

We have a legal requirement to identify the purpose of an account and if the money that will be held within it is being deposited on behalf of a third party (e.g. another person(s) or entities/organisations).

We're unable to open a new or additional account if we do not have the information requested below. Do not complete this form if you are a Sole Trader applying to open an account.

This is a supporting form to the Account Opening Form. **Please note** – when filling out this form please use the tab and arrow keys to move between the relevant fields. Ensure you do **not** use the return or enter keys.

Guidance
For completion by the Account Holder

Only section 1 is required if question 1 is answered 'No', or if questions 2 or 3 are answered 'Yes'. Question 5 will also require signing.

For completion by the third party whose money is being held in the account

The appropriate sections from 2 onwards will only require completing if Question 4 in Section 1 has been completed, with Question 5 having been signed by the Account Holder.

There is also a Support and Guidance page at www.rbs.co.uk/taxresidency

Customer name

Underlying client name

1. Purpose of the account – must be completed by the Account Holder
2. Third party (Individual) tax self certification

| Question 1 | Yes – tick below | No |
|---|--------------------------|--------------------------|
| Is the purpose of the account to hold money on behalf of a third party/parties? (a third party would be one or more people and/or entities that are not connected to the running/ownership of the entity that is opening the account) | <input type="checkbox"/> | <input type="checkbox"/> |
| Next Step | Go to Q2 | Go to Q5 |

| Question 2 | Yes – tick below | No |
|--|--------------------------|--------------------------|
| Is the account holding the money on behalf of a third party, for one or more of the following purposes? <ul style="list-style-type: none"> • a court order, judgement or other legal matter • a sale, exchange, or lease of real or personal property where it also meets the following conditions: <ul style="list-style-type: none"> – The account holds only the monies appropriate to secure an obligation of one of the parties directly related to the transaction, or a similar payment, or with a financial asset that is deposited in the account in connection with the transaction. – The account is established and used solely to secure the obligation of the parties to the transaction. – The assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the parties when the transaction is completed. – The account is not a margin or similar account established in connection with a sale or exchange of a financial asset. | <input type="checkbox"/> | <input type="checkbox"/> |
| Next Step | Go to Q5 | Go to Q3 |

| Question 3 | Yes – tick below | No |
|--|--------------------------|--------------------------|
| Is the account holding the money on a pooled basis? (e.g. a Client Account, where a number of third parties' money is being held in the one account) | <input type="checkbox"/> | <input type="checkbox"/> |
| Next Step | Go to Q5 | Go to Q4 |

| Question 4 | Yes – tick A or B | |
|---|--|--|
| We require further information on the third party; follow the instructions below: <ul style="list-style-type: none"> • Individual person or Sole Trader • Entity/Organisation | A) If the third party is an Individual/Sole Trader, they must complete Sections 2 and 5 of the form below <input style="float: right;" type="checkbox"/> | |
| | B) If the third party is an Entity/Organisation, they must complete Sections 3 and 5 of the form below <input style="float: right;" type="checkbox"/> | |
| | A form is required for each person/entity whose money is being held. | |
| Next Step | Go to Q5 | |

| Question 5 | Sign and Date: |
|---|---|
| Account Holder – sign in accordance with the mandate to confirm the information provided above is correct. | <div style="border: 1px solid black; height: 60px; width: 100%; margin-bottom: 10px;"></div> Date (DD/MM/YYYY) <input style="width: 100px;" type="text"/> |

To be completed by the third party if they are an Individual/Sole Trader.

Section 2 can **only** be completed by the third party whose money is being held in the account.

