

# QUESTIONNAIRE FOR APPOINTMENT IN DUTCH CARIBBEAN<sup>1</sup>

Form for the assessment of the reliability and suitability of (candidate) co-policy makers, policy makers, and supervisory directors of standing institutions under supervision of The Netherlands Authority for the Financial Markets or de Nederlandsche Bank NV (Supervisor) in public bodies of Bonaire, St. Eustatius, and Saba (BES islands), identified in Question 2<sup>1</sup>, as well as (candidate) holders of qualified shareholdings in these institutions.

To be filled in by the main person referred to. In this context, policy maker or co-policy maker is defined as any person who determines or co-determines the day-today policy and the compliance of this policy at supervised institutions, or who will be appointed as such, and any holder or future holder of a qualified shareholding in standing institutions under the supervision of supervisory bodies. Supervisory director is defined as a person who is responsible for overseeing the policies and general affairs of the company. This is usually a member of the Supervisory Board or the Supervisory Council.

Qualified shareholding is defined as:

- a direct or indirect interest of at least 10% of the issued share capital of a company or institution, or
- the direct or indirect ability to exercise at least 10% of the voting rights in a company or institution, or the direct or indirect ability to exercise comparable control over a company or institution.

Questions 8 and 9 do not apply for the holder or future holder of a qualified shareholding. However, these persons must send an organisation chart of the current and future shareholder structure or control structure of the institution; for listed institutions, only qualitative shareholdings of 5% or more must be submitted.

The supervisors will include the information you provide, in the context of the supervisory legislation, wholly or partly in (partially) computerised records of personal details. One of these records relates to the registration records maintained by the supervisors, as referred to in the financial supervision legislation.

We emphatically point out to you that any incorrect and/or incomplete answering of the Questions is an important factor in our assessment concerning your reliability and suitability for the function/position as stated in Question 2. For requirements concerning suitability, please refer to the 2012 Suitability Policy Rule. You should voluntarily and immediately notify the supervisors, to which you have submitted your application or notification, of any change in circumstances that would make it necessary for you to answer the Questions below in a different manner.

Your completed Questionnaire, after receipt and an initial check for completeness, can be submitted to the relevant responsible Public Prosecutor in the context of a request for information. This is undertaken with respect to any criminal antecedents that may be relevant to the assessment for reliability.

## **Please complete, print, and sign.**

If you need more space, please attach a separate sheet containing your information to this form. Each separate sheet must be dated and signed by the person concerned.

<sup>1</sup> Public bodies Bonaire, Sint Eustatius and Saba.

<sup>2</sup> Credit institutions, electronic money institutions, cash transaction agencies, trust offices, life insurers, non-life insurers, funeral expenses and benefits in kind insurers, (company) pension funds, advisers, brokers, authorised agents or sub authorised agents, asset managers, credit providers, providers of a collective investment scheme.

### INFORMATION CONCERNING THE INSTITUTION

1. Name of the institution \_\_\_\_\_  
Address of the institution \_\_\_\_\_

### INFORMATION CONCERNING THE FUNCTION AND PERSON

2. State your future function/position at the institution. \_\_\_\_\_  
*This must be shown by the (management) articles of association, power of attorney, or written instruction.*

Director  
 Board member  
 Member of Supervisory Board or Council  
 Other policy makers or co-policy makers:  
 Director or  Supervisory  
 Director of Management company  
 Depositary  
 Investment Manager/Adviser  
 Holder of qualified shareholding (including shareholder that is UBO)  
 Majority shareholder (directly or indirectly)  
 Person with exemption  
Overige function, specifically: \_\_\_\_\_

3. Your full name (surname first), including previous names. \_\_\_\_\_

4. Your address / telephone / fax / email  
Current (private) \_\_\_\_\_  
Current (business) \_\_\_\_\_

5. Your place and date of birth  
Date \_\_\_\_\_ Place \_\_\_\_\_

6. Your nationality \_\_\_\_\_  
Obtained from:  Birth  
 Marriage  
 Naturalisation  
 Other, please specify \_\_\_\_\_

Each previous nationality from \_\_\_\_\_

Obtained:

- Birth
- Marriage
- Naturalisation
- Other, please specify

7. Passport number(s) \_\_\_\_\_

Date and place of issue \_\_\_\_\_

Issuing body \_\_\_\_\_

*A legible copy of the candidate's valid passport or ID card (both sides) must be included with this application.*

**INFORMATION ABOUT YOUR SUITABILITY  
(EDUCATION/WORK EXPERIENCE/OTHER POSTS)**

8. Send your CV on a separate sheet as well, which includes at least the following information:

- your education and training courses (names of schools/educational institutions, type of education and/or nature of courses, diplomas and/or certificates received, dates);
- your previous employers (name and nature of company, function, duties as a manager, number of people you supervised and for how long, description of duties that could be relevant to your current or new position, period served in each function, reason for leaving);
- your professional experience, including the statutory name and place of the institution, the period of employment, the position held, details of the duties and responsibilities held and the number of staff under the appointee's responsibility. All secondary positions, stating: the statutory name and place of the institution, the field of expertise or committee, average weekly or monthly time spent on each secondary position, any remuneration received.

