

Annex to Handbook

**FSMA\_2024\_06-05 of 22/03/2024**

Questionnaire for the renewal of the appointment of a member of an operational body of an Institution for Occupational Retirement Provision (IORP)

Scope:

Institutions for Occupational Retirement Provision

Members of an operational body of an IORP must possess the necessary professional integrity and appropriate expertise for the exercise of their function. The FSMA is also tasked with evaluating whether these requirements are met at the time of renewal of the appointment of a member of an operational body.

For this purpose, we ask you to fill in the present questionnaire for any proposed renewal of the appointment of a member of an operational body and to upload it in the correct section in the eCorporate application.

|  |  |
| --- | --- |
|  | However, a transitional procedure has been designed for applicants for a renewal of appointment **who have not yet filled in the questionnaire, in its version applicable since 17 July 2019**, for an initial appointment to any position *at the IORP concerned*.  In such a case, please do not use this questionnaire for the renewal of an appointment, but fill in the [*Questionnaire for the initial appointment of a member of an operating body of an institution for occupational retirement provision (IORP)*](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-01_en.docx) and upload it to the appropriate section of the eCorporate application. Please fill in the *entire* questionnaire for an initial appointment in such a case. |

We ask you these questions pursuant to Article 77 of the Law of 27 October 2006 on the supervision of institutions for occupational retirement provision (‘LIRP’).

This questionnaire has two sections, both of which need to be filled in.

* Are you ***applying for the renewal of your appointment as a member of an operational body?*** Please fill in ***part A***.

Your answers to this questionnaire are necessary for us to assess whether you have maintained appropriate expertise and professional integrity.

* Are you an ***IORP proposing the renewal of the appointment of a member of an operational body?*** Please fill in ***part B***.

We will use your responses to this questionnaire to assess how you, as an IORP, have complied with your responsibilities as regards maintenance of the appropriate expertise and professional integrity of a member of an operational body of your institution whose appointment you propose to renew.

With these questions, we would also like to verify whether the members of the operational bodies of your institution still collectively possess the requisite qualifications, knowledge and experience. To do so, we will take into account not only the tasks and responsibilities of the applicants themselves but also the tasks, responsibilities, knowledge, skills and experience of the other members of the operational body. The extent to which advisors with the requisite expertise are called on will also be taken into consideration in our assessment.

|  |  |
| --- | --- |
|  | **It is important that you answer all questions sincerely, truthfully and completely.**  **The time needed to process your application will greatly depend on the quality of your answers.**  You need to supply **all** the information you could reasonably expect would be useful to our assessment.  We will take into account any specific circumstances as well as any explanations you have given. |

Therefore, disclosing certain information does not necessarily lead to rejection. The FSMA will make a decision based on an overall assessment, weighing up all the information in its possession. We will take into account any mitigating circumstances, the extent to which you are responsible for the actions, the measures taken to resolve problems, how long ago the actions took place, etc.

If you are unsure whether certain information may or may not be pertinent, it is best to mention it in any case, and explain why you think this information is not—or is no longer—pertinent. We may also invite you for an interview.

**We advise you to fill in this form on the computer.**

***We respect your privacy***

**Processing of personal data**

The personal data provided through the present questionnaire and its annexes will be processed by the FSMA in the way described in its [Privacy Policy](https://www.fsma.be/en/faq/fsma-privacy-policy).

The FSMA collects the requested data as part of its supervision of compliance with the requirements for professional integrity and appropriate expertise as provided for by Article 77 of the LIRP.

For more information on your rights relating to your personal data and on the way in which they may be exercised, please see the FSMA’s [Privacy Policy](https://www.fsma.be/en/faq/fsma-privacy-policy).