Under tax legislation, we may be required to share this information with the local tax authority. This information can include name, address, tax number(s), account number(s), gross amount on interest paid/received and the balance or value of the account(s). The organisation responsible for processing your personal and financial information is Royal Bank of Scotland plc, a member of The Royal Bank of Scotland Group ("RBS").

| | | | | | | |
|---|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|----------------------|
| Title | Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other <input type="checkbox"/> | <input type="text"/> |
| First name | <input type="text"/> | | | | | (Please specify) |
| Surname | <input type="text"/> | | | | | |
| Permanent residential address | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | |
| Postcode | <input type="text"/> | <input type="text"/> | | | | |
| Mailing address (if different to permanent address) | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | |
| Postcode | <input type="text"/> | <input type="text"/> | | | | |
| Date of Birth (DD/MM/YYYY) | <input type="text"/> | | | | | |
| Place of birth | <input type="text"/> | | | | | |
| Country of birth | <input type="text"/> | | | | | |

Tax residency information

This section is to determine which country or countries you have been a tax resident or citizen of in the last calendar year.

Please list below:

- All countries where, for the purposes of taxation, you are a tax resident or a citizen
- Your Tax Identification Number (TIN) in each country (or initial to indicate a TIN is unavailable). For example this might be your National Insurance number or Social Security Number. Please visit www.rbs.co.uk/taxresidency for further information and guidance

In which country/countries are you a tax resident?

| Country | Tax Number/TIN | TIN not issued |
|----------------------|----------------------|--------------------------|
| <input type="text"/> | <input type="text"/> | <input type="checkbox"/> |
| <input type="text"/> | <input type="text"/> | <input type="checkbox"/> |
| <input type="text"/> | <input type="text"/> | <input type="checkbox"/> |
| <input type="text"/> | <input type="text"/> | <input type="checkbox"/> |

What is your Tax Number (e.g. National Insurance)?

3. Third party (Entity) tax self certification

To be completed by the third party if they are an Entity/Organisation.

Section 3 can only be completed by the third party whose money is being held in the account.

Under tax legislation, we may be required to share this information with the local tax authority. This information can include name, address, tax number(s), account number(s), gross amount on interest paid/received and the balance or value of the account(s). The organisation responsible for processing your personal and financial information is Royal Bank of Scotland plc, a member of The Royal Bank of Scotland Group ("RBS").

If you are unsure on any of the questions below, please refer to the Support & Guidance page on www.rbs.co.uk/taxresidency. If you're in any doubt, please seek independent tax advice.

| | |
|--|----------------------|
| Name of Entity | <input type="text"/> |
| Permanent address | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text"/> |
| Postcode | <input type="text"/> |
| | <input type="text"/> |
| Mailing address (if different to permanent address) | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text"/> |
| Postcode | <input type="text"/> |
| | <input type="text"/> |
| Country of incorporation | <input type="text"/> |
| In which country are you tax resident? | <input type="text"/> |
| What is your Tax Number (e.g. Employer Identification Number, Unique Business reference, Corporation Tax)? | <input type="text"/> |

Please complete sections 3.1 and 3.2

3.1 FATCA information

| Question 1 | Yes – A or B | No |
|--|---|--------------------------|
| Is the Entity incorporated/organised in the USA? | A) Specified US Person Tax Identification Number: <input type="checkbox"/> <input type="text"/> | <input type="checkbox"/> |
| | B) Other US Person Tax Identification Number: <input type="checkbox"/> <input type="text"/> | |
| Next Step | Select A or B then go to Section 3.2 | Go to Q2 |

| Question 2 | Yes – tick A or B | No |
|--|---|--------------------------|
| <p>Is the Entity a Foreign Financial Institution (FFI)? An FFI is a non US financial institution. For help please refer to the Support and Guidance section at: www.rbs.co.uk/taxresidency</p> | <p>A) FFI – Provide your GIIN below <input type="checkbox"/></p> <p>B) Sponsored FFI – Provide your Sponsoring FFI’s GIIN below <input type="checkbox"/></p> <p>Enter the GIIN <input type="text"/></p> <p>If you cannot provide a GIIN, please detail why</p> | <input type="checkbox"/> |
| Next Step | Select A or B then go to Section 3.2 | Go to Q3 |

