Italy

National specificities\*

| Function for which the questionnaire is submitted | |
| --- | --- |
| English | Language of the Member State |
| ☐ Chair of the board of directors | ☐ Presidente del consiglio di amministrazione |
| ☐ Deputy chair of the board of directors | ☐ Vice presidente del consiglio di amministrazione |
| ☐ Member of the board of directors | ☐ Componente del consiglio di amministrazione/Consigliere di amministrazione |
| ☐ Independent member of the board of directors | ☐ Componente indipendente del consiglio di amministrazione |
| ☐ Chair of the board of statutory auditors | ☐ Presidente del collegio sindacale |
| ☐ Standing member of the board of statutory auditors | ☐ Sindaco effettivo |
| ☐ Alternate member of the board of statutory auditors | ☐ Sindaco supplente |
| ☐ Member of the board of directors and chair of managerial control committee | ☐ Componente del consiglio di amministrazione/Consigliere di amministrazione e presidente del comitato per il controllo sulla gestione |
| ☐ Member of the board of directors and member of managerial control committee | ☐ Componente del consiglio di amministrazione/Consigliere di amministrazione e membro del comitato per il controllo sulla gestione |
| ☐ Chair of the supervisory board | ☐ Presidente del consiglio di sorveglianza |
| ☐ Deputy Chair of the supervisory board | ☐ Vice presidente del consiglio di sorveglianza |
| ☐ Member of the supervisory board | ☐ Componente del consiglio di sorveglianza/Consigliere di sorveglianza |
| ☐ Independent member of the supervisory board | ☐ Membro indipendente del consiglio di sorveglianza |
| ☐ Chair of the management board | ☐ Presidente del consiglio di gestione |
| ☐ Member of the management board | ☐ Componente del consiglio di gestione/Consigliere di gestione |
| ☐ Chief executive officer | ☐ Amministratore delegato/Consigliere delegato |
| ☐ General manager | ☐ Direttore generale |
| ☐ Chief compliance officer/head of compliance | ☐ Responsabile della funzione di conformità alle norme |
| ☐ Chief risk officer/head of risk | ☐ Responsabile della funzione di controllo dei rischi |
| ☐ Head of internal audit function | ☐ Responsabile della funzione di revisione interna |
| ☐ Chief financial officer | ☐ Dirigente preposto alla gestione finanziaria della società |
| ☐ Officer in charge of drafting the company’s accounting documents | ☐ Dirigente preposto alla redazione dei documenti contabili societari |

\* Questions shall be understood as mandatory only if applicable to an appointee according to the relevant law or regulation.

