# Annex 2: Information concerning the application for the grant of a banking licence

This checklist must be completed in full by the applicant. The applicant must fill in the right-hand column and/or refer to relevant enclosures. Any columns that have been pre-completed by the FMA naturally do not need to be filled in. Please enter n/a if any particular field is not applicable and where appropriate note brief reasons as to why it is not applicable.

Date: \_\_\_\_\_\_\_\_\_ Reference number: \_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| Contact details of the applicant | | Contact details of the designated contact person | |
| Name of the applicant: |  | Name: |  |
| Address: |  | Telephone: |  |
|  |  | E-mail address |  |

This is an application for the granting of a banking licence, filed in accordance with the Liechtenstein Law of 5 December 2024 on the Activity and Supervision of Banks, Financial Holding Companies and Mixed Financial Holding Companies (*Gesetz vom 5. Dezember 2024 über die Tätigkeit und Beaufsichtigung von Banken, Finanzholdinggesellschaften und gemischten Finanzholdinggesellschaften*; *Bankengesetz*, BankG – Banking Act, BA), the Liechtenstein Ordinance of 14 January 2025 on the Activity and Supervision of Banks, Financial Holding Companies and Mixed Financial Holding Companies (*Verordnung vom 14. Januar 2025 über die Tätigkeit und Beaufsichtigung von Banken, Finanzholdinggesellschaften und gemischten Finanzholdinggesellschaften*; *Bankenverordnung*, BankV – Banking Ordinance, BO) and Commission Delegated Regulation (EU) 2022/2580.

The applicant certifies that the information provided in this application is true, accurate, complete and not misleading. Unless specifically stipulated otherwise, the information is up-to-date on the date of this application. Where certain information indicates a future date, it is explicitly indicated in the application and the applicant undertakes to notify the authority in writing without delay if any such information should turn out to be inaccurate, incomplete or misleading.

*[Name of the applicant]*

By: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Name:

Position:

# Presentation of information about the applicant (Article 1 of Delegated Regulation (EU) 2022/2580)

*Table 1*

|  |  |
| --- | --- |
| **1.1. Contact persons for the purposes of the application (Article 1(a) and (b) of Delegated Regulation (EU) 2022/2580** | |
| **Details of person to contact regarding the application** | |
| Title |  |
| Full name |  |
| Position |  |
| Telephone number |  |
| Mobile |  |
| Fax (if available) |  |
| E-mail address |  |
| **Principal professional adviser involved in the preparation of the application (if any)** | |
| Title |  |
| Full name |  |
| Position |  |
| Telephone number |  |
| Mobile |  |
| Fax (if available) |  |
| E-mail address |  |
| **1.2. Identification of the applicant (Article 1(c) to (k) of Delegated Regulation (EU) 2022/2580)** | |
| Name of the applicant and any other trading name used or to be used |  |
| Proposed plans (if any) to change the name of the applicant and an explanation of the proposed changes |  |
| Logo |  |
| Legal form of the applicant |  |
| Date of incorporation or formation |  |
| Jurisdiction of incorporation or formation |  |
| Address of the applicant’s registered office and, if different, its head office, as well as its principal place of business |  |
| Contact details of the applicant, where different from the contact details indicated in section 1.1 of this table: Telephone, mobile, fax (if available) and e-mail |  |
| Where the applicant is registered in a central register, commercial register, companies register or similar public register, the name of that register and the registration number of the applicant or an equivalent means of identification in that register |  |
| The Legal Entity Identifier (LEI), if already known, of the applicant |  |
| The date of the accounting year-end for the applicant |  |
| The website address, if any, of the applicant |  |

