

# SELF-CERTIFICATION FORM – INSTRUCTIONS ENTITIES

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# SELF-CERTIFICATION FORM – INSTRUCTIONS ENTITIES

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Please read before completing this form:

These explanatory notes are no substitute for reading the certification requirements of the corresponding International Tax Reporting Agreements.

The term 'International Tax Reporting Agreements' refers to obligations created to enable the automatic exchange of information and includes the Foreign Account Tax Compliance Act ('FATCA') and the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information ('CRS'), as implemented in the relevant jurisdictions.

If you are unsure how to complete this form you should seek independent legal or tax advice. The purpose of these instructions is to be used as a general guidance to assist the completion of the Self-Certification Form – Entities and nothing in these instructions should be construed as legal or tax advice.

Kleinwort Hambros is under no obligation to accept a form that we have either reason to know, believe or have actual knowledge that the information provided in the form is invalid or incorrect.

It is your responsibility in completing the form to ensure that the information provided is true, accurate, complete and up to date and, additionally, to provide Kleinwort Hambros with any additional documentation, information or replacement forms when required.

Kleinwort Hambros does not provide tax advice. No responsibility can be accepted by Kleinwort Hambros for action taken which is the result of information contained in these notes. Clients should obtain specific advice with their tax or legal advisors addressing their specific circumstances.

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Do not use this form if you are an individual. Instead, please complete the Self-Certification Form – Individuals.

The term Account Holder means the person listed or identified as the holder of a Financial Account with Kleinwort Hambros. This is regardless of whether such person is a flow-through Entity. Thus, for example, if a trust or an estate is listed as the holder or owner of a Financial Account, the trust or estate is the Account Holder, rather than the trustee or the trust's owners or beneficiaries. Similarly, if a partnership is listed as the holder or owner of a Financial Account, the partnership is the Account Holder, rather than the partners in the partnership. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account, and such other person is treated as holding the account.

## PART 1: ENTITY DETAILS

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This section requires you to provide the legal name of the Entity and confirmation of any Beneficial Owner.

### 1

1.1 Legal name of Entity/branch	<p>Enter the full legal name of the Entity owning the account.</p> <p>The term “Entity” means a legal person or a legal arrangement such as a corporation, partnership, trust, or a foundation. This term covers any person other than an individual (i.e. a natural person).</p>
1.2 Jurisdiction of incorporation or organisation	<p>If the Entity is a corporation, the jurisdiction (and the province, state or other sub-national division where relevant under national law) of incorporation should be entered.</p> <p>If it is another type of Entity, the jurisdiction (and province, state or other sub-national Entity where relevant) under whose laws it is created, organised or governed should be entered.</p> <p>For a trust it will normally be where the trustees are resident.</p> <p>Note: This may be subject to local jurisdiction variation.</p>
1.3 Branch of a Financial Institution	<p>If the Entity account holder is a branch of a non-resident Financial Institution, please complete the remainder of the Self-Certification Form with the details of the branch, treating it as if it was a separate entity for purposes of the Self-Certification Form.</p> <p>If the Entity account holder is a branch but is not a branch of a Financial Institution, please complete the remainder of the Self-Certification Form with the details of the parent company.</p>

## PART 2: CURRENT RESIDENCE ADDRESS

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### 2

2.1 Entity’s residence address	<p>Enter full details of the current residence address of the Entity.</p> <p>P.O. Boxes may only be acceptable in very limited circumstances; for example: where it forms part of an address (with the full details of the number, street, city, country, etc); where it clearly identifies the actual residence of the account holder; or in countries where the use of Postal Box Addresses are common practice. If you intend to populate an address with P.O. Boxes, you should be prepared to provide further details and supporting documentation.</p> <p>Note: The address format may be subject to local jurisdiction variation.</p>
2.2 Entity’s mailing address	<p>This should only be populated if the Entity’s mailing address is different from the Entity’s current permanent residence address or if the current residence address is not available.</p>

## **PART 3: JURISDICTION OF RESIDENCE FOR TAX PURPOSES AND RELATED TAXPAYER IDENTIFICATION NUMBER (“TIN”) OR FUNCTIONAL EQUIVALENT\* (SEE INSTRUCTIONS)**

This section requires you to provide details for all jurisdictions in which the Entity is resident for tax purposes; any associated tax identification number or numbers should also be provided.

