Annex 1 to Regulations No 201

of Financial and Capital Market Commission of 27.10.2020

**FIT AND PROPER QUESTIONNAIRE**

**What is the purpose of this questionnaire**

## The information included in this questionnaire will provide the opportunity to perform a supervisory assessment of the suitability of the appointee. This questionnaire should be read in conjunction with Article 91 of the Directive 2013/36/EU (CRD IV)[[1]](#footnote-2) and Credit Institution Law and Regulations of the Financial and Capital Market Commission No 201 ''Procedure for the Submission of Information and Documents for the Assessment of Suitability of Officials of Credit Institutions''.

## The questionnaire must be filled in accurately and completely. If information provided is inaccurate or incomplete, this will lead to a delay in processing the questionnaire. Provision of false, partial or misleading information knowingly or negligently can be sanctioned under laws and regulations, and will call into question the suitability of the appointee.

## Please note that according to Article 57 (13) ofthe Credit Institution Law the Financial and Capital Market Commission or the European Central Bank shall commence the suitability assessment of the appointee from the day when they has received all the necessary documents. In addition to the specified information, both the appointee and the credit institution have a responsibility to disclose to the Financial and Capital Market Commission all the information of which they would reasonably expect to be notified.

**Who should fill in and sign this questionnaire**

The appointee and the credit institution are jointly responsible for providing the Financial and Capital Market Commission with complete and accurate information regarding the (proposed) appointment. Their respective declarations and signatures relate to the whole of the information included in this questionnaire. The questionnaire should be signed for the credit institution by the person(s) authorised to represent the credit institution for suitability assessments.

**How to submit the questionnaire**

Completed and signed form should be submitted to the Financial and Capital Market Commission together with the documents referred to in Article 3 of the Financial and Capital Market Commission No 201 ''Procedure for the Submission of Information and Documents for the Assessment of Suitability of Officials of Credit Institutions''.

**How will this questionnaire be processed**

The questionnaire of the less significant credit institutions will be processed by the Financial and Capital Market Commission and outcome of the assessment will be notified to the credit institution by the Financial and Capital Market Commission. The questionnaire of the significant credit institutions will be processed jointly by the Financial and Capital Market Commission and the European Central Bank. The outcome of the assessment will be notified to the credit institution by the European Central Bank.

**Who can you contact in case of any questions**

Please contact the Financial and Capital Market Commission in case of questions (phone: +371 6777 4800;   
e-mail: fktk@fktk.lv).

**Declaration of the appointee**

The undersigned

confirms that the information provided in this questionnaire is accurate and complete to the best of his/ her knowledge;

confirms that s/he will notify the credit institution immediately if there is a material change\* in the information provided;

authorises the Financial and Capital Market Commission 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, including authorisation of the following entities and individuals;

confirms that s/he is aware of responsibilities arising from European and national legislative acts and international standards, inter alia regulations, codes of practice, guidance notes, guidelines and other rules and from the regulations and directives legislated by the Financial and Capital Market Commission, the European Central bank and the European Banking Authority, which are of relevance to the function for which a positive assessment is sought and confirms the intention to ensure continued compliance with them.

Name and surname:

Signature:

Date:

\* *A material change* is change that could influence suitability of the appointee

Declaration of the credit institution

The undersigned

confirms that the information provided in this questionnaire is accurate and complete to the best of his/her knowledge;

confirms that the credit institution will notify the Financial and Capital Market Commission immediately if there is a material change\* in the information provided;

confirms that the credit institution has requested the fullest information that could be lawfully obtained about the suitability of the appointee and that it has given due consideration to that information in determining the appointee to be fit and proper;

confirms that the description of the function for which a positive assessment is sought accurately reflects the aspects of the activities of the credit institution,which it is intended that the appointee will be responsible for;

confirms that the credit institution considers on the basis of due and diligent enquiry and, by reference to the fit and proper criteria as laid down in laws and regulations that the appointee is a fit and proper person to perform the function as described in this questionnaire;

confirms that the credit institution has made the appointee aware of the regulatory responsibilities associated with the function as described in this questionnaire;

confirms that s/he is authorised to make this notification/application and provide the declarations given by the credit institution, and sign this questionnaire on behalf of the credit institution.

