

# **BAN questionnaire for assessing suitability for performing the function of a member of the management body of a bank or savings bank**

## **Introductory notes**

The responses in the questionnaire are used in the assessment of the suitability of a candidate to be a member of the management body (hereinafter: candidate) of a bank or savings bank (hereinafter: bank) from the perspective of his/her skills, knowledge and experience, reputation, management of conflicts of interest, independence and time commitment, and the qualifications of the management body as a collective by the Bank of Slovenia and by the European Central Bank (hereinafter: the ECB) when it is competent and responsible for conducting supervision of the bank in accordance with Council Regulation (EU) No 1024/2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (hereinafter: Regulation (EU) No 1024/2013):

- a) in the procedure to grant an authorisation to perform the function of a member of the management board of a bank in a two-tier governance system or an executive director of a bank in a single-tier governance system, the liquidator of a bank or the managing director of a branch of a third-country bank, or
- b) in the procedure to assess the fulfilment of the conditions for appointment as a member of the supervisory board of a bank in a two-tier governance system or as a non-executive director of a bank in a single-tier governance system.

The information obtained with this questionnaire shall be treated as confidential in accordance with Article 14 of the Banking Act (hereinafter: the ZBan-2), and shall be used solely for the purposes set out in Article 15 of the ZBan-2. Confidential information may only be forwarded or disclosed to third parties under the conditions set out in the ZBan-2.

The ECB privacy statement is available on the Bank of Slovenia website.<sup>1</sup>

## **Instructions for completing the questionnaire**

The BAN questionnaire is completed by the bank, which is responsible for ensuring that the information submitted to the Bank of Slovenia is accurate and complete. By signing the declaration the bank's authorised person provides a guarantee for all the information stated in the questionnaire.

The questionnaire should be completed accurately and in full. Inaccurate or incomplete information causes delays in the processing of the questionnaire. Whether provided by intent or negligence, false, incomplete or misleading information may lead to doubts as to the candidate's suitability and may also be grounds for action by the Bank of Slovenia or the ECB against the member of the management body in accordance with the ZBan-2 and Regulation (EU) No 1024/2013.

In addition to the aforementioned information, the bank is required to disclose all matters of which it can reasonably be presumed that the Bank of Slovenia and the ECB should be informed.

When the bank does not wish to answer a particular question, reasons should be cited for such. When the information does not exist, the bank should mark a cross. The bank may not leave any fields blank.

Any queries in connection with completing the questionnaire may be addressed to [licenciranje@bsi.si](mailto:licenciranje@bsi.si).

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<sup>1</sup> <http://www.bsi.si/nadzor-bank.asp?MapaId=2087>

**1 Bank's declaration**

I, the undersigned, hereby confirm that:

- the information provided in this questionnaire is accurate and complete to the best of my knowledge;
- the bank will notify the Bank of Slovenia immediately of any material change\* in the information provided;
- the bank has requested the full information necessary to assess the candidate's suitability and that it has given due consideration to that information in determining the candidate to be fit and proper;
- the description of the function for which a positive assessment is being sought accurately reflects the aspects of the bank's activities that the candidate is expected to be responsible for;
- the bank believes, on the basis of due and diligent enquiry and by reference to the fit and proper criteria laid down in the ZBan-2 and regulations issued on its basis, that the candidate is a fit and proper person to perform the function as described in this questionnaire;
- the bank has made the candidate aware of the regulatory requirements associated with the function as described in this questionnaire;
- the candidate has provided the bank with a declaration that he/she will have the time commitment to perform the function, and the bank has assessed the declaration as suitable;
- I have the authority to sign and submit this questionnaire on behalf of the bank.

Bank:

First name and surname:

Position:

Signature:

Date:

*\*A material change is any change that could affect the candidate's suitability assessment*

**2 Information on the bank and the candidate**

<b>a)</b>	<b>Information on the bank</b>	
	Bank in connection with which application is being submitted (business name, registration number / LEI code)	
	Bank's contact person: (first name and surname, email address / telephone number)	
	Is the bank a significant institution as defined in point 22 of the first paragraph of Article 7 of the ZBan-2?	<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>b)</b>	<b>Candidate's personal information</b>	
	Surname	
	First name	
	Address	
	City	
	Country	
	Date of birth	

**3 Function that is the subject of the questionnaire**

<b>a)</b>	<b>Function that the candidate intends to perform at the bank (as far as is known at time of submission of the application)</b>	
	Please state the name of the function:	
<b>b)</b>	<b>Please provide a detailed description of the main duties, competencies and the number of subordinates for the function. State also whether the candidate will participate in sub-committees of the management body or other management committees, and if so which.</b>	
<b>c)</b>	<b>Will the person who has been / will be appointed replace another person in this position?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	If yes, who and why?	

**4 Conflicts of interest**

<b>a)</b>	<b>Please indicate how a potential conflict of interest resulting from the candidate’s statements in section 6 of the KAN questionnaire, whether or not it is considered material, is to be mitigated. Please enclose relevant documentation (e.g. bylaws, rules of procedure) as necessary.</b>

**5 Candidate's training**

a)	Bank's plan for the candidate's training, insofar as the bank assesses that the candidate requires additional knowledge to perform the function

**6 Composition of management body and collective suitability**

<b>a) Current composition of the bank’s management body (including the candidate)</b>									
	First name and surname	Gender	Age	Years of service	Area of activity	Size of company (large, medium-size, small, micro)	Managerial/supervisory experience in banking (number of years)	Responsibility for conducting supervision at the bank (division/department)	Bank’s assessment of the suitability of the member of the management body <sup>2</sup> (1: highly suitable; 2: suitable; 3: less suitable; 4: unsuitable)
	<i>Add rows as required</i>								
<b>b) Description of the composition and suitability of the management body</b>									

<sup>2</sup> Please explain the suitability assessment in point *b) Description of the composition and suitability of the management body*.

c)	<b>How will the candidate contribute to collective suitability with regard to the bank's requirements? Please explain why the appointment in question complements the bank's collective suitability, and refer where relevant to the outcome of the bank's most recent self-assessment of collective suitability</b>
d)	<b>Explain in general the weaknesses that have been identified in the overall composition of the existing management body</b>
e)	<b>How will the candidate help to solve some or all of the weaknesses referred to in your answer to the previous question?</b>

## 7 Additional information and appendices

a)	<b>If there is any other information that the bank considers to be relevant to the assessment, please include it below</b>
b)	<b>Please tick the boxes as proof that all of the requisite information has been attached to the questionnaire:</b>
	<input type="checkbox"/> Resolution on appointment by general meeting (for member of supervisory board or member of board of directors) <input type="checkbox"/> Bank's assessment of candidate's suitability <input type="checkbox"/> Other: