

## Form purpose

In order to comply with the reporting provisions commonly known as the Foreign Account Tax Compliance Act (FATCA), Financial Institutions are required to identify and report to the Internal Revenue Service (IRS) an account holder that is a United States (US) citizen or resident for tax purposes.

For advice on taxation matters please contact an accredited **and qualified** tax professional.

All entities must complete this form ☒ Tick where applicable. Use black or blue pen, and write in English using BLOCK LETTERS

## Section 1 Entity details

### 1.1 Full name of Entity

The term 'Entity' refers to a company, partnership, association, co-operative, trust or government body.

### 1.2 Principal place of business address

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb			State
Country (do not abbreviate)	Postcode/Zip		

### 1.3 Mailing address if different from above

Unit/Street Number	Street Name/Type		
Suburb			State
Country (do not abbreviate)	Postcode/Zip		

## Section 2 Entity type

### 2.1 Specify the Entity type

☐ **Foreign (Non-US) Entity**

► Go to Section 3

The term 'Foreign (Non-US) Entity' refers to a Non-US company, partnership, association, co-operative, trust or government body.

☐ **Foreign (Non-US) Financial Institution**

► Go to Section 4

The term 'Foreign (Non-US) Financial Institution' refers to a Non-US Custodial Institution, Depository Institution, an Investment Entity or a Specified Insurance Company.

☐ **US Entity**

► Go to Section 6

An entity is a 'US Entity' if it is established under the laws of the United States. A trust is considered to be a US Entity if it can be administered under the laws of the US and has any US persons with authority to control decisions concerning the trust.

## Section 3 Foreign entity

### 3.1 Is the Entity an 'Exempt Beneficial Owner' (EBO)?

By answering this question, you certify that you have read and understood the criteria for the selected status as outlined in Appendix 2 - Exempt Beneficial Owner (EBO) Certifications.

☐ Yes ☐ No ► Go to Section 3.2 for Non Financial Foreign Entity (NFFE)

Tick the applicable Exempt Beneficial Owner type below:

☐ **Foreign Government, Government of a US Possession, or Foreign Central Bank of Issue**

(Read Appendix 2, Part 1)

☐ **International Organisation**

(Read Appendix 2, Part 2)

☐ **Exempt Retirement Plans**

(Read Appendix 2, Part 3)

Specify Group 1-6 from Appendix 2, Part 3:

☐ **Entity Wholly Owned by Exempt Beneficial Owners**

(Read Appendix 2, Part 4)

You will need to provide the following supporting documents and attach copies to the back of this form:

- An owner reporting statement that contains for each owner their name, address, TIN (if any), their EBO type (choose from the EBO types listed above).
- Additional supporting documentation that confirms the entity as an EBO (refer to section 6.3 for a list of acceptable documents).

► Go to Section 7 to finalise the form

### 3.2 Specify the Non-Financial Foreign Entity type

By making a selection in this section below, you certify that you have read and understood the criteria for the selected status as outlined in Appendix 3 - Non-Financial Foreign Entity (NFFE) - Certifications

Tick the applicable Non-Financial Foreign Entity type below:

☐ **Active NFFE**

(Read Appendix 3, Part 1)

☐ **Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation**

(Read Appendix 3, Part 2)

Specify the stock market that the NFFE is regularly traded on

If Affiliate, specify the name of the Publicly Traded Corporation

► Section 3.2 continues on next page

(Section 3.2 continued)

☐ **Excepted Territory NFFE**

(Read Appendix 3, Part 3)

☐ **Excepted Non-Financial Group Entity**

(Read Appendix 3, Part 4)

☐ **Excepted Non-Financial Start-Up Company**

(Read Appendix 3, Part 5)

Specify the date the entity was formed:

\_\_\_/\_\_\_/\_\_\_ (DD/MM/YYYY)

☐ **Excepted Non-Financial Entity in Liquidation or Bankruptcy**

(Read Appendix 3, Part 6)

Specify the date the bankruptcy/liquidation was filed:

\_\_\_/\_\_\_/\_\_\_ (DD/MM/YYYY)

☐ **Direct reporting NFFE**

► Go to Section 5 to specify the GIIN

☐ **Sponsored direct reporting NFFE**

(Read Appendix 3, Part 7)

Specify the sponsoring entity name below:

☐ **Non-profit Organisation**

(Read Appendix 3, Part 8)

☐ **501(c) Organisation**

(Read Appendix 3, Part 9)

Specify the issue date of the determination letter:

\_\_\_/\_\_\_/\_\_\_ (DD/MM/YYYY)

☐ Tick if you cannot provide date for the letter. Attach a copy to the back of this form of an opinion from U.S. counsel certifying that the entity is a section 501(c) organisation (without regard to whether the entity is a foreign private foundation).