Name of credit institution:

Name and surname:

Position:

Signature:

Date:

\* *A material change* is change that could influence suitability of the appointee

# **1. Identification of credit institution and appointee**

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| A | Information on credit institution | |
|  | Identification of the requesting credit institution (name/national identification number/LEI Code) |  |
|  | Contact person within the credit institution  (name/email/phone number) |  |
|  | Is the credit institution CRD IV significant according to national legislation? | YES  NO |
| B | Personal information | |
|  | Name | |
|  | First name(s) |  |
|  | Family name(s) |  |
|  | Professional title |  |
|  | Variation of first name(s) |  |
|  | Previous Name | |
|  | First name(s) |  |
|  | Family name(s) |  |
|  | Date and reason for change |  |
|  | Current Residence | |
|  | Address |  |
|  | City |  |
|  | Country |  |
|  | Start date of residence at this address: |  |
|  | Duration of stay at this address; |  |

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|  | **Permanent residence (if different from the current residence)** | | | | | | | |
|  | Address | | |  | | | | |
|  | City | | |  | | | | |
|  | Country | | |  | | | | |
|  | Start date of residence at this address: | | |  | | | | |
|  | Duration of stay at this address; | | |  | | | | |
|  | Other details | | | | | | | |
|  | Date of birth | | |  | | | | |
|  | Place of birth | | |  | | | | |
|  | Nationality | | |  | | | | |
|  | Current valid ID/passport number | | |  | | | | |
|  | Country where ID/passport was issued | | |  | | | | |
|  | Date of current ID/passport expiry | | |  | | | | |
|  | Contact phone number (including country code) | | |  | | | | |
|  | Email address | | |  | | | | |
| C | **Previous regulatory approvals/non-approvals in the financial sector**  If the credit institution, in which the approval of the person is planned, is less significant supervised credit institution, decisions adopted by the Financial and Capital Market Commission may be not indicated | | | | | | | |
|  | Competent Authority involved | Institution involved | Function involved | | Start date | End date | Date of assessment | **Conclusion of the assessment (in the case of non-approval, provide an explanation in section D)** |
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| D | **Please explain the reasons for the non-approvals indicated above, if any:** | | | | | | | |
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# **Position for which questionnaire is submitted**

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| A | **Please state below the position which the appointee wishes to hold within the credit institution (as far as known at the time of the submission)** |
|  | Please state the name of the position in accordance with structure of the credit institution (in Latvian): |
|  | Please check all boxes which apply to the appointee, positions to be held in the credit institution (below positions in Latvian):  Valdes priekšsēdētājs (CEO)  Valdes loceklis  Valdes loceklis (CRO)  Valdes loceklis (CCO)  Valdes loceklis (CFO)  Padomes priekšsēdētājs  Padomes loceklis  Iekšējā audita dienesta vadītājs  Risku direktors  Par darbības atbilstības kontroli atbildīgā persona  Par noziedzīgi iegūtu līdzekļu legalizācijas un terorisma finansēšanas novēršanas prasību izpildi atbildīgā persona  Ārvalsts kredītiestādes filiāles vadītājs  Kredītiestādes filiāles citā dalībvalstī vadītājs  Prokūrists  Other position(s) (please provide details): Click here for the entry of text |
| B | **Please provide below as detailed a description as possible of the main duties, responsibilities and number of subordinates relating to the function in question. Please specify which other functions, if any, the person involved will exercise within the credit institution** |
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|  | Please also specify on which committees of the management body or other (management) committees the appointee will sit, if applicable |
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| C | **Please provide below additional details about the planned start date and the length of the term of office** | |
|  | (Planned) start date for the appointment | |
|  | (Planned) term of office | |
|  | Is the person to be appointed replacing somebody else? | YES  NO |
|  | If YES, please indicate the name of this person, as well as reason why that person terminated fulfilling his/her responsibilities in the credit institution. | |
|  |  | |
|  | Is the application/notification being submitted on time in accordance with requirements of law and regulations? | YES  NO |
|  | If not, please state why | |
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| D | **Nature of the arrangement between the appointee and the credit institution** | |
|  | Contract for services  Partner/shareholder  Employee  Other (please explain): | |