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| --- | --- |
| **1.3. Constitutional documents (Article 1(l) of Delegated Regulation (EU) 2022/2580)** | |
| Copy of the articles of association of the applicant or equivalent constitutional documents, and, where applicable, evidence of registration with the Commercial Register |  |
| Confirmation (yes/no) that the necessary content of Article 279 of the Liechtenstein Persons and Companies Act of 20 January 1926 (*Liechtensteinisches Personen- und Gesellschaftsrecht vom 20. Januar 1926*, PGR – PCA) as well as a clear description of the factual and geographical business areas is documented in the articles of association. |  |
| Confirmation (yes/no) that the following content (Article 23 of the BA) is contained in the articles of association:  - authorities of the Board of Directors, the Executive Board, the Compliance function, Internal Audit, the Risk Management function and (if the bank needs to establish these) the committees of the Board of Directors;  - authority rules and provisions on risk management in accordance with Article 79 of the BA;  - provisions concerning transactions involving governing bodies and employees. |  |
| **1.4. History of the applicant and its subsidiaries (Article 2(a) to (c) of Delegated Regulation (EU) 2022/2580)** | |
| Confirmation (yes/no) of whether the applicant has previously carried out commercial or other activities (if yes, complete the remaining fields in Section 1.4 of this table) |  |
| Details of licences, authorisations, registrations or other permissions of the applicant or of any of its subsidiaries to carry out activities in the financial services sector granted by a public authority or other entity performing public functions in any Member State or third country falling within the categories set out in Article 2(a)(i) to (iv) of Delegated Regulation (EU) 2022/2580 |  |
| Details about any significant events relating to the applicant or to any of its subsidiaries which have taken place or are taking place which may be reasonably considered to be relevant for the authorisation, including any of the matters set out in Article 2, point (b), of Delegated Regulation (EU) 2022/2580 |  |
| Information on any events set out in the declaration including the name and address of the relevant criminal or civil court, or civil or administrative authority, the date of the event, the amount involved, the outcome of the proceedings and an explanation of the circumstances of the event triggering the proceedings |  |

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| --- | --- |
| **1.5. Applicable fees (Article 2(d) and (e) of Delegated Regulation (EU) 2022/2580** | |
| Elements necessary to calculate any applicable fees where, pursuant to Union or national law, any application fee or supervisory fee that is to be paid by the applicant is calculated on the basis of the activities or the characteristics of the applicant credit institution | will be calculated and prescribed by the FMA |
| Annex under which can be found evidence of the payment of any application fee, where applicable pursuant to Union or national law | will be calculated and prescribed by the FMA |

*Table 2*

# Programme of activities (Article 3 of Delegated Regulation (EU) 2022/2580)

|  |  |
| --- | --- |
| **Activities (Article 3 of Delegated Regulation (EU) 2022/2580)** | |
| Programme of activities, including:  a) the list of the activities that the applicant intends to carry out, including the activities listed in Annex I to Directive 2013/36/EU, and  b) the description of how the programme of operations aligns with the proposed activities |  |

*Table 3*

# Financial information (Article 4 of Delegated Regulation (EU) 2022/2580)

|  |  |
| --- | --- |
| **3.1. Forecast information (Article 4(a) of Delegated Regulation (EU) 2022/2580)** | |
| Forecast information on the applicant at an individual level and, where applicable, at consolidated group and sub-consolidated levels as required by Article 4(a) of Delegated Regulation (EU) 2022/2580  Forecast information (including budget and capital planning) must be provided for the next 3 years. |  |

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| --- | --- |
| **3.2. Statutory financial statements (Article 4(b) of Delegated Regulation (EU) 2022/2580)** | |
| Statutory financial statements of the applicant at an individual level and, where applicable, at a consolidated group and sub-consolidated levels as required by Article 4(b) of Delegated Regulation (EU) 2022/2580 |  |
| **3.3. Indebtedness (Article 4(c) of Delegated Regulation (EU) 2022/2580)** | |
| Outline of any indebtedness incurred or expected to be incurred by the applicant prior to the commencement of its activities as a bank as required by Article 4(c), of Delegated Regulation (EU) 2022/2580 |  |
| **3.4. Security interests, guarantees and indemnities (Article 4(d) of Delegated Regulation (EU) 2022/2580)** | |
| Outline of any security interests, guarantees or indemnities granted or expected to be granted by the applicant prior to the commencement of its activities as a bank |  |
| **3.5. Credit rating (Article 4(e) of Delegated Regulation (EU) 2022/2580)** | |
| Where available, the credit rating of the applicant and the overall rating of its group |  |
| **3.6. Consolidated supervision (Article 4(f) of Delegated Regulation (EU) 2022/2580)** | |
| Where applicable, the analysis of the scope of consolidated supervision pursuant to the consolidation requirements as required by Article 4(f) of Delegated Regulation (EU) 2022/2580 |  |
| **3.7. Frameworks and policies (Article 4(g)(i) to (x) of Delegated Regulation (EU) 2022/2580)** | |
| Outline of the risk management framework as required by Article 4(g) of Delegated Regulation (EU) 2022/2580 |  |
| Outline of the liquidity risk management policy |  |

