VP Bank (Switzerland) Ltd
Talstrasse 59 · 8001 Zurich · Switzerland · T +41 44 226 24 24
info.ch@vpbank.com · www.vpbank.com · CHE-107.826.214 VAT

Self-Certification of an Entity for taxation purposes

VP Bank (Switzerland) Ltd (hereinafter referred to as "the Bank"). For clarity and legibility, the pronoun "he" is used to refer to persons of either sex.

Name of Account Holder qualifying as an entity

Client number

1. General information

Several terms in this form are **printed in bold.** An explanation of these terms can be found in the Glossary of Terms. The Account Holder acknowledges and agrees that these explanations are only an excerpt of the full explanations and are provided solely for the convenience of the Account Holder. Moreover, the Account Holder also acknowledges that the interpretation of such terms is governed by the applicable Intergovernmental Agreements and national implementation laws and/or regulations in their respective valid version. In this context, terms used in the singular shall also include the plural and vice versa, and the use of the masculine form shall be deemed to include the feminine form within the framework of this self-certification.

For **FATCA** purposes, the Account Holder – duly represented by the undersigning **authorized representative/s** – hereby discloses to the Bank, the following information in order to enable the Bank to ascertain the Account Holder's status under FATCA and/or whether **Controlling Persons** are or are not **US Persons.** This "Self-Certification of an Entity for taxation purposes" shall form an integral part of all bank services contracts between the Account Holder and the Bank.

Neither this document nor any related written or oral explanations constitute any kind of legal or tax advice. Where required, the Bank recommends contacting a qualified legal/tax advisor.

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Legal form of the entity

Country of incorporation/establishment[1]

Country/-ies of residence for tax purposes (State all countries in which the Account Holder is a tax resident – full country name / NO abbreviations)

2. Classification for FATCA Status

The Account Holder undertakes to classify whether it qualifies as a **Foreign Financial Institution (FFI)** or has another FATCA Status. The term "FFI" means that an entity is treated as such according to an applicable **Intergovernmental Agreement (IGA)** (and the respective domestic regulations and guidelines, where applicable) or the US Treasury Regulations (if not, the IGA defintion is applied). Although the respective definitions differ slightly, they intend to cover financial institutions in a wider sense, including banks, custodians, brokers, asset managers, collective investment vehicles, life insurance companies and certain holding companies and treasury centres. The term also includes **professionally managed** investment entities such as certain personal investment companies or **trusts.**

If the Account Holder qualifies as an FFI, please continue with the Self-Certification for FFIs in section 3. Otherwise, please continue with section 4.

[1] For the purposes of FATCA, a US Person is deemed to be an entity that is a partnership or corporation incorporated in the US or established under the laws of the US or any state thereof, a trust if (i) a court within the US would have the authority under applicable law to render orders or judgements concerning substantially all issues regarding administration of the trust and (ii) one or more US Persons have the authority to control all substantial decisions of the trust, or an estate of a decedent that is a citizen or resident of the US. All such entities must also provide a duly completed Form W-9.

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3. Foreign Financial Institutions (FFIs)

Please check/complete **only one of the available options in sections 3.1, 3.2 and 3.3,** as applicable. Having done so, please continue with sections 7, 8 and 9 and then date and sign the form. If the FFI status of the Account Holder is not included in this form, please continue with section 6, check the applicable box, date and sign the form and provide the Bank with the appropriate IRS form (W-9, W-8BEN-E, W-8IMY, W-8EXP, etc.).

3.1. Reporting/Participating FFI with GIIN[2]

☐ Reporting Model 1 FFI ☐ Reporting Model 2 FFI ☐ Participating FFI

GIIN of the Account Holder ☐☐☐☐☐☐.☐☐☐☐☐.☐☐.☐☐☐

3.2. Sponsored FFI / Trustee-Documented Trust

3.2.1. Trustee-Documented Trust[3]

☐ The Account Holder certifies that
- the entity was established under the laws of the following FATCA IGA Partner Jurisdiction ..... (country) whose IGA provides for the Trustee-Documented Trust model; and
- the Trustee qualifies as a trustee of a Trustee-Documented-Trust and fulfils all required FATCA obligations with respect to all of the trust's reportable US accounts.

