**FORM DI56/2013/03**

**PERSONAL QUESTIONNAIRE**

|  |
| --- |
| **Person's full name : «...........................................................................................»****Person's capacity : «............................................................................................»****Name of applicant : «……………………….......................................................…….……»**  |

**Purpose of this form**

This form should be completed by any of the persons mentioned directly below in case of an application for granting authorization of Alternative Investments Fund Manager ('AIFM') or in case of a change in the shareholding structure or to the persons mentioned in the “Introduction”, directly below, under (1)

Introduction

1. This questionnaire must be completed separately by the following:

1. The shareholders with direct or indirect. i.e. through other undertakings, qualifying holdings in the share capital of the applicant. Note that where the shares or the voting rights are held by persons acting on behalf of third parties (e.g. nominees), this questionnaire must be completed by the ultimate beneficial owners.
2. The members of the Board of Directors of the applicant, its Managing Directors, its Senior Management, as well as the Internal Auditor, the Compliance Officer and the Risk Manager.

2. The questionnaire must be completed in electronic form. An electronic version of it can be downloaded from the website of the Cyprus Securities and Exchange Commission (the ‘Commission’) at URL address: [www.cysec.gov.cy](http://www.cysec.gov.cy) .

3. The questions should remain unaltered and the answers must be provided below each question.

4. All applicable questions should be duly completed, or, if they are not applicable state “N/A”.

5. When completing the questionnaire, it should not be assumed that information, which is publicly available, or which has been previously disclosed to the Commission or to another regulatory body is known to the Commission.

**PART A – Natural persons**

**To be answered by the natural persons mentioned in point 1 of the “Introduction” above.**

**1. Personal and other information**

1.1 Full name : ……………………………………………………………………………….

1.2 Date and place of birth : ……………………………………………………..………………………..

1.3 Nationality/Citizenship : ……………………………………………………………………………….

1.4 Identification/passport number : ……………………………………………………………………………….

 (country of issue)

1.5 Postal address : ……………………………………………………………………………….

1.6 Telephone number : ……………………………………………………………………………….

1.7 Fax number : ……………………………………………………………………………….

1.8 Electronic address : ……………………………………………………………………………….

1.9 Countries of residence during the : ………………………………………………………………………

 last five years and dates of

 residence in each country

1.10 Position within/ relation to the : ……………………………………………………………………………

 applicant2

1.11 Date of suggested appointment : …………………………………………………………………………….

1.12 Total percentage of holdings in the : …………………………………………………………………………

 share capital of the applicant

 1.12.1 Direct holdings : ……………………………………………………………………………………………

 1.12.2 Indirect holdings (provide the : ………………………………………………………………………

 identity of the persons and

 the level of their holdings)

1.13 State the percentage of participation or whether you intend to participate in or to be employed *(including the persons with whom you have a family relationship according with the Directive* [*DI78-2012-03*](http://www.cysec.gov.cy/Downloads/Directives/MutualFunds/1_%20%CE%95%CF%84%CE%B1%CE%B9%CF%81%CE%B5%CE%AF%CE%B5%CF%82%20%CE%94%CE%B9%CE%B1%CF%87%CE%B5%CE%AF%CF%81%CE%B9%CF%83%CE%B7%CF%82/03.%20DI78-2012-03%20on%20the%20Organisational%20Requirements%20of%20UCITS%20Management%20Companies.pdf)*)* by a company/ companies which has/have submitted an application for granting of authorization or has/have been granted an authorization by the Commission. If yes, then state:

|  |
| --- |
| The name of the company/companies: |
| The type of participation/employment:1. Shareholder:2. Board of Directors' member:3. Managing Director:4. Portfolio Manager:5. Investment Advisor: |
| The date of appointment or acquisition of the participation:  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2 In the case where, the position you hold (or intend to hold) is on the Board of Directors, clarify whether you will be an executive or non-executive or an independent director.

1.14 State whether you have a direct or indirect holding in a legal person which represents at least 10% of the capital or of the voting rights or which allows the exercise of significant influence over the management of the legal person

………………………………………………………………………………………..………………………………………………………..

