 AMF FORM

## Executive manager’s declaration form as part of the examination of an application for registration or optional licensing of a digital-asset service provider

## **This form is to be filled in:[[1]](#footnote-2)**

* **for the digital-asset service providers referred to 1° to 4° of Article L. 54-10-2 of the French Monetary and Financial Code which apply for registration with the *Autorité des Marchés Financiers* (hereinafter, the "AMF");**
* **for service providers providing as a regular business one or more of the digital-asset services referred to in Article L. 54-10-2 of the Monetary and Financial Code which apply for an optional licensing to the AMF;**

**by all the persons who perform effective management of the digital asset service provider (hereinafter, for each of these persons, the "person concerned" or the “executive manager”).**

## **Objective of the form and notice**

The information to be provided in this form will enable the AMF to make an evaluation of the suitability of the person concerned, in light of the criteria of integrity[[2]](#footnote-3), competences[[3]](#footnote-4), experience and availability laid down by French regulations.[[4]](#footnote-5)

The replies to the form should be accompanied by all explanations, which could shed light on the AMF's assessment. It is essential that all the sections be filled in, where applicable by indicating "not applicable". **The examination times provided for by the French Monetary and Financial Code will start to run only after receiving the complete application.**

The indication, intentionally or through negligence, of inaccurate, incomplete or false information, entails exposure to sanctions and could possibly call into question the AMF's decision.

In addition to the information specified in this form, the person concerned by the present declaration is required to reveal to the AMF any item of information, which in his/her opinion, could have a major impact on the evaluation conducted by the AMF.

## **What documentation should be attached to the form?**

The form should be accompanied by the following documents:

* A dated and signed copy of the present form;
* A scanned version of a **currently valid** identity document of the person concerned;
* The up-to-date curriculum vitae[[5]](#footnote-6) of the person concerned, specifying his/her studies, diplomas obtained, relevant vocational training courses that he/she has followed, his/her professional experience, including, in particular, the name of all the organizations for which he/she has worked and the nature of the positions held - and for how long, indicating those that he/she considers come within the framework of the position applied for;
* A criminal record certificate for the person concerned[[6]](#footnote-7);
* For persons who have not been residents in France for at least the past three years[[7]](#footnote-8), an attestation taking the place of a criminal record certificate[[8]](#footnote-9), issued by the competent authority of the country in which the concerned person resides or resided previously, containing the name of the signatory authority and of the country concerned. If this attestation is not available in French or English, it shall be accompanied by a sworn translation in French or English;
* The declaration of non-conviction relating to Article L. 500-1 of the French Monetary and Financial Code included in the present form[[9]](#footnote-10);
* An extract of the “K-bis” certificate (certificate of incorporation) and *statuts* (articles of association) of the firm for which the application is submitted.

**The form and the accompanying documents should be sent in an electronic version to *the Autorité des Marchés Financiers* at the address: psan@amf-france.org**

Declaration by the executive manager

I, the undersigned (first name and family name of the executive manager),

In my capacity as executive manager of (name of the firm for which the application for registration or authorization is submitted)

1-hereby confirm that the information provided in the present form, to my best knowledge, is accurate and complete;

2- undertake to inform the *Autorité des Marchés Financiers* immediately of any significant\* change concerning the information contained in present declaration;

3- authorize the *Autorité des Marchés Financiers* to carry out all the searches for information that it may consider necessary in order to identify and verify the information that it considers important to conduct the evaluation to be performed in accordance with the regulations in force;

4- confirm that I am aware of the responsibilities conferred by the applicable regulation of the function of executive manager for which a positive evaluation is sought, and confirm my intention to always comply with said responsibilities;

5- declare that I have not been subjected to the injunctions provided for in Article L. 500-1 of the French Monetary and Financial Code\*\*;

6- attest that I have necessary knowledge and expertise to perform my duties so as to be able to understand the main risks to which the firm for which the application for registration or authorization is exposed, and to fulfil the requirements that are applicable to it by virtue of Chapters I and II of Title VI, Book V, of the French Monetary and Financial Code (anti-money laundering and terrorist financing and freezing of assets).