GIIN of the Trustee: ☐☐☐☐☐☐.☐☐☐☐☐.☐☐.☐☐☐

Name of the Trustee: .....

3.2.2. Underlying Entity of a Trustee-Documented Trust (only if the applicable laws / IGA of the respective country provide for this FATCA Status)

☐ The Account Holder certifies that
- the Account Holder, as an underlying entity, is a related entity managed and/or controlled in ..... (country) and the underlying entity is controlled by the trustee or the Trustee-Documented Trust which directly or indirectly holds more than 50% of the voting rights or value of the related entity; and
- the trustee of the Trustee-Documented Trust fulfils all required FATCA obligations with respect to all reportable US accounts of the related entity.

Name of the Trustee Documented Trust: .....

GIIN of the Trustee: ☐☐☐☐☐☐.☐☐☐☐☐.☐☐.☐☐☐

Name of the Trustee: .....

[2] Do not select this category if the Account Holder is a Registered Deemed Compliant FFI under an applicable IGA. Instead, please continue with section 3.3 for Non-Reporting FFIs.

[3] Only available as an option for trusts organized in countries with an IGA that provides for the status of a Trustee-Documented Trust.

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3.2.3. Sponsored Investment Entity

☐ The Account Holder certifies that it
- is an FFI solely because it is an Investment Entity;
- is not a **Qualified Intermediary (QI), Withholding Foreign Partnership (WP),** or **Withholding Foreign Trust (WT);** and
- has a contractual relationship with the **Sponsoring Entity** indicated above that agrees to fulfil all FATCA obligatons of a **Participating FFI** on behalf of this entity.

Sponsoring GIIN of the Sponsoring Entity: ☐☐☐☐☐☐.☐☐☐☐☐.S P.☐☐☐

Name of the Sponsoring Entity: .....

GIIN of the Account Holder: ☐☐☐☐☐☐.☐☐☐☐☐.☐☐.☐☐☐

3.2.4. Sponsored, Closely Held Investment Vehicle

☐ The Account Holder certifies that it
- is an FFI solely because it is an Investment Entity;
- is not a **Qualified Intermediary (QI), Withholding Foreign Partnership (WP),** or **Withholding Foreign Trust (WT);**
- has a contractual relationship with the Sponsoring Entity indicated above that agrees to fulfil all FATCA obligatons of a **Participating FFI** on behalf of this entity;
- does not act as an investment vehicle for unrelated parties; and
- twenty or fewer individuals own all of the debt and equity interests in the Account Holder.

Sponsoring GIIN of the Sponsoring Entity: ☐☐☐☐☐☐.☐☐☐☐☐.S P.☐☐☐

Name of the Sponsoring Entity: .....

3.3. FFIs that qualify under a Non-Reporting FFI status which is not covered above

☐ The Account Holder certifies that it
- was established under the laws of the following FATCA IGA Partner Jurisdiction ..... (country);
- qualifies as a ..... (applicable non-reporting status) according to the applicable FATCA IGA (Annex II of the IGA); and
- will provide the GIIN if the Account Holder is a Registered Deemed Compliant FFI (if available).

GIIN of the Registered Deemed Compliant FFI: ☐☐☐☐☐☐.☐☐☐☐☐.☐☐.☐☐☐

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4. NFFE / Exempt Beneficial Owner (do not complete if you have completed section 3)

Please complete this section if the Account Holder is a Non-Financial Foreign Entity (NFFE) or Exempt Beneficial Owner. Please select **only one of the options in sections 4.1, 4.2, 4.3 and 4.4,** as applicable. Having done so, please continue with sections 7, 8 and 9 and then date and sign the form. If the FATCA status of the Account Holder is not included in this form, please continue with section 6, check the applicable box, date and sign the form and provide the Bank with the appropriate IRS form (W-9, W-8BEN-E, W-8IMY, W-8EXP, etc.).

4.1. Active NFFE

4.1.1. Active NFFE – actual business activities

☐ The Account Holder certifies that it qualifies as an **Active NFFE** as it is exercising an actual business activity (less than 50% of its gross income is **passive income** and less than 50% of its assets are **passive assets** like securities, bonds, investments funds etc.), which do not qualify as financial services of a FFI.