| Question 3 | Yes – tick below | No |
|---|--------------------------|--------------------------|
| <p>Is the Entity an Active Non Financial Foreign Entity (NFFE)? For help please refer to the Support and Guidance section at: www.rbs.co.uk/taxresidency</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| Next Step | Go to Section 3.2 | Go to Q4 |

| Question 4 | Yes – tick below | No |
|---|----------------------------|--------------------------|
| <p>Is the Entity a Passive Non Financial Foreign Entity (NFFE)? For help please refer to the Support and Guidance section at: www.rbs.co.uk/taxresidency</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| Next Step | Go to Sections 3.2 and 3.3 | Go to Q5 |

| Question 5 | Yes – specify the full name of the status below |
|--|---|
| <p>Is the Entity another Tax Status classification under FATCA? If you’re in any doubt we recommend you get independent tax advice to help you complete the form accurately.</p> | |
| Next Step | You are unable to open an account without providing the Entity’s Tax Status |

3.2 Common Reporting Standards information

| Question 1 | Yes – tick A, B or C | No |
|---|--|--------------------------|
| Is the Entity a Financial Institution or Investment Entity? For help please refer to the Support and Guidance section at: www.rbs.co.uk/taxresidency | A) Investment Entity located in a Non Participating Jurisdiction and managed by another Financial Institution <input type="checkbox"/> | <input type="checkbox"/> |
| | B) Other Investment Entity <input type="checkbox"/> | |
| | C) Other Financial Institution, including Depository, Custodial or Specified Insurance Company <input type="checkbox"/> | |
| Next Step | For answer A go to Section 3.3 For answers B and C go to Section 4 | Go to Q2 |

| Question 2 | Yes – tick A, B, C or D | No |
|---|---|--------------------------|
| Is the Entity a an Active Non Financial Entity (NFE)? For help please refer to the Support and Guidance section at: www.rbs.co.uk/taxresidency | A) The stock of the entity (or an affiliated entity) is regularly traded on an established securities market <input type="checkbox"/> | <input type="checkbox"/> |
| | B) Other Investment Entity <input type="checkbox"/> | |
| | C) The entity is an International Organisation <input type="checkbox"/> | |
| | D) The entity is an Active NFE which is none of the above <input type="checkbox"/> | |
| Next Step | Go to Section 4 | Go to Q3 |

| Question 3 | Yes – tick below |
|---|--------------------------|
| Is the Entity a Passive Non Financial Entity (NFE)? For help please refer to the Support and Guidance section at: www.rbs.co.uk/taxresidency | <input type="checkbox"/> |
| Next Step | Go to Section 3.3 |

3.3 Controlling persons of the Entity/Organisation

Only complete this section if you have answered 'Yes' to being a Passive NFFE (Section 3.1, Q4), a Passive NFE (Section 3.2, Q3) or an Investment Entity in a Non Participating jurisdiction (Section 3.2, Q1A).

Please provide details of each controlling person. If you need more space please continue on a separate sheet, sign and date it and attach to this form.

| | |
|----------------------------------|--|
| Full name | <input type="text"/> |
| Date of Birth (DD/MM/YYYY) | <input type="text"/> |
| Permanent residential address | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| Postcode | <input type="text"/> <input type="text"/> |

| | |
|---------------------------------|-----------------------|
| Country of tax residency | Tax Number/TIN |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |

| | |
|----------------------------------|--|
| Full name | <input type="text"/> |
| Date of Birth (DD/MM/YYYY) | <input type="text"/> |
| Permanent residential address | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| Postcode | <input type="text"/> <input type="text"/> |

| | |
|---------------------------------|-----------------------|
| Country of tax residency | Tax Number/TIN |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |

| | |
|----------------------------------|--|
| Full name | <input type="text"/> |
| Date of Birth (DD/MM/YYYY) | <input type="text"/> |
| Permanent residential address | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| Postcode | <input type="text"/> <input type="text"/> |

