**FIT AND PROPER DECLARATION – KFH**

**supporting new key function holder notifications**

**Credit institution’s declaration**

.

The declaration should be read in conjunction with the Prudential nomination process of members of the management body and key function holders in credit institutions (Prudential nomination process), the CSSF circular 12/552 on central administration, internal governance and risk management as amended, the Joint ESMA and EBA 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 (LSF).

The institution 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.

1. **Identification of institution**

|  |  |
| --- | --- |
| **a)** | **Information on credit institution** |
|  | Name of the notifying institution | enter text] |
|  | CSSF identification code | enter text] |
|  | LEI Code | enter text] |
|  | Contact person within the institution (name/email/phone number) | enter text] |
|  | Name & first name of appointee  | enter text] |

1. **Function for which this declaration is submitted**

|  |  |
| --- | --- |
| **a)** | **Please state below the function which the appointee should hold within the institution as far as known at the time of the submission. Please check all boxes that apply** |
|  | [ ]   | Chief Risk Officer |
|  |[ ]  Chief Compliance Officer |
|  |[ ]  Chief Internal Auditor |
|  |[ ]  Other (Please provide details) |
| **b)** | **Additional details** |
|  | Is the person to be appointed replacing somebody else? |  |
|  | If YES, who and why?[enter text] |

1. **Institution’s assessment of appointee’s experience**

|  |  |  |
| --- | --- | --- |
| **a)** | **Experience**  | **Assessment (high, medium-high, medium-low, low)** |
|  | a) banking & financial markets | enter text] |
|  | b) legal and regulatory framework and requirements | enter text] |
|  | c) Knowledge about the function to which the person is appointed  | enter text] |
|  | d) knowledge and experience of climate-related and environmental risks | [enter text] |
|  | e) prevention of money laundering and terrorist financing  | [enter text] |

|  |  |
| --- | --- |
| **b)** | **If the appointee does not have, or has limited 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)** |
|  | [enter text] |
|  | [enter text] |

|  |  |  |
| --- | --- | --- |
| **c)** | **Prior to assuming the function or within the first year of assuming the function, will the appointee follow specific training?** |  |
|  | If answer above is “yes”, please provide details below |
|  | **Content of training** | **Training provided by (internal or name of external organisation)** | **From** | **To** |
|  | [enter text] | [enter text] | Click or tap to enter a date. | Click or tap to enter a date. |
|  | [enter text] | [enter text] | Click or tap to enter a date. | Click or tap to enter a date. |

1. **Time commitment**

|  |  |
| --- | --- |
| **a)** | **What time commitment is required for the function involved (full-time/part-time)?** |
|  | enter text] |
| **b)** | **If the function will not be a permanent, full-time function, please provide:** |
|  | A description of the combined responsibilities of the function enter text |
| The internal analysis and its conclusions that justify the creation of a combined or part-time function, taking account of the institution’s organisation, and the nature, scale and complexity of its activities and related risks (add as an appendix under “other” in section 5) |
| The approval of the analysis and its conclusions by the board of directors or supervisors (add as an appendix under “other” in section 5) |

1. **Additional information and Annexes**

|  |  |
| --- | --- |
| **a)** | **If there is any other information the institution considers to be relevant to the assessment and the answers provided, it must be included here** |
|  | enter text] |
| **b)** | **Information that must be attached** |
|  | Please check all of the appropriate boxes: |
|  |[ ]  Detailed and comprehensive professional CV  |
|  |[ ]  Copy of ID card/passport(s) of appointee |
|  |[ ]  Appointee’s criminal record of the Grand Duchy of Luxembourg (bulletin no. 3).[[1]](#footnote-1)  |
|  |[ ]  Appointee’s criminal record of the countries of residence for the last five years and countries that have issued an ID/passport, if different from Luxembourg[[2]](#footnote-2) |
|  |[ ]  Board minutes regarding the appointment |
|  |[ ]  Other (where applicable): | enter text |

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

I, the undersigned, enter text, acting as a representative of the institution, declare on my honour

[ ]  That the information provided in this declaration and the annexes attached thereto are accurate, true complete and up to date to the best of our knowledge.

[ ]  That we will notify the CSSF immediately if there is a material change in the information provided.

[ ]  That we have requested the full and most up-to-date information necessary to assess the appointee’s suitability and that we have given due consideration to that information in determining the appointee to be fit and proper.

[ ]  That we believe, on the basis of due and diligent enquiry and by reference to the fit and proper criteria as laid down in Luxembourg and EU laws, regulation and guidance, that the appointee is a fit and proper person to perform the function as described in this form.

[ ]  That we have made the appointee aware of the regulatory responsibilities associated with the function as described in this form.

[ ]  That this appointment has been duly approved by the board of directors (or, where appropriate, the nominations committee) of the institution.

[ ]  That this appointment complies with the guiding principles and the policies governing the appointment and succession to key functions laid down by the institution.

[ ]  That this appointment respects the institution’s internal policy governing conflicts of interest implemented in accordance with Circular CSSF 12/552.

[ ]  That this appointment has been preceded by an assessment of the appointee in accordance with EBA/GL/2021/06.

[ ]  That I/we have authority to make this application and provide the declarations given by and sign this document on behalf of the institution.

[ ]  That the documents provided as annexes are a true copy of the original documents kept in the archives of the supervised entity.

Name of the institution:

Name: enter text

Position: enter text

Signature:

Date: enter a date

1. Criminal records must not be older than 3 months. [↑](#footnote-ref-1)
2. Criminal records must not be older than 3 months. [↑](#footnote-ref-2)
3. Please make sure to tick all boxes next to all of the statements to mark your agreement [↑](#footnote-ref-3)