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| --- | --- |
| **3.8. Process for developing a recovery plan (Article 4(h) of Delegated Regulation (EU) 2022/2580)** | |
| Description of the applicant’s process for developing a recovery plan (Article 6 of the Liechtenstein Act of 4 November 2016 on the Recovery and Resolution of Banks and Investment Firms (*Sanierungs- und Abwicklungsgesetz*, SAG – Recovery and Resolution Act (RRA)), and, where applicable, a group recovery plan (Article 9 RRA) |  |

|  |  |
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| **3.9. Deposit guarantee scheme (Article 4(i) of Delegated Regulation (EU) 2022/2580)** | |
| Confirmation (yes/no) that, before or at the latest on the date of licensing, the applicant shall become a member of a deposit guarantee scheme officially recognised in Liechtenstein, as required by Article 4(3) of Directive 2014/49/EU |  |
| Name of the deposit guarantee scheme |  |

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| --- | --- |
| **3.10. Institutional protection scheme (Article 4(j) of Delegated Regulation (EU) 2022/2580)** | |
| Name of any institutional protection scheme, as defined in Regulation (EU) No 575/2013 of the European Parliament and of the Council [(4)](#_bookmark13), that the applicant has entered into or proposes to enter into |  |

*Table 4*

# Programme of operations, structural organisation, internal control systems and external auditor (Article 5 of Delegated Regulation (EU) 2022/2580)

|  |  |
| --- | --- |
| **4.1. Programme of operations (Article 5(1)(a) of Delegated Regulation (EU) 2022/2580)** | |
| Programme of operations in accordance with Article 5(1)(a) of Delegated Regulation (EU) 2022/2580 |  |
| **4.2. Organisation, structure and governance arrangements (Article 5(1)(b) of Delegated Regulation (EU) 2022/2580)** | |
| Description of the organisation, structure and governance arrangements of the applicant as required by Article 5(1)(b) of Delegated Regulation (EU) 2022/2580 |  |
| **4.3. Internal control framework (Article 5(1)(c) of Delegated Regulation (EU) 2022/2580)** | |
| Overview of the internal organisation (including devoted budgetary and human resources) of the compliance function, risk management function and internal audit function as required by Article 5(1)(c)(i) of Delegated Regulation (EU) 2022/2580 |  |
| Evidence of a Compliance function |  |
| Outline of the basic risk management framework within the meaning of Article 79 of the BA (provision of regulations) |  |
| Evidence of a risk management function |  |
| Outline of the internal control system policy (including sound management and accounting practices) |  |
| Outline of the whistleblowing policy |  |
| Outline of the conflicts of interest policy (provision of regulations) |  |
| Outline of the complaints handling policy |  |
| Outline of the market abuse policy |  |
| Outline of the policy promoting diversity in the management body |  |
| Outline of the remuneration policy for staff members whose professional activities have a material impact on the applicant’s risk profile (provision of regulations) |  |
| Outline of the MiFID II policy (provision of regulations). |  |
| Outline of the systems and policies for assessing and managing the risks of money laundering and terrorist financing, including an overview of the key procedures that have been put in place to counter the risk that the applicant might be used to further financial crime (provision of regulations) |  |

|  |  |
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| **4.4. Internal audit resources (Article 5(1)(d) of Delegated Regulation (EU) 2022/2580)** | |
| Description of the internal audit resources and an outline of the methodology and internal audit plan for the next three years from licensing, including the audit of externalised services |  |
| **4.5. Outline of the policies (Article 5(1)(e) of Delegated Regulation (EU) 2022/2580)** | |
| Outline of the internal audit policy (provision of regulations) |  |
| Outline of the product governance policy |  |
| Outline of the consumer protection policy |  |
| Outline of the business continuity plan and policy, including an overview of available back-up and recovery systems and of plans ensuring the availability of key staff in business continuity situations |  |