Country of tax residency

Tax Number/TIN

Full name

Date of Birth
(DD/MM/YYYY)

Permanent residential
address

Postcode

Country of tax residency

Tax Number/TIN

4. Privacy Notice

- The organisation responsible for processing your personal and financial information is Royal Bank of Scotland plc, a member of The Royal Bank of Scotland Group (“**RBS**”).
- The Bank may be required to disclose certain information to regulators, government bodies and similar organisations around the world, including the name, address, tax number, account number(s), total gross amount of interest paid or credited to the account and the balance or value of the account(s) of our customers to HM Revenue and Customs (“**HMRC**”). HMRC may exchange this information with other countries’ tax authorities and such exchange may be made outside of the European Economic Area.
- Please note that: (i) the Bank shall only process and transfer personal data as collected pursuant to this form or such other relevant account details for the purposes as set out in this form; (ii) the Bank shall ensure appropriate technical and organisational security measures will be taken to prevent unauthorised or unlawful processing, accidental loss of or destruction or damage to such personal data; and (iii) any personal data which is collected, stored or transferred by the Bank shall be subject to the Bank’s Privacy Policy.

5. Declarations

The following Declarations must be given by the underlying client of the account holder, i.e. the Individual/Entity whose money is held in the account.

1. I authorise the Bank to provide, directly or indirectly, to any relevant tax authorities or any party authorised to audit or conduct a similar control of the Bank for tax purposes, a copy of this form and to disclose to such tax authorities or such party any additional information that the Bank may have in its possession that is relevant to my qualification for any benefits claimed on the basis of this declaration. I acknowledge and agree that information contained in this form, information regarding me that the Bank may have in its possession, and information regarding the account(s), and income paid or credited to or for the benefit of the account(s) maintained by the Bank and held, solely or jointly, by the non-Financial Intermediary may be reported to the tax authorities of the country in which such income arises and that those tax authorities may provide the information to the country or countries in which I am a tax resident. I further acknowledge that such transfer may be outside of the European Economic Area.
2. I authorise the Bank to provide, directly or indirectly, a copy of this form and any information regarding me that the Bank may have in its possession, and information regarding the account(s) and income paid or credited to or for the benefit of the account(s) maintained by the Bank and held, solely or jointly, by the non-Financial Intermediary to: (i) any person that has control, receipt, or custody of income to which this form relates; (ii) any person that can disburse or make payments of income to which this form relates; or (iii) any party authorised to audit or conduct a similar control of aforementioned persons for tax purposes. I further acknowledge that such transfer may be outside of the European Economic Area.
3. I undertake to advise the Bank promptly of any change in circumstances which causes the information contained herein to become incorrect and to provide the Bank with a suitably updated declaration within 30 days of such change in circumstances.
4. I certify that I am the owner of the income and assets associated with the relevant account(s) maintained by the non-Financial Intermediary with the Bank to which this form relates.
5. I confirm that I consent to: (i) provide such personal data in relation to these individuals to the Bank for the purposes as set out in this form; and (ii) permit the Bank to provide, directly or indirectly, such personal data to any relevant tax authority or any party authorised to audit or conduct a similar control of the Bank for tax purposes, whether or not such tax authority is located within the European Economic Area.

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

Signature

Full name _____

Date (DD/MM/YYYY) _____

Please note that these supporting notes are a selection of the common definitions and are for reference purposes only. Please refer to: www.rbs.co.uk/taxresidency for a full glossary of definitions.

The definitions are taken from the regulations, and some of the terms used are very technical in nature. If you are in any doubt, we recommend you seek independent tax advice to help you complete the form accurately.

This section of the form does not require returning.

Section 3.1 Q1. Is the entity incorporated/organised in the USA?