# **Reputation**

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| A | **Do you**[[2]](#footnote-3) **have any previous convictions in 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)?** | YES  NO |
|  | 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 | |
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| B | **Do you have any pending 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 any formal notification of investigation or committal for trial)?** | YES  NO |
|  | 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 | |
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| C | **Do you have any previous disciplinary measures or pending disciplinary actions (including disqualification as a company director, discharge from a position of trust)?** | YES  NO |
|  | If YES, please provide details below | |
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| D | **Do you have any previous or pending bankruptcy, insolvency or similar procedures as a head of company?** | YES  NO |
|  | If YES, please provide details below (including whether the bankruptcy or insolvency was voluntary or not; indicate the company, legal address, registration number and country, the date of the approval of proceedings) | |
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| E | **Have any of the proceedings referred to in section 3 been settled out of court or within the framework of alternative dispute resolution?** | YES  NO |
|  | If YES, please provide details below | |
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| 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?** | YES  NO |
|  | If YES, please provide details below | |
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| G | **Have you ever been the subject of a refusal of registration, authorisation, membership or licence to carry out a trade, business or profession?** | YES  NO |
|  | If YES, please provide details below | |
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| 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?** | YES  NO |
|  | If YES, please provide details below | |
| I | **Has the management body of the credit institution engaged in any specific deliberations regarding any aspects of your reputation?** | YES  NO |
|  | If YES, please provide details on the content and outcome of this deliberation | |
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# **Experience**

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| A | **Official Degree/Certificate** | | | | | | | | **Field of study** | | | | | Date | | | | **Educational organisation (university, centre of studies...)** | |
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| B | **Practical experience related to banking/financial field** | | | | | | | | | | | | | | | | | | |
|  | Position | | Main responsibilities | | **Organisation, company, etc.** | | Size**[[3]](#footnote-4)** | | | **Number of subordinates** | | **Spread of areas covered** | | | From | | To | | **Reason for termination** |
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| C | | **Other relevant experience in senior management**[[4]](#footnote-5) **position outside financial sector** | | | | | | | | | | | | | | | | | |
|  | | **Position** | | Main responsibilities | | **Organisation, company, etc.** | | Size **[[5]](#footnote-6)** | | | **Number of subordinates** | | **Spread of areas covered** | | | From | To | | **Reason for termination** |
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| D | **Other relevant experience outside financial sector (e.g. academic positions, legal services, IT, engineering, HR, political mandates, other non-commercial mandates)** | | | | | | | | |
|  | **Position** | Main responsibilities | **Organisation, company, etc.** | Size **[[6]](#footnote-7)** | **Number of subordinates** | **Spread of areas covered** | From | To | **Reason for termination** |
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| E | **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 management 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.** | | | | | | | | |
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| F | **If the appointee does not have relevant experience, then please list below any potential compensating factors (e.g. size of entity; other compensating experience; degree/academic experience; proven ability to challenge; overall suitability; specialised knowledge; limited appointment in terms of the role of the appointment; other special cases)** | | | | | | | | |
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| G | **General banking experience[[7]](#footnote-8)**: | **Assessment (high, medium-high, medium-low, low)** |
|  | a) financial markets; |  |
| b) regulatory framework and requirements; |  |
| c) strategic planning, and understanding of a credit institution’s business strategy or business plan and accomplishment thereof; |  |
| d) risk management (identifying, assessing, monitoring, controlling and mitigating the main types of risk of a credit institution, including the responsibilities of the member); |  |
| e) accounting and auditing; |  |
| f) assessing the effectiveness of a credit institution’s arrangements, creating effective governance, oversight and controls; |  |
| g) interpreting a credit institution’s financial information, identifying key issues based on this information and appropriate controls and measures; |  |
| h) prevention of money laundering and terrorism and proliferation financing; |  |
| i) environmental, social and governance risks and risk factors |  |
| H | **Other specialised experience (please enumerate)** | |
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| I | **Prior to the assumption of the function or within the first year of the assumption of the function, will the appointee follow specific training?** | | YES  NO | |
|  | If YES, please provide details below | | | |
|  | **Content of training** | **Training provided by (internal or name of external organisation)** | From | To |
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# **Conflicts of interest**