If yes, state the following:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name of legal person | Percentage of holding | Principal activities | Relation of the legal person with the applicant (if it exists) | Country of incorporation | Reg. Number | Competent or supervisory authority (if applicable) |
|  |  |  |  |  |  |  |

**2. Academic qualifications and professional experience**

2.1 Provide information on your academic qualifications [*university degrees, knowledge of foreign language(s)]*

………………………………………………………………………………………..………………………………………………………..

2.2 Provide information on your professional qualifications *(e.g. member of a professional body)*.

………………………………………………………………………………………..………………………………………………………..

2.3 State any other qualifications you have which are related to the nature of the duties that have been assigned to you in the applicant.

………………………………………………………………………………………..………………………………………………………..

2.4 Professional experience (give details of your current and past employment experience – starting from the current one-also include directorships and periods of unemployment):

 2.4.1 Date [from-until : ………………………………………………………………………………..

 (month/year)]

 2.4.2 Name of organisation : ……………………………………………………………………………..…

 2.4.3 Supervisory authority : ………………………………………………………………………………..

 (if applicable)

 2.4.4 Principal activities of : ………………………………………………………………………………

 the organisation

 2.4.5 Phone number of : ………………………………………………………………………………..

 contact person in

 the organisation

 2.4.6 Position you held : ………………………………………………………………………………..

 2.4.7 Reason of departure : ………………………………………………………………………………..

2.5 State any knowledge you may have in relation to the provision of investment and ancillary services or the exercise of investment activities, or with the exercise of financial activities in general, as well as with the legislation governing the operation of the applicant.

………………………………………………………………………………………..………………………………………………………..

**3. Repute and credibility**

 Answer the questions below (In case of affirmative answer, provide details):

3.1. Have you ever received a negative reply from competent authorities concerning the granting of authorization for the exercise of a specific professional activity or from professional bodies and associations for the granting of membership status, in the Republic or outside the Republic?

………………………………………………………………………………………..………………………………………………………..

3.2. Has your license for the exercise of a specific business activity or your membership status ever been revoked *(include also pending cases)* by competent authorities or professional bodies and associations, in the Republic or outside the Republic?

………………………………………………………………………………………..………………………………………………………..

3.3. Has your appointment as member of the board of directors or executive staff of a company ever been revoked or cancelled or have you ever been dismissed or asked to resign or agreed to resign instead of being dismissed or resigned whilst under investigation, for reasons pertaining to the exercise of the duties assigned to you or have you been removed from a position of administrative responsibility in a business or organisation (public or private) following a court ruling or an administrative decision, in the Republic or outside the Republic?

………………………………………………………………………………………..………………………………………………………..

3.4. Have you ever been involved in cases *(include also pending cases)* which were the object of an administrative or disciplinary investigation or which resulted in the imposition of administrative or disciplinary or other sanctions by competent or supervisory authorities, previous employers or professional bodies and associations in the Republic or outside the Republic, for reasons of:

3.4.1 Serious administrative, disciplinary or other violations? …………………………………………..

3.4.2 Inadequate performance of the duties assigned to you? ........……………………………………

3.4.3 Violations of the internal regulation of operation of the business or the code of ethics and professional conduct? ............................................................................................

3.5. Have you ever obstructed the efficient exercise of supervision by a competent authority in the broader financial sector?

………………………………………………………………………………………..………………………………………………………..

3.6. Have you ever been convicted, or are there any charges or investigation procedures pending against you, in the Republic or outside the Republic:

3.6.1 For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion? ……………………………………………………………………………………….……………….

3.6.2 For offences or violation concerning money laundering activities and terrorism financing? …………………………………………………………………………………………………………………………...

3.6.3 For offences or violations that involve the use of confidential – privileged information? …………………………………………………………………………………………………………………………………………....

3.6.4 For offences or violations that involve the manipulation of the stock market price of a financial instrument which was subject to trading on a regulated market, or in an equivalent market of a third country? ………………………………………………………………………………..

3.6.5 For any other action that is punishable by imprisonment?

…………………………………………………………………………………..………………………………………………………..

3.7. Have any *(include also pending cases)* specific and justified complaints or protests ever been filed against you in writing, in relation to investment and ancillary services, for the provision of which you were responsible, in the Republic or outside the Republic?

………………………………………………………………………………………..………………………………………………………..