### **3**

<p>3.1 Entity’s jurisdiction of residence for tax purposes</p>	<p>Enter the country where the Entity is resident for tax purposes.</p> <p>Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of its domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) and/or on the applicable local tax legislation to solve cases of double residence for determining their residence for tax purposes.</p> <p>An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. A trust is treated as resident where one or more of its trustees is resident.</p> <p>Note: The tax residence of an Entity should be determined in accordance with the relevant local legislation. Local tax authority guidance should therefore be followed.</p>
<p>3.2 Please provide your TIN</p>	<p>A taxpayer identification number (TIN) or functional equivalent should be provided for each jurisdiction of residence for tax purposes identified above.</p> <p>A TIN is a unique combination of letters and/or numbers assigned to the individual by a government, or its tax authorities, which is used to identify the account holder for the purposes of administering taxes.</p> <p>In some jurisdictions this may be a number that is specifically referred to as a TIN, while other jurisdictions may use other numbers or references (such as a social insurance number) to identify their residents for tax purposes.</p> <p>The OECD provides an overview of domestic rules governing the issuance, structure, use and validity of TINs their functional equivalents (<a href="http://search.oecd.org/tax/automatic-exchange/tinsandtaxresidency/taxidentificationnumberstins/">http://search.oecd.org/tax/automatic-exchange/tinsandtaxresidency/taxidentificationnumberstins/</a>)</p>
<p>3.3 If you are not able to complete section 3.2, please provide the rationale for not providing a TIN</p>	<p>Please provide the reason why the TIN is unavailable; you may attach to the form any evidence that supports the reasons provided.</p>
<p>3.4 Confirmation of sole residence for tax purposes</p>	<p>If the Entity is not resident for tax purposes in any other jurisdiction please tick this box to positively affirm this fact.</p>

**PART 3: JURISDICTION OF RESIDENCE FOR TAX PURPOSES AND RELATED TAXPAYER IDENTIFICATION NUMBER (“TIN”) OR FUNCTIONAL EQUIVALENT\* (SEE INSTRUCTIONS)**

**3**

<p>3.5 Additional jurisdictions of Residence for Tax Purposes (if applicable)</p>	<p>If the Entity is resident for tax purposes in more than one jurisdiction, you should provide details of all jurisdictions where the Account Holder is tax resident, including the TINs or indicate where the TIN is unavailable.</p> <p>Where the TIN is unavailable, please provide the reason why it is unavailable; you may attach to the form any evidence that supports the reasons provided.</p>
<p>3.6 Entity’s Global Intermediary Identification Number (GIIN)</p>	<p>When an Entity registers with the IRS, it will receive a unique Global Intermediary Identification Number (GIIN).</p> <p>Financial institutions such as Participating FFIs, Reporting FATCA Partner FIs, Registered Deemed Compliant FFI or Direct Reporting NFFEs are required to register with the IRS and obtain a GIIN.</p> <p>If the Entity account holder is registered with the IRS and has obtained a GIIN, please provide the GIIN in section 3.6 (i).</p> <p>If the Entity account holder has not obtained a GIIN on its own right and instead is using its Sponsoring Entity GIIN, please provide both the Sponsor’s name and its GIIN in section 3.6 (ii).</p> <p>Please note that Sponsored Entities may need to provide their own GIIN (e.g. Payees or Intermediaries under US Regulations or Reporting FIs) after this transitional period. If they are located in an IGA model 1 jurisdiction and they have US reportable accounts or if they are not located in an IGA model 1 jurisdiction in any case regardless of whether they have US reportable accounts. Please also note that if the Entity account holder obtains a GIIN, it should provide Kleinwort Hambros with an updated Self-Certification Form with the Entity’s own GIIN within 90 days from the date of issuance.</p> <p>If the Entity account holder is unable to provide a GIIN, please provide the reasons why the Entity does not have a GIIN in section 3.6 (iii).</p>

## PART 4: ENTITY'S CLASSIFICATION UNDER FATCA

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This section requires you to provide information regarding the Entity's status under FATCA. There are various categories under FATCA but you are only required to complete one of sections 4.2, 4.3 or 4.4.