*Should you share other persons’ personal data in this questionnaire and/or in the accompanying explanatory document, we ask you to inform those persons that their personal data have been communicated to the FSMA and that the FSMA will process those data in accordance with its Privacy Policy for Fit & Proper assessments, which is available on its website.*

**Structure**

[Part A](#PartA) *(to be filled in by the member of an operational body who is applying for the renewal of his/her appointment)*

1. You hereby agree to provide complete and truthful answers
2. Your application
3. You have previously sent the FSMA all the information necessary to assess your expertise and professional integrity
4. Your signature

[Part B](#PartB) *(to be filled in by the IORP)*

1. You hereby agree to provide complete and truthful answers
2. You have already sent the FSMA the information necessary to assess the expertise and professional integrity of the applicant
3. Your signature

**Part A: You are applying for the renewal of your appointment as a member of an operational body**

# You hereby agree to provide complete and truthful answers

|  |  |
| --- | --- |
|  | **I hereby agree to provide complete and truthful answers.** I further undertake to inform the FSMA immediately of any changes to one or more answers to the questions below, especially if they may have a significant negative impact on my appropriate expertise or my professional integrity.  I am aware that withholding or falsifying any relevant information may have a negative impact on the FSMA’s assessment of my professional integrity and appropriate expertise. |
|  | **Without the above statement, this document is void**. Please **always** tick the box. This will avoid unnecessary delay in processing your application. |

# Your application

## You are applying for the renewal of your appointment as a member of an operational body of...

|  |  |
| --- | --- |
| **Name of the IORP** |  |
| **FSMA identification code** |  |

## You are applying for the renewal of your appointment as...

### A natural person

Fill in subsection 2.2.1 if you are applying in your own name as a natural person for the renewal of your appointment as member of an operational body.

If you are acting as a permanent representative of a legal entity applying for the renewal of its appointment as member of an operational body, please fill in subsections 2.2.2.1 and 2.2.2.2.

|  |  |
| --- | --- |
| Surname |  |
| First name(s) |  |
| National ID number[[1]](#footnote-1) |  |

### As a permanent representative of a legal entity applicant

#### **Information pertaining to the legal entity applicant**

|  |  |
| --- | --- |
| Company name |  |
| Company number[[2]](#footnote-2) |  |

#### **Information pertaining to the permanent representative of the legal entity applicant**

|  |  |
| --- | --- |
| Surname |  |
| First name(s) |  |
| National ID number[[3]](#footnote-3) |  |

|  |  |
| --- | --- |
|  | If the information you previously filled in under subsection 2.2 of the *Questionnaire for the initial appointment* has since changed, please indicate below what has changed:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

## You are applying for the renewal of your appointment for which function ?

|  |  |
| --- | --- |
| **The function/s you are applying to renew** *(if applicable, you may tick several functions)* | * *Member of the Board of Directors*   Function *(always tick one of the options)*:  Executive director[[4]](#footnote-4)  Non-executive director  Role (*always tick one of the options*):  Chair of the Board of Directors  Member of the Board of Directors (not Chair)  Capacity *(always tick one of the options)*:  Independent director[[5]](#footnote-5)  Director representing one or more sponsoring undertaking(s)  Director representing the members or beneficiaries   * *Member of another operational body*   Member of the Management Committee  Member of the body tasked with day-to-day management[[6]](#footnote-6)  Member of the Administrative Committee  Member of the Investment Committee  Member of the Risk Management Committee  Member of the Audit Committee  Member of the Remuneration Committee  Member of an operational body other than those already mentioned  name of that operational body  ……........................................................ |
| **Job title** at the IORP *(your function as it will appear in the organization chart of the IORP)* |  |
| **Expected date of renewal** | Click or tap to enter a date. |
| **End date** *(if known)* | Click or tap to enter a date. |

# You have previously sent the FSMA all the information necessary to assess your expertise and professional integrity

As part of the renewal of your appointment to an identical function, you may refer to information and documents already sent to the FSMA in a questionnaire for an initial appointment (version applicable since 17 July 2019). If this information or these documents no longer reflect your current situation, you must send the FSMA the updated versions.

