

Brussels, 14 September 2017

## **Annex 4 to Communication NBB\_2017\_22**

**Form C.a / Individual statement made in addition to the statement by a trust or similar legal construction for the purpose of the prudential assessment of acquisitions and increases of qualifying holdings in the capital of financial institutions**

### Scope

*Any manager of a trust or similar legal construction intending to acquire or increase qualifying holdings in one of the following institutions:*

- *insurance companies governed by Belgian law*
- *reinsurance companies governed by Belgian law*
- *stockbroking firms governed by Belgian law*
- *insurance holding companies governed by Belgian law*
- *mixed financial holding companies governed by Belgian law*

This statement is complementary to the statement submitted to the supervisor<sup>1</sup> ('Form C') by or on behalf of .....

.....

.....

.....

on (date) .....

for the purpose of the prudential assessment of the proposed acquisition or increase of a qualifying holding in the capital of (identification of the target financial institution) .....

.....

.....

.....

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(1) Full identification of the manager referred to in paragraphs (2.5) and (3.1) of the above-mentioned statement ('Form C') who submits this additional individual statement:

Surname: .....

Given names: .....

Place and date of birth: .....

Nationality: .....

Address: .....

.....

.....

Main professional activity currently carried out: .....

.....

.....

- Company: .....
- Function: .....

Enclosed with this form is a 'Fit & Proper' dossier comprised of (i) the answers to the questions of Title VI of the 'New appointment' form annexed to Circular NBB\_2013\_02, (ii) a detailed curriculum vitae, and (iii) an extract from the criminal register (or an equivalent document provided by a foreign authority) not more than three months old:

Yes: Annex no. ...

(2) In addition to the information included in his 'Fit & Proper' dossier, the undersigned solemnly declares that:

(a) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past has ever had a conviction for a criminal offence which may influence the prudential assessment of the proposed acquirer's reputation by the supervisor:

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(b) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past is currently the subject of criminal investigations or

<sup>1</sup> Namely (i) for insurance and reinsurance companies governed by Belgian law, insurance holding companies governed by Belgian law and mixed financial holding companies belonging to a Belgian insurance group: the National Bank of Belgium; (ii) for credit institutions governed by Belgian law, financial holding companies governed by Belgian law and mixed financial holding companies belonging to a Belgian banking group: the European Central Bank (ECB), depending on the divisions of powers laid down in or pursuant to the SSM Regulation with regard to the supervision of credit institutions, and (iii) for stockbroking firms governed by Belgian law: the National Bank of Belgium.

proceedings which may influence the prudential assessment of the proposed acquirer's reputation by the supervisor:

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(c) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past is now or has ever been involved in relevant civil and administrative cases (including any bankruptcy, insolvency or similar procedures) of which the supervisor must be informed in order to assess the proposed acquirer's reputation:

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(d) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past is now or has ever been the subject of disciplinary actions (including any disqualification as a company director or similar procedures):

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(e) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past is now or has ever been the subject of investigations, enforcement proceedings or sanctions by a supervisor:

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(f) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past has ever been refused registration, authorisation, membership or licence to carry out a professional activity; has ever seen his registration, authorisation, membership or licence withdrawn, revoked or terminated; or has ever been the subject of an expulsion by a regulatory or government body:

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(g) neither he nor, where appropriate, any of his senior managers, nor any company managed or controlled by him currently or in the past has ever been dismissed from employment or a position of trust, or has ever been asked to resign from employment or such a position, or has had a business relationship terminated for serious misconduct, or has ever been in a similar situation:

- Yes
- No: the relevant information is provided in Annex no. ... to this form.

(3) Has another supervisor in the financial sector already performed an assessment of the reputation of the person submitting this individual statement in the capacity of acquirer or of manager of a financial institution?

- No
- Yes:
  - Identification of this other supervisor: .....
  - .....
  - .....
  - .....
  - Date of this supervisor's decision: .....
  - Evidence of the outcome of this assessment is provided in Annex no. ... to this form.

(4) Has a supervisor of a sector other than the financial sector already conducted an assessment of the reputation of the person submitting this individual statement?

- No
- Yes:
  - Identification of this other supervisor: .....
  - .....
  - .....
  - .....
  - Date of this supervisor's decision: .....

- Evidence of the outcome of this assessment is provided in Annex no. ... to this form.

- (5) Enclosed with this form is relevant information on the financial position and soundness of the person submitting this individual statement, including details concerning his sources of revenue, assets, liabilities, pledges and guarantees:
- Yes: Annex no. ... to this form.
- (6) Enclosed with this form are relevant financial information, including ratings, and public reports on the companies controlled or managed by the person submitting this individual statement:
- Yes: Annex no. ... to this form.
  - Not applicable.
- (7) Enclosed with this form are a description of the financial<sup>2</sup> and non-financial<sup>3</sup> interests or relationships of the person submitting this individual statement with:
- (a) any other shareholder of the target financial institution;
  - (b) any person entitled to exercise voting rights attached to securities issued by the target financial institution<sup>4</sup>;
  - (c) any member of the board of directors or equivalent body, or of the senior management of the target financial institution;
  - (d) the target institution itself and the group it is part of;
- and/or a description of any other interests or activities of the person submitting this individual statement that may give rise to conflicts of interest with the target financial institution, as well as possible solutions to those conflicts:
- Yes: Annex no. ... to this form.
  - Not applicable.
- (8) Does the person submitting this individual statement hold any additional information that he deems necessary to pass on to the supervisor, so that the latter can make a prudential assessment of the proposed acquisition with full knowledge of the facts?
- No
  - Yes: this information is provided in Annex ... to this statement.

<sup>2</sup> Financial interests include credit operations, guarantees and pledges, for example.

<sup>3</sup> Non-financial interests include family relationships, for example.

<sup>4</sup> See the situations listed in Article 10 of Directive 2004/109/EC on the harmonisation of transparency requirements.

**Solemn declaration**

I, the undersigned, .....

solemnly declare:

- that all information provided to the supervisor in this statement form and its annexes is complete, not deliberately misleading or deceptive, and is provided honestly and in good faith,
- and that I know of no other information that may influence the prudential assessment of the proposed acquisition by the supervisor.

(Read and approved, date, place and signature)