

Guidance Note to the FATCA Self-Certification for Equity Owner and Debt Holder

The Foreign Account Tax Compliance Act (FATCA) obliges financial institutions to require information about equity owners and debt holders of account holders that classify themselves as "Owner Documented FFI" under FATCA.

The FATCA Self-Certification for Equity Owner and Debt Holder form is intended exclusively for equity owners and debt holders of an Owner Documented FFI. A separate form must be submitted for each person.

When the self-certification for equity owner and debt holder must be submitted?

The form must be submitted when the legal entity (account holder):

- is classified as an „Owner Documented FFI" under FATCA rules and
- has provided an Owner Reporting Statement indicating the relevant equity owners and debt holders of the entity.

Part 1 – Information regarding the account holder

In this part of the form information about the legal entity is inquired.

Account Holder – The legal entity is the entity that is managed and identified by the Bank as the holder of a financial account.

Part 2 – Information about the Equity Owner/Debt Holder

In this part of the form information about the equity owner/debt holder is inquired.

The term direct or indirect **Equity Owner** as used herein has the meaning set forth in US federal tax laws. Generally speaking, the term means any person or entity that owns any direct or indirect equity interest (regardless of amount) in an Owner Documented FFI, looking through all entities that are not specified US Persons. An equity interest means (for a corporation) any direct or indirect stock ownership by vote or value (other than equity interests that are regularly traded on an established securities market) or (for a partnership) any capital or profits interest in the partnership or (for a trust) the right to receive a mandatory distribution during the calendar year from the trust or the right to receive a discretionary distribution from the trust, but in such latter case only, if a discretionary distribution was received during the calendar year. In case of doubt as to whether the definition is met, the account holder should consult a legal advisor.

The term direct or indirect **Debt Holder** as used herein has the meaning set forth in US federal tax laws. Generally speaking, the term means any person or entity that holds a direct or indirect debt interest in any Owner Documented FFI with a balance or value exceeding USD 50,000 (other than debt interests that are regularly traded on an established securities market or that do not constitute financial account pursuant to US federal tax laws). Debt interests owned by participating FFIs, registered deemed-compliant FFIs, certified deemed-compliant FFIs, excepted NFFEs, exempt beneficial owners, or US persons other than specified US persons are disregarded and have not to be declared. In case of doubt as to whether the definition is met, the account holder should consult a legal advisor.

Residence Address – Indicate the address of the **effective** residence of the equity owner/debt holder. The effective residence is located at the place where the equity owner/debt holder resides with the intention of permanent stay. C/o addresses and/or mail-boxes are not allowed to be provided as residence addresses, as long as they are not part of the effective address.

Piece of identification – Please provide a copy of a **valid** piece of identification (passport or national identity card). The copy of the document must be **certified as a true and correct copy** by a notary public or an affiliate of QI or a correspondent bank of QI. The piece of identification must not be expired.

Part 3 – US Person Status of the Equity Owner/Debt Holder

In this part of the form the status of the equity owner/debt holder as US person is determined.

US Person – A natural person is a US person when he/she meets one of the following criteria:

- US citizenship (single and dual citizenship)
- US residency (for example, a green card holder or persons fulfilling the "Substantial Presence Test", see below)
- US place of birth (persons who do not qualify as US persons despite having a US birthplace must provide an explanation as well as documentary evidence proving their status as non-US person, (e.g. Certificate of Loss of Nationality).
- Other reasons why people have unlimited US tax liability and are therefore deemed US persons (not exhaustive):
 - dual residency
 - joint tax return as a spouse of a US person
 - long-term permanent residency in the United States, etc.

Important: Please note that the Bank reserves the right not to enter into a client relationship with a US Person.

Substantial Presence Test – Natural persons are regarded as US persons if they meet the criteria's of the "Substantial Presence Test". This test is met, if the natural person has been physically present in the US in the current year for at least 31 days and in the past three years (counting the current year and the two previous) for at least 183 days.

The following formula is used for the calculation of the 183 days: $([\text{number of days in the current year}] + [\text{number of days in the past (last) year} \times 1/3] + [\text{number of days in the penultimate year} \times 1/6]) \geq 183$.

More information about the calculation of the length of stay can be found on the following IRS website:

<http://www.irs.gov/taxtopics/tc851.html>.

Part 4 – Certification

The form must be signed by the equity owner/debt holder mentioned in Part 2 of this form **and** by the account holder mentioned in Part 1 of this form. The equity owner/debt holder and the account holder confirm to the bank that the information is correct.

By signing the form, the signatories confirm the accuracy of the information specified in accordance with the legal text provided.