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| A | **Do you[[8]](#footnote-9)** **have any personal relationship[[9]](#footnote-10)** with:  **- other members of the management body (management board, supervisory board) and/or key function holders of the credit institution, the parent undertaking or its subsidiary?**  **- a person that has a qualifying holding in the credit institution, the parent undertaking or its subsidiary?** | YES  NO |
|  | If YES, please provide details below | |
| B | **Do you conduct business (in private or through a company) with the credit institution, the parent undertaking or its subsidiary?** | YES  NO |
|  | If YES, please provide the following information:  - a description of the type and content of the business;  - the obligations of both parties;  - if relevant (through mediation), the name of the company;  - the relevant period of this relationship. | |
| C | **Are you currently involved in any legal proceedings against the credit institution, the parent undertaking or its subsidiary, either directly or indirectly?** | YES  NO |
|  | If YES, please provide information on the content and status of the legal proceedings and the credit institution involved | |
|  |  | |
| D | **Do you have any professional** [[10]](#footnote-11) **or commercial relationship or have you had such relationship over the past 2 years with**:  – **the credit institution, the parent undertaking or its subsidiary**? – competitors of **the credit institution, the parent undertaking or its subsidiary**? | YES  NO |
|  | If YES, please provide details below (where a commercial relationship exists, please provide information as to what (financial) value it represents to the business of the member or his/her close personal or business relationships) | |

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| E | **Do you, either personally or through a company are closely connected with, have any substantial[[11]](#footnote-12) financial interest (such as ownership or investment) in the credit institution, the parent undertaking or its subsidiary, or in competitors or clients of the credit institution, the parent undertaking or its subsidiary?**  If YES, please provide the following information: | | | | | |
|  | **Name of the entity** | **Main activities of the entity** | **Relationship between the entity and the credit institution** | **Relevant period of this relationship** | **Size of the financial interest (% of the capital and voting rights, or value of investment)** | |
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| F | **Do you, in any way, represent a shareholder/partner of the credit institution, the parent undertaking or its subsidiary?** | | | | | YES  NO |
|  | If YES, please provide the following information:  1) name of the shareholder/partner;  2) % participation (in % of the capital and voting rights);  3) nature of the representation | | | | | |
| G | **Do you have any substantial[[12]](#footnote-13) financial obligation to the credit institution, the parent undertaking or its subsidiaries (for example, loans, sureties)?** | | | | | YES  NO |
|  | If YES, please provide the following information:  1) the type of obligation;  2) the value of the obligation;  3) relevant period of this obligation | | | | | |

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| H | **Have you or a person with whom you have personal relationship[[13]](#footnote-14)** **have had over the past 2 years a position with high political influence[[14]](#footnote-15)** **(either nationally or locally)?** | YES  NO |
|  | If YES, please provide the following information:  1. the nature of the position;  2. the specific powers related to or the obligations of this position;  3. the relationship between this position (or the entity where this position is held) and the credit institution, the parent undertaking or its subsidiary | |
| I | **Do you have any other relationships, positions or involvement that are not addressed in the questions above, which could adversely affect the interests of the credit institution?** | YES  NO |
|  | If YES, please provide all necessary information (e.g. nature, content, period and, if relevant, the relation to/relationship with the credit institution, the parent undertaking or its subsidiaries) | |

***To be completed by the credit institution***

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| J | **If any of the statements referred to in section 5 apply, please indicate how a potential conflict of interest resulting from the appointee’s statements above, whether or not it is considered material, is proposed to be mitigated?**  Please include relevant documentation if needed (e.g. policy for prevention of conflict of interests) and indicate particular paragraphs regulating those issues |
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# **Time commitment**

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| A | **What time commitment is required for the function involved?** | | | | | | | | | | | | | |
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| B | **Has an additional non-executive directorship been authorised by a competent authority in accordance with Article** 26.1 (5) of the **Credit Institution Law (implemented Article 91(6) of CRD IV)?** | | | | | | | | | | | YES  NO | | |
| C | **List of executive and non-executive directorships and other professional activities:**  Please list the directorship for which this form is being completed first and then all other directorships and other professional activities held by the appointee after his/her appointment  If the credit institution, in which the approval of the person is planned, is not significant supervised credit institution or systemically significant institution (C-SNI), box (f)  can be left blank | | | | | | | | | | | | | |
|  | a. Entity (please mark listed companies with\*) | | b. Country | c. Description of the company’s activity | d. Size of entity[[15]](#footnote-16) | e. Function within the entity (executive director/non-executive director/other) | f. Privileged counting[[16]](#footnote-17) (Group/  Institutional Protection Scheme/  qualified holding) or no counting [[17]](#footnote-18) | g. Additional responsibilities such as membership of committees, chair functions, etc. | h. Time commitment per week (hours) and per year (days) (to include additional responsibilities)[[18]](#footnote-19) | i. Term of mandate (as of – until) | j. Any additional comments | | k. Number of meetings per year | l. Additional information |
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|  | | If the credit institution, in which the approval of the person is planned, is not significant supervised credit institution or systemically significant institution (C-SNI), boxes (D), (E) and (F) can be left blank | | | | | | | | | | |  | |

