrative or disciplinary measures by an authority, a supervisory authority in the financial sector or a professional body. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 5 ‘administrative and disciplinary law’). |
| 4.2.9. | No company of which I have exercised control or of which I was member of the management body has been declared bankrupt or has been subject to judicial reorganization. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 9 ‘bankruptcy and judicial reorganization’).  |
| 4.2.10. | To my knowledge, no bankruptcy or judicial reorganization proceedings are underway against a company in which I exercise/have exercised control or of which I am/have been a member of the governing body. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 9 ‘bankruptcy and judicial reorganization’). |

## Do you have knowledge of any other facts that could have an impact on your professional integrity?

If you have knowledge of facts other than those specified in the statements above, and which could reasonably be deemed pertinent to our evaluation of your professional integrity, please mention them here.

|  |  |
| --- | --- |
| **Other pertinent facts** |  |
| **Comments** |  |

# You are aware of the conflicts of interest that may arise

Conflicts of interest may adversely affect your capacity to exercise your function in an independent and objective way. You should therefore be conscious of conflicts of interest that could arise between you, the applicant legal entity and the IORP or its sponsoring undertaking/s.

Below you will find a series of statements. We would like to know whether or not they apply to you.

If the statement is *entirely true*, please confirm. If you like, you may provide additional explanations.

If the statement is *not, or not entirely true*, please provide additional explanations. This does not necessarily mean that your application will be rejected. You will also need to provide additional information and explain the situation if *you are not sure* that the statement entirely applies to you.

We have prepared a standard document in which to provide these clarifications ([link](https://www.fsma.be/sites/default/files/public/content/EN/circ/2019/fsma_2019_16-4_en.docx)). The last column of the table shows the reference to the applicable section of the document concerned.

**NB!**

In the questions, **‘sponsoring undertaking/s’** should be understood to mean the **sponsoring undertaking itself as well as its parent undertaking and subsidiaries**. Equally, the term **‘IORP’** also relates to the **subsidiaries of the IORP**.

## Do the following statements apply to you personally or to the applicant legal entity?

**The answers to each of the following statements must relate to:**

1. you personally,
* either as an applicant or;
* as a permanent representative of the applicant legal entity;
1. the applicant legal entity for which you are acting as a permanent representative.

| N° | Statement | Can you confirm that this statement is true? | If not, please explain why this statement is not (or not entirely) true. |
| --- | --- | --- | --- |
| 5.1.1. | I do not form part of the IORP’s staff. | [ ] True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 8 ‘combining functions’).  |
| 5.1.2. | I am not* a member of the management body of a sponsoring undertaking
* a senior manager of a sponsoring undertaking
* key function holder (independent control function) in a sponsoring undertaking
* a shareholder with a stake and significant influence in a sponsoring undertaking
* a member of staff of a sponsoring undertaking.
 | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 8 ‘combining functions’).  |
| 5.1.3. | I do not have personal links with* members of the IORP’s board of directors
* members of other operational bodies of the IORP
* key function holders (compliance, actuarial, risk management, internal audit) of the IORP.
 | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘personal links’).  |
| 5.1.4. | I do not have personal links with* members of the management body of a sponsoring undertaking
* senior managers of a sponsoring undertaking
* key function holders (independent control function) in a sponsoring undertaking
* shareholders with a stake and significant influence in a sponsoring undertaking.
 | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 1 ‘personal links’).  |
| 5.1.5. | I do not have financial links with* members of the IORP’s board of directors
* members of other operational bodies of the IORP
* key function holders (compliance, actuarial, risk management, internal audit) of the IORP.
 | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 2 ‘financial links’).  |
| 5.1.6. | I do not have financial links with* members of the management body of a sponsoring undertaking
* senior managers of a sponsoring undertaking
* key function holders (independent control function) in a sponsoring undertaking
* shareholders with a stake and significant influence in a sponsoring undertaking.
 | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 2 ‘financial links’).  |
| 5.1.7. | I do not have any debts to the IORP. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 3 ‘debts’).  |
| 5.1.8. | I do not have any debts to a sponsoring undertaking. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 3 ‘debts’).  |
| 5.1.9. | I do not represent any shareholders of a sponsoring undertaking. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 4 ‘shareholders’).  |
| 5.1.10. | I am not* a member of the management body,
* a senior manager, or
* a member of staff

of the IORP’s depositary. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 5 ‘links with depositary’). |

## 5.2. Are the following statements true for you personally, the applicant legal entity, people with whom you co-habit or companies with which you or the applicant legal entity have/has links?