If you are unsure of the Entity status or have not yet determined the Entity status under FATCA, then you should seek professional tax advice. Kleinwort Hambros is unable to provide such advice.

### 4

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#### 4.1 Specified US Person

The definition of a "Specified US Person" for these purposes means a US Person and does not apply to:

- a. a corporation the stock of which is regularly traded on one or more established securities markets;
  - b. any corporation that is a member of the same expanded affiliated group, as defined in section 1471(e)(2) of the U.S. Internal Revenue Code, as a corporation described in clause (a);
  - c. the United States or any wholly owned agency or instrumentality thereof;
  - d. any State of the United States, any U.S. Territory, any political subdivision of any of the foregoing, or any wholly-owned agency or instrumentality of any one or more of the foregoing;
  - e. any organisation exempt from taxation under section 501(a) or an individual retirement plan as defined in section 7701(a)(37) of the U.S. Internal Revenue Code;
  - f. any bank as defined in section 581 of the U.S. Internal Revenue Code;
  - g. any real estate investment trust as defined in section 856 of the U.S. Internal Revenue Code;
  - h. any regulated investment company as defined in section 851 of the U.S. Internal Revenue Code or any Entity registered with the Securities Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-64);
  - i. any common trust fund as defined in section 584(a) of the U.S. Internal Revenue Code;
  - j. any trust that is exempt from tax under section 664(c) of the U.S. Internal Revenue Code or that is described in section 4947(a)(1) of the U.S. Internal Revenue Code;
  - k. a dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any State; or
  - l. a broker as defined in section 6045(c) of the U.S. Internal Revenue Code.
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## PART 4: ENTITY'S CLASSIFICATION UNDER FATCA

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4.2 For a Participating Foreign Financial Institution, a Reporting FATCA Partner FI or Sponsored Investment Entity to complete

The term Financial Institution ("FI") means a Custodial Institution, a Depository Institution, an Investment Entity, a Specified Insurance Company, as defined for the purposes of FATCA.

**Participating Foreign Financial Institutions** are FIs that have entered into an Agreement with the IRS for the purposes of complying with FATCA.

**Reporting FATCA Partner FI** are FIs situated in jurisdictions that have entered into Intergovernmental Agreements ("IGAs") – including Model 1 and Model 2 IGAs – with the IRS for the purposes of complying with FATCA.

**Sponsored FFI** means an investment entity or an FFI that is a controlled foreign corporation (CFC) having an Sponsoring Entity that will perform the due diligence, withholding, and reporting obligations on its behalf. Please note that certain Sponsored Entities may need to provide their own GIIN (e.g. Payees or Intermediaries under US Regulations or Reporting FIs).

**Sponsoring Entity** means an entity that will perform the due diligence, withholding, and reporting obligations of one or more sponsored investment entities or controlled foreign corporations (Sponsored FFIs). The Sponsoring Entity GIIN must have "SP" in its format.

4.3 For other Financial Institution to complete

### **i. Non-Reporting FATCA Partner FI**

The term "Non-Reporting Foreign Financial Institution" means any Financial Institution, or other Entity resident in a FATCA Partner Jurisdiction that is described in Annex II of the relevant IGA as a Non-Reporting Financial Institution or that otherwise qualifies as a Deemed-Compliant FFI or an Exempt Beneficial Owner under relevant IGA or U.S. Treasury Regulations.

### **a. Registered Deemed Compliant FFI**

This status concerns FFI with FATCA exemption agreement and includes:

- i. Local FFI
- ii. Non-reporting members of a PFFI group
- iii. Qualified collective investment vehicle
- iv. Restricted funds
- v. Qualified credit card issuers
- vi. Sponsored investment entities and controlled foreign corporations

### **b. Certified Deemed Compliant FFI**

This status concerns FFI with FATCA exemption agreement and includes:

- i. Non registering local banks
- ii. FFI with low value account
- iii. Sponsored closely held investment vehicles
- iv. Limited life debt investment entities
- v. Investment advisors and investment managers
- vi. Trustee documented trusts

## PART 4: ENTITY'S CLASSIFICATION UNDER FATCA

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4.3 For other Financial Institution to complete – continued

### **ii. Owner-Documented FFI (ODFFI)**

To be an ODFFI, the following requirements must be satisfied:

- a. The Financial Institution must not maintain a Financial Account for any Non-Participating Financial Institution;
- b. The Financial Institution must not be owned by, nor be a member of a group of Related Entities with any Financial Institution that is a Depository Institution, Custodial Institution or Specified Insurance Company.

