Annex to Handbook

**FSMA\_2024\_06-10 of 22/03/2024**

Questionnaire for the appointment of a liquidator

Scope:

Institutions for Occupational Retirement Provision

Based on Article 38 of the LIRP[[1]](#footnote-2), one or more liquidators must be appointed if an IORP is being wound up, in accordance with the articles of association and after prior approval by the FSMA.

The present questionnaire serves as a tool for IORPs to use when appointing one or more liquidators and must be uploaded to eCorporate under section “VI.09. *Appointment of a liquidator*” **prior to** the appointment by a general meeting of the IORP.

**The IORP under supervision:**

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

**asks the FSMA, pursuant to Article 38 of the LIRP, to approve the appointment of the proposed liquidator:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
|  | **Name** |  | |  |
|  |  | |
| ***If a legal entity[[2]](#footnote-3), represented by*** | |  |
|  |  | |
| **Place and date of birth** |  | |
|  |  | |
| **Mailing address** |  | |
|  | | | | |
|  | **Telephone/mobile phone number** |  | |  |
|  | | | | |
|  | **Email** |  | |  |
|  | | | | |

Other function(s) exercised at the IORP, or a sponsoring undertaking, by the proposed liquidator**[[3]](#footnote-4)** (or in case of a legal entity, its representative)

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
|  | **Function(s):** |  |  |
|  | | | |

The liquidator will be appointed by the (extraordinary) general meeting of:

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
|  | **Date:** | Enter a date (DD-MM-YYYY) |  |
|  | | | |

**Please attach the following documents to this questionnaire for the proposed appointment:**

|  |
| --- |
| 1. **A CV** of the proposed liquidator.   It is not necessary, however, to provide a CV if a [Questionnaire for the initial appointment of a member of an operational 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) has been submitted to the FSMA in the past for the person being proposed.   1. **A criminal record extract (model no. 596.1-14**[[4]](#footnote-5)) for the proposed liquidator. |

This questionnaire and the attached documents must be submitted to the FSMA for approval via eCorporate[[5]](#footnote-6) at the latest three weeks before the date of the (extraordinary) general meeting to which the proposed appointment of a liquidator will be submitted.

|  |  |
| --- | --- |
| **Date** | Enter a date (DD-MM-YYYY) |
| **Surname** |  |
| **Capacity** |  |
| **Signature** |  |

|  |
| --- |
| **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 the appointment of liquidators at institutions for occupational retirement provision, as provided for by Article 38 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, 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*](https://www.fsma.be/en/faq/fsma-privacy-policy)*, which is available on its* *website.* |

1. Law of 27 October 2006 on the supervision of institutions for occupational retirement provision (LIRP). [↑](#footnote-ref-2)
2. In so far as the function of liquidator is compatible with the company object as described in the articles of association of the legal entity in question. [↑](#footnote-ref-3)
3. Persons who hold the mandate of accredited statutory auditor at the IORP in question or who are key function holders at the IORP, or who exercise any other function that could put the independence of the liquidator at risk, may not be proposed as liquidators. [↑](#footnote-ref-4)
4. In the absence of a specific model for IORPs, model no. 14 for credit institutions is sufficient. [↑](#footnote-ref-5)
5. To be uploaded in eCorporate under section "VI.09. “*Appointment of a liquidator*”. [↑](#footnote-ref-6)