**FORM f78-2012-02**

**PERSONAL QUESTIONNAIRE**

|  |  |
| --- | --- |
| **Name and surname of the person :** | **«…..……………………………..»** |
| **Person’s capacity :** | **«…………………………………»** |
| **Name of the Variable Capital Investment Company:** | **«…………………………………»** |

**Purpose of this form**

This form shall be filled-in, in case of submission of an application for granting a Variable Capital Investment Company or in case of change(s) in the shareholding structure or in case a change in one of the persons mentioned directly below under i) and ii) occurs, by:

1. The shareholders with direct or indirect qualifying holdings in the capital of the Variable Capital Investment Company. It is stressed that in case that the shares or the voting rights held in mother companies at any ownership level above the Variable Capital Investment Company, are held by persons acting on behalf of third persons (e.g. nominees), the present questionnaire shall be submitted by the ultimate beneficial shareholders.
2. The members of the Board of Directors, the Senior Management, the Managing Directors, the Internal Auditor and the Compliance Officer of the Variable Capital Investment Company.

Introduction

1. This questionnaire must be completed in electronic form. An electronic version of the questionnaire can be downloaded from the website of the Cyprus Securities and Exchange Commission (the ‘Commission’) at the address: www.cysec.gov.cy.
2. The questions must remain unaltered and the answers must be provided below each relevant question.
3. All questions applicable to the applicant should be duly answered; if they do not apply, state ‘N/A’.
4. On completing the application, it should not be assumed that information, which is publicly available, or which has been previously disclosed to the Commission or to another supervisory authority is known to the Commission.

**PART Α – Natural persons**

**To be answered by the natural persons stated on the first page of the present.**

1. **Personal and other information**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Name and surname | : |  |
|  | Date and place of birth | : |  |
|  | Nationality/Citizenship | : |  |
|  | Identification/passport number (country of issue). | : |  |
|  | Postal address | : |  |
|  | Telephone number | : |  |
|  | Fax number | : |  |
|  | Electronic address | : |  |
|  | Countries of residence during the last five years and dates of residence in each country  | : |  |
|  | Position within/in relation with the Variable Capital Investment Company[[1]](#footnote-1) | : |  |
|  | Date of suggested appointment | : |  |
|  | 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. State the amount of participation or whether you intend to participate in or to be employed *(including the persons with who you are under a family relationship as defined in the Directive DI78-2012-01)* by a company/companies which has/have submitted an application for obtaining an operation license or has obtained an operation license by the Commission. If yes, then state:

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

* 1. 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, then state the following:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name of legal person | Percentage of holding | Principal activities | Relation of the legal person with the Variable Capital Investment Company (if applicable) | Country of establishment  | 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 within the Variable Capital Investment Company.

…………………………………………………………………………………………….

2.4 Professional experience (please provide 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 the 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 | : |  |

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

1. **Credibility and repute**

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

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

…………………………………………………………………………………………….

1. 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 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 have you been removed from a position of executive responsibility in an undertaking or organisation (of public or private law) following a court ruling or an administrative decision, in the Republic 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 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 and/or outside the Republic, in terms of:
	* 1. Serious administrative, disciplinary or other violations? ………………………..
		2. Inadequate performance of the duties assigned to you?

…………………

* + 1. Violations of the internal regulation of operation of the firm or the code of ethics and professional conduct?

………………………

1. 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 there any charges or investigation procedures pending against you, in the Republic 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 violation concerning money laundering activities and/or terrorism financing? …………………………………………………...
		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 imprisonment? ……………………………………………………………………….
2. Have any specific complaints ever been filed against you *(please also include pending cases)* in writing and by giving reasons in relation to the provision of investment and ancillary services (for the provision of which you were responsible in the Republic and/or outside the Republic?

…………………………………………………………………………………………….

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

…………………………………………………………………………………………….

1. Have you faced any of the following situations during the last decade:

3.9.1 Non payment of a due debt?

………………………………………

3.9.2 Protest of bills of exchange or notes?

..……

3.9.3 Issue of “bad” cheques?

………………………………………………..….

Have you, or any legal person 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 were co-

operating, close an account it had with you or with any of the above

mentioned entities?

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

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 holdings 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):*
	* 1. An application to dissolve, compulsory liquidate, classify as insolvent or confiscate its assets or place in mandatory receivership was filed against it or has it been placed in mandatory receivership? ………………
		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?

…………

* + 1. The application for obtaining an operation license or the obtaining of membership status in a professional association was rejected, or the operation license or membership was suspended or withdrawn? …..………………………...
1. 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 competences and duties, arising from the Law and the Directives issued pursuant to it, and from the legislation that governs the operation of the Variable Capital Investment Company in general

4.1.2 I am fully aware of my responsibilities.

4.1.3 My intention to ensure the Variable Capital Investment Company’s compliance with the requirements and obligations arising from the Law and the Directives issued pursuant to it, and from the legislation that governs the operation of the Variable Capital Investment Company in general.