3.8. Have you ever *(include also pending cases)* been declared bankrupt or have any of your assets been confiscated or were you obliged to transfer any of your assets to your creditors or have you failed to fulfill your obligations arising from a judgment against you within one year from the issue of such judgment, in the Republic or outside the Republic?

………………………………………………………………………………………..………………………………………………………..

3.9. Have you faced any of the following situations in the last decade?

3.9.1 Failure to repay a due debt? ………………………………………………………………………………

3.9.2. Protest of bills of exchange or notes issued by you ? …………………………………..…..

3.9.3. Issue of “bad” cheques? ……………………………………………………………………………………

Have you or any legal entity or partnership or unincorporated entity with which you were associated, ever been asked to close an account with a credit institution or did a credit institution with which you contacted business, close an account you or any of the above mentioned entities held with it?

………………………………………………………………………………………..………………………………………………………..

3.10. Have you ever been a member of the Board of Directors, executive staff or a shareholder with qualifying holding in a company or organisation which, while you were exercising your duties, was found guilty in relation to any of the offences stated in paragraph 3.6 above?

………………………………………………………………………………………..………………………………………………………..

3.11. Have you ever been a member of the board of directors, executive staff or a shareholder with qualifying holding in a company which, while you were exercising your duties, or within one year from the date on which you were discharged from your respective duties *(include also pending cases):*

 3.11.1 An application to dissolve, compulsory liquidate, classify as insolvent or confiscate its assets was filed against it, or was placed in mandatory receivership? ………………………………………………………………………………………..…………………………………………….

 3.11.2 Its books were audited, beyond the regular audits, or was the subject of an investigation by a competent or supervisory authority? ……………………………………….…..……

 3.11.3 Administrative or other sanctions were imposed upon it by a competent or supervisory authority?

………………………………...……………………………………………………………………………………………..………

 3.11.4 Its books or other documents were requested for inspection or confiscated by a competent or supervisory authority? …………………………………………………..………………………..

 3.11.5 Obstructed the effective exercise of supervision by a competent or supervisory authority? ………………………………………………………………………….………..............…

 3.11.6 The application for granting authorization or the obtaining of membership status in a professional association was rejected, or the authorization or membership was suspended or revoke? .…………………………………………………………………………………….……...

3.12. Is there anything relevant that you would like to state that could affect either positively or negatively the assessment on your repute and credibility?

 ………………………………………………………………………………………………………………………………………..

**4. Declarations**

4.1 I hereby declare and confirm:

 4.1.1 That I know and fully understand my competencies and duties, which arise from the Law and the Directives issued pursuant to it, and especially from the legislation that governs the operation of the applicant.

 4.1.2 I am fully aware of my responsibilities.

 4.1.3 My intention to ensure the applicant’s compliance with the requirements and obligations arising from the Law and the Directives issued pursuant to it, and especially from the legislation that governs the operation of the applicant.

4.2 I declare that I am and shall remain the true and ultimate beneficial owner of the shares or of the voting rights of the applicant *(delete what is not applicable)*, and that I do not act, nor shall I ever act on behalf or under the instructions of a third party.

4.3 I acknowledge and accept that the Commission may disclose information in the discharge of its duties, as those are specified in the applicable Law.

4.4 With the present declaration and in full awareness of it, I freely grant my explicit consent to the Commission for the processing of my personal data, both sensitive and not-sensitive, in accordance with the provisions of the Personal Data Processing (Protection of the Individual) Law of 2001.

**4.5 *The provision of false or misleading information or of documents or of Forms, or the withholding of material information from the current Form constitutes, apart from being a violation, subject to administrative fine of up to 350.000 EUR, which may increase up to 700.000 EUR in case of repeating or continuing the violation, a criminal offence being punishable with imprisonment of up to five (5) years.***

**5. References**

5.1 State the names, telephone numbers and correspondence addresses of two persons who, from personal experience are acquainted with your financial or other activities, as well as you character. In the case where in the last ten years, you have not been self-employed, one of the two must be your most recent employer.

………………………………………………………………………………………..………………………………………………………..

5.2 State whether you give your consent to the Commission to request these references.

………………………………………………………………………………………..………………………………………………………..

If not, state the reasons:

………………………………………………………………………………………..………………………………………………………..

