

**Entity tax residency self-certification form  
INSTRUCTIONS CRS - E**

**Please read these instructions before completing the form.**

Regulations based on the OECD Common Reporting Standard ("CRS") (inter alia Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation) require KBL European Private Bankers S.A. to collect and report certain information about an account holder's tax residency. Each jurisdiction has its own rules for defining tax residency. For more information on tax residency, please consult your tax adviser.

If the tax residency of the account holder or that of its controlling persons is located outside Luxembourg, we may be legally obliged to pass on the information in this form and other financial information with respect to your financial accounts to the *Luxembourg Administration des contributions directes*. You can find definitions of who is classified as an Account Holder, a Controlling Person, and other terms, in the Appendix.

This form will remain valid unless there is a change in circumstances relating to the account holder's tax status or other mandatory fields included in this form (incl. information pertaining to the Controlling Persons). You must notify us of a change in circumstances that results in the information in this self-certification becoming incorrect or incomplete and provide an updated self-certification.

**Please complete this form where you need to self-certify on behalf of an entity account holder.**

If you are an individual account holder do not complete this form. Instead please complete an "Individual tax residency self-certification form".

**Where the Account Holder is a Passive NFE, or an Investment Entity located in a Non-Participating Jurisdiction managed by another Financial Institution.**

Please provide information on the natural person(s) who exercise control over the Account Holder (individuals referred to as "Controlling Person(s)") by completing part 4 of this form ("Controlling Person tax residency self-certification") for each Controlling Person. This information should be provided by all Investment Entities located in a Non-Participating Jurisdiction and managed by another Financial Institution even if they also fall into the category of "Non-Reporting Financial Institution". This information should be provided by all Investment Entities located in a Non-Participating Jurisdiction and managed by another Financial Institution even if they also fall into the category of "Non-Reporting Financial Institution".

**If you are completing the form on the Account Holder's behalf**, then you must indicate the capacity in which you have signed in Part 5. For example you may be the custodian or nominee of an account on behalf of the account holder, or you may be completing the form under a signatory authority or power of attorney.

**As a financial institution, we are not allowed to give advice on filling in this form.**

If you have any questions about this form, these instructions, or defining your tax residency status, please speak to your tax adviser or local tax authority.

**ENTITY TAX RESIDENCY SELF-CERTIFICATION FORM INSTRUCTIONS CRS - E** (please complete this form in BLOCK CAPITALS)

**Part 1 – Identification of Account Holder**

**A. Legal Name of Entity/Branch** .....

**B. Country of incorporation or organisation** .....

**C. Current Residence Address**

Line 1 (e.g. House/Apt/Suite Name, Number, Street) .....

Line 2 (e.g. Province/Region/State) .....

Postal Code/City/Town .....

Country .....

**Part 2 – Entity Type.** (Please provide the Account Holder's Status by ticking one of the following boxes.)

- ☐ (a) Financial Institution – Investment Entity
- ☐ i. An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution (*Note: if ticking this box please also complete **Part 4 "Controlling Person tax residency self-certification"***)
- ☐ ii. Other Investment Entity
- ☐ (b) Financial Institution – Depository Institution, Custodial Institution or Specified Insurance Company.
- ☐ (c) Active NFE – a corporation the stock of which is regularly traded on an established securities market or a company which is a related entity of such a company Please give the name of the established stock market on which the company's shares are regularly traded.
- .....

If you are a Related Entity of a regularly traded corporation, please provide the name of the regularly traded company that the Entity in (c) is a Related Entity of:

.....

- ☐ (d) Active NFE – a Government Entity or Central Bank
- ☐ (e) Active NFE – an International Organisation
- ☐ (f) Active NFE – other than (c)-(e)
- ☐ (g) Passive NFE (*Note: if ticking this box please also complete **Part 4 "Controlling person tax residency self-certification"***)

**Part 3 – Country of Residence for Tax Purposes and related Taxpayer Identification Number or functional equivalent ("TIN")** (see Appendix)

Please complete the following table indicating (i) where the Account Holder is tax resident and (ii) the Account Holder's TIN for each country indicated. If the Account Holder is not tax resident in any jurisdiction (e.g., because it is fiscally transparent), please indicate that on line 1 and provide its place of effective management or country in which its principal office is located.

Country of tax residence		TIN – For further information, see the OECD website: <a href="http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/#d.en.347759">http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/#d.en.347759</a>
1		
2		

If a TIN is unavailable please provide the appropriate reason in the following boxes.