**The answers to each of the following statements must relate to:**

1. you personally,
* either as an applicant or;
* as a permanent representative of the applicant legal entity;
1. the applicant legal entity for which you are acting as a permanent representative.
2. all the people with whom you co-habit;
3. any company or undertaking with which you or the legal entity you represent have/has links because you or the said legal entity:
* are/is or have/has been a member of the management body or are/is or have/has exercised a function as senior manager or as a key function holder (independent control function);
* exercise/s or have/has exercised control of this company.

| N° | Statement | Can you confirm that this statement is true? | If not, please explain why this statement is not (or not entirely) true. |
| --- | --- | --- | --- |
| 5.2.1. | I have had no business, professional or commercial relations with the IORP over the last two years. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 6 ‘business relations’).  |
| 5.2.2. | I have had no business, professional or commercial relations with a sponsoring undertaking of the IORP over the last two years. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 6 ‘business relations’).  |
| 5.2.3. | I am not involved in any legal proceedings lodged against the IORP. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 7 ‘legal proceedings’).  |
| 5.2.4. | I am not involved in any legal proceedings lodged against a sponsoring undertaking. | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 7 ‘legal proceedings’).  |
| 5.2.5. | I am not * a member of the management body, or
* a senior manager, or
* a member of staff

of a service provider of the IORP, other than a sponsoring undertaking, to which important or critical functions (such as administration, actuarial or portfolio management) have been subcontracted.  | [ ]  True. | [ ]  Not (or not entirely) true. I will provide an explanation in the annex (explanation 9 ‘subcontracting’).  |

## 5.3. Do you have knowledge of any other aspects likely to be relevant in terms of conflicts of interest?

Here, please mention relations, functions or interests that you have and that are not covered in the statements above and which could reasonably be expected to give rise to a conflict of interest.

|  |  |
| --- | --- |
| **Other relevant relations, functions or interests.** |  |
| **Comments** |  |

# You are able to devote sufficient time to the function

## How much time do you think you need to be able to properly fulfil the function?

|  |  |
| --- | --- |
| Number of days *per year* you think you should be able to devote to this function |  |
| Number of days *per quarter* you think you should be able to devote to this function |  |
| Number of days *per month* you think you should be able to devote to this function |  |

## How much time will you devote to the function/s you are applying for?

### Executive functions

As an executive director and a member of another operational body, you have an executive function. Add lines to the table if you will exercise functions in the IORP that will be in addition to the function of member of an operational body to which you are applying (see also question 2.3.3).

|  |  |  |
| --- | --- | --- |
| **Function** | **Number of days per month or per quarter you will devote to this function** | **Number of meetings of the operational body per quarter** |
|  |  |  |

### Non-executive functions

The function of non-executive director, including that of independent director, fall into this category.

|  |  |  |
| --- | --- | --- |
| **Function** | **Number of days per year you will devote to this function** | **Number of meetings of the board of directors per year** |
|  |  |  |

## How much time do your other professional commitments take up?

Exercising the envisaged function within the IORP requires you to be able to devote sufficient time to it. It is therefore important for us to know if, in parallel to this function, you will pursue or take on another professional activity. Add lines to the table if you exercise several other professional activities.

|  |  |  |  |
| --- | --- | --- | --- |
| **Company** | **Country in which the company is established** | **Function** | **Number of days per year you devote to these other professional activities** |
|  |  |  |  |

[ ]  **I declare that I am able to devote sufficient time to the function of member of the operational body for which I am applying, taking into account my other functions, both within the IORP itself and within other companies or institutions.**

# Your signature

|  |  |
| --- | --- |
| **Date** |  |
| **Surname** |  |
| **Signature** |  |

# Forgotten anything?

[ ]  **Have you provided full and accurate answers to all the questions?**

[ ]  Have you completed and attached an **explanatory document** for all the statements concerning your **professional integrity** which are not, or not entirely, true?

[ ]  If so, have you attached the related **annexes** (copy of judgments etc.)?

[ ]  Have you completed and attached an **explanatory document** for all the statements concerning **conflicts of interest** which are not, or not entirely, true?

