

**SUITABILITY ASSESSMENT**

**OF THE DATA REPORTING SERVICE PROVIDERS’ (DRSPs)**

**MANAGEMENT BODY AND ITS MEMBERS**

Name : «…………………………………»

Capacity : «…………………………………»

Name of applicant/Data Reporting Service Providers : «…………………………………»

**Purpose of the form:**

This form should be completed by all of the Members of the Management Body of Data Reporting Service Providers upon application for the authorisation to provide data reporting services or a change in the members of the management body of authorised Data Reporting Service Providers.

General comments

1. This questionnaire should be completed individually by the Members of the Management Body of Data Reporting Service Providers
2. The Form 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.

CONTENTS

[Α. COLLECTIVE COMPETENCE OF THE MANAGEMENT BODY 4](#_Toc490140155)

[B. MEMBERS OF THE MANAGEMENT BODY- PERSONAL QUESTIONNAIRE 6](#_Toc490140156)

[1. Personal and other information 6](#_Toc490140157)

[2. Knowledge Skills and Experience 6](#_Toc490140158)

[3. Independence of mind and conflict of interest 8](#_Toc490140159)

[4. Sufficient time commitment 9](#_Toc490140160)

[5. Honesty and integrity 10](#_Toc490140161)

[6. References 14](#_Toc490140162)

[7. Declaration 15](#_Toc490140163)

# Α. **COLLECTIVE COMPETENCE OF THE MANAGEMENT BODY**

1. According to the Guidelines on the management body of Data Reporting Services Providers (DRSPs), management body should have collectively, the managerial competence required to perform its role and duties and a sufficient understanding of the organization’s activities and the risks such activities entail according to the scale of the management body. To be able to assess the collective suitability of the Management Body, DRSPs should consider, at least, the areas of knowledge and fields of expertise, listed below.

Applicant DRSPs should provide information for each member of the Management Body on, at least, the following areas of knowledge and fields of expertise:

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| --- | --- | --- | --- | --- | --- |
| **Management Body** | **Member 1** | **Member 2** | **Member 3** | **Member 4** | **Member 5** |
| Each of the material activities of the DRSP |  |  |  |  |  |
| Financial Accounting and Reporting |  |  |  |  |  |
| Strategic Planning |  |  |  |  |  |
| Risk Management |  |  |  |  |  |
| Compliance and Internal Audit |  |  |  |  |  |
| Information technology and security |  |  |  |  |  |
| Local, regional and global markets where applicable |  |  |  |  |  |
| The regulatory environment |  |  |  |  |  |
| The management of (inter) national groups and risks related to group structures where applicable |  |  |  |  |  |
| Other (please specify) |  |  |  |  |  |

1. Please justify how the composition of the collective knowledge and expertise as indicated in the table above contributes towards the collective suitability of the management body of the organisation. The assessment of the experience of the members of the management body should take into account the nature, scale and complexity of the business of the DRSPs as well as the responsibilities of the positions concerned.

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# B. **MEMBERS** OF THE MANAGEMENT BODY- PERSONAL QUESTIONNAIRE

## 1. Personal and other information

|  |  |
| --- | --- |
| Full Name |  |
| Date and place of birth |  |
| Nationality/Citizenship |  |
| I.D. / 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 |  |
| Date of suggested appointment |  |

## 2. Knowledge Skills and Experience

2.1 Academic Qualifications (university qualifications, knowledge of a foreign language)

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

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2.3 Other qualifications related to the nature of the duties assigned to you by the applicant

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2.4 Knowledge and Experience

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| Date (from/to month/year) |  |
| Name of organisation |  |
| Supervisory authority (if applicable) |  |
| Main activities of the organisation |  |
| Telephone no of the organisation |  |
| Position held |  |
| Reason of departure |  |

* + 1. Please state your current level of knowledge in terms of the parameters outlined below using the indicators ‘low’, ‘medium’ and ‘high’:

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| Has general knowledge of and Up to date understanding of the activities of the DRSP |  |
| Explanation: Where and when was the experience gained and what did this involve? |  |
| DRSP related Risks |  |
| Explanation: Where and when was the experience gained and what did this involve? |  |
| DRSP Governance arrangements |  |
| Explanation: Where and when was the experience gained and what did this involve? |  |
| Prospective duties and responsibilities; Please provide details of the duties involved |  |
| Collective accountability of the management body |  |
| Other relevant knowledge and specific areas of experience (*to be filled in, if and to the extent present*) |  |
| Explanation: Where and when was the experience gained and what did this involve? |  |

## 3. Independence of mind and conflict of interest

3.1 State whether you are or have been a shareholder whose participation, directly or indirectly, reaches or exceeds five percent (5%) of the voting rights of the DRSP or an officer of, or otherwise associated directly with, a shareholder whose participation reaches or exceeds 5% of the voting rights of a DRSP

If yes, please state the following:

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| --- | --- | --- | --- | --- | --- | --- |
| 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) |
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3.2 Please state whether you will have influence over the policy of the undertaking. If yes, please state what form this influence will take.