1	
2	

**Part 4 – Controlling Person (CP) tax residency self-certification** *(please complete this section if you have ticked (a)(i) or (g) in Part 2 – Entity Type)*

Please complete this table with the information related to all the Controlling Persons (see appendix for the definition) of the account holder identified in part 1 of this document. If there are more than 10 Controlling Persons, please use a separate sheet.

In completing this section, the Account Holder expressly declares that it has **already** notified and informed the Controlling Persons listed hereunder that (i) their personal data mentioned below will be collected and processed for tax purposes (inter alia the regulations based on the OECD Common Reporting Standard ("CRS") (such as the Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation)) by KBL European Private Bankers S.A., (ii) that KBL European Private Bankers S.A. will be the data controller of such information, (iii) that they have a right to access and to rectify such information by sending a written request to KBL European Private Bankers S.A., (iv) that the information listed below may be provided to the Luxembourg Administration des contributions directes and exchanged with tax authorities of another country or countries in which the Controlling Persons may be tax resident.

	NAME OF CONTROLLING PERSON 1	NAME OF CONTROLLING PERSON 2
FAMILY NAME OR SURNAME(S) FIRST NAME(S)		
CURRENT RESIDENCE ADDRESS  Building  St / No / Box No  Postal Code/ZIP Code  Country		
DATE OF BIRTH (dd/mm/yyyy)		
COUNTRY AND CITY OF BIRTH		
TYPE OF CONTROLLING PERSON (see types/details appended)		
PERCENTAGE OF HOLDING IN THE COMPANY (IN %)		
COUNTRY OF RESIDENCE FOR TAX PURPOSES		
TAXPAYER IDENTIFICATION NUM- BER OR FUNCTIONAL EQUIVALENT ("TIN")  <u>If a TIN is unavailable please give the reason</u>		

	NAME OF CONTROLLING PERSON 3	NAME OF CONTROLLING PERSON 4
FAMILY NAME OR SURNAME(S) FIRST NAME(S)		
CURRENT RESIDENCE ADDRESS  Building  St / No / Box No  Postal Code/ZIP Code  Country		
DATE OF BIRTH (dd/mm/yyyy)		
COUNTRY AND CITY OF BIRTH		
TYPE OF CONTROLLING PERSON (see types/details appended)		
PERCENTAGE OF HOLDING IN THE COMPANY (IN %)		
COUNTRY OF RESIDENCE FOR TAX PURPOSES		
TAXPAYER IDENTIFICATION NUMBER OR FUNCTIONAL EQUIVALENT ("TIN")  <u>If a TIN is unavailable please give the reason</u>		

	NAME OF CONTROLLING PERSON 5	NAME OF CONTROLLING PERSON 6
FAMILY NAME OR SURNAME(S) FIRST NAME(S)		
CURRENT RESIDENCE ADDRESS  Building  St / No / Box No  Postal Code/ZIP Code  Country		
DATE OF BIRTH (dd/mm/yyyy)		
COUNTRY AND CITY OF BIRTH		
TYPE OF CONTROLLING PERSON (see types/details appended)		
PERCENTAGE OF HOLDING IN THE COMPANY (IN %)		
COUNTRY OF RESIDENCE FOR TAX PURPOSES		
TAXPAYER IDENTIFICATION NUMBER OR FUNCTIONAL EQUIVALENT ("TIN")  <u>If a TIN is unavailable please give the reason</u>		

	NAME OF CONTROLLING PERSON 7	NAME OF CONTROLLING PERSON 8
FAMILY NAME OR SURNAME(S) FIRST NAME(S)		
CURRENT RESIDENCE ADDRESS  Building  St / No / Box No  Postal Code/ZIP Code  Country		
DATE OF BIRTH (dd/mm/yyyy)		
COUNTRY AND CITY OF BIRTH		
TYPE OF CONTROLLING PERSON (see types/details appended)		
PERCENTAGE OF HOLDING IN THE COMPANY (IN %)		
COUNTRY OF RESIDENCE FOR TAX PURPOSES		
TAXPAYER IDENTIFICATION NUM- BER OR FUNCTIONAL EQUIVALENT ("TIN")  <u>If a TIN is unavailable please give the reason</u>		

