

AMF Italia Response to the EBA Consultation: Draft Regulatory Technical Standards to be adopted through a Commission Delegated Regulation

Article 5

With specific regard to the assessment of reputation, it is important that administrative proceedings are not considered relevant, either under the RTS or the Guidelines, given their preliminary nature and limited probative value.

Similarly, civil judgments should not be regarded as relevant for the purposes of the reputation assessment, as they do not appear to affect the integrity requirements applicable to members of the management body and key function holders and would unduly broaden the range of circumstances to be taken into account in the assessment.

Article 10

With regard to the information to be included in the suitability questionnaire, it is important that responsibilities for the provision of the required information are clearly distinguished between the individual concerned and the institution.

Indeed, the institution may reasonably be held responsible only for aspects relating to the individual and collective suitability assessment carried out by the institution itself, and not for information relating exclusively to the individual.

With regard to the detailed information referred to in paragraph 2, we consider it necessary:

- under points (i) and (j):
 - a) to remove the requirement to provide information on any commercial or professional relationships maintained by the individual concerned, his or her close family members, and companies in which the individual currently holds or has previously held a directorship or other corporate office, with the institution's suppliers and competitors. Such a requirement would necessitate the assessment of a significant number of persons and entities without providing any tangible benefit for the management of conflicts of interest. Alternatively, the scope of this disclosure requirement should be strictly limited to relationships maintained directly by the individual concerned with the institution's main suppliers and competitors, for example the top five or ten counterparties;
 - b) to limit the disclosure of personal, commercial and professional relationships with members of the management body, key function holders — particularly those within other entities of the group — and qualifying shareholders to relationships that are material or significant;
- under point (k):
 - to remove the requirement to provide information on financial relationships maintained with the institution or its group by companies in which the individual previously held a directorship or other corporate office. Such relationships are not relevant for the

management of conflicts of interest, given that the individual no longer has any interest in or connection with the company concerned.

Alternatively, a time limit should be introduced, beyond which such information would no longer need to be collected or disclosed.