4.1.2. Other Active NFFE

☐ The Account Holder certifies that it qualifies as an other **Active NFFE** according to the regulations of the FATCA partner jurisdiction ..... (country). Please indicate the Active NFFE category according to the respective IGA (Annex I): .....
(e. g. Publicly traded NFFE or NFFE affiliate of a publicly traded corporation, Excepted Nonfinancial Entity in Liquidation or Bankruptcy, Excepted nonfinancial start-up company, Excepted nonfinancial group entity).

4.2. Exempt Beneficial Owner[4]

☐ The Account Holder certifies that it qualifies as an Exempt Beneficial Owner according to the FATCA IGA Partner Jurisdiction of ..... (country). Please also indicate the extempt beneficial owner category pursuant to the IGA (Annex II): ..... .

4.3. Passive NFFE

☐ The Account Holder certifies that it qualifies as a Passive NFFE and that it is not **professionally managed** by a Foreign Financial Institution (FFI).

- ☐ The Account Holder certifies that it is not controlled by one or more Controlling Persons[5] that are US Persons.
- ☐ Account Holder certifies that it is controlled by one or more Controlling Persons[5] persons that are US Persons and provides the name, address and **US TIN** of each Controlling Person that is a US Person below. The Account Holder also certifies that each Controlling Person that is a US Person will provide or has provided a form **W-9** to the Bank.

List of US Controlling Persons:

No.	Name	Address	US TIN

The parties agree that the Bank is obliged to provide the FATCA reporting in the case of a Passive NFFE with Controlling US Persons or in the case of a discretionary trust (discretionary with respect to the class of beneficiaries) that qualifies as a Passive NFFE and issues distributions to a beneficiary who qualifies as a US Person (under the FATCA definition).

The Account Holder confirms that it is his exclusive obligation to inform the Bank without delay, at the latest within 30 days and of his own initiative, of any change in circumstances through which a Controlling Person or a beneficiary becomes a US Person for US tax purposes. The Account Holder confirms that in the case of a discretionary trust (see definition above), any distribution to a beneficiary who is a US Person constitutes such a change in circumstances.

[4] See the applicable IGA, W-8BEN-E and instructions on the IRS website at http://www.irs.gov/fatca.

[5] For the purpose of determining the Controlling Persons of an Account Holder, a Reporting Foreign Financial Institution may use information collected and maintained pursuant to its AML/KYC procedures.

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In the event of such a change in circumstances, the Account Holder must provide the Bank with a duly signed IRS W-9 form stating the name, address and TIN of the US Person in question, at the latest within 90 calendar days after written notification of the change in circumstances to the Bank.

The Account Holder herewith expressly agrees and confirms that it is exclusively liable for and expressly agrees to indemnify and defend the Bank against all claims, causes of action, damages, judgements, costs or expenses, including attorney fees and all other litigation costs, which may in any way arise from incomplete or late fulfilment of his information duties or failure to provide this information to the Bank.

4.4. Non-Profit Organization

☐ The Account Holder certifies that it is a non-profit organization that meets the following requirements
- The entity is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural or educational purposes;
- The entity is exempt from income tax in its country of residence;
- The entity has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- Neither the applicable laws of the entity's country of residence nor the entity's formation documents 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 payment representing the fair market value of property which the entity has purchased; and
- The applicable laws of the entity's country of residence or the entity's formation documents require that, upon the entity's liquidation or dissolution, all of its assets be distributed to an entity that is a foreign government, an integral part of a foreign government, a controlled entity of a foreign government, or another organization that is described here or escheats to the government of the entity's country of residence or any political subdivision thereof.

The Account Holder undertakes to provide the Bank with a copy of the exemption from income tax of the competent authority in its country of residence.

5. Non-Financial Account

☐ The Account Holder hereby certifies that the Entity Account is to be treated as a Non-Financial Account under FATCA because it is:

☐ a Certain Term Life Insurance Contract according to Annex II of the respective IGA

☐ an Escrow Account (according to Section 36 VSB 16)
The Account Holder undertakes to provide the Bank with the "Deed of Confirmation – Excluded Account".