A US Person Including Specified and Other

A US person means:

- An individual who is a US citizen or US resident alien
- A partnership, corporation, company, or association created or organised in the US or under the laws of the US
- An estate (other than a foreign estate), or
- A domestic trust

The term 'Specified US person' means any US person (definition above) other than:

- a) a corporation the stock of which is regularly traded on one or more established securities markets for a calendar year;
- b) any corporation which is a member of the same expanded affiliated group as a corporation the stock of which is regularly traded on one or more established securities markets for the calendar year;
- c) any entity exempt from taxation under US federal tax law or an individual retirement plan;
- d) the United States or any wholly owned agency or instrumentality thereof;
- e) any state, the District of Columbia, any US territory, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing;
- f) any bank incorporated and doing business under the laws of the United States (including laws relating to the District of Columbia) or of any state thereof;
- g) any real estate investment trust;
- h) any regulated investment company, or any entity registered with the Securities Exchange Commission under the Investment Company Act of 1940;
- i) any common trust fund;
- j) any trust that is exempt from tax or is deemed a charitable trust;
- k) a dealer in securities, commodities, or derivative financial instruments that is registered as such under the laws of the United States or any state;
- l) a broker;
- m) any tax exempt trust under a tax exempt or public school annuity plan or governmental plan.

An 'Other US Person' is:

The term Other US Person should be taken to mean a US Person who does not meet the definition of a Specified US Person, as set out above (i.e. any US Person meeting the criteria set out in points (a) to (m) above).

Section 3.1 Q2. Is the entity a Foreign Financial Institution?

A Foreign Financial Institution

An FFI is an entity that is a non US financial institution. For these purposes, a foreign financial institution is any entity that:

- Accepts deposits in the ordinary course of a banking or similar business;
- Holds the 'financial assets' of others as a 'substantial portion' of its business;
- Engages (or holds itself out as being engaged) primarily in the business of 'investing, reinvesting or trading in securities, partnership interests, commodities,' or interests in the above or
- Certain insurance companies that issue or are obligated to make payments with respect to financial accounts, which include certain cash value insurance contracts and annuity contracts.

- Examples are one or more of the following: depository institution, custodian institution, investment entity, specified insurance company or holding company and treasury centre of a financial group.

Deemed Compliant Foreign Financial Institution

There are two types:

- Registered deemed-compliant – an FFI that registers with the USA to declare its status. Includes certain local banks, non-reporting members of participating FFI groups, qualified collective investment vehicles, restricted funds, and FFIs that comply with FATCA requirements under an agreement between the US and the Government of a Participating Country.
- Certified deemed-compliant – an FFI that is not required to register with the USA and certifies its status by providing a withholding agent with a valid Form W-8. Includes non-registered local banks, retirement plans, non-profit organisations, FFIs with only low-value accounts, and certain owner-documented FFIs.

Excepted Foreign Financial Institution

Entities which are excluded from the FFI definition including:

- Holding companies engaged in non-FI business
- Start-up companies for non-financial business
- Liquidating or reorganising non-financial entities
- Group hedge/financial company which is non-financial and restricted to affiliates
- Organised in US Territory

Sponsored FFI

An entity would be considered a Sponsored FFI if it is an investment entity that has an agreement with a Sponsoring Entity.

The term Sponsored FFI Group means a group of Sponsored FFIs that share the same Sponsoring Entity.

A Sponsoring Entity is an entity that is authorised to act on behalf of an FFI (the Sponsored FFI) to fulfil the requirements of an FFI Agreement; has registered with the IRS as a Sponsoring Entity and agrees to perform on behalf of the Sponsored FFI all of the due diligence, withholding, reporting, and other requirements that the Sponsored FFI would have been required to perform.

Global Intermediary Identification Number (GIIN)

- As a Foreign Financial Institution you may have multiple GIINs – the GIIN we would like you to share is the one relevant to the account you have been contacted about. The GIIN is 19 alphanumeric characters long.
- The IRS FFI list is 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 FIs that are not Limited FIs, limited branches, or US branches of an FFI, and will be issued after an FFI's FATCA registration is submitted and approved (or their branches).

Section 3.1 Q3. Is the Entity an Active Non Financial Foreign Entity (NFFE)?