	NAME OF CONTROLLING PERSON 9	NAME OF CONTROLLING PERSON 10
FAMILY NAME OR SURNAME(S) FIRST NAME(S)		
CURRENT RESIDENCE ADDRESS  Building  St / No / Box No  Postal Code/ZIP Code  Country		
DATE OF BIRTH (dd/mm/yyyy)		
COUNTRY AND CITY OF BIRTH		
TYPE OF CONTROLLING PERSON (see types/details appended)		
PERCENTAGE OF HOLDING IN THE COMPANY (IN %)		
COUNTRY OF RESIDENCE FOR TAX PURPOSES		
TAXPAYER IDENTIFICATION NUM- BER OR FUNCTIONAL EQUIVALENT ("TIN")  <u>If a TIN is unavailable please give the reason</u>		

Part 5 – Declaration and Signature

The Account Holder understands that the information supplied by him is covered by all the provisions of the terms and conditions governing the Account Holder's relationship with KBL European Private Bankers S.A. setting out how KBL European Private Bankers S.A. may use and share the information. The Account Holder acknowledges having received and read the General Terms and Conditions of KBL European Private Bankers S.A.

The Account Holder is fully aware (i) that KBL European Private Bankers S.A. is collecting and processing such information for tax purposes (*inter alia* the regulations based on the OECD Common Reporting Standard ("CRS") (such as Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation), (ii) that KBL European Private Bankers S.A. is the data controller of such information and (iii) that I have a right to access and to rectify such information.

The Account Holder acknowledges that the information contained in this form and information regarding the Account Holder, the Controlling Persons of the account holder where required and any Reportable Account(s) may be provided to the Luxembourg *Administration des contributions directes* and exchanged with tax authorities of another country or countries in which the Account Holder or its Controlling Persons may be tax resident where those countries (or tax authorities in those countries) have entered into agreements to exchange financial account information.

In addition the Account Holder acknowledges that he has the obligation to provide and to update the information immediately upon becoming aware of any changes to such information, otherwise obsolete, erroneous or inaccurate information may be reported to the abovementioned tax authority.

The Account Holder certifies that this declaration is valid for all accounts I currently hold and will hold in the future at KBL European Private Bankers S.A.

**I/We declare that all statements made in this declaration are, to the best of my/our knowledge and belief, correct and complete.**

I/We undertake to advise KBL European Private Bankers S.A. immediately of any change in circumstances which affects the tax residency status of the Account Holder identified in Part 1 of this form or causes the information contained herein to become incorrect (including any changes to the information on Controlling Persons identified in Part 4), and to provide KBL European Private Bankers S.A. with a suitably updated self-certification and declaration within 90 days of such change in circumstances.

DATE (dd/mm/yyyy) .....	DATE (dd/mm/yyyy) .....
NAME .....	NAME .....
SIGNATURE .....	SIGNATURE .....
Note: If signing under a power of attorney please also attach a certified copy of the power of attorney.	Note: If signing under a power of attorney please also attach a certified copy of the power of attorney.
CAPACITY .....	CAPACITY .....

DATE (dd/mm/yyyy) .....	DATE (dd/mm/yyyy) .....
NAME .....	NAME .....
SIGNATURE .....	SIGNATURE .....
Note: If signing under a power of attorney please also attach a certified copy of the power of attorney.	Note: If signing under a power of attorney please also attach a certified copy of the power of attorney.
CAPACITY .....	CAPACITY .....

## APPENDIX – TYPES OF CONTROLLING PERSON

- A. Controlling Person of a legal person – ***control by ownership***
- B. Controlling Person of a legal person – ***control by other means***
- C. Controlling Person of a legal person – ***senior managing official***
- D. Controlling Person of a trust – ***settlor***
- E. Controlling Person of a trust – ***trustee***
- F. Controlling Person of a trust – ***protector of the trustee***
- G. Controlling Person of a trust – ***beneficiary***
- H. Controlling Person of a trust – ***other***
- I. Controlling Person of a legal arrangement other than a trust – ***settlor (equivalent)***
- J. Controlling Person of a legal arrangement other than a trust – ***trustee (equivalent)***
- K. Controlling Person of a legal arrangement other than a trust – ***protector of the trustee (equivalent)***
- L. Controlling Person of a legal arrangement other than a trust – ***beneficiary (equivalent)***
- M. Controlling Person of a legal arrangement other than a trust – ***other (equivalent)***

## APPENDIX – DEFINITIONS

**Note:** These are selected definitions provided to assist you with the completion of this form. Further details can be found within the OECD “Common Reporting Standard for Automatic Exchange of Financial Account Information” (the “CRS”), the associated “Commentary” to the CRS, and domestic guidance. If you have any questions then please contact your tax adviser or domestic tax authority.