Date:

Signature:

\**A significant change encompasses all modifications that affect the compliance of the provider of digital-asset services with obligations mentioned inArticle L.54-10-3 (in case of application for a registration) and L.54-10-5 (in case of application for an optional licensing) of the French Monetary and Financial Code (good repute and competence of the executive managers, implementation of an organisation, procedures and internal control mechanism in order to ensure compliance with anti-money laundering and terrorist financing regulations) and all changes related to the firm or the executive manager(s) and all events that would call into question the previous assessment regarding their integrity ;.*

*\*\* Not required when the registration is submitted by an organization mentioned under 1° to 7° of article L.561-2 of the French Monetary and Financial Code or by a provider of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area, except if the latter one provides any of the services mentioned in 3° and 4° of Article L. 54-10-2 of the French Monetary and Financial Code*.*.*

# IDENTIFICATION AND THE POSITION OF THE PERSON CONCERNED

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| a) | Information related to the person concerned | | | |
|  | Name | | | |
|  | Civility : | |  | |
|  | Family name | |  | |
|  | Usual name : | |  | |
|  | First name: | |  | |
|  | Other first names : | |  | |
|  | Current place of residence | |  | |
|  | Address : | |  | |
|  | City : | |  | |
|  | Country : | |  | |
|  | Other information | | | |
|  | Telephone number (including country code) : | |  | |
|  | Email address : | |  | |
|  | Level of French knowledge (for non-francophone speakers): | |  | |
| b) | Please indicate the position of the person concerned in the firm for which the application for registration/optional licensing is submitted | | | |
|  | Please tick all the boxes concerned by the position which describe the tasks entrusted to the person concerned: | | Executive manager of the firm:  ☐ Managing Director  ☐ Chairman of the Management Board  ☐ Deputy Managing Director (*Directeur général délégué)*  ☐ Deputy General Manager (*Directeur general adjoint)*  ☐ Chairman and CEO  ☐ Manager (*Gérant)*  ☐ Acting chairman  ☐ Chairman of simplified joint-stock company ("SAS")  ☐ Other – Please specify (e.g. director, senior executive, etc.):  ……………………………  Other position in the firm:  ☐ Chairman of the Board of Directors  ☐ Chairman of the Supervisory Board or the committee type supervisory body  ☐ Member of the Board of Directors  ☐ Member of the Supervisory Board or the committee type supervisory body  ☐ Other – Please specify: ………………………………. | |
|  | Is the executive manager a significant shareholder[[10]](#footnote-11) of the firm for which the application for registration or optional licensing is submitted | | ☐ YES  ☐ NO | |
|  | Percentage of ownership by executive manager *(please specify the percentage of direct and the percentage of indirect ownership):* | |  | |
| b) | Please give the most detailed possible description of the main responsibilities and duties of the position of executive manager concerned and the number of personnel under his (her) responsibility. Please indicate what other function(s) the person concerned may possibly perform in the firm for which the application for registration or optional licensing is submitted | | | |
|  |  | | | |
| c) | Continuity of the function | | | |
|  | Please indicate the existing measures aiming to ensure the continuity of the management in any circumstances (in case of absence or prevention of the management from exercising its duties) | |  | |
| d) | Nature of the contract between the person concerned and the firm for which the application for registration or optional licensing is submitted | | | |
|  | Please tick the boxes concerned regarding the nature of the contract binding the person concerned and the firm: | | ☐ Employee  ☐ Appointment as company officer  ☐ Assignment agreement  ☐ Other (specify): | |
| e) | If the executive manager does not have the capacity of company officer: | | | |
|  | What is the body or the person who appointed you to your position as executive manager of the firm? | |  | |
|  | What are the powers that are delegated to you? | |  | |
|  | Which are the fields placed under the hierarchic and/or functional responsibility? | |  | |
| f) | List of persons (other than the concerned person) constituting the executive management of the firm for which the application for registration or optional licensing is submitted | | | | |
| Name and surnameof the persons | | Functions / Positions | | **(i) Date of first appointment**  **(ii) Date(s) of renewal(s)**  **(iii) Duration of current appointment** | |
|  | |  | |  | |
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# INTEGRITY OF THE PERSON CONCERNED AND OF ANY LEGAL ENTITY FOR WHICH THE APPLICATION FOR REGISTRATION OR OPTIONAL LICENSING IS SUBMITTED[[11]](#footnote-12)

