**FIT AND PROPER DECLARATION – KFH**

**supporting new key function holder notifications**

**Appointee’s declaration**

The declaration should be read in conjunction with the Prudential nomination process of management body members and key function holders in credit institutions, financial holding companies and mixed financial holding companies (Prudential nomination process), the CSSF circular 12/552 on central administration, internal governance and risk management, the Joint Guidelines on the assessment of the suitability of members of the 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), Directive 2013/36/EU as amended, and the Luxembourg Law of 5 April 1993 on the Financial Sector as amended (LFS).

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 and the appointee work together in close cooperation. 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 nomination.

[Title]

1. **Information on the appointee**

|  |  |
| --- | --- |
| **a)** | **Personal information** |
|  | **Name** |
|  | Title | enter text |
|  | 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 |
|  | **Professional address** |
|  | Address | enter text |
|  | City | enter text |
|  | Country | enter text |
|  | **Private residence** |
|  | Address | enter text |
|  | City | enter text |
|  | Country | enter text |
|  | Start date of residence at this address | Click or tap to enter a date. |

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|  |  |  |
| --- | --- | --- |
|  | **Previous residence** |  |
|  | 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 |

|  |  |
| --- | --- |
|  | **Other details** |
|  | Date of birth | Click or tap to enter a date. |
|  | Place of birth | enter text |
|  | Nationality | enter text |
|  | Current valid ID/passport number(s)[[1]](#footnote-1) | 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 |

|  |  |
| --- | --- |
| **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 |
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| **c)** | **In the case of non-approval or objection to the appointment: please explain the reasons** |
|  | enter text |

1. **Reputation**

|  |  |  |
| --- | --- | --- |
| **a)** | **Have you[[2]](#footnote-2) 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)?** |  |
|  | If YES, please provide details below, in particular: nature of 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)** | **Do you have any pending criminal proceedings or relevant civil or administrative proceedings (including any formal notification of investigation or committal for trial)?** |  |
|  | 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 |
| **c)** | **Do you have any previous disciplinary measures or pending disciplinary actions (including disqualification as a member of a management body, discharge from a position of trust or employment** **?)** |  |
|  | If YES, please provide details below |
|  | enter text |
| **d)** | **Do you have any previous or pending bankruptcy, insolvency or similar procedures?** |  |

|  |  |
| --- | --- |
|  | If YES, please provide details below (including whether the bankruptcy or insolvency was voluntary or not) |
|  | enter text |
| **e)** | **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)?** |  |
|  | If YES, please provide details below |
|  | enter text |
| **f)** | **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?** |  |
|  | If YES, please provide details below |
|  | enter text |
| **g)** | **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?** |  |
|  | If YES, please provide details below |
|  | enter text |
| **h)** | **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?** |  |
|  | If YES, please provide details below |
|  | enter text |

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| --- | --- | --- |
| **i)** | **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?**  |  |
|  | If YES, please provide details below |
|  | enter text |

1. **Experience**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **a)** | **Official Degree/Certificate** | **Field of study** | **Date** | **Educational organisation (university, centre of studies...)** |
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| **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 or tap to enter a date. | Click or tap to enter a date. | enter text |
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| **c)** | **Other relevant experience from positions outside of banking and/or the financial sector** |
|  | **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 or tap to enter a date. | Click or tap to enter a date. | enter text |
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| --- | --- |
| **d)** | **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 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.** |
|  | enter text |

1. **Additional information**

|  |  |
| --- | --- |
| **a)** | **If there is any other information the appointee considers to be relevant to the assessment, it must be included here** |
|  | enter text |

**Declaration of the appointee[[3]](#footnote-3)**

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 the suitability of the appointee) 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, and also confirms the intention to ensure continued compliance with them.

Name: enter text

Signature:

Date: Click or tap to enter a date

1. List all current passports from all countries issued to appointee [↑](#footnote-ref-1)
2. “You” throughout this section should be understood as “you personally”, but also includes any body corporate, partnership or unincorporated entity with which you are or have been associated as board member, controller, manager, or qualifying shareholder [↑](#footnote-ref-2)
3. Please make sure to tick all boxes next to all of the statements to mark your agreement [↑](#footnote-ref-3)