[ ]  Have you attached a **legible copy** of your **ID card** or your **passport**? (*not required if you have already sent such a document to the FSMA and it is still valid*)

[ ]  Have you attached a **copy of your criminal record**? (*not required if you have already sent this document to the FSMA and if in the meantime it is no older than three months*)

**Number of annexes:**…………………………………………………………………………………...…………………………..

***NB!***

**You must immediately and of your own accord inform the IORP and the FSMA if the answers you have given here are no longer valid. This obligation applies in particular if the information that has changed could have a significant impact on the appropriate expertise and professional integrity required from you. In this respect, please pay particular attention to the chapters on professional integrity, conflicts of interest and the time devoted to the function. The following document may be used for this (**[link](https://www.fsma.be/sites/default/files/public/content/EN/circ/2019/fsma_2019_16-7_en.docx)**).**

Section B: You are the IORP that wishes to appoint the applicant

# You hereby agree to provide complete and truthful answers

[ ]  I hereby agree to provide complete and truthful answers. I am aware that withholding or falsifying any relevant information may have a negative impact on the FSMA’s evaluation of the applicant’s professional integrity and appropriate expertise.

Each time the ‘operational body’ is mentioned in the present questionnaire, it should be understood to refer to the operational body for which you have submitted an application proposal.

# What expertise does the IORP expect from members of the operational body?

## 2.1. What qualifications and knowledge does the IORP expect?

2.1.1. Please state below the **qualifications and knowledge** that the IORP considers **pertinent** on the part of a member of the operational body. Add any other pertinent knowledge the IORP expects of such a person.

[ ]  *Knowledge of the prudential rules relating to the management of an IORP*

[ ]  *Knowledge of the social legislation relating to supplementary pensions.*

[ ]  *Knowledge of the social legislation relating to statutory pensions.*

[ ]  *Actuarial know-how*

[ ]  *Knowledge of portfolio management*

[ ]  *Knowledge of payroll administration*

[ ]  *Language skills (indicate language):*

[ ]

2.1.2. Please state below the **skills** that the IORP considers **pertinent** on the part of a member of the operational body. Add any other pertinent skills the IORP expects of such a person.

|  |  |
| --- | --- |
| [ ]  *Transparency* [ ]  *Initiative*[ ]  *Communication*[ ]  *Judgement*[ ]  *Management*[ ]  *Sense of responsibility* | [ ]  *Open mindedness*[ ]  *Negotiation skills*[ ]  *Debating skills*[ ]  *Strategic vision*[ ]  *Business acumen*[ ]  *Interpersonal skills*[ ]  Other:  |

## 2.2. What experience does the IORP expect?

Please state below the **experience** that the IORP considers **pertinent** on the part of a member of the operational body. Add any other fields the IORP expects the person to have relevant experience in.

[ ]  *Experience in portfolio management*

[ ]  *Experience in actuarial management*

[ ]  *Experience with management of an undertaking (regulated or otherwise) in the financial sector*

[ ]  *Experience in risk management*

[ ]  *Experience in human resources management (and more specifically in the area of remuneration (benefits))*

[ ]

# According to the IORP, the applicant has the appropriate expertise

We evaluate the expertise of the applicant taking into account his/her specific function in the operational body.

## 3.1. Are there areas in which the applicant still has to gain a better command?

### 3.1.1. Are there areas which the IORP considers that the applicant should study more in-depth?

[ ]  Yes

[ ]  No

If you have answered ‘yes’, please specify these areas below.

|  |
| --- |
|  |

### 3.1.2. Will the IORP require the applicant to follow training courses for this purpose, either before or during his/her mandate?

[ ]  Yes

[ ]  No

If you have answered ‘yes’, please provide the details of these training courses below. Add lines if necessary.

|  |  |  |
| --- | --- | --- |
| **Course content** | **Course organizer** | **Course date and duration** |
|  |  |  |

## 3.2. Are there areas in which the applicant has little experience?

[ ]  Yes

[ ]  No

If you have answered ‘yes’, please list below any factors that may compensate for this lack of experience (for example the specific characteristics of the IORP, the applicant’s experience in other areas, university qualifications/experience, proven essential skills, general skills, specialist knowledge, appointment for a set period of time due to the nature of the work, or any other special cases).

|  |
| --- |
|  |

# According to the IORP, the operational body has collective expertise

In the composition of its operational bodies, the IORP must make an effort to obtain the right mix of relevant knowledge and experience (self-evaluation). The aim of this is to foster effective and objective sharing of views and decision-making.