☐ **Passive NFFE**

(Read Appendix 3, Part 10)

► Go to Section 3.3

► Go to Section 7 to finalise the form

**3.3 Does the 'Passive Non-Financial Foreign Entity (NFFE)' have Substantial US Ownership from Person(s) that are US Tax Residents?**

**i What is Substantial US Ownership?**

Any individual that is a US citizen or US resident for US tax purposes (not an entity) who exercises control over the entity (whether directly or indirectly through one or more interposed entities) as listed below:

- **Company** – Shareholder with 10% or more ownership interest
- **Partnership** – Partner with 10% or more ownership of the profits or capital interests, Beneficiaries or Class of Beneficiaries, Trustees,
- **Trust** – Settlor, Protector with any % ownership interest
- **Incorporated Association or Registered Co-op** – Chairman, Treasurer and/or Secretary with any % ownership interest

☐ Yes ► Go to Section 3.4

☐ No ► Go to Section 7 to finalise the form

**3.4 Complete the name, address and US Tax Identification Number (TIN) for each Substantial US Owner.**

If there are more than two, complete additional Substantial Owners in Appendix 1 - Substantial US Owners.

**Substantial US Owner 1**

**Full name** Individuals ONLY

**Permanent residential address**

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

US Tax Identification Number (TIN)

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**Substantial US Owner 2**

**Full name** Individuals ONLY

**Permanent residential address**

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

US Tax Identification Number (TIN)

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► Go to Section 7 to finalise the form

**Section 4 Foreign Financial Institution (FFI)**

**4.1 Tick the applicable FFI type below:**

☐ **Participating FFI**

An FFI that has entered into an agreement directly with the Internal Revenue Service (IRS) in order to comply with FATCA identification and reporting obligations.

► Go to Section 5

☐ **Non-Participating FFI**

(Includes a Limited FFI and Limited Branch) An FFI that has not registered with the Internal Revenue Service (IRS) and is considered to not be participating in full compliance with the FATCA identification and reporting obligations.

► Go to Section 7

☐ **Deemed-Compliant FFI or Other**

An FFI that is deemed compliant and exempt from FATCA reporting.

► Go to Section 4.2

By making a selection in this section below you certify that you have read and understood the criteria for the selected status as outlined in Appendix 4 - Foreign Financial Institution Certifications

☐ No

(Read Appendix 4, Part 1:A-F)

Specify the country for the applicable IGA:

\_\_\_\_\_

- Specify the sponsoring entity name below:

\_\_\_\_\_

(Read Appendix 4, Part 2)

(Read Appendix 4, Part 3)

Specify Group 1 or 2 from Appendix 4, Part 3:

\_\_\_\_\_

(Read Appendix 4, Part 4)

(Read Appendix 4, Part 5)

► Go to Section 7 to finalise the form

### 5.1 Specify the GIIN for the Foreign Financial Institution (FFI)

All FFI's and Direct Reporting NFFE's are required to register with the US Internal Revenue Service (IRS) in order to comply with the FATCA identification and reporting obligations. Upon successful registration the IRS will issue the FFI with a FATCA registration status and number. The registration number is referred to as the Global Intermediary Identification Number (GIIN).

**i What if the FFI does not have a GIIN yet?**

If the FFI has applied for a GIIN but has not yet received it, then wait for your GIIN to be issued before returning this form. Do not return this form without your GIIN.

Failure to provide the GFIN will result in the FFI being classified as a Non-Participating FFI and will become reportable for FATCA.

► Go to Section 7 to finalise the form

**6.1 Is the Entity exempt from FATCA reporting?**

(Read Appendix 5)

- ☐
- No

The US Employer Identification Number (EIN) is the US Tax Identification Number (TIN) for a US Entity and is issued by the Internal Revenue Service (IRS).