## Is the information sent previously to the FSMA still valid?

**Always tick one of the two possible answers for each (sub)section.**

All (sub)sections for which the information previously provided is no longer (entirely) valid must be filled in again. Please fill in each relevant section in Part A of the [*Questionnaire for the initial appointment of a member of an operating body of an institution for occupational retirement provision (IORP)*.](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-01_en.docx) If necessary, please also fill in the [annex 3 on ‘*Professional integrity’*](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-03_en.docx) and/or [annex 4 on ‘*Conflicts of interest’*](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-04_en.docx).

|  |  |
| --- | --- |
|  | **Is the information previously provided in the (sub)section still valid?** |
| **3.1.1.** Subsection 2.3.2 of part A ‘*What is the content of the function concerned?’* in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This subsection was last filled in or amended*  *on* Insert date  No, the information is no longer (entirely) valid.  *Hence, I am filling in subsection 2.3.2 of part A again.* |
| **3.1.2.** Subsection 2.3.3 of part A ‘*Will you combine the function concerned with another function within the IORP?*’ in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This subsection was last filled in or amended*  *on*Insert date    No, the information is no longer (entirely) valid.  *Hence, I am filling in subsection 2.3.3 of part A again.* |
| **3.1.3.** Section 3 of part A *'You have the appropriate expertise’* in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date    No, the information is no longer (entirely) valid.  *Hence, I an filling in section 3 of part A again.* |
| **3.1.4.** Section 4 of part A *‘You have professional integrity’* in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date    No, the information is no longer (entirely) valid.  *Hence, I am filling in section 4 of part A again.* |
| **3.1.5.** Section 5 of part A *‘You are aware of the conflicts of interest that may arise’* in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date    No, the information is no longer (entirely) valid.  *Hence, I am filling in section 5 of part A again.* |
| **3.1.6.** Section 6 of part A *‘You are able to devote sufficient time to the function’* in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date    No, the information is no longer (entirely) valid.  *Hence, I am filling in section 6 of part A again.* |

|  |  |
| --- | --- |
|  | **Before signing:**   * Have you ticked the **mandatory statement in section 1**? * Have you provided **complete** and **truthful** answers to all the questions? * Have you completed and attached the relevant sections of the [***Questionnaire*** *for the initial appointment of a member of an operating body of an institution for occupational retirement provision (IORP)*](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-01_en.docx)if the information sent previously is no longer valid? * Have you completed and attached an **explanatory document** for all the statements concerning your **professional integrity** that you cannot confirm to be (entirely) true ?  If so, have you attached the related **supporting evidence** (copy of judgments)? * Have you completed and attached an **explanatory document** for all the statements concerning **conflicts of interest** that you cannot confirm to be (entirely) true? * Have you attached **proof of identity** (such as a legible copy of your **ID card** or your **passport**)? (*not required if you have already sent such a document to the FSMA and it is still valid).* * Have you attached a **copy of a model 596.1-14 criminal record extract[[7]](#footnote-7)**   + for **yourself**?   + and, if applicable, for **the legal entity mentioned under 2.2.2.1 that you represent**?   *(not required if you have already sent this document to the FSMA and it is no older than three months*)   * Do not forget to **sign** and **date** this questionnaire.   ***Please note!***  **You must immediately and of your own accord inform the IORP and the FSMA if the answers you have given here are no longer valid.** This obligation applies in particular if the information that has changed could have a significant negative impact on the expertise or professional integrity required from you. In this respect, please pay particular attention to the chapters on professional integrity, conflicts of interest and the time devoted to the function. The ‘[Notification of a change](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-07_en.docx)’ document may be used for this.  **Number of documents attached: ……………………………………** |

# Your signature

|  |  |
| --- | --- |
| **Date** | Click or tap to enter a date. |
| **Surname** |  |
| **Signature** |  |

**Part B: You are the IORP proposing the renewal of the appointment of a member of an operational body**

# You hereby agree to provide complete and truthful answers

|  |  |
| --- | --- |
|  | **I hereby agree to provide complete and truthful answers**. I further undertake to inform the FSMA immediately of any changes to one or more answers to the questions below, especially if they may have a significant negative impact on the appropriate expertise or professional integrity required from the applicant or on the collective expertise of the operational body.  I am aware that withholding or falsifying any relevant information may have a negative impact on the FSMA’s assessment of the professional integrity and appropriate expertise of the applicant. |
|  | **Without the above statement, this document is void**. Please **always** tick the box. This will avoid unnecessary delay in processing your application. |

