

PERSONAL QUESTIONNAIRE

Name : «…………………………………»

Capacity : «…………………………………»

Name of applicant/CIF : «…………………………………»

Object of the form

This form should be completed by any of the person mentioned in point 1 of the general comments in page 2 of this form, in the case of an application for the granting of a CIF autorisation or a change in the persons who actually manage the business of the CIF.

General comments

1. This questionnaire should be completed individually by the persons who actually manage the CIF (members of the Board of Directors and senior officers of the applicant).
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 the address 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 form, information which is publicly available or have previously been disclosed to the Commission or to another supervisory authority, should not be considered as known by the Commission.

PART Α – Natural Persons

To be answered by the natural persons mentioned in point 1 of the general comments above.

1. Personal and other information

|  |  |  |  |
| --- | --- | --- | --- |
|  | Full name | : |  |
|  | Date and place of birth | : |  |
|  | Nationality/Citizenship | : |  |
|  | I.C. / Passport No (issuing country) | : |  |
|  | Postal address | : |  |
|  | Telephone No | : |  |
|  | Fax No | : |  |
|  | E-mail address | : |  |
|  | Countries of residence for the past five years and dates of residence in each country | : |  |
|  | Position in/relation with the applicant[[1]](#footnote-1) | : |  |
|  | Date of suggested appointment | : |  |

* 1. State whether you participate or intend to participate (including the persons referred to in article 2 of the Exercise of Investment Activities and the Operation of Regulated Markets Law (“the Law”) in the definition of “person with whom a relevant person has a family relationship”) in the Board of Directors of a company admitted to trading on a regulated market or on an equivalent market of a third country (if yes, provide details). ............................................................................................................................................
  2. State whether you participate or intend to participate (including the persons referred to in article 2 of the Exercise of Investment Activities and the Operation of Regulated Markets Law (“the Law”) in the definition of “person with whom a relevant person has a family relationship”) in the Board of Directors of an Investment Firm (“IF”) (if yes, provide details).

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If you intend to participate in the Boards of Directors of two or more IFs, you should produce as Annex to this questionnaire, certificates by the said IFs certifying that they are aware of your participation in the boards fo directors of the rest of the Ifs and that they have no objection to this.

* 1. State whether you hold, directly or indirectly, a qualifying holding in a legal entity, representing at least ten percent (10%) of the share capital or of the voting rights, or enabling the exercise of significant influence over the management of the legal entity. …………..……………………………….

If yes, please state the following:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name of legal entity | Participation percentage | Main activities | Relation between the legal entity and the applicant (if any) | Country of incorporation | Registration No | Competent supervisory authority (if any) |
|  |  |  |  |  |  |  |

1. Academic qualifications and working experience
   1. Academic qualifications (university qualifications, knowledge of a foreign language).

…………………………………………………………………………………………….

* 1. Professional qualifications (i.e. Membership in professional bodies).

…………………………………………………………………………………………….

* 1. Other qualifications related to the nature of the duties assigned to you by the applicant.

…………………………………………………………………………………………….

* 1. Working experience (please give details of your working experience, starting from the actual experience – include participations in any boards of directors, as well as the periods of unemployment):

|  |  |  |  |
| --- | --- | --- | --- |
| 2.4.1 | Date (from/to month/year) | : |  |
| 2.4.2 | Name of organisation | : |  |
| 2.4.3 | Supervisory authority (if applicable) | : |  |
| 2.4.4 | Main activities of the organisation | : |  |
| 2.4.5 | Telephone no of the organisation | : |  |
| 2.4.6 | Position held | : |  |
| 2.4.7 | Reason of departure | : |  |

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

…………………………………………………………………………………………….

1. Morals and credibility

Answer the following questions (If the answer is yes, provide the necessary details):

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

…………………………………………………………………………………………….

1. Have your licence 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 and/or outside the Republic?

…………………………………………………………………………………………….

1. 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 removed from a position of administrative responsibility in an undertaking or organisation (of public or private law) following a court ruling or an administrative decision, in and/or outside the Republic;

…………………………………………………………………………………………...

1. Have you ever been involved in cases (include also pending cases) which were the object of an administrative or disciplinary control or the imposition of administrative or disciplinary or other sanctions by competent or supervisory authorities, previous employers or professional bodies and associations, in and/or outside the Republic, regarding:
   * 1. Serious administrative or disciplinary or other offences? ………………………..
     2. Inadequate execution of the duties assigned to you? …………………
     3. Violations of the internal regulation of operation of the firm or the code of ethics and professional conduct?………………………
2. Have you ever obstructed the efficient exercise of supervision by a competent authority in the broader financial sector?........................................................................