► *Go to Section 7 to finalise the form*

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► *Go to Section 6.3*

***Tick which document you are providing and attach the copy to the back of this form:***

- ☐ Organisational document (such as articles of Incorporation or a trust agreement)
- ☐ Financial statement
- ☐ Third-party credit report
- ☐ Letter from a government agency
- ☐ Statement from a government website, agency, or registrar (such as a Securities and Exchange Commission (SEC) report)

► Go to Section 7 to finalise the form

**7.1 Under penalties of perjury**, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete.

I further declare under penalties of perjury that:

**Tick the declaration that applies to you:**

- ☐ *The entity named in Section 1 is not a US resident for tax purposes*

- The entity does not derive any income that is subject to US tax, **AND**
- I acknowledge that if the entity does derive income that is subject to US tax that I will complete and return a W8-BEN-E form

**OR**

- ☐ The entity named in Section 1 is a US resident for tax purposes.

- The number shown on this form is the correct Taxpayer Identification Number (TIN) for the entity. **AND**

- The entity is not subject to backup withholding because:
  - (a) The entity is exempt from backup withholding, or
  - (b) The entity has not been notified by the Internal Revenue Service (IRS) that the entity is subject to backup withholding as a result of a failure to report all interest or dividends, or
  - (c) the IRS has notified the entity that it is no longer subject to backup withholding.

**Furthermore, I declare the following:**

- I understand the selections that I have made on this form and how they apply to the entity.
- If the circumstances for the Entity or US Substantial Owner(s) change causing the information provided on this form to become incorrect, I will provide the updated information within 30 days of the change of circumstance.
- I understand that I may be required to complete this form again if I am requested to renew any FATCA supporting documentation.

**i What is 'Penalties of Perjury'?**

Signing a declaration under Penalty of Perjury means that it is possible for you as an individual to incur criminal liability in the US in the event that false or fraudulent information has been provided. For more information about the Penalty of Perjury or to obtain a W8-BEN-E form refer to the Internal Revenue Service website.

**i Who do I contact about a change of circumstance?**

Contact us at your nearest branch or by post or fax. Contact details are listed on the front of this form. We may require you to complete this form again depending on your circumstances.

**Signature of Authorised Entity Representative**

This form must be signed by an appropriate Entity Representative which may include an authorised officer or director of a company, a partner of a partnership, a trustee of a trust, an executor of an estate, or an authorised representative (verified and held by us) to act on behalf of the entity account holder.

X	DATE
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DD / MM / YYYY

**Role/Function**

**Print full name**

**Contact number**

**Please remember,** until the form has been completed and returned your account information may be reported to the local tax authority. If you are not required to pay tax in the US then the reporting of account information will not create a tax obligation for you.

**FOR BANK USE ONLY**

Reference Number
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**Privacy statement**

**Personal Information**

We collect personal information from you to process your application, provide you with your product or service, and manage your product or service. We may also use your information to comply with legislative or regulatory requirements in any jurisdiction, prevent fraud, crime or other activity that may cause harm in relation to our products or services and help us run our business. We may also use your information to tell you about products or services we think may interest you.

If you do not provide all the information we request, we may need to reject your application or we may no longer be able to provide a product or service to you.

We may disclose your personal information to other members of the Bank South Pacific, anyone we engage to do something on our behalf, rewards program administrators and other organisations that assist us with our business.

We may disclose your personal information to an entity which is located outside your Relevant Jurisdiction. Details of the countries where the overseas recipients are likely to be located are in our privacy policy.

As a provider of financial services, we have obligations to disclose some personal information to government agencies and regulators in your Relevant Jurisdiction, and in some cases offshore. We are not able to ensure that foreign government agencies or regulators will comply with the privacy laws of your Relevant Jurisdiction, although they may have their own privacy laws. By using our products or services, you consent to these disclosures.

We are required or authorised to collect personal information from you by certain laws. Details of these laws are in our privacy policy.

Our privacy policy is available on our website. It covers:

- How you can access the personal information we hold about you and ask for it to be corrected;
- How you may complain about a breach how we will deal with your complaint;
- How we collect, hold, use and disclose your personal information in more detail. We will update our privacy policy from time to time.