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3.3 Please state whether you have a financial relationship with the legal entity to which you will be appointed other than a relationship resulting directly from the job or position concerned. (An example would be a loan). If yes, please explain the nature of the relationship.

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3.4 Please state whether you are currently employed or have been previously employed in the previous 18 months in an executive capacity by a DRSP or another entity of the DRSP’s group.

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3.5 Please state whether you are or have previously been, within 18 months, a principal of a material professional adviser or a material consultant to a DRSP or another entity or a DRSP’s group, or an employee materially associated with the service provided

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3.6 Please state whether you currently are or you have previously been a material supplier or customer of a DRSP or another entity of a DRSP’s group, or an officer or otherwise associated directly or indirectly with a material supplier or customer

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3.7 Please state whether you have or used to have any other material contractual relationship with a DRSP or another entity of a DRSP’s group other than as a member of the management body.

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3.8 Please indicate whether any of the following conditions which may give rise to conflicts of interest apply:

1. Please state any personal, professional or economic relationships with other persons such as shareholders of the Applicant DRSP or of a competing market operator or DRSP.

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1. Past or present positions held

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1. Please state any personal, professional or economic relationships with other members of the management body or senior management (or with other entities within the group)

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1. Please state any other economic interests (e.g. loans to the members or prospective members’ company)

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1. Please state any other interests, including family interests, that may create actual conflicts of interest

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## 4. Sufficient time commitment

*Please refer to point 5.2 of the ESMA Guidelines for details on the calculation of the number of directorships.*

4.1 Please state the minimum time in hours per month (approximate) that will be devoted to the performance of the person’s functions within the data reporting services provider.

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4.2 Please state any directorships held in other financial and non-financial companies, including when acting on behalf of a legal person or as an alternate appointed by a member of the management body to attend meetings

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4.3 Please state any directorships held in organisations which do not pursue predominantly commercial objectives

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4.4 Please state any other functions and professional activities within and outside the financial sector relevant in terms of time commitment

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4.5 Please state the nature of your responsibilities under any of the previous points

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4.6 Please confirm that a written confirmation stating that the proposed management member can devote additional time when the DRSP is undergoing a period of particularly increased activity and that the particular person complies with the limitations of the number of Directorships set out in article 45(2)(a) of MIFID II is attached.

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## 5. Honesty and integrity

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

5.1 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?

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5.2 Has 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?

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5.3 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 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?

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5.4 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:

* Serious administrative or disciplinary or other offences?

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* Inadequate execution of the duties assigned to you?

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

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

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5.6 Have you ever been convicted or are any charges or investigation procedures pending against you, in and/or outside the Republic:

* For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion?

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* For offences or violations concerning money laundering activities?

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

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* For any other action that is punishable by a prison sentence?

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5.7 Have any complaints or protests ever been, specifically and justifiably, filed in writing against you (include also pending cases) in relation to financial or data services for the provision of which you were responsible, in or/and outside the Republic?

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5.8 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 fulfil your obligations arising from a verdict against you within one year from the issue of such verdict, in or/and outside the Republic?

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

* Non-payment of a debt due?

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* Protest of bills of exchange or notes?

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of dishonoured cheques?

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5.10 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?

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5.11 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 5.6 above;

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5.12 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):

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* An application to dissolve, compulsory liquidate, classify as insolvent or confiscate its assets or place in mandatory receivership was filed against it?

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

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

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* Its books or other documents were requested or confiscated by a competent or supervisory authority?

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* Obstructed the effective exercise of supervision by a competent or supervisory authority?

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* 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?

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5.13 Are there any other facts and circumstances in the financial field which can be important to the integrity screening? (Examples would include an expected debt collection procedure to start, expecting legal proceedings which have not yet started).

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5.14 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?

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## 6. References

6.1 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.

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

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If no, state the reasons:

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## 7. Declaration

**I responsibly declare, having full knowledge of the consequences of the Investment Services and Activities and Regulated Markets Law of 2017 (Law 87(I)/2017) (the “Law”), that:**

1. **I have exercised all due diligence in ensuring that all the information stated in this Form, as well as the details and documents that accompany it are correct, complete and accurate.**
2. **I hereby confirm that I shall comply will the relevant requirements and obligations arising from the relevant legislative framework.**
3. **I will notify the CySEC, in writing, immediately of, any new details regarding my person.**

**I confirm that I am ready and willing to comply with the requirements or and obligations arising from the legislative framework.**

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

**In accordance with sections 71, 93 and 94 of the Law, I understand that the provision of false, or misleading information or data or documents or forms, or the withholding of material information from the current notification, is subject to an administrative fine and may constitute a criminal offence.**

**Signature ......................................................**

**Full name ......................................................**

**Date ......................................................**