***PART B – Legal entities***

To be answered by the legal entities stated under point 1 in the **“**Introduction” above.

**6. Corporate details**

6.1 Name : ……………………………………………………………………

6.2 Registration number : ……………………………………………………………………

6.3 Country of origin : ……………………………………………………………………

6.4 Types of shares (nominal, bearer etc) : ……………………………………………………………………

6.5 Postal address : ……………………………………………………………………

6.6 Telephone number : …………………………………………………………………..

6.7 Fax number : ……………………………………………………………………

6.8 Email address : ……………………………………………………………………

6.9 Website address : ……………………………………………………………………

6.10 Principal activities : …………………………………………………………………..

6.11 Possession of authorisation/operation : ……………………………………………………………………

 license

6.12 Competent or supervisory authority : ……………………………………………………………………

6.13 Total percentage of holdings in the : ……………………………………………………………………

 share capital of the applicant

 6.13.1 Direct holdings : ………………………………………………………………………………..

 6.13.2 Indirect holding (provide the : ……………………………………………………………………

 identity of the persons and the

 level of their holdings)

6.14 State whether you have, directly or indirectly, a holding in another legal person/ entity, which represents at least 10% of the capital or the voting rights or which allows the exercise of significant influence over the management of this legal person.

………………………………………………………………………………………..………………………………………………………..

If yes, state the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Name of legal person | Percentage of holding | Principal activities | Relation of the legal person with the applicant (if it exists) | Country of incorporation | Reg. Number |
|  |  |  |  |  |  |

**7. Shareholders of legal persons**

7.1 State the following information regarding shareholders with direct or indirect qualifying holdings in the legal person:

 7.1.1 Name/ Full name : …………………………………..…………………………………………

 7.1.2 Legal form : ………………………..……………………………………………………

 7.1.3 Registration number/identity : ………………………………………………………………

 or passport number (country of issue)

 7.1.4 Country of origin/ Citizenship/ : ……………………………………………………………………

 Nationality

 7.1.5 Postal address : ……………..……………………………………………………

 7.1.6 Phone number : …………..………………………………………………………

 7.1.7 Fax number : ……………………………………………………………………

 7.1.8 Email address : ……………………………………………………………………

 7.1.9 Principal activities/ : ……………………………………………………………………

 professional capacity

 7.1.10 Number of authorization : ……………………………………………………………………

 (if applicable)

 7.1.11 Total percentage of holdings in : ……………………………………………………………………

 the share capital of the legal person

 7.1.11.1 Direct holdings : ……………………………………………………………………

 7.1.11.2 Indirect holdings (provide the : ………………………………………………………

 identity of the persons and the

 level of their holdings)

**8. Persons effectively directing the business of the legal person**

8.1 State the following information regarding the persons that effectively direct the business of the legal person:

 8.1.1 Full name : ……………………………………………………………………

 8.1.2 Identity/passport : ……………………………………………………………………

 number (country of issue)

 8.1.3 Nationality/Citizenship : ……………………………………………………………………………..…

 8.1.4 Position within the said : ………………………………………………………………………………..

 person

8.1.5 Other professional capacity : ………………………………………………………………………..

 8.1.6 Postal address : …………..……………………………………………………………………

 8.1.7 Phone number : …………………………………………………………………………………

 8.1.8 Fax number : …………………………………………………………………………………

 8.1.9 Email address : …………………………………………………………………………………

**9. Suitability of the legal person**

Answer the questions below *(in case of affirmative response, provide details):*

9.1 Did you have in the last decade authorization to operate as a credit institution or as a UCITS management company or as a Cyprus Investment Firm ('CIF') or as a financial institution in general, as an insurance organisation or as a portfolio investment organisation, in the Republic or outside the Republic? If yes, fill-in the following table:

………………..………………………………………………………………………………………………………………………………..

|  |  |  |
| --- | --- | --- |
| Dates(From-until: month/year) | Name of supervisory authority and country of establishment | Type of authorization (e.g. credit institution, Investment Firm etc.) |
|  |  |  |

9.2.Have you in the last decade faced refusal of being granted authorisation, suspension or withdrawal of authorisation to operate as a credit institution or UCITS management company or CIF or as a financial institution in general, as an insurance organisation or as an organisation for portfolio investments, in the Republic or outside the Republic?