**Definitions**

**"We", "our", "us" means** Bank of South Pacific, BSP branch locations in Vanuatu, Cook Islands and Solomon Islands, BSP Bank of Tonga or Bank Samoa Limited (as appropriate).

**"BSP" means** Bank of South Pacific Limited and any subsidiary in which the Bank of South Pacific Limited holds more than one half of the issued share capital.

**"Relevant Jurisdiction" means (as appropriate)**

- Republic of Vanuatu;
- Cook Islands;
- Solomon Islands;
- Kingdom of Tonga; and/or
- Independent State of Samoa.

## Appendix 1 Substantial US Owners

 ONLY use this section if you have more than 2 Substantial Owners. Attach to finalised form and return to Section 6 to finalise the form

### Substantial US Owner 3

**Full name** Individuals ONLY

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**Permanent residential address**

PO Box, 'Ca re of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

**Tax Identification Number (TIN)**

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### Substantial US Owner 4

**Full name** Individuals ONLY

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**Permanent residential address**

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

**Tax Identification Number (TIN)**

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### Substantial US Owner 5

**Full name** Individuals ONLY

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**Permanent residential address**

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

**Tax Identification Number (TIN)**

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### Substantial US Owner 6

**Full name** Individuals ONLY

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**Permanent residential address**

PO Box, 'Ca re of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

**Tax Identification Number (TIN)**

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### Substantial US Owner 7

**Full name** Individuals ONLY

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**Permanent residential address**

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

**Tax Identification Number (TIN)**

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### Substantial US Owner 8

**Full name** Individuals ONLY

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**Permanent residential address**

PO Box, 'Care of' or 'hold mail' are not accepted.

Unit/Street Number	Street Name/Type		
Suburb		State/Province	
Country (do not abbreviate)		Postcode/Zip	

**Tax Identification Number (TIN)**

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## Appendix 2 Exempt Beneficial Owner (EBO) - Certifications

\* Refer to Internal Revenue Service website (<http://www.irs.gov>) where the provisions of the Regulations can be accessed.

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### Part 1 Foreign Government, Government of a U.S. Possession, or Foreign Central Bank of Issue

**An entity is a Foreign Government, Government of a U.S. Possession, or Foreign Central Bank of Issue" if it meets the below criteria:**

- The account holder and beneficial owner of the account is not engaged in commercial financial activities of a type engaged in by an insurance company, custodial institution, or depository institution with respect to the payments, accounts, or obligations for which this form is submitted (except as permitted in §1.1471-6(h)(2))\*.
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### Part 2 International Organisation

An entity is an International Organisation if it meets one of the criteria groups below:

#### Group 1

- Is an international organisation described in section 7701(a)(18)\*.
- OR Group 2
- Is comprised primarily of foreign governments;
  - Recognised as an intergovernmental or supranational organisation under a foreign law similar to the International Organisations Immunities Act;
  - The benefit of the entity's income does not inure to any private person;
  - The account holder and beneficial owner of the account is not engaged in commercial financial activities of a type engaged in by an insurance company, custodial institution, or depository institution with respect to the payments, accounts, or obligations for which this form is submitted (except as permitted in §1.1471-6(h)(2))\*.
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### Part 3 Exempt Retirement Plans

An entity is an Exempt Retirement Plan if it meets one of the criteria groups below:

#### Group 1

- Is established in a country with which the United States has an income tax treaty in force;
- Is operated principally to administer or provide pension or retirement benefits; **and**
- Is entitled to treaty benefits on income that the fund derives from U.S. sources (or would be entitled to benefits if it derived any such income) as a resident of the other country which satisfies any applicable limitation on benefits requirement.

#### OR Group 2

- Is organised for the provision of retirement, disability, or death benefits (or any combination thereof) to beneficiaries that are former employees of one or more employers in consideration for services rendered;
- No single beneficiary has a right to more than 5% of the FFI's assets;
- Subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which the fund is established or operated; **and**
- Generally exempt from tax on investment income under the laws of the country in which it is established or operates due to its status as a retirement or pension plan;
- Receives at least 50% of its total contributions from sponsoring employers (disregarding transfers of assets from other plans described in this part, retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, other retirement funds described in an applicable Model 1 or Model 2 IGA, or accounts described in §1.1471-5(b)(2)(i)(A))\*;
- Either does not permit or penalises distributions or withdrawals made before the occurrence of specified events related to retirement, disability, or death (except rollover distributions to accounts described in §1.1471-5(b)(2)(i)(A)\* (referring to retirement and pension accounts), to retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or to other retirement funds described in this part or in an applicable Model 1 or Model 2 IGA); **or**
- Limits contributions by employees to the fund by reference to earned income of the employee or may not exceed \$50,000 annually.

