

Integrity Screening Form

This form is an appendix to the Prospective Appointment Notification Form

What is the purpose of this form?

The nature of the position or function you are to fulfil requires integrity screening by AFM or DNB. These two supervisory authorities have been given the statutory duty of safeguarding the integrity of the financial sector. For this reason, we screen the integrity of persons nominated for executive or representative positions with an undertaking that is subject to supervision by AFM.

Please fill in the form completely and truthfully

Be sure to mention all relevant antecedents. We find that many candidates forget to mention important matters. You must notify us, for instance, if you have been involved in an offshore voluntary disclosure program (Inkeerregeling) of the Tax Authority (whether or you had to pay a fine), or if you have been guilty of a punishable traffic offence, such as drinking and driving. If you are in doubt about whether you should mention a particular matter, we advise you to do so anyway. If you fill out the form incorrectly or incompletely, this may affect the integrity assessment.

Short of space?

If you need more space, please continue on a separate sheet and annex it to the form. This form will be uploaded to the Digital Portal by the contact person of the undertaking. This form is an annex to the prospective appointment notification form.

Questions?

If you cannot find the answer to your question in the Explanatory notes on page 10 or in the notes on the screening procedure on page 11, please check our website for contact details: <https://www.afm.nl/en/contact>

For more info on this topic go to: <https://www.afm.nl/en/professionals/onderwerpen/toetsing-bestuurders>

Signature

I declare that I have completed this form completely and truthfully.

I hereby give permission to collect information from the National Public Prosecutor (Landelijk Officier van Justitie) and/or the Tax Administration (Belastingdienst).

Date

_____ _ _ _ _ _

Company

Registration No.
(if known)

_____ _ _ _ _ _

Signature

1 Personal data

1a Full first names _____ Initials _____

1b Middle and surname _____

1c Titles _____ Prefix _____ Suffix _____

1d Date of birth _____ M F

1e Place of birth
(according to identity document) _____

1f Country of birth _____

1g Nationality _____

1h Street name _____ Number _____

1i Postal code and city _____

1j Country _____

1k Telephone and fax number _____

1l Email address _____

2 Criminal antecedents

2a Have you ever been a suspect in a criminal case?

Apart from financial settlements and dismissed cases, you should report any punishable traffic offences (e.g. joy riding, driving while under the influence of alcohol or drugs, hit-and-run driving, driving while disqualified, culpable homicide, driving with false number plates . . .)

No, please continue with question 2c.

Yes _____
Please specify what offence. _____
Give an explanation. _____

If you run out of space, continue on a separate sheet. If in doubt, refer to the Order in Council/Policy Rule on Integrity Screening or consult your employer's legal adviser. You may also contact the AFM.

2b What decision was reached in the case mentioned under 2a? Tick the appropriate box.

This case is still pending. The criminal proceedings are still outstanding.

I was convicted on, _____
please specify the sentence _____

I was acquitted on _____

I was discharged from further prosecution on _____

I accepted a settlement penalty offered (in lieu of prosecution) _____
by the Public Prosecutions Service or the police on _____

The case was dropped or conditionally dropped on _____

2c Has an organisation which you managed or helped to manage ever been a suspect in a criminal case?

Please first read the explanation on the last page. An example of such an offence is forgery.

No, please continue with question 2f.

Yes _____
Please specify what offence. _____
Give an explanation. _____

3c Do you anticipate financial difficulties within a year which can lead to legal, debt collecting or debt recovery proceedings?

No

Yes, please specify.

Four horizontal lines for specifying details.

3d Have one or more organisations which you manage or help to manage or have managed or helped to manage had financial problems? Please first read the explanation on the last page.

No

Yes, please give the name of the organisation(s).

Four horizontal lines for specifying details.

Tick the appropriate box.

Legal proceedings Year [][][][]

Suspension of payments Year [][][][]

Bankruptcy Year [][][][]

Other, namely: _____ Year [][][][]

3e Have you ever been sentenced to pay a financial penalty because you are/were liable for the bankruptcy/insolvency of an organisation or is there an ongoing investigation on you for this matter?

No

Yes, specify the year.

Horizontal line for specifying the year.

3f Have you answered 'yes' to questions 3d or 3e?

No

Yes, please indicate how you were involved and whether you were held liable by the courts and, if so, on what grounds.

Four horizontal lines for specifying details.

3g Are there other facts and circumstances in the financial field which can be important to the integrity screening?

Examples would be if you have reasonable grounds to believe that a debt collection procedure will be started against you or one or more businesses in which you are involved or if legal proceedings are under way in which there is a risk that you or one of the businesses in which you are involved will be ordered to pay compensation.

No

Yes, please specify the offences.

Four horizontal lines for specifying details.

