

Banking service providers subject to the banker's oath as from 15 January 2025

The table below indicates the identity of the person before whom banking service providers (BSPs) will take the banker's oath, depending on the position held.

Category of banking service provider	Person before whom the oath is taken		
	FSMA Chairman ¹	Senior manager CI	Senior manager CI's branch
Category 1 (fit & proper, F&P) active at credit institutions (CI)			
F&P ² active at a Belgian CI	✓		
F&P ³ active at a branch of a third country CI	✓		
Category 2 (managers responsible) active at CI			
Manager responsible active at a Belgian CI		✓	
F&P ⁴ manager responsible active at a branch of an EEA CI	✓		
Non-F&P manager responsible active at a branch of an EEA CI			✓
Manager responsible active at a branch of a third country CI			✓

¹ Or, in his absence, the Deputy Chairman of the FSMA or two members of its management committee, in accordance with the legal rules of representation of the FSMA.

² The members of the statutory governing body, the members of the senior management as well as persons responsible for the independent control functions.

³ The senior managers and the persons responsible for the compliance function at the branch.

⁴ The senior managers and the persons responsible for the key functions at branches of EEA CIs are F&P persons under the law of the home Member State of the CI concerned (home country control principle). They do not fall within Category 1, which applies only to F&P persons under Belgian law, i.e. F&P persons at Belgian CIs and F&P persons at Belgian branches of third country CIs.

However, some of these F&P persons at Belgian branches of EEA CIs are managers responsible (Category 2). To ensure equal treatment between them and F&P persons under Belgian law, they too are required to take the oath at the FSMA.