**The questions of this section are addressed to:**

**- to the executive manager of the firm for which the application for registration or optional licensing is submitted**

**and concern :**

**- the executive manager and**

**- the firm for which the application for registration or optional licensing is submitted.**

**Breaches of regulation or offenses, which gave rise to amnesty, need not be mentioned**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| a) | Have you (or the firm for which the application for registration or optional licensing is submitted) undergone a positive assessment (integrity) by a supervisory authority other than the AMF, in France or abroad? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below: | | | | | | |
|  | Concerned competent Authority | Concerned Firm/person | Concerned sector | Date of start | Date of end | | Date of assessment |
|  |  |  |  |  |  | |  |
| b) | Have you (or the firm for which the application for registration or optional licensing is submitted) already been refused a registration, authorisation, affiliation or granting of a license required to perform commercial or professional activities, or undergone any confiscation, revocation or cancellation of a registration, authorisation, affiliation or license, or any expulsion by a public authority or by a professional association? Are such proceedings in progress? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below: | | | | |  | |
|  |  | | | | |  | |
| c) | Have you (or the firm for which the application for registration or optional licensing is submitted) already been convicted, including convictions on appeal, within the framework of criminal proceedings, or else civil or administrative proceedings (having impacted your integrity or significantly impacted your financial situation (or the financial situation of firm for which the application for registration or optional licensing is submitted)? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below, particularly concerning the nature of the charges, the time that has elapsed since the conviction, the sentence pronounced, the behaviour of the person concerned since the events in question, any explanation of a professional nature, any other attenuating circumstance and any other aggravating factor: | | | | | | |
|  |  | | | | | | |
| d) | Are criminal proceedings or civil or administrative proceedings in progress concerning you (or the firm for which the application for registration or optional licensing is submitted) (including any official notification of an enquiry or accusation)? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below, particularly concerning the nature of the charges, the time that has elapsed since the presumed reprehensible deed, the likely fine/sentence in the event of conviction, the stage of the proceedings, any other attenuating circumstance and any other aggravating factor: | | | | | | |
|  |  | | | | | | |
| e) | Have disciplinary measures already been taken against or are they pending concerning you (or the firm for which the application for registration or optional licensing is submitted) (including revocation as a member of the management body of a company, dismissal for professional misconduct, disqualification from management, etc.)? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below: | | | | | | |
|  |  | | | | | | |
| f) | Have you (or the firm for which the application for registration or optional licensing is submitted) been or are you currently subjected to bankruptcy or insolvency proceedings (court-ordered receivership or liquidation measures) or similar proceedings? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below (indicating whether the bankruptcy or insolvency was submitted or not): | | | | | | |
|  |  | | | | | | |
| g) | Were the proceedings that you declared above settled out of court or as part of an alternative dispute settlement process (e.g. mediation)? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below: | | | | | | |
|  |  | | | | | | |
| h) | Have you (or the firm for which the application for registration or optional licensing is submitted) already appeared on a list of insolvent debtors, do you have (or the firm for which the application for registration or optional licensing is submitted) a negative rating on a list established by a recognized credit agency or have you (or the firm for which the application for registration or optional licensing is submitted) been subjected to an enforcement measure related to a debt? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below: | | | | | | |
|  |  | | | | | | |
| i) | Have you (or the firm for which the application for registration or optional licensing is submitted) ever been sanctioned by public authorities or professional organizations? Are immediately enforceable enquiries or proceedings in progress or have they already been undertaken against you (or the firm for which the application for registration or optional licensing is submitted)? | | | | | ☐ YES  ☐ NO | |
|  | In particular, have you (or the firm for which the application for registration or optional licensing is submitted) been subjected to a measure of suspension, exclusion or a sanction by a professional organization in France or abroad? | | | | | ☐ YES  ☐ NO | |
|  | If YES, please give precise details below: | | | | | | |
|  |  | | | | | | |