#### OR Group 3

- Organised for the provision of retirement, disability, or death benefits (or any combination thereof) to beneficiaries that are former employees of one or more employers in consideration for services rendered;
- Has fewer than 50 participants;
- Is sponsored by one or more employers each of which is not an investment entity or passive NFFE;
- Employee and employer contributions to the fund (disregarding transfers of assets from other plans described in this part, retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or accounts described in §1.1471-5(b)(2)(i)(A))\* are limited by reference to earned income and compensation of the employee, respectively;
- Participants that are not residents of the country in which the fund is established or operated are not entitled to more than 20 percent of the fund's assets; **and**
- Subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which the fund is established or operates.

#### OR Group 4

- Is formed pursuant to a pension plan that would meet the requirements of section 401(a), other than the requirement that the plan be funded by a trust created or organised in the United States.
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**OR Group 5**

- Is established exclusively to earn income for the benefit of one or more retirement funds described in this part or in an applicable Model 1 or Model 2 IGA, accounts described in §1.1471-5(b)(2)(i)(A)\* (referring to retirement and pension accounts), or retirement and pension accounts described in an applicable Model 1 or Model 2 IGA.

**OR Group 6**

- Is established and sponsored by a foreign government, international organisation, central bank of issue, or government of a U.S. possession (each as defined in §1.1471-6)\* or an exempt beneficial owner described in an applicable Model 1 or Model 2 IGA to provide retirement, disability, or death benefits to beneficiaries or participants that are current or former employees of the sponsor (or persons designated by such employees); **or**
- Is established and sponsored by a foreign government, international organisation, central bank of issue, or government of a U.S. possession (each as defined in §1.1471-6)\* or an exempt beneficial owner described in an applicable Model 1 or Model 2 IGA to provide retirement, disability, or death benefits to beneficiaries or participants that are not current or former employees of such sponsor, but are in consideration of personal services performed for the sponsor.

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## **Part 4 Entity Wholly Owned by Exempt Beneficial Owners**

**An entity is Wholly Owned by Exempt Beneficial Owners if it meets the criteria below:**

- Is a FFI solely because it is an investment entity;
- Each direct holder of an equity interest in the investment entity is an exempt beneficial owner described in §1.1471-6\* or in an applicable Model 1 or Model 2 IGA;
- Each direct holder of a debt interest in the investment entity is either a depository institution (with respect to a loan made to such entity) or an exempt beneficial owner described in §1.1471-6\* or an applicable Model 1 or Model 2 IGA;
- Has provided an owner reporting statement that contains the name, address, TIN (if any), type of Exempt Beneficial Owner; **and**
- Has provided documentation establishing that every owner of the entity is an entity described in §1.1471-6(b), (c), (d), (e), (f) and/or (g)\* without regard to whether such owners are beneficial owners.



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## Appendix 3 Non-Financial Foreign Entity (NFFE) - Certifications


\* Refer to Internal Revenue Service website (<http://www.irs.gov>) where the provisions of the Regulations can be accessed.

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### Part 1 Active NFFE

An entity is an Active NFFE if it meets the criteria below:

- Is a foreign entity that is not a financial institution;
- Less than 50% of such entity's gross income for the preceding calendar year is passive income; **and**
- Less than 50% of the assets held by such entity are assets that produce or are held for the production of passive income (calculated as a weighted average of the percentage of passive assets measured quarterly) (see instructions for the definition of passive income).

 Passive income is generally income that is not derived from the conduct of an Active business activity. It may include dividend, rent or interest income.

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### Part 2 Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation

An entity is a Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation if it meets one of the criteria groups below:

#### Group 1

- Is a foreign corporation that is not a financial institution; **and**
- The stock of such corporation is regularly traded on one or more established securities markets.