| Kind of question  (Mandatory, conditional. If conditional, refer to the question to which it is conditioned) | Section of the questionnaire  (1 Identity of the supervised entity and appointee; 2. Function for which the questionnaire is submitted; 3. Experience; 4. Reputation; 5. Conflicts of interest; 6. Time commitment; 7. Collective suitability; 8. Additional information and annexes) | National specificity  (Please draft to be ready to be copy pasted) | Kind of answer  (Free text, yes/no, drop-down menu. If drop-down menu, please provide all possible answers) |
| --- | --- | --- | --- |
| Mandatory | Experience | The appointee meets the minimum requirements of adequate experience set forth in Article 7 or 8 [for board members] or in Article 9 [for members of the Board of Statutory Auditors] of DM no. 169/2020. Please include in questions B and C of Section 3 any relevant experience pursuant to these articles.  For banks adopting a two-tier or a one-tier system, please refer to Articles 21 and 22 of DM no. 169/2020 | ☐ Yes  ☐ No |
| Mandatory | Experience | The appointee meets the presumption of adequate experience set forth in Article 10 para. 4 and Annex 1 of DM no. 169/2020 | ☐ Yes  ☐ No |
| Conditional question.  Only appears if question above is answered by ‘no’ | Experience | If NO, please list below all useful elements for the assessment of the experience criterion of the appointee as foreseen by Art. 10 of DM no. 169/2020, if they have not already been included in questions B and C of Section 3 | Free text |
| Conditional question.  Only appears if question above is answered by ‘yes’ | Experience | If YES, please provide details on how the presumption is met | Free text |
| Mandatory (only for BCCs) | Experience | Are you applying the waiver provided for in Art. 8.2 of DM no. 169/2020? | ☐ Yes  ☐ No |
| Conditional question.  Only appears if the appointee is a KFH as defined in the DM 169/2020 | Experience | Do you have experience in the same position at a larger or more complex bank (as defined by Article 1 of DM 169/2020) of at least 3 years within the last six years? | ☐ Yes  ☐ No |
| Conditional question.  Only appears if the appointee is a KFH as defined in the DM 169/2020 | Experience | If YES, please provide details | Free text |
| Conditional question.  Only appears if the appointee is member of the BoSA (in traditional system), of the Supervisory Board (in two-tier system), of the managerial control committee (in one-tier system) | Experience | Are you enrolled in the Register of Auditors and have you practiced the auditing work for no less than three years? | ☐ Yes  ☐ No |
| Conditional question. Only appears for BCCs. | Experience | Prior to the commencement of the function, or within the first year of the commencement of the function, will the appointee follow the training programme shared with the ECB for BCCs? (if the answer is YES, question G.1 shall not be filled in) | ☐ Yes  ☐ No |
| Mandatory | Reputation | Does the Italian credit registry report any negative information directly referable to you, as specified by Article 4 para. 2 letter m) of DM no. 169/2020? | ☐ Yes  ☐ No |
| Mandatory | Reputation | Does any of the administrative sanctions referred to in section 4 (Reputation) meet the presumption foreseen by Article 25 para. 3 of DM no.169/2020? (“Ai fini della valutazione della correttezza di cui all'articolo 5, le sanzioni amministrative irrogate agli esponenti o al personale ai sensi delle disposizioni del Titolo VIII del testo unico bancario o della Parte V del testo unico della finanza vigenti prima della data di entrata in vigore delle modifiche recate dal decreto legislativo 12 maggio 2015, n. 72, nonché quelle irrogate agli esponenti o al personale ai sensi di altre disposizioni che consentono di applicare esclusivamente a tali soggetti sanzioni amministrative per le violazioni commesse dalla società o dall'ente di appartenenza nelle materie di cui all'articolo 4, comma 2, lettera d), sono prese in considerazione solo se le sanzioni relative a condotte tenute nel periodo rilevante indicato all'articolo 5, comma 2, lettera f), complessivamente considerate, sono almeno pari al massimo edittale della sanzione per la quale è previsto il massimale più elevato.”) | ☐ Yes  ☐ No |
| Conditional: only if the answer to previous question is “yes” | Reputation | Please provide details | Free text |
| Conditional: only if the appointee is formally independent (see section 2) | Formal independence | Do you comply with the requirement set forth in Article 13 (for independent board members) or in Article 14 (for members of the Board of Statutory Auditors) of DM no. 169/20, or in the standard by-laws for BCCs?  For banks adopting a two-tier or a one-tier system, please refer to Articles 21 and 22 of DM no. 169/2020 | ☐ Yes  ☐ No |
| Conditional: only if the answer to question “Specify whether the appointee will be qualified as a formal independent member of the management body in its supervisory function” is “yes” | Formal independence | If you are in one of the situations of:  - Article 13 para.1 lett. h) of DM no. 169/2020 (for independent board members and members of the board of statutory auditors);  - Article 13 para.1 lett. i) of DM no. 169/2020 (for independent board members);  please provide more information on the situation and the reason why you deem that this situation does not impinge on your independence. | Free text |
| Mandatory | Independence of mind | In terms of independence of mind, are you in one of the situations reported in Article 15 of DM no. 169/20 and not disclosed in the questionnaire, including also material relationships referred to close relatives (such as those included in Circular 285/2013, part III, chapter 11, section 1 | ☐ Yes  ☐ No |
| Conditional: only if the answer to previous question is “yes” | Independence of mind | If YES, please provide a description of the situation and the reason why you deem that the situation does not impinge on your independence of mind and/or any measures adopted to mitigate the potential conflict of interest | Free text |
| Mandatory | Time commitment | Have you submitted a written declaration stating that you can commit to your mandate the time deemed necessary by the supervised entity and that the other conditions foreseen by Article 16 para. 4 of DM no. 169/2020 are met (i.e. (a) the number of mandates held does not overcome the limits of Article 17 of the DM 169/2020; (b) the condition (a) is complied with without benefiting from the provisions of Articles 18 and 19 of DM no. 169/2020; and (c) the appointee does not hold the mandate of chief executive officer or general manager nor he/she is the chair of a corporate body or committee)? | ☐ Yes  ☐ No |
| Mandatory | Collective suitability (to be filled in by the Supervised Entity) | Has the bank identified any deficiencies in collective suitability, pursuant to Article 12 of DM no. 169/2020? | ☐ Yes  ☐ No |
| Conditional, if yes to previous question | Collective suitability (to be filled in by the Supervised Entity) | Please provide details on the deficiencies identified and on the compensating factors or measures planned to overcome them, pursuant to Article 12 of DM no. 169/2020 | Free text |
| Conditional question.  Only appears if the appointee is member of the BoSA (in traditional system), of the Supervisory Board (in two-tier system), of the Managerial Control Committee (in one-tier system) | Collective suitability (to be filled in by the Supervised Entity) | How many members of the BoSA/Supervisory Board/Managerial Control Committee are enrolled in the Register of Auditors and have practiced as auditors for no less than three years?  Please answer with reference respectively to: a) standing members; b) alternate members. | Free text |
| Mandatory | Collective suitability (to be filled in by the Supervised Entity) | Please provide the total number of formally independent members appointed in the management body (for the traditional system: not applicable to members of the board of statutory auditors) | Free text (number from 1 to 20) |
| Mandatory | Collective suitability (to be filled in by the Supervised Entity) | Please provide the total number of formally independent members of the management body (not applicable to members of board of statutory auditors) required by the applicable framework (Statute, Circular 285, TUF, ...) | Free text (number from 1 to 20) |

Questions for the core questionnaire

| Section 8. Additional information and Annexes |
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| Question B. List of mandatory annexes |
| Curriculum vitae |
| Verbale di verifica dei requisiti dell’organo competente/Minutes of the board on the suitability assessment by the competent body |
| Privacy Statement |

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| Footnotes | |
| Footnote 1 | <https://www.bancaditalia.it/compiti/vigilanza/unione-europea/banking-supervision-portal/index.html> |
| Footnote 6 | According to article 1 of DM 169/2020 |
| Footnote 10 | According to article 13 and 14 of DM 169/2020. This question should be answered “Yes” in all cases where these articles apply. |
| Footnote 12 | According to article 24 of DM 169/2020 and the implementing Banca d’Italia regulation |
| Footnote 44 | According to the applicable law and regulatory provisions |