# KNOWLEDGE AND COMPETENCIES OF THE PERSON CONCERNED[[12]](#footnote-13)

|  |  |  |  |
| --- | --- | --- | --- |
| a) | The curriculum vitae of the executive managers shall send to the AMF , specifying their studies, diplomas obtained, relevant vocational training courses that they have followed, their professional experience, including, in particular, the name of all the organizations for which they have worked and the nature of the positions held - and for how long, indicating those that they consider come within the framework of the position applied for (§1.2.1 of the Instruction AMF-DOC-2019-23).  Please indicate below any other factor to be taken into consideration which could possibly come within the framework of the position applied for , such as: size of the entity; other alternative experience; university diploma/education; confirmed capacity of analysis and judgment; collective competence of the members of the management body already present; specialist knowledge which the firm needs; limited scope of duties of the person concerned; other specific cases. | | |
|  |  | | |
| b) | Required fields of general experience | Evaluation (significant, moderately significant, relatively insignificant, not significant) notably in light of the length of the acquired experience, and the size and complexity of the firm in which that experience was acquired | |
|  | a) What is the level of your knowledge and experience to understand the requirements applicable by virtue of Chapters I and II of Title VI, Book V of the French Monetary and Financial Code (anti-money laundering and combating the financing of terrorism and freezing of assets)? |  | |
| b) What is your level of knowledge and experience to understand the main risks to which the firm (for which the application for registration or optional licensing is submitted) is exposed)? |  | |
| c) | Before taking up the position or during the first year after taking up the position, has the person concerned followed (or will he/she follow) a special training course? | | ☐ YES  ☐ NO |
|  | If YES, give details below: | | |
|  |  | | |
| d) | Specific training related to the provision of the services of digital asset investment management on behalf of a third party or of advice to investors in digital assets.  Show evidence of:  1° either an appropriate training to the provision of the service;  2° or one year of professional experience related to digital assets, which was been acquired during the five years preceding the application for optional licensing. | | ☐ NOT APPLICABLE (if no optional licensing is submitted)  ☐ YES  ☐ NO |
|  | If YES, give details below: | |  |
|  |  | | |

# CONFLICTS OF INTEREST

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| a) | Do you hold, or have you in the last two years held a position of strong political influence (on the national or local level)? | | ☐ YES  ☐ NO | |
|  | If YES, please provide the following information: | | | |
|  | 1. Nature of the position: |  | | |
|  | 2. Specific powers or obligations related to that position: |  | | |
|  | 3. The ties between that position (or the entity in which that position is held) and the firm for which the application for registration/optional licensing is submitted, its parent company or its subsidiaries: |  | | |
| b) | Do you have ties or commitments, or do you hold positions, which might be detrimental to the interests of the firm for which the application for registration or optional licensing is submitted | | | ☐ YES  ☐ NO |
|  | If YES, please provide all necessary information (relating in particular to the nature, terms, period and, where applicable, ties with the firm for which the application for registration or optional licensing is submitted, its parent company or its subsidiaries): | | | |
|  |  | | | |

To be filled in by the firm for which the application for registration or optional licensing is submitted

|  |  |
| --- | --- |
| c) | If necessary, indicate how to prevent and/or manage any conflict of interests with the firm (whether the conflict is considered significant or not). Regarding this, please attach all useful documents (articles of association, internal rules, procedures, etc.). |
|  |  |

# AVAILABILITY OF CONCERNED PERSON

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a) | What is the expected availability of the concerned person (in hours per week and days per year) for the position for which this form is filled in? | | | | | | | |
|  | Total number of hours per week devoted to the position of executive manager of the firm for which the application for registration or optional licensing is submitted | | | |  | | | |
|  | Total number of days per year devoted to the position of executive manager of the firm for which the application for registration or optional licensing is submitted | | | |  | | | |
|  | Comments: | | | | | | | |
|  |  | | | | | | | |
| b) | List of executive/non-executive positions and professional activities of the concerned person, other than the position for which this form is filled in. | | | | | | | |
|  | a. Entity (indicate the company name) | b. Country | c. Parent Group (indicate the percentage of the capital/ voting rights held in the entity) | d. Description of the entity’s business | e. Size of the entity | f. Position in the entity | | h. Time devoted per week (in hours) and per year (in days) |
|  |  |  |  |  |  |  | |  |
|  |  |  |  |  |  |  | |  |
|  | Total number of hours per week devoted to all positions/mandates except for the position for which the application is made | | | | |  |  |
|  | Total number of days per year devoted to all positions/mandates except for the position for which the application is made | | | | |  |  |

# IDENTITY OF THE SIGNIFICANT SHAREHOLDERS FOR WHICH THE APPLICATION FOR MANDATORY REGISTRATION OR OPTIONAL OPTIONAL LICENSING IS SUBMITTED

