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Prot. 10/17

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Re: ASSOSIM contribution to Joint ESMA and EBA Consultation “*Guidelines on the assessment of the suitability of members of the management body and the key function holders*”

Assosim¹ welcomes the opportunity to comment on the ESMA and EBA consultation document in subject (“Guidelines”) and is pleased to provide its observations.

In this respect, the Association fully supports ABI’s contribution to the consultation (which Assosim had the chance to read in draft by their courtesy), with particular reference to the following topics.

First of all, Assosim underlines the need for a more effective application of the proportionality principle by the Guidelines. On the one hand, it is essential to limit the obligations for smaller institutions in order to avoid disproportionate requirements for them; on the other one, it is equally

¹ ASSOSIM (*Associazione Italiana Intermediari Mobiliari*) is the Italian Association of Financial Intermediaries, which represents the majority of financial intermediaries acting in the Italian Markets. ASSOSIM has nearly 80 members represented by banks, investment firms, branches of foreign brokerage houses, active in the investment services industry, mostly in primary and secondary markets of equities, bonds and derivatives, for some 82% of the Italian total trading volume.

important to clarify how the suitability policy could correctly apply to subsidiaries, taking into consideration their actual activities, as well as their complexity and size.

Moreover, with reference to the skills required for the management body, especially the “non technical” ones listed in Annex II, Assosim considers that it could be more reasonable to ascertain them in a collective context, also given that it is not easy to verify their concrete presence.

Finally, Assosim deems it necessary to better specify the scope of the Guidelines, bearing in mind the widespread presence in Italy of the “traditional” governance system, which includes the board of statutory auditors within the control functions, not clearly covered by the Guidelines. Furthermore, the Association highlights that it would be appropriate to distinguish the assessment’s criteria which apply to the key function holders from the ones applicable to the management body, taking into consideration the different functions and the roles they play. The opposite solution would cause excessive compliance costs and potentially serious difficulties in the recruitment of adequate professionals.

Yours faithfully,



Gianluigi Gugliotta
Secretary General