If you tick this box you will be required to provide supporting documentation. This can be either an owner reporting statement or an auditor's letter that the Entity meets the requirements to be classified as an ODFFI.

This classification can only be used in relation to Kleinwort Hambros with Kleinwort Hambros prior written agreement subject to the service being offered). If you would like to discuss this further please contact your Client Relationship Manager ("CRM").

### **iii. Exempt Beneficial Owner**

The term "Exempt Beneficial Owner" means:

- a. a Government Entity;
- b. an International Organisation;
- c. a Central Bank; or
- d. a UK registered pension scheme, or non-UK pension scheme falling within the definition of Exempt Beneficial Owner for the purposes of FATCA.

### **iv. Non-Participating FFI**

This means an FFI other than a Participating FFI, a Deemed-Compliant FFI, Exempt Beneficial Owner or a Partner Jurisdiction Financial Institution other than one which has been determined to be in significant non-compliance under an IGA.

### **iv. Limited FFI**

This temporary status concerns FFI located in non IGA countries with legal constraints for FATCA's withholding/reporting.

### **v. Other**

If the entity classification is not listed in (i) to (iv) above, please provide an IRS W8 form and specify the Entity classification.

## PART 4: ENTITY'S CLASSIFICATION UNDER FATCA

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4.4 For a Non-Financial Foreign Entity ("NFFE") to complete.

A NFFE is an entity that is not a Financial Institution.

**i. Active NFFE/Excepted NFFE**

An Active NFFE is any NFFE that meets one of the following criteria:

- a. Less than 50% of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income (such as dividends, interest, royalties, annuities and rent) and less than 50% of the assets held by the NFFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b. The stock of the NFFE is regularly traded on an established securities market or the NFFE is a Related Entity of an entity, the stock of which is traded on an established securities market;
- c. The NFFE is organised in a US Territory and all of the owners of the payee are bona fide residents of that US Territory;
- d. The NFFE is a non US Government, a Government of a US Territory, an international organisation, a non-US central bank of issue, or an Entity wholly owned by one or more of the foregoing;
- e. Substantially all of the activities of the NFFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution. However the entity will not qualify as an Active NFFE if it functions (or holds itself out to be) an investment fund, such as a Private Equity Fund, Venture Capital Fund, Leveraged Buyout Fund or any Investment Vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes.
- f. The NFFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution; the NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFFE;
- g. The NFFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets, or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- h. The NFFE primarily engages in financing and hedging transactions with, or for Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or

## PART 4: ENTITY'S CLASSIFICATION UNDER FATCA

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4.4 For a Non-Financial Foreign Entity ("NFFE") to complete. – continued

i. The NFFE meets all of the following requirements:

1. It is established and maintained in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes;
2. It is exempt from income tax in its jurisdiction of residence;
3. It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
4. The applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents do not permit any income or assets of the Entity to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and
5. The applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the Entity's jurisdiction of residence or any political subdivision thereof.

### ii. Passive NFFE

A Passive NFFE is any NFFE that is not an Active NFFE. Generally, these are entities whose income is at least 50% derived from passive income (for example, dividends, interest, rents or patent royalties), and whose assets are mainly (greater than 50%) assets that generate such income.

If you certify your organisation as a Passive NFFE you should complete the Controlling Persons Section (section 6) to identify any that are Specified US Persons.

### iii. Direct Reporting NFFE

A Direct Reporting NFFE undertakes reporting information about its direct or indirect US Controlling Persons. The NFFE will also be required to register with the IRS to obtain a GIIN which is requested in section 3.6 of the form.