Non-Financial Foreign Entities (NFFEs)

An NFFE is any non-US entity that is not treated as a Financial Institution. An NFFE will either be an Active NFFE or a Passive NFFE.

Criteria for determining an Active NFFE

An Active NFFE is defined as any NFFE that meets **ONE** of the following criteria:

- Less than 50 per cent of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50 per cent of the assets held by the NFFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.
- The stock of the NFFE is regularly traded on an established securities market or the NFFE is a Related Entity of an Entity, the stock of which is traded on an established securities market. See Section 3.10 for how this should be applied under the Agreement.
- The NFFE is organised in a US Territory and all of the owners of the payee are bona fide residents of that US Territory. The definition of US Territory is set out at Article 1 (1) (b) of the Agreement.
- The NFFE is a non-US Government, a political subdivision of such non-US Government (which, for the avoidance of doubt, includes a state, province, county, or municipality), or a public body performing a function of such non-US Government or a political subdivision thereof, a government of a US Territory, an international organisation, a non-US central bank of issue, or an entity wholly owned by one or more of the foregoing.
- Substantially all of the activities of the NFFE consist of holding (in whole or in part) the outstanding stock of, or providing

financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution. However the entity **will not qualify as an Active NFFE** if it functions (or holds itself out to be) an investment fund, such as a Private Equity Fund, Venture Capital Fund, Leveraged Buyout Fund or any Investment Vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes. In these circumstances the entity will be a passive NFFE.

- The NFFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution; provided that the NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFFE.
- The NFFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets, or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution.
- The NFFE primarily engages in financing and hedging transactions with, or for related entities that are not Financial Institutions, and does not provide financing or hedging services to any entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution.
- The NFFE is an 'Excepted NFFE' (excluding Direct Reporting NFFEs and sponsored Direct Reporting NFFEs) as described in relevant US Treasury Regulations; **or**
- The NFFE meets **all** of the following requirements:
 - 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;
 - It is exempt from income tax in its country of residence;
 - It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
 - The applicable laws of the entity's country of residence or the entity's formation documents do not permit any income or assets of the entity to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of the entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the entity has purchased; and
 - 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 a governmental entity or other non-profit organisation, or escheat to the government of the entity's country of residence or any political subdivision thereof.

Passive Income

The term 'passive income' means the portion of gross income that consists of:

1. Dividends, including substitute dividend amounts;
2. Interest;
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 part upon the performance of the pool;
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;
5. Annuities;
6. The excess of gains over losses from the sale or exchange of property that gives rise to passive income described in items 1 to 5;
7. The excess of gains over losses from transactions (including futures, forwards, and similar transactions) in any commodities, but not including:
 - (i) Any commodity hedging transaction described in section 954(c)(5)(A) of the US Revenue Code, determined by treating the entity as a controlled foreign corporation; or
 - (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) of the US Revenue Code;
8. The excess of foreign currency gains over foreign currency losses;
9. Net income from 'notional principle contracts'. These are financial instruments that provide for the payment of amounts by one party to another at specified intervals calculated by reference to a specified index upon a notional principal amount in exchange for specified consideration or a promise to pay similar amounts (NB: in the UK this would normally be a swap);

10. Amounts received under cash value insurance contracts; or
11. Amounts earned by an insurance company in connection with its reserves for insurance and annuity contracts.

However, the following amounts are excluded from any calculation of Passive Income:

1. Any income from interest, dividends, rents, or royalties that is received or accrued from a related person to the extent such amount is properly allocable to income of such related person that is not passive income.
For purposes of this section, a person is a related person with respect to the NFFE if—
 - (i) such person is an individual, corporation, partnership, trust, or estate which controls, or is controlled by, the NFFE, or
 - (ii) such person is a corporation, partnership, trust, or estate which is controlled by the same person or persons which control the NFFE.
2. In the case of an NFFE that regularly acts as a dealer in property described in item 6 above of this section (referring to the sale or exchange of property that gives rise to passive income), forward contracts, option contracts, or similar financial instruments (including notional principal contracts and all instruments referenced to commodities)
 - (i) Any item of income or gain (other than any dividends or interest) from any transaction (including hedging transactions and transactions involving physical settlement) entered into in the ordinary course of such dealer's trade or business as such a dealer; and
 - (ii) If such dealer is a dealer in securities, any income from any transaction entered into in the ordinary course of such trade or business as a dealer in securities.