4 Supervision-relevant antecedents and other information

4a Have you, or has any undertaking you worked for as a policy-maker at the time, ever had an admission, authorisation, exemption or registration revoked or refused by a supervisory, regulatory or licencing authority?

Such authorities include, for instance, the Authority for Consumers & Markets, the Netherlands Food and Consumer Product Safety Authority and the Dutch Healthcare Authority.

No

Yes, please, specify what was revoked or rejected, by what organisation, when and on what grounds.

4b Has any of the organisations which you have managed or helped to manage ever had a conflict with a Dutch or foreign supervisor that has resulted in the imposition of a supervisory measure or do you expect such a situation to arise within a year?

No

Yes, enter the data below.

Name of organisation

Name of supervisor

Explanation

4c Are there other facts or circumstances in the field of supervision which can be of importance to the integrity screening?

Examples are discussions with the supervisor about compliance with standards and the retraction of a nomination for appointment.

No

Yes, please explain the facts.

5 Tax/administrative law antecedents

5a Have you ever been irrevocably fined for a tax offence?

First read the explanation on the last page.

No

Yes, please explain.

If you need more space, you may continue on a separate sheet.

5b Are you presently involved in any proceedings that may result in you being fined for a tax offence?

No

Yes, please specify the present position. Tick the appropriate box.

I have received notice of the intention to impose a fine on me.

I have lodged a notice of objection.

I have appealed to a higher administrative body.

I have appealed to a court.

I have lodged an appeal in cassation.

Please specify.

5c Were you at any time a policymaker or co-policymaker of a corporate taxpayer that was fined irrevocably for a tax offence?

Please first read the explanation on the last page.

No

Yes, please explain.

If you need more space,
you may continue on a
separate sheet.

5d Is a taxpayer which you have managed or helped to manage involved in any proceedings that may result in the imposition of a fine for a tax offence?

No

Yes, please specify the present position. Tick the appropriate box.

The taxpayer has received notice of the intention to impose a fine on me.

The taxpayer has lodged a notice of objection.

The taxpayer has appealed to a higher administrative body.

The taxpayer has appealed to a court.

The taxpayer has lodged an appeal in cassation.

5e Are there other facts and circumstances in the field of tax/administrative law which can be of importance to the integrity screening?

Examples are an audit of the books by the Tax Administration without the imposition of fines, making use of a voluntary disclosure scheme (foreign savings, with or without the imposition of a fine, an investigation (pending or otherwise) by the Tax Administration as a result of which significant corrections have been made but ultimately without the imposition of a fine or personal fines for default).

No

Yes, please explain the facts.

6 Other antecedents

6a Are you, or have you ever been, a member of a professional organisation?

No

Yes, please name the organisation.

Name of professional organisation(s) _____

6b Have you ever been the subject of (a) disciplinary proceedings or similar measure(s)??

No

Yes, please, specify the
measure(s), the organisation
taking the measures,
the year and the reasons.

6c Have you ever been involved in a conflict with an employer that might be relevant to this integrity screening or are you presently involved in a dispute?

No, please continue with question 6e Yes, please give the information below.

Name of the employer. _____
Please explain. _____

6d Have sanctions been imposed on you under employment law as a result of the dispute mentioned by you in answer to question 6c? Examples are a written warning, reprimand, suspension of duties or dismissal.

No

Yes, what sanction has been
imposed on you and why?

6e Are you or have you been registered with the Dutch Securities Institute?

Answer this question in the affirmative only if you are a securities broker, investment adviser, asset manager or investment analyst.

No, explain why you are not
(or no longer) registered.

Yes, please give the information
below.

Name of the register _____

7 Holders of a qualifying holding in an undertaking in the financial sector

Complete question 7 only if you control, or will control, a qualifying holding in a financial undertaking, either the holder or as a director of the holder.

7a Do you hold a financial and/or controlling interest of 10% or more in organisations other than the supervised financial institution for which you now work or intend to work?

Please first read the explanation on the last page.

No, please continue with question 7c

Yes, state the name of the organisation(s).

7b Please indicate how large your interest in the organisation (for which you are proposed/appointed) is or will be.

Equity capital Interest in % _____ Number _____ Nominal amount _____

Voting rights Interest in % _____

Explanation

Other controlling interest Interest in % _____

Explanation

7c Please indicate how large your interest in the organisation is or will be, where you are nominated for.

Equity capital
Direct interest Interest in % _____ Number _____ Nominal amount _____

Indirect interest Interest in % _____ Number _____ Nominal amount _____

Voting rights

Direct interest Interest in % _____
Explanation

Indirect interest Interest in % _____
Explanation

Other controlling interest

Direct interest Interest in % _____
Explanation

Indirect interest Interest in % _____
Explanation

7d Is the interest held through another undertaking? *If you need more space, you may continue on a separate sheet.*

No

Yes, please state the undertaking's name.