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| **4.6. Structure of the applicant (Article 5(1)(f) of Delegated Regulation (EU) 2022/2580)** | |
| Outline of external and intra-group outsourcing to support the applicant’s operations or internal control activities, including the information referred to in Article 5(1)(f)(i) of Delegated Regulation (EU) 2022/2580 |  |
| Outline of oversight responsibilities and arrangements, systems and controls for each outsourced function that is critical or important to the applicant’s management and operations |  |
| Outline of the service level agreements and arrangements for each outsourcing function that is critical or material for the applicant’s management and operations |  |
| Description of the applicant’s IT infrastructure, including the systems in use or to be used, its hosting arrangements, the organisation of its IT function, IT structure, IT strategy and IT governance, IT security policies and procedures, and any systems and controls in place or to be put in place for the provision of online banking facilities |  |

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| **4.7. Statutory auditors or audit firm, external auditor (Article 5(2) of Delegated Regulation (EU) 2022/2580)** | |
| Name |  |
| Address |  |
| Point of contact (name, telephone number, email address) |  |
| A declaration from an FMA-recognised firm of auditors that it accepts the mandate of external auditor (Article 6(1)(d) of the BO). |  |

*Table 5*

# Initial capital (Article 6 of Delegated Regulation (EU) 2022/2580)

|  |  |
| --- | --- |
| **5.1. Initial capital and own funds (Article 6(1) and (2) of Delegated Regulation (EU) 2022/2580)** | |
| Evidence of the applicant’s issued capital, paid-up capital and capital which is not yet paid up (evidence of initial capital of at least CHF 10 million or the equivalent in euros or US dollars according to Article 18 of the BA) |  |
| Description of the types and amounts of own funds that correspond to the initial capital |  |
| Where the initial capital has not been paid up in full at the time of submitting the application, the description of the plan and implementation deadline for ensuring that the initial capital is paid up in full before the licence to commence the activity as a bank is effective |  |
| **5.2. Available funding sources for own funds (Article 6(3) of Delegated Regulation (EU) 2022/2580)** | |
| Explanation of the available funding sources for own funds and annex under which can be found evidence of the availability of those funding sources as required by Article 6(3) of Delegated Regulation (EU) 2022/2580 |  |
| **5.3. Amounts, types and distribution of internal capital (Article 6(4) of Delegated Regulation (EU) 2022/2580)** | |
| Assessment of the amounts, types and distribution of internal capital considered by the applicant as adequate to cover the nature and level of the risks to which the applicant will or might be exposed, and the analysis as required by Article 6(4) of Delegated Regulation (EU) 2022/2580 |  |

*Table 6*

# Effective direction (Article 7 of Delegated Regulation (EU) 2022/2580)

The application form “*BankG/EGG/ZDG: Beurteilung der Gewähr für einwandfreie Geschäftstätigkeit*”, which is available on the FMA e-Service portal, must be used for all members of the Board of Directors and senior management, as well as for the Head of Internal Audit.