Application to General Insurance Companies

A General Insurance Company should generally not be treated as a Financial Institution under FATCA but will instead be classified as an NFFE unless it has Financial Accounts.

Section 3.1 Q5. Is the Entity another tax status classification under FATCA?

Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation

Publicly traded NFFE

An NFFE that is a publicly traded corporation the stock of which is regularly traded on one or more established securities markets for the calendar year.

NFFE affiliate

An NFFE member of the same expanded affiliated group as a publicly traded corporation, including a publicly traded NFFE or a publicly traded US corporation.

An expanded affiliated group is defined under principles of IRC §1504(a) but with a 50 per cent control requirement and inclusion of partnerships and foreign corporations.

Excepted Territory NFFE

An NFFE that is directly or indirectly wholly owned by one or more bona fide residents of the same US possession in which the NFFE is organised or incorporated, including those organised in Puerto Rico, the US Virgin Islands, Guam, American Samoa and Northern Mariana Islands.

Excepted Nonfinancial Group Entity

Holding companies, treasury centres and captive finance companies that are members of a nonfinancial group:

- A nonfinancial group is an expanded affiliated group that, for its most recent three-year period, meets all four of the following criteria:
- Has no more than 25 per cent of its combined gross income, excluding income of start-up companies and entities in liquidation or bankruptcy and income derived from intercompany transactions between members of the expanded affiliated group, consisting of passive income;
- Has no more than 5 per cent of its combined gross income, excluding intercompany income, derived from members of the expanded affiliated group that are FFIs
- Has no more than 25 per cent of the value of its combined assets held by the expanded affiliated group, excluding assets of start-up companies and entities in liquidation or bankruptcy and intercompany assets that produce or are held for the production of passive income
- Any FFI member of the expanded affiliated group is a participating FFI or deemed-compliant FFI
- This is a significant NFFE category, as many multinational enterprises have one or more foreign entities in their group structure that operates as a holding company, treasury centre or captive finance company that might otherwise appear to meet the definition of an FFI on a standalone basis but avoids FFI treatment as a member of a nonfinancial group.
- Startup companies – Entities with no operating history expecting to operate a nonfinancial business

- Entities in liquidation or bankruptcy
- Section 501(c) foreign organisations that have been issued a determination letter from the IRS, as well as other not-for-profit organisations exempt from taxation in their country of residence

International Organisation

An international organisation is an organisation with an international membership, scope, or presence. There are two main types:

- An International Non-governmental Organisation (INGO) is an organisation with no ties to one or more governments around the world: an example of an INGO would be the International Committee of the Red Cross
- An International Governmental Organisation (IGO) is an organisation that is closely related to a government or is made up primarily of 'sovereign states': an example of an IGO would be the United Nations or the World Trade Organisation.

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

Is a holding company, treasury centre, 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 nonfinancial 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.

A full definition of all the Common Reporting Standard (CRS) Tax Statuses that an Entity could be can be found using the following links:

IRS – <https://www.irs.gov/Businesses/Corporations/Foreign-Account-Tax-Compliance-Act-FATCA>

UK – <https://www.gov.uk/government/organisations/hm-revenue-customs>

Ireland – <http://www.revenue.ie/en/index.html>

Excepted Nonfinancial Start-Up Company

Start-up companies – Entities with no operating history expecting to operate a nonfinancial business

Excepted Nonfinancial Entity in Liquidation or Bankruptcy

Entities in liquidation or bankruptcy

Exempt Retirement Plan

Is established and sponsored by a foreign government, international organisation, central bank of issue, or government of a US 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 US 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.

