**Annex 1**

**Data sheet to be provided by participants in a transaction involving miscellaneous assets**

This document is Annex 1 to AMF instruction DOC-2017-06 – Procedure for preparing and registering an information document that must be filed with the AMF by intermediaries in miscellaneous assets

**N.B.:**

This information must be provided by any individual[[1]](#footnote-1) participating in a transaction as the initiator, the asset manager, the person collecting the funds or the person responsible for the buy-back or exchange pursuant to article L. 550-1 of the Monetary and Financial Code, paragraph I, and by any person that initiates a transaction under paragraph II of the same article. The information must be accompanied by a copy of the person's criminal record (form no. 3)[[2]](#footnote-2)

The responses to the questionnaire below should be accompanied by any clarifications that will help the AMF to make a decision. All questions must be answered. Generally, the information requested relates to the period during which the person in question was responsible as well as the period immediately after these responsibilities ended (up to one year after)[[3]](#footnote-3).

Infringements or breaches giving rise to amnesty need not be mentioned.

The questionnaire must be returned duly completed and signed by the person in question and by the initiator of the offer mentioned in article L. 550-1, paragraph I, subparagraph 1 and paragraph II of the Monetary and Financial Code.

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| [1]. Name of the offer of miscellaneous assets for which the information is provided: ………………………………………………………………………………………………………………………………….. |
| [2]. Identity of the participant:(*Please provide a copy of some ID*)- Name and surname: ………………………………………………………………………………………………..…- Name and surname of parents[[4]](#footnote-4): ……………………………………………………………………………… - Date and place of birth: ……………………………………………………………………………………..…- Nationality: …………………………………………………………………………………………………………- Home address[[5]](#footnote-5): ………………………………………………………………………………………. - Level of French (for non-native speakers): ………………………………………… - Job title[[6]](#footnote-6): ………………………………………………………………………………………...[3]. Capacity of the participant:* Initiator of the offer in miscellaneous assets
* Asset manager
* Intermediary responsible for collecting the funds
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1. What will your remit be?

2. For each of the two most recent positions you have held over the last 10 years, what were your responsibilities[[7]](#footnote-7) and what results[[8]](#footnote-8) did you achieve?

3. Are you, or have you been during the last 10 years, a major shareholder[[9]](#footnote-9), nominal partner or general partner of another company? If so, please state the name and area of activity of such companies as well as your stake in them.

4. To your knowledge, have any of the companies in which you are currently, or have been over the last 10 years, an executive or a major shareholder, nominal partner or general partner been turned down for authorisation or approval in the banking or financial sector, in France or abroad, or had any such authorisation or approval revoked?

5. To your knowledge, have any of the companies in which you are currently, or have been over the last 10 years, an executive or a major shareholder, nominal partner or general partner been the subject of a criminal conviction, administrative or disciplinary sanctions, or suspension or exclusion from a trade association? Are any such procedures ongoing?

6. Have you been, or do you envisage soon being, party to an out-of-court settlement or court proceedings in France or abroad pertaining to the repayment of debt of a company in which you have been, or still are, an executive, a major shareholder or a partner? Have you been subject to personal bankruptcy proceedings or any other prohibition mentioned in articles L. 653-1 et seq. of the French Commercial Code, or indeed to any other measure prohibiting you from managing, running, administering or controlling a company?

7. To your knowledge, which of the companies in which you are an executive or a major shareholder, nominal partner or general partner have, or could have, significant business relationships?

8. Where applicable, please provide a list of your other corporate offices and activities.

Please indicate the corporate offices and activities that may present you with a conflict of interests. If such conflicts exist, please state the measures you intend to take to resolve them.

9. Over the last 10 years, have you held a position in a company for which the auditors have refused to certify the accounts or have attached reservations or qualifications to their certification?

10. Over the last 10 years, have you been the subject of a criminal conviction, an administrative or disciplinary sanction from a professional body (including the AMF) or a suspension or exclusion from a trade association in France or abroad, or a penalty issued by a central body (as defined in articles L. 511-30 to L. 511-32 of the Monetary and Financial Code)? Are any such procedures ongoing?

11. Have you been dismissed for misconduct? Please provide any useful additional details. Are any such procedures ongoing?

12. Are you personally the subject of a banking prohibition or excessive debt measure?

13. Do you intend to carry out, whether directly or indirectly, personal or professional transactions[[10]](#footnote-10) in respect of the offer in miscellaneous assets in question?

14. Are you aware of any other information that may be useful for the AMF in making its decision as regards your good standing and competence?

 “I the undersigned …………………………………[[11]](#footnote-11) hereby declare that the information I have provided above is accurate and agree to notify the Autorité des Marchés Financiers immediately of any changes thereto”.

Made in , on

Signature

1. The information on individuals gathered by the questionnaire pursuant to article L. 532-9 of the Monetary and Financial Code is subject to an automated processing of personal data that was approved by the French Data Protection Authority (CNIL) on 18 September 2001.

Collected by the AMF in its capacity as sole contact point for applicant individuals and companies, this information is recorded in the database of credit institution and investment company executives and shareholders (FIDEC) and sent to the Credit Institution and Investment Company Committee (CECEI) and the Insurance Company Committee (CEA) This information can be communicated to the guarantee fund, in order to fulfil its mission as specified by the Monetary and Financial Code, as well as, in compliance with applicable legislation, in particular articles L. 612-6, L. 613-12, L. 613-13, L. 613-20, L. 621-21 and L. 632-1 of said Code, to foreign supervisory authorities.

Questionnaire respondents who do not, in accordance with article 38 of the French data protection law of 6 January 1978, possess the right to object, may access the information contained in FIDEC that concerns them by sending a written request to the Chairman of the AMF, marked for the attention of the Asset Management Directorate, 17 place de la Bourse 75082 Paris cedex 2.

Communication takes place a short time after the request has been made.

Any mistakes are corrected within eight working days of the amended information being sent. The person concerned receives written notification of the amendment. [↑](#footnote-ref-1)
2. Or a certificate in lieu of a copy of the criminal record (form no. 3). [↑](#footnote-ref-2)
3. In order to understand the consequences of their actions as an executive. [↑](#footnote-ref-3)
4. In order to avoid mistaken identity, this information is required for people (regardless of their nationality) born in overseas territories or a country other than France. [↑](#footnote-ref-4)
5. If different from the current home address, please indicate the home address envisaged after taking up the position in question. [↑](#footnote-ref-5)
6. Name of the position to which this dossier relates. [↑](#footnote-ref-6)
7. Number of employees, delegation of powers, capital managed, budget allocated, etc. [↑](#footnote-ref-7)
8. In terms of profitability and developing the business. [↑](#footnote-ref-8)
9. A major shareholder is taken to mean one who holds at least 10% of the share capital or voting rights of a company. [↑](#footnote-ref-9)
10. For example, do the company’s clients or suppliers include another company of which you are an executive, major shareholder, nominal partner or general partner? [↑](#footnote-ref-10)
11. Name and surname. [↑](#footnote-ref-11)