* 1. I declare that I am and shall remain the true and ultimate beneficial owner of the shares or of the voting rights of the Variable Capital Investment Company *(erase 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.
	2. I acknowledge and accept that the Commission may disclose information in the discharge of its duties, as such duties are laid down in the Law.
	3. With the present declaration and in full awareness of it I freely grant my explicit consent to the Commission 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 current Form constitutes, apart from being a breach subject to administrative fine of up to 350.000 EUR, which may rise up to 700.000 EUR in case of repeating or continuing the breach, a criminal offence being punishable with imprisonment 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/know your financial or other activities, as well as you character. In the case where during the last ten years, you have not been self-employed, one of the two must be your most recent employer.

 …………………………………………………………………………………………….

5.2 State the extent, to which you grant your consent to the Commission to request these references.

…………………………………………………………………………………………….

If not, provide reasons therefore:

…………………………………………………………………………………………….

**PART B – Legal persons**

**To be answered by the legal entities stated on the first page of the present Type.**

**Corporate details**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Name | : |  |
|  | Registration number | : |  |
|  | Country of origin | : |  |
|  | Types of shares (nominal, bearer etc) | : |  |
|  | Postal address  | : |  |
|  | Telephone number | : |  |
|  | Fax number | : |  |
|  | Email address | : |  |
|  | Website address | : |  |
|  | Principal activities | : |  |
|  | Possession of authorisation/operation license | : |  |
|  | Competent or supervisory authority | : |  |
|  | Total percentage of holdings in the share capital of the Variable Capital Investment Company | : |  |
|  | 6.13.1 Direct holdings | : |  |
|  | 6.13.1 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 a legal person, 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 holdings | Main activities | Relationship between the legal person and the Variable Capital Investment Company (if applicable) | Country of establishment | Registration |
|  |  |  |  |  |  |

**7. Shareholders of legal persons**

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

|  |  |  |  |
| --- | --- | --- | --- |
|  | Business name/ Name and surname | : |  |
|  | Legal form | : |  |
|  | Registration number/identity or passport number (country of issue) | : |  |
|  | Country of incorporation | : |  |
|  | Postal address | : |  |
|  | Phone number | : |  |
|  | Fax number | : |  |
|  | Email address  | : |  |
|  | Main/principal activities/professional capacity | : |  |
|  | Number of operation license (if applicable) | : |  |
|  | 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 amount of their holdings) | : |  |

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

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

|  |  |  |  |
| --- | --- | --- | --- |
|  | Name | : |  |
|  | Identity/passport number (country of issue) | : |  |
|  | Nationality/Citizenship | : |  |
|  | Position within the said person | : |  |
|  | Other professional capacity  | : |  |
|  | Postal address  | : |  |
|  | Phone number | : |  |
|  | Fax number | : |  |
|  | Email address | : |  |

**9. Suitability of the legal person**

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

9.1 Did you hold during the last decade an authorisation to operate as a credit institution or as a Cyprus Investment Firm (Investment Firm) or as a financial institution in general, as an insurance organisation or as an organisation investing portfolios, in the Republic and/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 license (e.g. credit institution, Cyprus Investment Firm etc) |
|  |  |  |

9.2 Have you dealt in during the last decade face a refusal for being granted authorisation, the suspension or withdrawal of an authorisation to operate as a credit institution as a Management Company or as a Cyprus Investment Firm (Investment Firm) or as a financial institution in general, as an insurance organisation or as an organisation investing portfolios, 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 and/or outside the Republic during the last decade? …………………………………………………………………………………………..

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

…………………………………………………………………………………

 9.5 Have your books and/or records of the legal person been requested or confiscated by a competent or supervisory authority, in the Republic and/or outside the Republic?

…………………………………………………………………………………………..

9.6 Has you ever obstructed the efficient exercise of supervision by a competent or supervisory authority in the Republic and/or outside the Republic?

…………………………………………………………………………………………...

9.7 Has an administrative sanction been imposed upon you by a

competent or supervisory authority in the Republic and/or outside the Republic

during the last decade?

…………………………………………………………………………………………..

9.8 Has there ever been a conviction against you or are there any

charges pending against you in the Republic 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 and terrorism financing?

………………………………………………….

* + - 1. For offences or violations that involve the use of confidential- privileged information? ………………………………….
			2. 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 on an equivalent market of a third country?…………………………
			3. For the payment of damages in relation to the provision of investment services (core and ancillary) and activities? ……………………………………………………….
			4. 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

during the last decade or have you been placed in mandatory

receivership? …………………………………..………………………………………………………..

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

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

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

…………………………………………………………………………………………..

9.12 Have you or any other legal person 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 were co-operating, close an account it had with you or with any of the above mentioned entities?

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

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

* 1. Failure to repay a due debt? ………………………………..…
	2. Protest of bills of exchange or notes?……
	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 the legal person?

….………………………………………………………………………………………..

**I responsibly declare, having full knowledge of the consequences of the Open-Ended Undertakings for Collective Investment (UCI) Law of 2012 (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 any new elements relating to my person, which could affect the assessment for the sound and prudent management or the functioning 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 to the Commission 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 current application constitutes, apart from being a breach subject to administrative fine of up to 350.000 EUR, which may rise up to 700.000 EUR in case of repeating or continuing the breach, a criminal offence being punishable with imprisonment up to five (5) years.***

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

Name and surname ......................................................

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

**Notice: If the space for providing the necessary details is not sufficient, the provision of such details may take place directly below, by making reference to the number of the table and of the information to be filled-in.**

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

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1. 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. [↑](#footnote-ref-1)