7e Will you have influence over the policy of the undertaking?

No

Yes, please state what form this influence will take.

8 Other questions

If you complete this form to comply with the Audit Firms Supervision Act (Wta), you need not answer question 8a.

8a Do you have a financial relationship with the financial organisation to which you will be appointed other than a relationship resulting directly from the job or position concerned?

An example would be a loan.

No

Yes, please explain the nature of the relationship.

8b Have you ever participated in an integrity screening either in the Netherlands or abroad?

No

Yes, please give the particulars below.

Name of organisation

Period

Screening result

8c Are there other facts and/or circumstances which may be relevant to this integrity screening?

(Think, for instance, of rulings by the Enterprise Division of the Amsterdam Court of Appeal or of the Financial Services Complaints Board (Kifid).)

No

Yes, please state the facts or circumstances concerned.

9 Signature and submission

The Integrity Screening form is an annex to the Prospective Appointment Notification form. Please print this document and sign it on Page 1. This form will be uploaded to the Digital Portal by the contact person of the undertaking.

Explanatory notes to Integrity Screening Form

Questions 2-6

The questions about the facts and circumstances in the various sections on antecedents should be interpreted broadly. These facts and circumstances may relate both to your own involvement and to the involvement of the organisation which you have managed or helped to manage. The list of examples is therefore not exhaustive.

Question 2c

You only need to specify offences that occurred during the period in which you managed or helped to manage the organisation concerned. An executive director of a trust office should also answer this question in his capacity of indirect director (through the trust office) of object companies within the meaning of the Trust Offices Supervision Act (Wtt).

Question 3d

You only need to specify any financial problems that have arisen during the period in which you managed or helped to manage the organisation concerned. An executive director of a trust office should also answer this question in his capacity of indirect director (through the trust office) of object companies within the meaning of the Trust Offices Supervision Act (Wtt).

Tick 'Yes' only if the bankruptcy concerns:

- an association whose constitution is laid down by notarial deed and which is subject to corporation tax;
- a (public limited) company;
- a foundation liable to corporation tax.

Question 5

This question relates to proceedings that are dealt with under administrative law nature or are disposed of by the Dutch Tax Administration. Tax offences dealt with in criminal proceedings should be entered in answer to question 2. This concerns minor tax offences for which the Tax Authority penalties under the State Taxes Act (Algemene Wet inzake Rijksbelastingen/ Awr), namely:

- deliberate filing of an incorrect or incomplete tax return (section 67d of the State Taxes Act);
- intent or gross negligence on the part of the taxpayer as a result of which the tax assessment is too low or insufficient tax is levied in some other way (section 67e of the States Taxes Act);
- intent or gross negligence on the part of the taxpayer or withholding agent as a result of which the taxes have not been paid or not paid in full or in time (section 67f of the States Taxes Act).

Question 5c

An executive director of a trust office must also answer this question in his capacity of indirect director (through the trust office) of object companies within the meaning of the Trust Offices Supervision Act (Wtt).

Question 7a

Financial interest: the share or other comparable capital providing interest which you have in the financial capital of an organisation other than the one for which you work or will work.

Controlling interest: the voting right in or other comparable influence over the highest organ of an organisation other than the one for which you work or will work.

Notes on key terms

In this form the generic term is 'policymaker or co-policymaker'.

Party concerned: the person nominated for appointment or designated to become the holder of a qualifying holding in a financial organisation (or the manager of the holder).

Order in Council or policy rule on integrity testing: the Order in Council or policy rule which contains agreements for assessing persons whose integrity must be screened pursuant to financial supervision legislation. The full texts are to be found on the websites of DNB (www.toezicht.dnb.nl).

Executive or representative position or policy

supervisor: depending on the item of legislation the positions are described as 'person makes day-to-day policy', 'person who helps to make day-to-day policy', 'policymaker', 'co-policymaker', 'holder of/applicant for a declaration of no objection', 'statutory representative', 'director', 'person authorised to appoint and dismiss staff', 'holder of a qualifying holding' or 'supervisory director'.

Organisation: organisations subject to DNB and/or AFM supervision such as accountancy firms and collective investment schemes, depositaries, investment firms, financial services providers, credit institutions, insurers, clearing institutions, risk acceptance entities, payment institutions, exemption holders, defined contribution pension institutions, (occupational) pension funds, trust offices and money transaction offices. In certain questions in this form this term also covers general organisations such as an association, cooperative, mutual insurance society, public limited company, private limited company and foundation as referred to in article 3 of Book 2 of the Civil Code, one-man business, general partnership or limited partnership, silent partnership, professional partnership, unit trust [mutual fund], fund for common account and comparable foreign legal forms.