#### OR Group 2

- Is a foreign corporation that is not a financial institution;
  - Is a member of the same expanded affiliated group as an entity the stock of which is regularly traded on an established securities market.
- 

### Part 3 Excepted Territory NFFE

An entity is an Excepted Territory NFFE if it meets the criteria below:

- Is organised in a possession of the United States;
  - Does not accept deposits in the ordinary course of a banking or similar business,
  - Does not hold, as a substantial portion of its business, financial assets for the account of others, **or**
  - Is not an insurance company (or the holding company of an insurance company) that issues or is obligated to make payments with respect to a financial account; **and**
  - All of the owners of the entity are bona fide residents of the possession in which the NFFE is organised or incorporated.
- 

### Part 4 Excepted Non-Financial Group Entity

An entity is an Excepted Non-Financial Group Entity if it meets the criteria below:

- Is a holding company, treasury center, or captive finance company and substantially all of the entity's activities are functions described in §1.1471-5(e)(5)(i)(C) through (E)\*;
  - Is a member of a Non-Financial group described in §1.1471-5(e)(5)(i)(B)\*;
  - Is not a depository or custodial institution (other than for members of the entity's expanded affiliated group); **and**
  - Does not function (or hold itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle with an investment strategy to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes.
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### Part 5 Excepted Non-Financial Start-Up Company

An entity is an Excepted Non-Financial Start-Up Company if it meets the criteria below:

- Is not yet operating a business and has no prior operating history or is investing capital in assets with the intent to operate a new line of business other than that of a financial institution or passive NFFE;
  - Is investing capital into assets with the intent to operate a business other than that of a financial institution; **and**
  - Does not function (or hold 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.
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### Part 6 Excepted Non-Financial Entity in Liquidation or Bankruptcy

An entity is an Excepted Non-Financial Entity in liquidation or Bankruptcy if it meets the criteria below:

- Filed a plan of liquidation, filed a plan of reorganisation, or filed for bankruptcy;
  - During the past 5 years has not been engaged in business as a financial institution or acted as a passive NFFE;
  - Is either liquidating or emerging from a reorganisation or bankruptcy with the intent to continue or recommence operations as a Non-Financial entity; **and**
  - Has, or will provide, documentary evidence such as a bankruptcy filing or other public documentation that supports its claim if it remains in bankruptcy or liquidation for more than three years.
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## Part 7 Sponsored Direct Reporting NFFE

**An entity is a Sponsored Direct Reporting NFFE if it meets the criteria below:**

- Is a direct reporting NFFE that is sponsored by another entity
- 

## Part 8 Non-Profit Organisation

**An entity is a Non-Profit Organisation if it meets the criteria below:**

- Is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural or educational purposes;
  - Is exempt from income tax in its country of residence;
  - 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 organisation that escheats to the government of the entity's country of residence or any political subdivision thereof.
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## Part 9 501(c) Organisation


**An entity is a 501(c) Organisation if it meets the criteria below:**

- Has been issued a determination letter from the IRS that is currently in effect concluding that the payee is a section 501(c) organisation; or
  - Has or will provide a copy of an opinion from U.S. counsel certifying that the payee is a section 501(c) organisation (without regard to whether the payee is a foreign private foundation).
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## Part 10 Passive NFFE

**An entity is a Passive NFFE if it meets the criteria below:**

A foreign entity that is not a financial institution (other than an investment entity organised in a possession of the United States) and is not certifying its status as a publicly traded NFFE (or affiliate), excepted territory NFFE, or active NFFE.

-  A 'Passive' NFFE is when >50% of gross income for the preceding year is passive income and >50% of assets held for the preceding year produced passive income. Passive income is generally income that is not derived from the conduct of an Active business activity.

*An example of a Passive NFFE can be a family trust that derives dividends and/or income from a portfolio of equities and/or property.*

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## Appendix 4 Foreign Financial Institution (FFI) - Certifications

\* Refer to Internal Revenue Service website (<http://www.irs.gov>) where the provisions of the Regulations can be accessed.