☐ Particular Case of a .....
(e. g. condominium owner's association)

6. FFI/FATCA status not included in this form

☐ The FFI/FATCA status is not included in this form. The Account Holder undertakes to provide the Bank with the appropriate IRS form (W-9, W-8BEN-E, W-8IMY, W-8EXP, etc.).

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7. Declaration of disclosure (waiver) / bank-client confidentiality waiver

The Account Holder acknowledges and recognizes that the Bank is and will be subject to different Intergovernmental Agreements (e. g. in connection with FATCA), other agreements (e. g. QI) and local laws (e. g. implementation legislation in connection with FATCA). Based on this, the Bank may be obliged to provide documents, data and information in connection with the assets belonging to the Account Holder (and any beneficial owners) to any relevant tax withholding payment authority, clearing house, custodians and/or any (tax) authorities (e. g. the IRS, tax authority of the Account Holder's home country).

The Account Holder hereby expressly agrees and authorizes that the Bank may forward and/or report all such relevant documents, data and information – in particular, forms (e. g. W-9) submitted to the Bank – to the clearing house, custodians and or the relevant (tax) authorities to the extent that the Bank is legally obligated to do so or is ordered to do so via a court order or court injunction, thus allowing the Bank to fulfil its disclosure obligations.

The Account Holder is aware that the identity of the Account Holder will be or can be disclosed to the relevant payment authority, clearing house and/or custodian.

Such relevant information shall include, but not be limited to, names, addresses, account numbers, account balances, payments made to and from the account and income earned on the account, depending on the valid legal basis.

The Account Holder is aware that the identity of the Account Holder and/or Controlling Persons will be or can be disclosed to the relevant (tax) authorities.

The declaration of disclosure can only be revoked at the end of a calendar year for the following calendar year. With this declaration, the Account Holder waives all protection in accordance with the applicable bank and data protection legislation (e. g. bank-client confidentiality) and exempts the Bank from any corresponding (contractual or legal) non-disclosure obligations.

Furthermore, the Account Holder acknowledges that the Bank cannot be held liable for any consequences affecting the Account Holder that may arise from the disclosure of its identity, assets and income to the relevant clearing house, custodians and/or the competent (tax) authorities.

It is hereby agreed that this authorization expressly applies to any forms submitted by the Account Holder which contain information about third parties (e. g. Controlling Persons, persons with delegation rights, etc.) or which were signed by third parties. The Account Holder confirms that it has informed all third parties involved about the consequences of this Self-Certification (e. g. reporting obligation to (tax) authorities, waiving of the non-disclosure obligation).

The Account Holder accepts and acknowledges that this waiver is a condition for the establishment and/or maintenance of a business relationship with the Bank.

8. QI status of the Account Holder – investments in US securities

The Account Holder shall use the appropriate IRS form (W-8BEN-E, W-8IMY, W-8EXP, etc.) to state its QI status if it requires investments in US securities.

9. Declaration, change in circumstances and signature

The Account Holder – duly represented by its authorized representative/s – undertakes to inform the Bank without delay, at the latest within 30 days and on its own initiative, of any change in circumstances which makes any information in this form incorrect. Such changes shall include, in particular, any change which, under applicable US tax regulations, either

- modifies the Account Holder's status as a non-US Person and causes it to acquire the status of a US Person; or
- modifies its classification for FATCA purposes (e. g. transforms it from a corporation to a partnership for FATCA purposes).

In such cases, the Account Holder undertakes to provide a new form and/or supplemental forms and documents to the Bank within 90 days after such a change in circumstances occurs.

Furthermore, the Account Holder acknowledges that it may be subject to withholding and reporting / disclosure consequences if it fails to comply with its obligations to submit the necessary forms and/or documentation (e. g. Self-Certification, IRS forms) following a change in circumstances. Additionally, the Account Holder affirms that it is aware that the abovementioned relationship with the Bank may be terminated should this happen.

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In full knowledge of the penalties of perjury laid down by US tax law, the Account Holder certifies

a) that, where applicable, it has taken appropriate tax advice in the US or in its country of residence on the issues covered herein;
b) that the information provided herein and in all other supplemental documents provided to the Bank is true, correct and complete and therefore the Bank cannot be held responsible for incomplete, incorrect or misleading information; and
c) that no contradictory information has, directly or indirectly, been provided to the Bank or to any of its officers, employees, agents or intermediaries.