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| a) | Identification of the significant shareholders**[[13]](#footnote-14)** for which the application for a registration or optional licensing is submitted**[[14]](#footnote-15)** | | | |
|  | In case of one or more significant natural person shareholders | | | |
|  | Name and surname of any natural person who owns directly or indirectly more than 25% of the capital or the voting rights of the firm for which the application for registration or optional licensing is submitted | Percentage of ownership  *(please give details about the direct and/of indirect ownership)* | Documents certifying the percentage of ownership  (Capitalization table, shareholders agreement, etc.)  (*quote the appropriate extracts of mentioned documents detailing the nature of document*) | |
|  |  |  |  | |
|  |  |  |  | |
|  |  |  |  | |
|  | First name and family name of any natural person who exercises by any means (other than direct or indirect ownership more than 25% of the capital or the voting rights of the firm for which the application for registration or optional licensing is submitted) a power of control on the firm under the 3° et 4° of I of article L. 233-3 of the French commercial code | Documents certifying the means of ownership  (Records of beneficial owners, shareholder’s agreements, etc.)  (*quote the appropriate extracts of the documents and specify the nature of the document*) | | |
|  |  |  | | |
|  |  |  | | |
|  | In case of one or more significant legal person shareholders | | | |
|  | Company name of the legal person shareholder : | First name and family name of the legal representative or any person fulfilling equivalent functions within the legal person shareholder: | | Functions fulfilled of this person within the legal person shareholder: |
|  |  |  | | ☐ President  ☐ Executive manager  ☐ Deputy executive manager  ☐ Manager of company  ☐ Other equivalent function – please detail the function : |
|  | Complementary information (in case of application for an optional licensing only) | | | |
|  | First name and family name of every natural person who exercise by any means (other than direct or indirect ownership more than 25% of the capital or the voting rights of the firm for which the application for registration or optional licensing is submitted) significant influence power on the firm for which the application for approval is submitted | The amount of their ownership | | |
|  |  |  | | |
|  |  |  | | |

# ADDITIONAL INFORMATION AND APPENDICES

|  |  |
| --- | --- |
| a) | Any other information considered useful by the person concerned or the firm for which the application for registration or optional licensing is submitted, for the purpose of evaluation, should be added here: |
|  |  |
| b) | All the following scanned documents are required (make sure that the documents required are complete by ticking the documents listed below): |
|  | ☐ Form dated and signed by the person concerned  ☐ Currently valid identity card or passport of the person concerned  ☐ Up-to-date CV (if required)  ☐ A criminal record certificate for the person concerned (if required)  ☐ For those persons who have not been residents in France for at least the past three years[[15]](#footnote-16): attestation taking the place of a criminal record certificate, issued by the competent authority of the country in which the concerned person resides or resided previously (if required)  ☐ Declaration of non-conviction (Article L. 500-1 of the French Monetary and Financial Code) included in the present form (if required)  ☐ Extract of “K-bis” of the firm for which the application for registration or optional licensing is submitted  ☐ *Statuts* (articles of association) of the firm for which the application for registration or optional licensing is submitted |
|  | Comments: |

# INFORMATION ON PERSONAL DATA

## The information on personal data gathered in this form is processed by the AMF. This information is necessary to make an evaluation of the suitability of the person in question, in light of the criteria of integrity, competence, knowledge, and availability laid down by French regulations.

## This is intended for the AMF and the *Autorité de Contrôle Prudentiel et de Résolution* (ACPR), within the framework of the investigation by these authorities of applications for registration or optional licensing.

## In accordance with Regulation (EU) No. 2016/679 of 27 April 2016 on personal data protection, the AMF limits personal data collection solely to the information necessary for an evaluation of the person concerned.

## Pursuant to Regulation (EU) No. 2016/679 of 27 April 2016 and Act No. 78-17 of 6 January 1978, individuals shall have a right to access and, where applicable, rectify, erase, object to or limit the processing of personal data concerning them. This right may be exercised by posted letter to the following address: AMF - *Délégué à la protection des données* - 17 place de la Bourse, 75002 Paris; and by email to: accesdopers@amf-france.org. You can also submit a complaint to the French data protection agency CNIL concerning the processing of your data.