A full definition of all the Common Reporting Standard (CRS) Tax Statuses that an Entity could be can be found using the following links:

IRS – <https://www.irs.gov/Businesses/Corporations/Foreign-Account-Tax-Compliance-Act-FATCA>

UK – <https://www.gov.uk/government/organisations/hm-revenue-customs>

Ireland – <http://www.revenue.ie/en/index.html>

Non-Profit Organisation

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 organisation that is described in this Part XXII or escheats to the government of the entity's country of residence or any political subdivision thereof.

Direct Reporting NFFE

Direct Reporting NFFE – An NFFE that elects to directly report information annually about its substantial US owners to the IRS on Form 8966. A direct-reporting NFFE must register on the IRS portal to obtain a GIIN and must disclose its GIIN on Form W-8BEN-E or W-8IMY to qualify for exemption from the FATCA withholding tax, but is not required to enter into an FFI agreement.

- This may be a preferable option if an NFFE otherwise would be a passive NFFE having substantial US owners and the NFFE does not wish to divulge the names, addresses and identifying numbers of its substantial US owners to its US customers on Form W-8BEN-E or W-8IMY due to privacy or other reasons.

Sponsored Direct Reporting NFFE

An NFFE engaging another qualifying entity to act as its sponsoring entity; the sponsoring entity registers the NFFE with the IRS and reports information about the NFFE's substantial US owners to the IRS on Form 8966.

501(c) Organisation

Section 501(c) foreign organisations that have been issued a determination letter from the IRS, as well as other not-for-profit organisations exempt from taxation in their country of residence.

Section 3.2 Q1. Is the Entity a Financial Institution or Investment Entity?

Financial Institution

The term 'Financial Institution' means a 'Custodial Institution', a 'Depository Institution', an 'Investment Entity', a 'Specified Insurance Company' or a 'UK Financial Institution'.

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.

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 above in the definition of 'Investment Entity'.

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

first type of Investment Entity, if any of the managing Entities is such another Entity.

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.

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 Collective Investment Vehicle; 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.

Specified Insurance Company

A Specified Insurance Company is an 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.

UK Financial Institution

A UK Financial institution is any financial institution resident in the UK, as well as any branch of a non-resident financial institution located in the UK.

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 nonbinding 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.

Section 3.2 Q2. Is the Entity an Active Non Financial Entity (NFE)?

Non Financial Entity

An 'NFE' (Non Financial Entity) is any Entity that is not a Financial Institution.

Active NFE where the stock of the entity (or an affiliated entity) is regularly traded on an established securities market

Established Securities Market

An Exchange that is officially recognised and supervised by a governmental authority in which the market is located and that has a meaningful annual value of shares traded on the exchange, for example the FTSE 100.

Active NFE – Government Entity

Governmental Organisation

An organisation that is owned and managed by the Government of a Jurisdiction/Country.

Active NFE – International Organisation

An international organisation is an organisation with an international membership, scope, or presence. There are two main types:

- An International Non-Governmental Organisation (INGO) is an organisation with no ties to one or more governments around the world: an example of an INGO would be the International Committee of the Red Cross

- An International Governmental Organisation (IGO) is an organisation that is closely related to a government or is made up primarily of sovereign states: an example of an IGO would be the United Nations or the World Trade Organisation.

Active NFE which is none of the above

A full definition of all the Common Reporting Standard (CRS) Tax Statuses that an Entity could be can be found using the following links:

UK – <https://www.gov.uk/government/organisations/hm-revenue-customs>

Ireland – <http://www.revenue.ie/en/index.html>

Section 3.2 Q3. Is the Entity a Passive Non Financial Entity (NFE)?

Passive NFE

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.

If you have reached this classification status but do not agree with it, we would recommend that you seek independent support and information from a Tax Advisor.