Qualifying holding: a direct or indirect interest of at least 10% of the subscribed share capital of a financial organisation or the power to exercise, directly or indirectly, at least 10% of the voting rights in a financial organisation, or a similar controlling interest in a financial organisation (more than 50% in the case of the Audit Firms Supervision Act (Wta).

Statutory representative: the person who, in exercising his powers and complying with the provisions applicable in a country other than that in which the organisation has its registered office, represents the organisation in such country.

The screening procedure

The procedure in a nutshell

The undertaking you will be working for completes the 'Prospective appointment notification form' and sends it to us, together with your curriculum vitae, a copy of your identity document and any further attachments. You yourself must complete this Integrity screening form. After receiving of both forms we will confirm receipt to the undertaking.

The assessment itself will start once we have received the correctly and completely filled out forms from the undertaking. If requested additional information does not reach us in time, we may cancel the consideration procedure.

Once the assessment is completed, the undertaking will be notified accordingly, in writing. You will receive a copy. If we arrive at a negative integrity assessment, the undertaking will receive notification of an Intended Decision. You and the undertaking will then be given the opportunity to state viewpoints, in writing or verbally (under Sections 4:7 and 4:8 of the General Administrative Law Act). If this does not result in a change of opinion on the part of the supervisor, you will then receive a negative decision, against which you may file objection with the relevant supervisor and, if unsuccessful, appeal to a court of law (under Section 7:1 of the said Act).

How the screening is performed

We consult various (public) sources to be able to form an opinion of your integrity. To investigate whether you were ever involved in any criminal acts, we send your particulars to the National Public Prosecutor (Landelijk Officier van Justitie) and the Tax Administration (Belastingdienst). In addition, we may seek out information from all public sources (e.g. Chambers of Commerce, the Internet, Graydon and Dutch and international databases), such as information about past, present or future employers or media information about your person. We may also make inquiries with financial supervisors and criminal justice authorities in other countries.

Enquiries

If necessary, we may contact you or the undertaking for supplementary information. Occasionally, we may contact individuals if we know or suspect that they can provide us with important information about you. If we do, you will be notified. If the application is not received completely and in time, the supervisor may decide that it is an inadequate application as referred to in Section 4:5(1) of the said Act ('ontroereikende aanvraag') and put it aside.

What we do with the information

The supervisors will record the information you have provided in their internal register and, if required so by law, in their external register within the meaning of the Personal Data Protection Act (Wet bescherming persoonsgegevens). We always exercise due care in handling your data. We may exchange your data with third parties only if it is permitted by law. Such third parties include supervisory and criminal law authorities in the Netherlands or abroad. Within the context of the screening, information and personal data are at least exchanged between De Nederlandsche Bank (DNB) and the Netherlands Authority for the Financial Markets (AFM).

How long does the screening take?

The statutory period of six weeks within which we must decide on the application commences when the complete application has been received. However, if the prospective appointment is

part of an application for authorisation, a request for registration, a declaration, exemption or dispensation, the following periods apply:

- Audit Firms Supervision Act (ASA) (Wet toezicht accountantsorganisaties (Wta)): eight weeks;
- Financial Supervision Act (FSA) (Wet financieel toezicht (Wft)): thirteen weeks.

The above periods for decision start upon receipt of the complete application. Within these periods, the supervisor may request supplementary information either from the person concerned or from third parties. The period is then suspended from the moment the request for further information is made until the moment that information is received. In principle, the decision is taken within at most thirteen weeks of receipt of the complete application.

Scope of the examination

In principle, the Integrity screening form needs to be completed only once. However, this does not mean that you will never be re-screened in the future. If at one point there is reason to suspect that the situation with regard to your integrity has changed since the screening took place, we may repeat the screening procedure using the data already in our possession or ask you to complete the form once more.

Reporting changes

The company is legally obliged to notify the supervisory authority immediately of any change in the antecedents of previously screened employees or functionaries. This is one reason why such persons must report any antecedents from their private life to the undertaking, which must then without delay report them to the supervisory authority. Failure to report an antecedent may itself qualify as an antecedent regarding the person or undertaking concerned. AFM attach high importance to the reporting of antecedents. A change in antecedents, especially if not reported promptly, may give cause to re-screen a person.

Administrative charges

AFM will levy administrative charges for the application under consideration, under the Funding of Financial Supervision Act, except in the case of a CCP or a settlement institution.

Administrative charges are levied if:

- an application submitted by you results in a decision;
- a submitted application is later withdrawn;
- an application is received incomplete and is not afterwards completed within the period specified by AFM.

We therefore ask you to complete the application in full and to lend your fullest cooperation if AFM should ask for supplementary information.

Questions

More information on screening can be found on the websites of AFM (www.afm.nl). If you do not find your answer there, you may contact the AFM, please check our website for more information www.afm.nl/contact.