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### Part 1 Certified Deemed-Compliant

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#### A) Non-Reporting Intergovernmental Agreement (IGA) FFI

**An entity is a Non-Reporting Intergovernmental Agreement FFI if it meets the below criteria:**

- Meets the requirements to be considered a Non-reporting financial institution pursuant to an applicable IGA between the United States and other country as applicable to the FFI.
- 

#### B) Nonregistering Local Bank

**An entity is a Certified Deemed-Compliant Nonregistering local Bank if it meets the below criteria:**

- Operates and is licensed solely as a bank or credit union (or similar cooperative credit organisation operated without profit) in its country of incorporation or organisation;
  - Engages primarily in the business of receiving deposits from and making loans to, with respect to a bank, retail customers unrelated to such bank and, with respect to a credit union or similar cooperative credit organisation, members, provided that no member has a greater than five percent interest in such credit union or cooperative credit organisation;
  - Does not solicit account holders outside its country of organisation;
  - Has no fixed place of business outside such country (for this purpose, a fixed place of business does not include a location that is not advertised to the public and from which the FFI performs solely administrative support functions);
  - Has no more than \$175 million in assets on its balance sheet and, if it is a member of an expanded affiliated group, the group has no more than \$500 million in total assets on its consolidated or combined balance sheets; **and**
  - Does not have any member of its expanded affiliated group that is a foreign financial institution, other than a foreign financial institution that is incorporated or organised in the same country as the FFI and that meets the requirements set forth in this Part.
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#### C) FFI with Only Low-Value Accounts

**An entity is a Certified Deemed-Compliant FFI with Only low-Value Accounts if it meets the below criteria:**

- Is not engaged primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, notional principal contracts, insurance or annuity contracts, or any interest (including a futures or forward contract or option) in such security, partnership interest, commodity, notional principal contract, insurance contract or annuity contract;
  - No financial account maintained by the FFI or any member of its expanded affiliated group, if any, has a balance or value in excess of \$50,000 (as determined after applying applicable account aggregation rules); **and**
  - Neither the FFI nor the entire expanded affiliated group, if any, of the FFI, have more than \$50 million in assets on its consolidated or combined balance sheet as of the end of its most recent accounting year.
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#### D) Limited Life Debt Investment Entity

**An entity is a Certified Deemed-Compliant limited life Debt Investment Entity if it meets the below criteria:**

- Was in existence as of January 17, 2013;
  - Issued all classes of its debt or equity interests to investors on or before January 17, 2013, pursuant to a trust indenture or similar agreement; **and**
  - Is certified deemed-compliant because it satisfies the requirements to be treated as a limited life debt investment entity (such as the restrictions with respect to its assets and other requirements under § 1.1471-5(f)(2)(iv))\*.
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#### E) Investment Advisors and Investment Managers

**An entity is a Certified Deemed-Compliant Investment Advisors and Investment Managers if it meets the below criteria:**

- Is a financial institution solely because it is an investment entity described in §1.1471-5(e)(4)(i)(A)\*; **and**
  - Does not maintain financial accounts.
- 

#### F) Sponsored, Closely Held Investment Vehicle

**An entity is a Certified Deemed-Compliant Sponsored, Closely Held Investment Vehicle if it meets the below criteria:**

- Is a FFI solely because it is an investment entity described in §1.1471-5(e)(4)\*;
- Is not a Qualified Intermediary (QI), Withholding Foreign Partnership (WP), or Withholding Foreign Trust (WT);
- Has a contractual relationship with the sponsoring entity that agrees to fulfil all due diligence, withholding, and reporting responsibilities of a participating FFI on behalf of this entity; **and**
- Twenty or fewer individuals own all of the debt and equity interests in the entity (disregarding debt interests owned by U.S. financial institutions, participating FFIs, registered deemed-compliant FFIs, and certified deemed-compliant FFIs and equity interests owned by an entity if that entity owns 100 percent of the equity interests in the FFI and is itself a sponsored FFI).

## Part 2 Territory Financial Institution

- Is a financial institution (other than an investment entity) that is incorporated or organised under the laws of a possession of the United States.
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## Part 3 Restricted Distributor

**An entity is a Restricted Distributor if it meets the below criteria:**

- Operates as a distributor with respect to debt or equity interests of the restricted fund with respect to which this form is furnished;
- Provides investment services to at least 30 customers unrelated to each other and less than half of its customers are related to each other;
- Is required to perform AML due diligence procedures under the anti-money laundering laws of its country of organisation (which is an FATF-compliant jurisdiction);
- Operates solely in its country of incorporation or organisation, has no fixed place of business outside of that country, and has the same country of incorporation or organisation as all members of its affiliated group, if any;
- Does not solicit customers outside its country of incorporation or organisation;
- Has no more than \$175 million in total assets under management and no more than \$7 million in gross revenue on its income statement for the most recent accounting year;
- Not a member of an expanded affiliated group that has more than \$500 million in total assets under management or more than \$20 million in gross revenue for its most recent accounting year on a combined or consolidated income statement; and
- Does not distribute any debt or securities of the restricted fund to specified U.S. persons, passive NFFEs with one or more substantial U.S. owners, or nonparticipating FFIs.