…………………………………………………………………………………………...

1. Have you ever been convicted or are any charges or investigation procedures pending against you, in and/or outside the Republic:
   * 1. For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion? ………………………….
     2. For offences or violations concerning money laundering activities? …………………………………………………...
     3. For offences or violations that involve the use of confidential - privileged information? ……………………………………………………..
     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? ……………………………………………………………………..
     5. For any other action that is punishable by a prison sentence? ……………………………………………………………………….
2. Have any complaints or protests ever been, specifically and justifiably, filed in writing against you (*include also pending cases*) in relation to investment and ancillary services for the provision of which you were responsible, in or/and outside the Republic?

…………………………………………………………………………………………….

1. Have you ever been declared bankrupt (*include also pending cases*) 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 verdict against you within one year from the issue of such verdict, in or/and outside the Republic?

…………………………………………………………………………………………….

1. Have you been, in the last decade, in any of the following situations:

3.9.1 Non-payment of a debt due? ………………………………………

3.9.2 Protest of bills of exchange or notes?..…………………………….

3.9.3 Issue of dishonoured cheques? ………………………………………………..….

Have you or any of the corporate, partnership or unincorporated entities, with which you were associated, ever been asked to close an account with or had an account closed by a credit institution with which you or any of the abovementioned cooperated with?

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

1. Have you ever been a member of the board of directors, managerial executive 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;

…………………………………………………………………………………………….

1. Have you ever been a member of the board of directors, managerial executive 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 administrative duties (include also pending cases):
   * 1. An application to dissolve, compulsory liquidate, classify as insolvent or confiscate its assets or place in mandatory receivership was filed against it?………………
     2. Its books were audited, beyond the regular audits, or was the subject of an investigation by a competent or supervisory authority? ……………………..……
     3. Administrative or other sanctions were imposed upon it by a competent or supervisory authority? ..…………………………………………………………………………………
     4. Its books or other documents were requested or confiscated by a competent or supervisory authority? ………………………………………………..………………..
     5. Obstructed the effective exercise of supervision by a competent or supervisory authority? …………
     6. The application for granting authorisation or the obtaining of membership status in a professional association was rejected, or the authorisation or membership was suspended or withdrawn? …..………………………...
2. Is there anything relevant that you would like to state that could affect either positively or negatively the forming of an opinion on your morals and credibility?

……………………………………………………………………………………………..

1. Statements

4.1 I hereby state and confirm:

4.1.1 I am aware and fully understand my competences and obligations arising from the Law and by virtue of the Directives issued pursuant to it, as well as generally 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 its requirements and obligations arising pursuant to the Law and the directives issued pursuant to it, as well as generally the legislation that governs the operation of the applicant.

* 1. I state that I am and shall remain a true and ultimate member of the board of directors and that I do not nor shall I ever act on behalf or under the directions of a third party.

1. References

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

…………………………………………………………………………………………….

5.2 State whether you give your permission to the CySEC to request these references.

…………………………………………………………………………………………….

If no, state the reasons:

…………………………………………………………………………………………….

Being fully aware of the consequences of the Law, I solemnly declare that:

1. I have exercised all due diligence to ensure that all information contained in this questionnaire are correct and true.
2. I hereby confirm that I shall comply will the relevant requirements and obligations arising from the Law and the Directives pursuant to it.
3. I shall notify the Commission, in writing and without undue delay, of any new details regarding my person, that could affect the sound and prudent management of the applicant/CIF.

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

By this statement and in full comprehension of its contents, I give my express consent for the processing of my personal data, sensitive and not, in accordance with the Processing of Personal Data (Protection of Individuals) Law of 2001.

The provision of false or misleading information or details or documents or forms, or the withholding of substantial information from the current document, in addition to constituting a violation subject to an administrative fine not exceeding €350,000 and in case of remission or continuation of the violation, an administrative fine not exceeding €700,000 and a criminal offence punishable, in the event of conviction, by imprisonment not exceeding five years.

Signature ......................................................

Full name ......................................................

Date ......................................................

1. In case the position you hold (or intend to hold) is that of the member of the board of directors, clarify whether you shall be an executive or not or an independent director. [↑](#footnote-ref-1)