Furthermore, the undersigned confirms that they are an authorized representative with regard to the entity named under section 1 of this form.

.....
Date

.....
Signature/s of the entity's authorized signatory (signatories)

.....
Name/s of the entity's authorized signatory (signatories) in block letters

.....
Signature/s of the entity's authorized signatory (signatories)

.....
Name/s of the entity's authorized signatory (signatories) in block letters

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Glossary of Terms

United States (US)

The United States of America, including the states thereof, but excluding the US Territories. Any reference to a "state" of the United States includes the District of Columbia.

US Person

The term "US Person" means a US citizen or a resident individual or entity.

An individual is a US Person if the individual
- is a resident of the United States (including the following US territories: Puerto Rico, Guam and the United States Virgin Islands);
- is a US citizen;
- holds or held a US Green Card. Please consult a tax advisor as regards which type of US Green Card would qualify an individual as a US Person or go to **www.irs.gov** for more information.

An individual is a US citizen if any of the following situations apply:
1. The individual was born in the United States, Puerto Rico, Guam or the United States Virgin Islands.
2. The individual became a naturalized United States citizen.
3. The individual has at least one parent who is a US citizen. In this case, other requirements must also be met to be considered a US citizen. Please refer to **www.irs.gov** for details of these requirements.

An individual or controlling person qualifies as a US resident and therefore a US person if the individual has been physically present in the United States for at least 183 days during the past three years, including at least 31 days in the current calendar year. The days are calculated as follows:
- all days in the United States in the current year; and
- **⅓** of the days in the United States last year; and
- **⅙** of the days in the United States in the year before last year.

An entity is deemed to be a US Person if one of the following situations is applicable:
- The activities of the entity are organized in the United States (excluding US territories).
- The entity is incorporated under the laws of the United States or one of its separate states.
- The entity is a trust and meets the following two requirements:
  - A court within the United States would have authority under applicable law to render orders or judgements concerning substantially all issues regarding administration of the trust; and
  - one or more US persons have the authority to control all substantial decisions of the trust.
- The entity is an organisation that manages the estate of one or more US persons.

This subparagraph shall be interpreted in accordance with the US Internal Revenue Code.

US Territories

American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico and the United States Virgin Islands.

Authorized representative

An authorized representative is authorized to sign statements or conclude contracts on behalf of the entity. The authorized representative is determined by the legal form of the entity or depends on the persons that have received permission from the entity.

Controlling Persons

Controlling persons are natural persons (e. g. directors, executive board members, other board members) who exercise control over the respective Account Holder. This is deemed to be the case if they ultimately, directly or indirectly possess or control e. g. 10%/25% (depending on the applicable regulations) or more of an entity, have been appointed as beneficiary of e. g. 10%/25% or more of the managed assets, are a group of natural persons for whose benefit the assets shall primarily be managed or distributed, in case the natural person who shall be the beneficiary of the managed assets has not yet been determined, or exercise in any other manner a direct or indirect influence on the asset management or the distribution of earnings (in the case of a trust, this term means the settlor, the trustees, the protector [if any], the

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beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust). Here it must be noted that the term Controlling Person is interpreted differently in various countries and it is recommended to consult an expert in case of any doubts.

Entity

An entity is a legal person or a legal arrangement. A trust is also considered to be an entity.

FATCA

FATCA is an abbreviation of Foreign Account Tax Compliance Act. This US tax legislation is aimed at identifying US Persons that have an account or financial assets outside of the United States.

Foreign Financial Institution (FFI)

Pursuant to the Intergovernmental Agreement (IGA) between the United States and the respective Partner Jurisdiction, the following types of entities qualify as FFIs (legal entities domiciled in other jurisdictions than Liechtenstein are advised to consult the Final Regulations or any Intergovernmental Agreement with the United States, as applicable in each case):

- **Depository Institution:** accepts deposits in the ordinary course of banking or similar business.
- **Custodial Institution:** at least 20% of the entity's gross income is attributable to the holding of financial asset and related financial services for the account of other persons.
- **Investment Entity:** conducts as a business (or is managed by an entity that conducts as a business) one or more of the following activities or operations for or on behalf of a client:
  - 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;
  - Otherwise investing, administering or managing funds or money on behalf of other persons.
- **Specified Insurance Company:** insurance company (or the holding company of an insurance company) that issues, or is obligated to make, payments with respect to cash value insurance or annuity contracts.