### iv. Sponsored Direct Reporting NFFE

If you are a Sponsored Direct Reporting NFFE, you should provide your own GIIN. You can provide your Sponsoring Entity's GIIN if you are unable to provide one yourself.

Please note that Sponsored Entities need to provide their own GIIN (e.g. Payees or Intermediaries under US Regulations or Reporting FIs) if they are located in an IGA model 1 jurisdiction and they have US reportable accounts or if they are not located in an IGA model 1 jurisdiction in any case regardless of whether they have US reportable accounts. Please also note that if the Entity account holder obtains a GIIN, it should provide Kleinwort Hambros with an updated Self-Certification Form with the Entity's own GIIN within 90 days from the date of issuance.

## PART 5: ENTITY'S CLASSIFICATION UNDER OECD CRS

This section requires you to provide information regarding your status under the Common Reporting Standard ('CRS'). The classification in most cases will be broadly the same as for FATCA. You are required to choose the unique status that applies to your entity whether in section 5.1 or in 5.2.

If you are unsure of the Entity status or have not yet determined the Entity status under CRS, then you should seek professional tax advice. Kleinwort Hambros is unable to provide such advice.

### 5

5.1 For Financial Institution to complete

#### **Financial Institution**

This definition means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company as defined in the Common Reporting Standard ("CRS").

#### **i. Reporting Financial Institution**

The term "Reporting Financial Institution" means any Participating Jurisdiction Financial Institution that is not a Non-Reporting Financial Institution.

#### **"Reportable Account"**

The term "Reportable Account" means an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person.

#### **"Reportable Jurisdiction"**

A Reportable Jurisdiction is a jurisdiction with which an obligation to provide financial account information is in place.

#### **"Reportable Jurisdiction Person"**

A Reportable Jurisdiction Person is an Entity that is tax resident in a Reportable Jurisdiction(s) under the tax laws of such jurisdiction(s) – by reference to local laws in the jurisdiction where the Entity is established, incorporated or managed. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. As such if an Entity certifies that it has no residence for tax purposes it should complete the form stating the address of its principal office.

Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to determine their residence for tax purposes.

#### **"Reportable Person"**

A "Reportable Person" is defined as a "Reportable Jurisdiction Person", other than:

- a corporation the stock of which is regularly traded on one or more established securities markets;
- any corporation that is a Related Entity of a corporation described in clause (i);
- a Governmental Entity;
- an International Organisation;
- a Central Bank; or
- a Financial Institution (except for an Investment Entity described in Sub Paragraph A(6) b) of the CRS that are not Participating Jurisdiction Financial Institutions. Instead, such Investment Entities are treated as Passive NFE's.)

## PART 5: ENTITY'S CLASSIFICATION UNDER OECD CRS

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<p>5.1 For Financial Institution to complete – continued</p>	<p><b>ii. Non-Reporting Financial Institution</b>  A “Non-Reporting Financial Institution” means any Financial Institution that is:</p> <ol style="list-style-type: none"> <li>1. a Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;</li> <li>2. a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;</li> <li>3. an Exempt Collective Investment Vehicle; or</li> <li>4. a Trustee-Documented Trust: a trust where the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported with respect to all Reportable Accounts of the trust;</li> <li>5. any other defined in a jurisdiction's domestic law as a Non-Reporting Financial Institution.</li> </ol>
<p>5.2 For All Non-Financial Entity (“NFE”) to complete</p>	<p><b>i. Active Non-Financial Entity (this note covers items (i) and (ii) of section 5.2)</b>  The definition is broadly the same as for FATCA, although some differences still exist. You should therefore confirm with your tax legal advisor the appropriate classification of your Entity under the CRS. If you were relying on the Entity classification under FATCA please see below regarding Investment Entity that is professionally managed and is not a Participating Jurisdiction Financial Institution.</p> <p><b>iii. Passive Non-Financial Entity (“NFE”)</b>  A Passive NFE means (i) any NFE that is not an Active NFE; and (ii) an Investment Entity as defined in the standard that is not a Participating Jurisdiction Financial Institution (see below). Passive NFEs that are not Active NFEs are generally entities whose income is at least 50% derived from passive income<sup>1</sup> (for example, dividends, interest, rents or patent royalties), and whose assets are mainly assets that generate such income. If you certify your organisation as a Passive NFE you should complete the Controlling Persons section (section 6).</p>