Appendix with CV

## YOUR REFERENCES

9. Independent references (please provide three names, as well as: their functions, addresses, phone numbers and your relationship with the referee). The references should preferably have an affinity with the financial sector. The references will either have been your supervisor(s) or fellow director(s). At least one reference should be from your last employer, if applicable. If you are continuing to work for the same institution and you have worked there for more than eight years, provide at least one reference who works for this institution.

References **cannot** be: relatives by blood or affinity in direct line or in the collateral line up to and including the third degree, your spouse or former spouse, or cohabiting partner, and counsellors who by virtue of their social role have a duty of confidentiality. Any persons providing references must have been informed in advance and must be prepared to act as such.

Name	
Function	
Address	
Telephone	_ _ _ _ _
Relation with the referee	

Name	
Function	
Address	
Telephone	_ _ _ _ _
Relation with the referee	

Name	
Function	
Address	
Telephone	_ _ _ _ _
Relation with the referee	

## CRIMINAL ANTECEDENTS INVESTIGATION

10. Have you ever been involved as a suspect in a criminal offence on the BES islands or elsewhere? Please also state cases that were dismissed and traffic offences, including the decision in the case. You do not need to report traffic violations. Do you need more space? Add your own appendix. Do you have any doubts? Consult the Financial markets (BES Islands) Decree (Besluit financiële markten BES - Bfm BES), Section 3 and its Appendix, or consult the legal specialists of your company. You can also contact the supervisory body
- No  
 Yes (explain when and which offence)

*Traffic offences are:*

- joy riding;
- riding under the influence of drink or drugs;
- driving on/not stopping after an accident;
- driving while under a driving ban;
- driving if your driving licence has been suspended or revoked;
- involuntary manslaughter;
- false number plate.

11. Has a company at which you are or were a policy maker or co-policy maker been suspected of a criminal offence?
- No  
 Yes

If so, explain when, which criminal offence was involved, and what the ruling was in this case.

12. What was your involvement in this criminal offence identified above?

13. Do you have any serious financial problems, and/or have had personal payment problems? Have these financial problems led to a legal, recovery or collection procedure?
- No  
 Yes

If so, please explain how this procedure was completed (application for suspension of payment, application for and/or cancellation of bankruptcy, debt rescheduling, creditor's agreement, and the time period in which this occurred)..

14. Do you expect personal payment problems within a year that will lead to a legal, recovery or collection procedure?  No  Yes

If so, please explain.

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#### INVESTIGATION INTO BUSINESS FINANCIAL ANTECEDENTS

15. Do you have a direct or indirect interest in the institution identified under Question 1, other than your current function as policy maker or co-policy maker, your role as supervisory director, and/or qualified shareholder of 10% or more?  No  Yes

If so, please explain which company this concerns and what the interest consists of (share capital, voting rights, and other type of control).

*A direct or indirect interest can in this case be: via relatives by blood or affinity in direct line or in the collateral line up to and including the third degree; your spouse or former spouse, or cohabiting partner.*

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16. Does one or more institutions at which you were or are a policy maker or co-policy maker, or supervisory director, have major financial problems, or has this occurred in the past?  No  Yes

If so, please explain (legal proceedings, suspension of payments, bankruptcy, or other).

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17. Have you ever been sentenced to pay (unpaid) debts due to liability for the bankruptcy of an institution pursuant to the applicable provisions of the Civil Code or similar provisions elsewhere?  No  Yes

If so, please explain what your role was, in what period this occurred, as well as the grounds on which you were found liable.

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18. Are you currently a policy maker or co-policy maker, or supervisory director of other institutions?  No  
 Yes

- Do you have any direct or indirect financial interest and/or controlling interest of 5% or more in this context? If so, please explain.
- Do these other institutions maintain a business relationship with the institution identified under Question 1?

If so, please explain.