|  |  |
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| **6.1. Members of the management body (complete a separate copy of this section of the table for each individual member) (Article 7(1) of Delegated Regulation (EU) 2022/2580)** | |
| Name and, where different, any other previous names | Reference to e-Service application form “"*BankG/EGG/ZDG: Beurteilung der Gewähr für einwandfreie Geschäftstätigkeit*” |
| Gender |
| Place of birth |
| Date of birth |
| Address |
| Telephone number |
| Mobile |
| E-mail address |
| Nationality |
| Personal identification number or annex under which a copy of the ID card or equivalent can be found |
| Details of the position held or to be held by the person, including whether the position is executive or non-executive, the start date or planned start date and duration of the mandate, and a description of the person’s key duties and responsibilities |
| Curriculum vitae as required by point 1(d) of Annex I to Delegated Regulation (EU) 2022/2580 |
| List of reference persons including contact information, preferably from employers in the banking or financial services sector, including full name, institution, position, telephone number, email address, nature of the professional relationship  and information if any non-professional relationship exists or existed with this individual |
| Criminal records and relevant information on criminal investigations and proceedings, relevant civil and administrative cases, and disciplinary actions (including disqualification as a company director, bankruptcy, insolvency and similar procedures) notably through an official certificate or, in cases where such a certificate does not exist, any reliable source of information concerning the absence of criminal conviction, investigations and proceedings. |
| A statement of whether criminal proceedings are pending or the person or any organisation managed by him or her has been involved as a debtor in insolvency proceedings or a comparable proceeding |
| Information on matters set out in point 1(f)(iii) of Annex I to Delegated Regulation (EU) 2022/2580 |
| Description of all financial and non-financial interests that could create potential conflicts of interest as required by point 1(g) of Annex I to Delegated Regulation (EU) 2022/ 2580 |
| Details to show that the individual has sufficient time to commit to the mandate as required by point 1(h) of Annex I to Delegated Regulation (EU) 2022/2580 |
| Details of the result of any assessment of the suitability of the individual performed by the applicant as described in point 3 of Annex I to Commission Delegated Regulation (EU) 2022/2580 |

|  |  |
| --- | --- |
| **6.2. Other information required in relation to members of the management body (Article 7(1) of, and points 2, 4 and 5 of Annex I to Delegated Regulation (EU) 2022/2580)** | |
| Description of any committee of the management body that is planned at the time of the application, including its members and powers | Reference to e-Service application form “*BankG/EGG/ZDG: Beurteilung der Gewähr für einwandfreie Geschäftstätigkeit*” |
| Statement regarding the applicant’s overall assessment of the collective suitability of the management body, including relevant board minutes or suitability assessment report or documents |
| Description of how the diversity of qualities and competences was taken into account when selecting the members of the management body |

|  |  |
| --- | --- |
| **6.3. Heads of internal audit function and chief financial officers who are not members of the management body (complete a separate copy of this section of the table for each individual) (Article 7(2) of Delegated Regulation (EU) 2022/2580)** | |
| Name and, where different, any other previous names | Reference to e-Service application form “*BankG/EGG/ZDG: Beurteilung der Gewähr für einwandfreie Geschäftstätigkeit*” |
| Gender |
| Place of birth |
| Date of birth |
| Address |
| Telephone number |
| Mobile |
| E-mail address |
| Nationality |
| Personal identification number or annex under which a copy of the ID card or equivalent can be found |
| Details of the position held or to be held by the person, including whether the position is executive or non-executive, the start date or planned start date and duration of the mandate, and a description of the person’s key duties and responsibilities |
| Curriculum vitae required by point 1(d) of Annex I to Delegated Regulation (EU) 2022/2580 |
| List of reference persons including contact information, preferably from employers in the banking or financial services sector, including full name, institution, position, telephone number, email address, nature of the professional relationship  and information if any non-professional relationship exists or existed with this individual |
| Criminal records and relevant information on criminal investigations and proceedings, relevant civil and administrative cases, and disciplinary actions (including disqualification as a company director, bankruptcy, insolvency and similar procedures) notably through an official certificate or, in cases where such a certificate does not exist, any reliable source of information concerning the absence of criminal conviction, investigations and proceedings |
| A statement of whether criminal proceedings are pending or the person or any organisation managed by them has been involved as a debtor in insolvency proceedings or a comparable proceeding |
| Information on matters set out in point 1(f)(iii) of Annex I to Delegated Regulation (EU) 2022/2580 |
| Details of the result of any assessment of the suitability of the individual performed by the applicant as described in point 3 of Annex I to Delegated Regulation (EU) 2022/2580 |

|  |  |
| --- | --- |
| **6.4. Powers, responsibilities and proxies conferred upon members of the applicant’s management body (Article 7(3) of Delegated Regulation (EU) 2022/2580)** | |
| Description of the powers, responsibilities and proxies conferred upon the members of the applicant’s management body and, where relevant in accordance with Article 7(2) of Delegated Regulation (EU) 2022/2580, conferred upon the heads of internal control functions and the chief financial officer who are not part of the management body | Reference to e-Service application form “*BankG/EGG/ZDG: Beurteilung der Gewähr für einwandfreie Geschäftstätigkeit*” |