………………..………………………………………………………………………………………………………………………………..

9.3.Have your financial and accounting books been audited, beyond the regular audits, by a competent or supervisory authority, in the Republic, or outside the Republic in the last decade?

………………..………………………………………………………………………………………………………………………………..

9.4.Have you been the object of an investigation by a competent or supervisory authority in the Republic or outside the Republic in the last decade?

………………..………………………………………………………………………………………………………………………………..

9.5. Have your books and/or records and/or other documents been requested for inspection or confiscated by a competent or supervisory authority, in the Republic or outside the Republic?

………………..………………………………………………………………………………………………………………………………..

9.6.Have you ever obstructed the exercise of effective supervision by a competent or supervisory authority in the Republic or outside the Republic?

………………..………………………………………………………………………………………………………………………………..

9.7.Has any administrative or other sanction been imposed upon you by a competent or supervisory authority in the Republic or outside the Republic in the last decade?

………………..………………………………………………………………………………………………………………………………..

9.8.Has there ever been a conviction against you or are there any charges pending against you in the Republic or outside the Republic:

9.8.1. For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion? …………………………..………………………………………………………………………………………....

9.8.2. For offences or violations concerning money laundering activities and terrorism financing?……………………………………………………………………………………………………………………………….

9.8.3. For offences or violations that involve the use of confidential - privileged information?

………………..……………………………………………………………………………………………………………………………..

9.8.4. For offences or violations that involve the manipulation of the stock market price of a financial instrument which was subject to trading on a regulated market?

………………..……………………………………………………………………………………………………………………………..

9.8.5. For the payment of reparations in relation to the provision of investment and ancillary services? ……………………………………………………….……………………………………………………….

9.8.6. For any other action that is punishable by imprisonment? ………………………………………….

9.9.Has an application to dissolve, compulsory liquidate, classify as insolvent or confiscate your assets or place in mandatory receivership been filed against you in the last decade or have you applicant been placed in mandatory receivership?

………………..………………………………………………………………………………………………………………………………..

9.10.Have your external auditors been replaced during the last 5 years;

………………..………………………………………………………………………………………………………………………………..

9.11.Have your external legal advisors been replaced during the last 5 years;

………………..………………………………………………………………………………………………………………………………..

9.12.Have you, or any legal entity or partnership or unincorporated entity with which you were associated, ever been asked to close an account with a credit institution or did a credit institution close an account held by you or by any of the above mentioned entities?

………………..………………………………………………………………………………………………………………………………..

9.13.Have you faced any of the following situations in the last five years:

9.13.1 Failure to repay a due debt?………………………………………………………………………………

9.13.2. Protest of bills of exchange or notes issued by you ? …………..………………………...

9.13.3. Issue of “bad” cheques? …………………………………………………………………………………..

9.14. Is there anything relevant you would like to declare and which could positively or negatively affect the assessment on your repute and credibility?

………………..………………………………………………………………………………………………………………………………..

**I responsibly declare, having full knowledge of the consequences of the Law, that:**

**a) I have applied all required diligence to ensure that all information contained in this Questionnaire is correct, complete and accurate.**

**b) I confirm that I will comply with the requirements and/or obligations arising from the applicable legislation and from the Directives issued pursuant to it.**

**c) I will notify the Commission in writing and without undue delay about any new information relating to my person, which could affect the assessment for the sound and prudent management or the operation of the applicant.**

**I acknowledge and accept that the Commission may reveal information in the discharge of its duties, as these duties are defined in the Law.**

**With the present declaration and in full awareness of it I freely grant my explicit consent for the processing, by the Commission, of my personal data, both sensitive and not-sensitive, in accordance with the provisions of the Personal Data Processing (Protection of the Individual) Law of 2001.**

***The provision of false or misleading information or of documents or of Forms or the withholding of material information from the Form constitutes, apart from being a violation, subject to administrative fine of up to 350.000 EUR, which may increase up to 700.000 EUR in case of repeating or continuing the violation, a criminal offence being punishable with imprisonment of up to five (5) years.***

Signature …………………………………………………………………….

Full name ………………………………………………………………………

Date ……………………………………...

**Additional pages for filling in details and information**