*Financial interest is defined as: the share or another comparable capital-provision interest that you have in the financial assets of an institution other than the one at which you work or are going to work.*

*Controlling interest is defined as: the voting right or another comparable influence on the highest organ of an institution, other than the one at which you work or are going to work.*

#### SUPERVISION RELEVANT ANTECEDENTS

19. Has a financial or other supervisory body or a licensing authority, working in financial and economic fields at home or abroad, ever revoked or refused to provide an admission, licence, exemption or registration to you or to the institution where you were a policy maker or copolicy maker?  No  
 Yes

If so, when, and please explain this incident.

20. Have you, as policy maker or co-policy maker of an institution, ever had a conflict with a financial or other supervisory body at home or abroad, or do you expect such a situation within a year?  No  
 Yes

If so, when, and please fully explain this incident.

### FISCAL ADMINISTRATIVE ANTECEDENTS INVESTIGATION

21. Have you ever had a penalty imposed on the basis of tax legislation?  No  
 Yes

If so, please explain when, what the reason was for this penalty, whether an administrative fine was imposed and, if so, whether this was an administrative fine for an offence or an omission.

22. Are you currently involved in any procedure that could lead to the imposition of a penalty on the basis of tax legislation?  No  
 Yes

If so, please explain the reason and the current status of the case.

23. Has an institutional which you are or were a policy maker or co-policy maker ever had a penalty imposed on the basis of tax legislation?  No  
 Yes

If so, when, and please explain the reason for this.

24. Is a tax-paying company, at which you are a policy maker or co-policy maker, involved in any procedure that could lead to the imposition of a penalty on the basis of tax legislation?  No  
 Yes

If so, please explain the reason and the current status of the case.

### INVESTIGATION INTO OTHER ANTECEDENTS

25. Are you or have you been affiliated to a professional organisation?  No  
 Yes

If so please specify which professional organisation and during what period.

26. Have there been any legal disciplinary measures or comparable measures taken against you in the past?  No  
 Yes

If so, when, and please explain (the measures, which organisation, when, and the reason why).



27. Have you, in the past, had a conflict with an employer that led to a disturbed relationship?  No  Yes

If so, when, and please explain.

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28. If you have answered Question 27 with 'yes':  No

As a result of the conflict that you reported in Question 27, was there any imposition of labour law sanctions, e.g. a warning, reprimand, or dismissal?  Yes

If so, please explain.

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#### OTHER QUESTIONS

29. Do you have a financial relationship with the financial institution at which you obtained a function or position, other than directly resulting from that function or position, e.g. a loan?  No  Yes

If so, please explain.

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30. Have you in the past previously been assessed for reliability and/or suitability by any institution (in the former Netherlands Antilles, Curacao, St. Maarten, Aruba, the Netherlands or elsewhere), charged with public responsibility for supervising any area of the financial sector?  No  Yes

If so, please explain (name of organisation, period, and assessment result).

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31. Are you aware of any other facts and/or circumstances that could reasonably be considered important for the supervisory body in its assessment of your reliability, expertise or suitability?  No  Yes

If so, please fully explain.

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I DECLARE with this signature that the information in this form and attached appendix or appendices has been fully and truthfully filled in. As long as I hold the function/position identified under Question 2, I undertake to notify the supervisors within 10 days concerning any changes that affect the completeness of the answers to these Questions, including antecedents.

Place: \_\_\_\_\_

Date: (dd/mm/yyyy) | | | | | | | | | |

Signature  
(of the person identified under Question 3)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of appendices: \_\_\_\_\_

You can send the form to:

For assessments for advisers, brokers, authorised agents or sub authorised agents, asset managers, providers of credit, and providers of collective investment schemes

**The Netherlands Authority for the Financial Markets**  
**Attn. Supervisory Groups for Financial Enterprises Department, Licensing team**  
**P.O. Box 11723**  
**1001 GS Amsterdam**  
**Email: [bes@afm.nl](mailto:bes@afm.nl)**  
**Fax: +31 (0) 20 797 3827**

For assessments for credit institutions, electronic money institutions, money transaction institution, trust offices, life insurers, non-life insurers, funeral expenses and benefits in kind insurers, company and other pension funds:

**De Nederlandsche Bank NV**  
**Attn. Expert Centre on Fit and Proper Testing**  
**P.O. Box 98**  
**1000 AB Amsterdam**  
**Email: [toetsing.expertisecentrum@dnb.nl](mailto:toetsing.expertisecentrum@dnb.nl)**

(In principle, all applications for DNOs (Declaration of No Objection – VVGs) with corresponding assessment forms must be submitted to AFM or DNB in accordance with Section 3:28 of the Wfm BES. However, as an exception to this principle, applications for DNOs for a shareholding in an asset manager or collective investment company, for which a licence has not yet been granted pursuant to Section 3:31 of the Wfm BES, should be submitted to the AFM.)