### “Account holder”

The “Account Holder” is the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. 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.

### “TIN” (including “functional equivalent”)

The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. A TIN is a unique combination of letters or numbers assigned by a jurisdiction to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of such jurisdiction.

Some jurisdictions do not issue a TIN. However, these jurisdictions often utilise some other high integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number include, for Entities, a Business/company registration code/number.

### “Active NFE”

An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- Active NFEs by reason of income and assets;
- publicly traded NFEs;
- Governmental Entities, international organisations, central banks, or their wholly owned Entities;
- holding NFEs that are members of a non-financial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centres that are members of a non-financial group;
- non-profit NFEs.

An entity will be classified as Active NFE if it meets any of the following criteria:

- a) less than 50% of the NFE’s gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE 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 NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- c) the NFE is a governmental entity, an international organisation, a central bank, or an Entity wholly owned by one or more of the foregoing;
- d) substantially all of the activities of the NFE 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, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as 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;
- e) the NFE is not yet operating a business and has no prior operating history, (a “start-up NFE”) but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- f) the NFE 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;
- g) the NFE 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
- h) the NFE meets all of the following requirements (a “non-profit NFE”):
  - i) it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
  - ii) it is exempt from income tax in its jurisdiction of residence;
  - iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - iv) the applicable laws of the NFE’s jurisdiction of residence or the NFE’s formation documents do not permit any income or assets of the NFE 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



NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and

- v) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE'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 NFE's jurisdiction of residence or any political subdivision.

### **"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. 25%)) in the 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 (for example where no underlying person has control of greater than 25% of the entity) then under the CRS the Reportable Person is deemed to be the natural person who hold the position of senior managing official.

### **"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 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.

### **"Custodial Institution"**

The term "Custodial Institution" means any Entity that holds, as a substantial portion of its business, financial assets for the account of others. This is where the Entity's gross income attributable to the holding of financial assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.

### **"Depository Institution"**

The term "Depository Institution" means any Entity that accepts deposits in the ordinary course of a banking or similar business.

### **"Entity"**

The term "Entity" means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation. This term covers any person other than an individual (i.e. a natural person).

### **"Financial Account":**

A Financial Account is an account maintained by a Financial Institution and includes: depository accounts; custodial accounts; equity and debt interest in certain Investment Entities; cash value insurance contracts; and annuity contracts.

### **"Financial Institution"**

The term "Financial Institution" means a "Custodial Institution", a "Depository Institution", an "Investment Entity", or a "Specified Insurance Company". Please see the relevant domestic guidance and the CRS for further classification definitions that apply to Financial Institutions.

### **"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.

### **“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 is (i) managed by a Financial Institution and (ii) not a Participating Jurisdiction Financial Institution.

### **“Investment Entity managed by another Financial Institution”**

“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) above in the definition of ‘Investment Entity’.

“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) above in the definition of ‘Investment Entity’. 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.

### **“NFE” – Non Financial Entity**

An “NFE” is any Entity that is not a Financial Institution.

### **“Non-Reporting Financial Institution”**

A Non-Reporting Financial Institution” means any Financial Institution that is:

- 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;
- 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;
- an exempt undertaking for collective investment; or
- 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;
- any other defined in a countries domestic law as a Non-Reporting Financial Institution.

### **“Participating Jurisdiction”**

A Participating Jurisdiction means a jurisdiction with which an agreement is in place pursuant to which it will provide the information required on the automatic exchange of Financial Account information set out in the Common Reporting Standard.

### **“Participating Jurisdiction Financial Institution”**

The term “Participating Jurisdiction Financial Institution means (i) any Financial Institution that is tax resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside of that jurisdiction, and (ii) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

### **“Passive Income”**

Passive income includes the portion of gross income that consists of:

- 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.

### **“Passive NFE”**

Under the CRS a “Passive NFE” means any: (i) NFE that is not an Active NFE; and (ii) Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

### **“Related Entity”**

An Entity is a “Related Entity” of another Entity if either Entity controls the other Entity, or the two Entities are under common control. For this purpose control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

**“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 country 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 NFEs)

**“Resident for tax purposes”**

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 his 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) to solve cases of double residence for determining their residence for tax purposes. 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. For more information on tax residency, please consult your tax adviser.

**“Specified Insurance Company”**

The term “Specified Insurance Company” means any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.