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| D | **Total number of executive directorships (management board, director and the like) if privileged counting or exceptions (no counting) are applied** |  |
| E | **Total number of non-executive directorships (supervisory board, directors and the like) if privileged counting and exceptions (no counting) are applied** |  |
| F | **If privileged counting applies, please provide details of whether any synergies exist between the companies, such that there is a legitimate overlap in terms of time commitment within those companies** | |
|  |  | |
| G | **Total hours per week of time committed to all directorships outside the function for which submission is made** |  |
| H | **Total days per year of time committed to all directorships outside the function for which submission is made** |  |

# **Collective suitability**

***To be completed by the credit institution***

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| A | **How is the appointee to be situated in the collective suitability of the credit institution? Please explain why the (proposed) appointment complements the credit institution’s collective suitability and indicate where relevant to the outcome of the most recent assessment of the person's collective suitability by the credit institution** |
|  |  |
| B | **Explain in general the weaknesses that have been identified in the overall composition of the management body or potential improvements thereof** |
|  |  |
| C | **How will the appointee help to solve some or all of the weaknesses referred to in your answer to the previous question?** |
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# **Additional information and Annexes**

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|  | **If there is any other information the appointee or the credit institution considers to be relevant to the assessment, it must be included here:** |
|  |  |

1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC [↑](#footnote-ref-2)
2. "You" throughout section 3 shuld be understood as "you personally", but also includes any corporate, partnership or unincorporated entity with which you are or have been associated as board member, controller, manager, or qualifying shareholder [↑](#footnote-ref-3)
3. E.g. total assets year-end data for financial establishments, total turnover and international presence for other companies.

   If a credit institution, in which the approval of the person is planned, is a less significant supervised credit institution, the size of the credit institutions and financial institutions established in the Republic of Latvia may be not indicated. [↑](#footnote-ref-4)
4. On the board or 1-2 levels below the management body in its management function [↑](#footnote-ref-5)
5. See footnote 3 [↑](#footnote-ref-6)
6. See footnote 3 [↑](#footnote-ref-7)
7. ## In accordance with FCMC Regulation on the Assessment of the Suitability of the Executive and Supervisory Board Members and Key Function Holders where implemented EBAGuidelines on the assessment of the suitability of members of the management body and key function holders

   [↑](#footnote-ref-8)
8. "You" throughout section 5 should be understood as "you personally", but also includes your close relatives (spouse, registered partner, cohabitee, child, parent or other relation with whom you share living accommodation) and any legal person of which you are or were a board member at the relevant time [↑](#footnote-ref-9)
9. A close personal relationship includes a spouse, registered partner, cohabitee, child, parent or other relation with whom the person shares living accommodation [↑](#footnote-ref-10)
10. Such as holding management or senior position(s) [↑](#footnote-ref-11)
11. The substantiality depends on the (financial) value that the interest or obligation represents to the financial resources of the appointee. The following would in principle be considered non-material: all non-preferential secured personal loans (such as private mortgages) that are performing, all other non-preferential loans under €200,000, secured or otherwise, performing or non-performing, current shareholdings ≤ 1% or other investments of equivalent value [↑](#footnote-ref-12)
12. See footnote 11 [↑](#footnote-ref-13)
13. See footnote 9 [↑](#footnote-ref-14)
14. A position that attaches to the person high political influence. High influence is possible at every level: local politician (e.g. mayor); regional or national politician (e.g. cabinet); public employee (e.g. governmental job); or state representative. The materiality of the conflict of interest depends on whether there are specific powers or obligations inherent in the political role which would hinder the appointee from acting in the interest of the supervised entity [↑](#footnote-ref-15)
15. See footnote 3 [↑](#footnote-ref-16)
16. In accordance with Article 26.1 (3)of the Credit Institution Law (Article 91(4) CRD IV). [↑](#footnote-ref-17)
17. In accordance with Article 26.1 (4)of the Credit Institution Law (Article 91(4) CRD IV). Mainly not predominantly commercial objectives/representing the state (e.g., charitable organisations, churches, chambers of commerce, professional associations, etc.) [↑](#footnote-ref-18)
18. In the calculation it is recommended to use the average number of hours and days, i.e. not more than 60 hours per week and 280 working days per year. If the number of hours and days exceed

    the figures set out, such workload shall be justified [↑](#footnote-ref-19)