**In addition, the entity as a restricted distributor meets one of the following conditions from group 1 and group 2 below with respect to all sales of debt or equity interests in the restricted fund made after December 31, 2011:**

### Group 1

Has been bound by a distribution agreement that contained a general prohibition on the sale of debt or securities to U.S. entities and U.S. resident individuals and is currently bound by a distribution agreement that contains a prohibition of the sale of debt or securities to any specified U.S. person, passive NFFE with one or more substantial U.S. owners, or non-participating FFI.

### OR Group 2

Is currently bound by a distribution agreement that contains a prohibition on the sale of debt or securities to any specified U.S. person, passive NFFE with one or more substantial U.S. owners, or nonparticipating FFI and, for all sales made prior to the time that such a restriction was included in its distribution agreement, has reviewed all accounts related to such sales in accordance with the procedures identified in §1.1471-4(c)\* applicable to pre-existing accounts and has redeemed or retired any, or caused the restricted fund to transfer the securities to a distributor that is a participating FFI or reporting Model 1 FFI securities which were sold to specified U.S. persons, passive NFFEs with one or more substantial U.S. owners, or nonparticipating FFIs.

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## Part 4 Sponsored FFI that has not obtained a GIIN

**An entity is a Sponsored FFI that has not obtained a GIIN if it meets one of the criteria groups below:**

### Group 1

- Is a 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 agreed with the sponsoring entity (that is not a nonparticipating FFI) to act as the sponsoring entity for this entity.

### OR Group 2

- Is a controlled foreign corporation as defined in section 957(a)\*;
  - Is not a Qualified Intermediary (QI), Withholding Foreign Partnership (WP), or Withholding Foreign Trust (WT);
  - Is wholly owned, directly or indirectly, by the U.S. financial institution identified above that agrees to act as the sponsoring entity for this entity; **and**
  - Shares a common electronic account system with the sponsoring entity (identified above) that enables the sponsoring entity to identify all account holders and payees of the entity and to access all account and customer information maintained by the entity including, but not limited to, customer identification information, customer documentation, account balance, and all payments made to account holders or payees.
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## Part 5

**An entity is an Excepted Inter-Affiliate FFI it meets the criteria below:**

- Is a member of an expanded affiliated group;
  - Does not maintain financial accounts (other than accounts maintained for members of its expanded affiliated group);
  - Does not make withholdable payments to any person other than to members of its expanded affiliated group that are not limited FFIs or limited branches;
  - Does not hold an account (other than a depository account in the country in which the entity is operating to pay for expenses) with or receive payments from any withholding agent other than a member of its expanded affiliated group; **and**
  - Has not agreed to report under §1.1471-4(d)(2)(ii)(C)\* or otherwise act as an agent for chapter 4 purposes on behalf of any financial institution, including a member of its expanded affiliated group.
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## Appendix 5 US Entity FATCA Exemptions

*\* Refer to Internal Revenue Service website (<http://www.irs.gov>) where the provisions of the Regulations can be accessed.*

1. An organisation exempt from tax under section 501(a)\*, or any individual retirement plan as defined in section 7701(a)(37)\*;
2. The United States or any of its agencies or instrumentalities;
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions, agencies, or instrumentalities;
4. A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)\*;
5. A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)\*;
6. 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;
7. A real estate investment trust;
8. A regulated investment company as defined in section 851\* or an entity registered at all times during the tax year under the Investment Company Act of 1940;
9. A common trust fund as defined in section 584(a)\*;
10. A bank as defined in section 581\*;
11. A broker; or
12. A trust exempt from tax under section 664\* or described in section 4947\*.
13. A tax-exempt trust under a section 403(b)\* plan or section 457(g)\* plan.