*Table 7*

# Shareholders and members with qualifying holdings (Article 8 of Delegated Regulation (EU) 2022/2580)

|  |  |
| --- | --- |
| **7.1. Shareholders and members (legal and natural persons) (Article 8(1) of Delegated Regulation (EU) 2022/2580)** | |
| In relation to each natural and legal person with a qualifying holding: the information referred to in Article 8(1) of Delegated Regulation (EU) 2022/2580 |  |
| **7.2. Further information in relation to natural persons (Article 8(2) of Delegated Regulation (EU) 2022/2580)** | |
| In relation to each natural person with a qualifying holding: the additional information referred to in Article 8(2) of Delegated Regulation (EU) 2022/2580 | Reference to e-Service application form “*BankG/EGG/ZDG: Beurteilung der Gewähr für einwandfreie Geschäftstätigkeit*” |
| **7.3. Further information in relation to legal persons or entities which are not legal persons and which hold or will hold holdings in their own name (Article 8(3) of Delegated Regulation (EU) 2022/2580)** | |
| In relation to each legal person or entity which is not a legal person and which holds or shall hold holdings in its own name: the additional information referred to in Article 8(3) of Delegated Regulation (EU) 2022/2580 |  |
| **7.4. Trusts (Article 8(4) of Delegated Regulation (EU) 2022/2580)** | |
| The information referred to in Article 8(4) of Delegated Regulation (EU) 2022/2580 |  |
| **7.5. Members of an entity that is not a legal person where the holding in the applicant will be treated as an asset of the entity (Article 8(5) of Delegated Regulation (EU) 2022/2580)** | |
| The information referred to in Article 8(5) of Delegated Regulation (EU) 2022/2580 |  |

*Table 8*

# The 20 largest shareholders or members (Article 9 of Delegated Regulation (EU) 2022/2580)

|  |  |
| --- | --- |
| **8.1. Shareholder structure (Article 9 of Delegated Regulation (EU) 2022/2580)** | |
| Chart setting out the shareholder structure of the applicant, including the breakdown of the capital and voting rights |  |
| **8.2. List of names of all persons and other entities with a holding and other relevant details (Article 9 of Delegated Regulation (EU) 2022/2580)** | |
| List of the names of all persons and other entities with a holding of a kind described in Article 9 of Delegated Regulation (EU) 2022/2580, indicating in respect of each such person or entity:   * the number and type of shares or other holdings subscribed or to be subscribed; * the nominal value of such shares or other holdings; * any premium paid or to be paid; * any security interests or encumbrances created over such shares or other holdings, including the identity of the secured parties; and * any commitments made by such persons or entities aimed at ensuring that the credit institution will comply with applicable prudential requirements. |  |

*Table 9*

# Items of information required in accordance with Article 10(1) of Delegated Regulation (EU) 2022/2580

|  |  |
| --- | --- |
| **Information required by the competent authority in accordance with Article 10(1) of Delegated Regulation (EU) 2022/2580 (complete as applicable presenting in the left column a description of the information required and in the right column the information)** | |
| A comprehensive statement from the external auditor concerning fulfilment of the prerequisites for approval, in particular concerning the business plan, the articles of association and regulations, the intended organisational structure (including IT), corporate governance, the internal control system and risk management |  |

*Table 10*

# Items of information omitted from the application in accordance with Article 11 of Delegated Regulation (EU) 2022/2580

|  |
| --- |
| **10.1. Information omitted in accordance with Article 11(a) of Delegated Regulation (EU) 2022/2580 (complete with a list of the information as applicable)** |
|  |
| **10.2. Information omitted in accordance with Article 11(b) of Delegated Regulation (EU) 2022/2580 (complete with a list of the information as applicable)** |