Please note that certain entities such as private investment companies, family trusts, family foundations and similar arrangements may qualify as FFIs if they are professionally managed investment entities.

GIIN

The Global Intermediary Identification Number is a number assigned to a PFFI or Registered Deemed Compliant FFI. A separate GIIN will be issued to the FFI to identify each jurisdiction, including the FFI's jurisdiction of residence, in which the FFI maintains a branch that is not treated as a Limited Branch. It is anticipated that the IRS FFI list will be updated on a monthly basis to add or remove FFIs (or their branches). The GIIN may be used by an FFI to identify itself to withholding agents and tax administrations for FATCA reporting. A GIIN will be issued to only those FFIs that are not Limited FFIs, Limited Branches or US branches of an FFI and will be issued after an FFI's FATCA registration is submitted and approved.

Intergovernmental Agreement (IGA)

An agreement or arrangement between the US or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by Financial Institutions

1. to the respective foreign government or agency thereof, followed by the automatic exchange of the reported information with the IRS (Model 1); or
2. directly to the IRS in accordance with the requirements of an FFI agreement, supplemented by the exchange of information between the respective foreign government or agency thereof and the IRS (Model 2).

For a list of jurisdictions treated having an effective IGA, visit **www.irs.gov/fatca.**

Non-Participating FFI

The term "non-participating FFI" means a financial institution other than

- a financial institution that is participating according to FATCA regulations;
- a deemed-compliant FFI; or
- an exempt beneficial owner (exempted organisation).

If you are uncertain whether an entity is a non-participating FFI, please consult a tax advisor or visit **www.irs.gov/fatca.**

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Non-Reporting FFI

An entity that is established in a jurisdiction that has an effective Model 1 or Model 2 IGA and that is treated as a Non-Reporting FFI in Annex II of the applicable Model 1 or Model 2 IGA or that is otherwise treated as a deemed-compliant FFI or an exempt beneficial owner under §1.1471-5 or §1.1471-6 of the Treasury Regulations.

Participating Foreign Financial Institution (PFFI)

An FFI that (1) is registering to enter into an FFI Agreement, (2) is treated as a Reporting FI under a Model 2 IGA and that is certifying that it will comply with the terms of an FFI agreement, as modified by the terms of the applicable Model 2 IGA, or (3) is a foreign branch of a USFI that has in effect a QI Agreement and that is also agreeing to the terms of an FFI agreement, unless such branch is treated as a Reporting FI under a Model 1 IGA.

Passive assets

Passive assets are assets that produce or are held for the production of passive income.

Passive income

The term "passive income" means the portion of gross income that consists of: [6]

1. Dividends, including substitute dividend amounts; [§1.1472-1(c)(1)(iv)(A)(1)]
2. Interest; [§1.1472-1(c)(1)(iv)(A)(2)]
3. Income equivalent to interest, including substitute interest and amounts received from or with respect to a pool of insurance contracts if the amounts received depend in whole or in part upon the performance of the pool; [§1.1472-1(c)(1)(iv)(A)(3)]
4. Rents and royalties, other than rents and royalties derived in the active conduct of a trade or business conducted, at least in part, by employees of the NFFE; [§1.14721(c)(1)(iv)(A)(4)]
5. Annuities; [§1.1472-1(c)(1)(iv)(A)(5)]
6. The excess of gains over losses from the sale or exchange of property that gives rise to passive income described in paragraphs (c)(1)(iv)(A)(1) through (5) of this section; [§1.1472-1(c)(1) (iv)(A)(6)]
7. The excess of gains over losses from transactions (including futures, forwards and similar transactions) in any commodities, but not including: [§1.1472-1(c)(1)(iv)(A)(7)]
   (i) Any commodity hedging transaction described in section 954(c)(5)(A), determined by treating the entity as a controlled foreign corporation; [§1.1472-1(c)(1)(iv)(A)(7)(i)]
   (ii) Active business gains or losses from the sale of commodities, but only if substantially all the foreign entity's commodities are property described in paragraph (1), (2) or (8) of section 1221(a); [§1.1472-1(c)(1)(iv)(A)(7)(ii)]
8. The excess of foreign currency gains over foreign currency losses (as defined in section 988(b)) attributable to any section 988 transaction; [§1.1472-1(c)(1)(iv)(A)(8)]
9. Net income from notional principal contracts as defined in §1.446-3(c)(1); [§1.1472-1(c)(1) (iv)(A)(9)]
10. Amounts received under cash value insurance contracts; [§1.14721(c)(1)(iv)(A)(10)]
11. Amounts earned by an insurance company in connection with its reserves for insurance and annuity contracts; [§1.1472-1(c)(1)(iv)(A)(11)]