<sup>1</sup>The portion of gross income that consists of the items listed below would generally be considered as passive income: a) dividends; b) interest; c) income equivalent to interest; d) rents and royalties, other than rents and royalties derived in the active conduct of a business conducted, at least in part, by employees of the NFE; e) annuities; f) the excess of gains over losses from the sale or exchange of Financial Assets that gives rise to the passive income described previously; g) the excess of gains over losses from transactions (including futures, forwards, options, and similar transactions) in any Financial Assets; h) the excess of foreign currency gains over foreign currency losses; i) net income from swaps; or j) amounts received under Cash Value Insurance Contracts.

## PART 5: ENTITY'S CLASSIFICATION UNDER OECD CRS

5

5.2 For All Non-Financial Entity ("NFE") to complete – continued

### **iv. Passive NFE: Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution**

The term "Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution" means any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets if the Entity (i) is managed by a Financial Institution and (ii) is not resident in, or a branch located in, a Participating Jurisdiction.

The list of Participating Jurisdiction can be found in the following link: <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/crs-by-jurisdiction/#d.en.345489>

An Entity is "managed by" another Entity if the managing Entity performs, either directly or through another service provider on behalf of the managed Entity, any of the activities or operations described in clause (i) below in the definition of 'Investment Entity'.

An Entity only manages another Entity if it has discretionary authority to manage the other Entity's assets (either in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity, if any of the managing Entities is such another Entity.

#### **"Investment Entity"**

The term "Investment Entity" includes two types of Entities:

- (i) an Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
  - Trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
  - Individual and collective portfolio management; or
  - Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.

Such activities or operations do not include rendering non-binding investment advice to a customer.

- (ii) "The second type of "Investment Entity" ("Investment Entity managed by another Financial Institution") is any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets where the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

## PART 6: PASSIVE NFFE/NFE CONTROLLING PERSONS

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If you identified the Entity as a Passive NFFE or Passive NFE in sections 4.4, 5.4 or 5.2 then you are required to provide details of any Controlling Persons in this section.

### 6

#### 6.1 Controlling Persons information

##### **“Controlling Person(s)”**

“Controlling Persons” are the natural person(s) who exercise control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“Passive NFE”) then a Financial Institution is required to determine whether or not these Controlling Persons are Reportable Persons. This definition corresponds to the term “beneficial owner” described in Recommendation 10 and the Interpretative Note on Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

In the case of a trust, the Controlling Person(s) are the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, or any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). Under the CRS the settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, are always treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust.

Where the settlor(s) of a trust is an Entity then the CRS requires Financial Institutions to also identify the Controlling Persons of the settlor(s) and when required report them as Controlling Persons of the trust.

In the case of a legal arrangement other than a trust, “Controlling Person(s)” means persons in equivalent or similar positions.

##### **“Control”**

“Control” over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest (typically on the basis of a certain percentage (e.g. 10%) of shares, voting rights, etc) of an Entity. Where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity will be the natural person(s) who exercises control of the Entity through other means. Where no natural person(s) is/are identified as exercising control of the Entity through ownership interests, then under the CRS the Reportable Person is deemed to be the natural person who hold the position of senior managing official.

## PART 6: PASSIVE NFFE/NFE CONTROLLING PERSONS

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6.1 Controlling Persons information – continued

### **Type of Controlling Persons**

You should identify the type of each Controlling Person according to the list provided below. If you are unsure or have questions on which type apply to each Controlling Person, please consult a tax legal advisor.

1. CP of legal arrangement – trust – settlor
2. CP of legal arrangement – trust – trustee
3. CP of legal arrangement – trust – protector
4. CP of legal arrangement – trust – beneficiary
5. CP of legal arrangement – trust – other
6. CP of legal arrangement – other – settlor-equivalent
7. CP of legal arrangement – other – trustee-equivalent
8. CP of legal arrangement – other – protector-equivalent
9. CP of legal arrangement – other – beneficiary-equivalent
10. CP of legal arrangement – other – other-equivalent







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