1. The *Word* format is recommended for the form. [↑](#footnote-ref-2)
2. Note that under Article D. 54-10-2 of the Monetary and Financial Code when registration is submitted by an organization mentioned in 1 ° to 7 ° of Article L. 561-2 of the French Monetary and Financial Code, the requirements in terms of good repute of the executive managers are deemed to be met. [↑](#footnote-ref-3)
3. Note that under Article 54-10-3 of the French Monetary and Financial Code, for the providers of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the Agreement on the European Economic Area in application of Article 47 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the requirements in terms of good repute and competence of executive managers are deemed to be met. However, these service providers will have to comply with these requirements if they also perform any of the services mentioned in 3° and 4 ° of Article L. 54-10-2 of the French Monetary and Financial Code [↑](#footnote-ref-4)
4. For registration : Articles L.54-10-3 1°, D 54-10-2 1° to 3° of the French Monetary and Financial Code and §1.2.1 of the AMF Instruction DOC-2019-23.

   For optional licensing (services 5) : Articles L.54-10-5 VI, L.54-10-5 V 1°, L. 54-10 VI 1°, D 54-10-6 II (and D.54-10-2) of the French Monetary and Financial Code and the AMF Instruction AMF-DOC-2019-23 [↑](#footnote-ref-5)
5. Not required for the providers of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area in application of Article 47 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or financing of the terrorism. However, these service providers will have to comply with this requirement if they also perform any of the services mentioned in 3° and 4 ° of the French Monetary and Financial Code. [↑](#footnote-ref-6)
6. Not required when the registration is submitted by an organization mentioned under 1° to 7° of article L.561-2 of the French Monetary and Financial Code or by a provider of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area, except if the latter one provides any of the services mentioned in 3° and 4° of Article L. 54-10-2 of the French Monetary and Financial Code. [↑](#footnote-ref-7)
7. This requirement is cumulative with the request of a criminal record for French citizens living abroad. [↑](#footnote-ref-8)
8. Not required when the registration is submitted by an organization mentioned under 1° to 7° of article L.561-2 of the French Monetary and Financial Code or by a provider of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area, except if the latter one provides any of the services mentioned in 3° and 4° of Article L. 54-10-2 of the French Monetary and Financial Code. [↑](#footnote-ref-9)
9. Not required when the registration is submitted for by an organization mentioned under 1° to 7° of article L.561-2 of the French Monetary and Financial Code or by a provider of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area, except if the latter one provides any of the services mentioned in 3° and 4° of Article L. 54-10-2 of the French Monetary and Financial Code. [↑](#footnote-ref-10)
10. Significant shareholders are natural persons who hold, directly or indirectly, more than 25% of the capital or controlling rights of the service provider or exercise, by any other means, a controlling power on the service provider within the meaning to 3° and 4° of article L.233-33 of the French Commercial Code. [↑](#footnote-ref-11)
11. The declarations set out in the present section are not required in case of registration when such a registration is submitted by an organization mentioned under 1° to 7 of the article L.561-2 of the French Monetary and Financial Code or by a provider of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area, except if the latter one provides any of the services mentioned in 3° and 4° of Article L. 54-10-2 of the French Monetary and Financial Code. [↑](#footnote-ref-12)
12. The declarations set out in the present section are not required in case of registration when such a registration is submitted by a provider of services mentioned in 1 ° and 2 ° of Article L. 54-10-2 of the French Monetary and Financial Code registered or incorporated in another Member State of the European Union or party to the agreement on the European Economic Area, except if the latter one provides any of the services mentioned in 3° and 4° of Article L. 54-10-2 of the French Monetary and Financial Code. [↑](#footnote-ref-13)
13. The significant shareholders are the natural persons who own directly or indirectly more than 25% of the capital or the voting rights or exercise by any other means a controlling power under the 3° et 4° of I of article L. 233-3 of the French commercial code on the firm for which the application for registration or authorization is submitted [↑](#footnote-ref-14)
14. The answer to this question shall be provided by at least one of the one of the executive managers if the firm is managed by two managers. The second manager can refer to the declaration of the other manager in the related form. [↑](#footnote-ref-15)
15. This requirement is cumulative with the requirement of criminal records for French citizens who are residents in a foreign country. [↑](#footnote-ref-16)