Passive NFFE

Passive NFFE is a non-financial entity that earns 50% or more of its gross income from passive income or 50% or more of its assets produce or are held for the production of passive income (i.e. securities, rental property held as investments, etc.).

The term "Passive NFFE" means any NFFE that is neither an Active NFFE nor a withholding foreign partnership or withholding foreign trust pursuant to relevant US Treasury Regulations.

Active NFFE

In certain circumstances – according to the regulations of a FATCA-IGA (normally in Annex I) – an Entity may qualify as Active NFFE. This could be the case for the following entities:

- certain corporations of which the stock is regularly traded on an established securities market and its subsidiaries;
- certain Holding Companies and Treasury Centers, that are part of a group of mainly NFFE;
- certain NFFE, that is in liquidation;
- certain Start-up-NFFE.

[6] Pursuant to relevant US Treasury Regulations [§1.1472-1(c)(1)(IV)(A)].

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Professionally managed

The term "professionally managed" means that another Financial Institution (FI) provides financial services on behalf of another entity or manages another entity (e. g. as a trustee, board member, director). In such cases, the entity which is professionally managed by an FI is to be treated as an FI itself and is thus subject to FATCA if no other exceptions are given.

Qualified Intermediary (QI)

A foreign financial Institution (or foreign branch of a USFI) that has entered into a qualified intermediary withholding agreement (QI Agreement) with the IRS.

Reporting FFI

An FI that is treated as a Reporting FFI under the terms of a Model 1 or Model 2 IGA that is in effect.

Sponsoring Entity

An entity that will perform the due diligence, withholding and reporting obligations of one or more sponsored investment entities or controlled foreign corporations.

Trust

The term "Trust" includes trusts, foundations and non-commercial establishments ("Anstalten") if the foundation or establishment is created for the primary purpose of protecting or conserving the property of the foundation or establishment on behalf of the beneficiaries.

Trustee

The term "trustee" also includes the members of the foundation board and the board of directors acting on behalf of a foundation or non-commercial establishment.

US TIN (US Federal Taxpayer Identification Number)

The 'Taxpayer Identification Number' (TIN), which is also known as the US Federal Taxpayer Identification Number, is used by the IRS as an identification number for tax administration purposes. This number can be requested via **www.irs.gov.**

- For residents and citizens of the United States, this number is the 'Social Security Number' (SSN). You can request a social security number using IRS form SS-5 or via **www.irs.gov.**
- Non-US individuals who are US taxpayers can request an Individual Tax Identification Number (ITIN) using IRS form W-7 or via **www.irs.gov.**
- For organizations and employers, the US TIN is the **Employer Identification Number (EIN).** This number may be requested using IRS form SS-4 or via **www.irs.gov.**

Further information on identification numbers and the process for requesting these numbers can be found at **www.irs.gov.**

EIN (Employer Identification Number)

An EIN is used by the US tax authority (IRS) as a tax identification number for employers. This number is also known as US Federal Taxpayer Identification Number (US TIN). You can request this number via **www.irs.gov** (Form SS-4).

US Financial Institution (USFI)

Financial Institution (FI) that is a resident of the United States.

Withholding Partnership

A withholding partnership is a partnership that has an agreement with the US tax authorities to withhold tax on certain payments.

Withholding Trust

A withholding trust is a trust that has an agreement with the US tax authorities to withhold tax on certain payments.

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