# You have previously sent the FSMA all the information necessary to evaluate the expertise and professional integrity of the applicant

## Is the information sent previously to the FSMA by the IORP still valid?

**Always tick one of the two possible answers for each (sub)section**.

All (sub)sections for which the information previously provided is no longer (entirely) valid must be filled in again. Please complete each relevant (sub)section in Part B of the [*Questionnaire for the initial appointment of a member of an operating body of an institution for occupational retirement provision (IORP)*.](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-01_en.docx)

|  |  |
| --- | --- |
|  | **Is the information previously provided in the section still valid?** |
| **2.1.1.** Section 2 of part B ‘*What expertise does the IORP expect from members of the operational body?*’ in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date  No, the information is no longer (entirely) valid. *Hence, I am filling in section 2 of part B again.* |
| **2.1.2.** Section 3 of part B ‘*According to the IORP, the applicant has the appropriate expertise*’ in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date  No, the information is no longer (entirely) valid. *Hence, I am filling in section 3 of part B again.* |
| **2.1.3.** Section 4 of part B ‘*According to the IORP, the operational body has collective expertise*’ in the ‘Initial Appointment’ questionnaire. | Yes, the information is still valid.  *This section was last filled in or amended*  *on* Insert date  No, the information is no longer (entirely) valid.  *Hence, I am filling in section 4 of part B again.* |

# Your signature

***You confirm to the FSMA that***

the answers to the questions in part B are truthful and complete;

the IORP has, with due diligence, verified that the information provided in section A of the present questionnaire is accurate and complete;

the copy of the criminal record extract attached to part A is not older than three months at the time the file is submitted to the FSMA;

The IORP considers, based on a careful and reasonable evaluation, that the applicant continues to possess appropriate expertise and professional integrity, taking into account the function and the extent to which the applicant or the operational body calls on advisors with the requisite expertise;

The IORP considers, based on a careful and reasonable evaluation, that the members of the operational body still collectively possess the appropriate expertise, taking into account the extent to which advisors with the requisite expertise are called on.

|  |  |
| --- | --- |
|  | ***Please note!***  **The IORP must immediately and of its own accord inform the FSMA if the answers given in the present questionnaire are no longer valid.**  This obligation applies in particular if the change to the information provided could have a significant negative impact on the appropriate expertise or professional integrity of the applicant or on the collective expertise of the operational body. In this respect, please pay particular attention to the sections on professional integrity, conflicts of interest and the time devoted to the function. The ‘[Notification of a change](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-07_en.docx)’ document may be used for this.  **Please do not forget to inform the FSMA immediately of any terminations of mandates of a member of an operational body.** The ‘[Notification of termination of a mandate](https://www.fsma.be/sites/default/files/media/files/2024-06/fsma_2024_06-08_en.docx)’ document may be used for this. |

|  |  |
| --- | --- |
| **Date** | Click or tap to enter a date. |
| **Surname** |  |
| **Role** |  |
| **Signature** |  |

1. If you do not have a Belgian national ID number, you must state your date of birth. [↑](#footnote-ref-1)
2. Foreign legal entities must provide an equivalent national company number. [↑](#footnote-ref-2)
3. If you do not have a Belgian national ID number, you must state your date of birth. [↑](#footnote-ref-3)
4. i.e. directors entrusted with specific operational tasks designed to implement the IORP's general policy and management strategy. This includes directors who are members of another operational body and directors responsible for the day-to-day management of the IORP (also known as managing directors). Signing authority on its own is not equivalent to a delegation of powers, and is not in itself an executive task. [↑](#footnote-ref-4)
5. An independent director may not be an executive director. [↑](#footnote-ref-5)
6. Including the managing director. [↑](#footnote-ref-6)
7. In the absence of a specific model for IORPs, model no. 14 for credit institutions can be used, since the LIRP refers to the applicable rules for credit institutions with regard to the professional integrity requirement (Art. 77, § 1, 2°). [↑](#footnote-ref-7)