The FSMA therefore expects the IORP to verify how the applicant to the function contributes to the ‘collective expertise’ of the operational body. To do so, you can create a skills matrix in which you indicate for each member of the operational body the knowledge, experience and skills they possess (see the example in the future FSMA circular on the ‘fit & proper’ requirements).

You must repeat this exercise each time there is a change in the composition or skills of the operational body.

If we were to identify gaps in the collective expertise, we would be entitled to ask the IORP to show us the results of this self-evaluation.

## 4.1. Who is leaving the operational body?

|  |  |
| --- | --- |
| **Surname** |  |
| **First name** |  |
| **Will leave the operational body on....** |  |
| **Details as to the circumstances of the departure** |  |
| **Is there a resulting gap in the collective skills of the operational body? If so, which?** |  |

## 4.2. What will the composition of the operational body be and how will the tasks be distributed?

Provide an overview of the future composition of the operational body and the role of each member. Add lines if necessary.

|  |  |  |  |
| --- | --- | --- | --- |
| **Surname** | **First name** | **Executive function?** Yes/No (fill in only if the application concerns a function of member of the board of directors) | **Specific role?** |
|  |  |  |  |

## 4.3. In what way does the applicant contribute to the ‘collective expertise’ of the operational body?

|  |  |
| --- | --- |
| **In what way will the applicant contribute to the ‘collective expertise’ of the operational body?**  |  |

## 4.4. Does the operational body call on advisors with the requisite expertise?

We evaluate the collective expertise of the operational body taking into account the extent to which it calls on advisors with the requisite expertise.

List the experts the operational body will call on to ask for advice in the context of its work. Add lines if necessary.

|  |  |  |  |
| --- | --- | --- | --- |
| ***Surname****In the case of a natural person: surname and first name* *In the case of a legal entity: company name, and surname and first name of the representative*  | **First name** | **Specific area of expertise**  | **Specific role?** **How, when and in what circumstances is this expert called on?** |
|  |  |  |  |

# Your signature

***You confirm to the FSMA that***

[ ]  the answers to the questions in section B are truthful and complete;

[ ]  The IORP has, with due diligence, verified that the responses provided in section A of the present questionnaire were accurate and complete;

[ ]  The IORP considers, based on a careful and reasonable evaluation, that the applicant possesses appropriate expertise and professional integrity, taking into account the function and the extent to which the applicant or the operational body calls on advisors with the requisite expertise;

[ ]  The IORP considers, based on a careful and reasonable evaluation, that the members of the operational body collectively possess the appropriate expertise, taking into account the extent to which advisors with the requisite expertise are called on;

***NB!***

**The IORP must immediately and of its own accord inform the FSMA if the answers given in the present questionnaire are no longer valid. This obligation applies in particular if the change to the information provided could have a significant impact on the appropriate expertise and professional integrity of the applicant or on the collective expertise of the operational body. In this respect, please pay particular attention to the chapters on professional integrity, conflicts of interest and the time devoted to the function. The following document may be used for this (**[**link**](https://www.fsma.be/sites/default/files/public/content/EN/circ/2019/fsma_2019_16-7_en.docx)**).**

**Please do not forget to immediately inform the FSMA of any terminations of mandates of a member of an operational body. The following document may be used for this (in** [**French**](https://www.fsma.be/sites/default/files/public/content/FR/circ/2019/fsma_2019_16-8_fr.docx) **or** [**Dutch**](https://www.fsma.be/sites/default/files/public/content/NL/circ/2019/fsma_2019_16-8_nl.docx)**).**

|  |  |
| --- | --- |
| **Date** |  |
| **Surname** |  |
| **Role** |  |
| **Signature** |  |

1. **If you do not have a Belgian national ID number, you must state your date and place of birth.** [↑](#footnote-ref-2)
2. **Foreign legal entities must provide an equivalent national company number.** [↑](#footnote-ref-3)
3. **If you do not have a Belgian national ID number, you must state your date and place of birth.** [↑](#footnote-ref-4)