

BANQUE PRIVÉE
ESPÍRITO SANTO



Banking relationship: _____

Confirmation of Residence for Tax Purposes and AEOI/CRS Status (entity)

The Swiss legislation implementing the OECD Common Reporting Standard (CRS), including the Swiss Federal Act on the International Automatic Exchange of Information in Tax Matters (Swiss AEOI Act), and the AEOI Agreements between Switzerland and its partner jurisdictions require Banque Privée Espírito Santo SA en liquidation (hereinafter "the Bank") to collect information relating to an Account Holder's residence for tax purposes. In accordance with the above-mentioned regulations, the undersigned Account Holder hereby declares and confirms the below certifications to the Bank.

Key terms are defined in the Glossary. Neither this document nor any related written or oral explanations constitute tax advice. The Bank recommends contacting a qualified tax advisor or the relevant tax authorities, if required.

Part 1 – Identification of Account Holder (entity)¹

In general, the contracting party of a banking relationship is treated as the Account Holder for AEOI/CRS purposes. However, there are exceptions regarding certain intermediaries as well as concerning trusts.

Name of the entity

Residence address (street, house or building no. etc.) **Please do not use any P.O. box or in-care-of address unless these are entered as such in the commercial register**

Town/city, state or province

Postal code

Country

Part 2 – AEOI/CRS Status

a) Is the entity a Professionally Managed Investment Entity (PMIE) type Financial Institution?

Entities that are typically treated as PMIEs include private and collective investment vehicles (e.g. private investment companies, trusts, foundations or funds) that are professionally managed, e.g. because they have a discretionary asset management mandate with another Financial Institution in place.

Yes → If the entity is resident in a Non-Participating Jurisdiction, please [proceed with step d)]/[complete a Form U.S. Tax Status Declaration and Confirmation of Residence for Tax Purposes (Controlling Person) for each Controlling Person].

If the entity is resident in a Participating Jurisdiction, please proceed with Part 3.

list of such Participating Jurisdictions can be found on:

<https://www.sif.admin.ch/sif/fr/home/themen/internationale-steuerpolitik/automatischer-informationsaustausch.html>

No → Please proceed with step b).

b) Is the entity any other type of Financial Institution?

Other types of Financial Institutions include Depository Institutions, Custodial Institutions, Managing Investment Entities and Specified Insurance Companies. Entities that are typically treated as such include banks, brokers, investment managers/advisors and life insurance companies.

Yes → Please proceed with Part 3.

¹ The singular form includes the plural, and all masculine terms referring to persons refer to both genders.



No → Please proceed with step c).

c) Please confirm the entity's NFE status.

Active NFE - Publicly traded NFE

Please provide the name of the established securities market on which the NFE is regularly traded and then proceed with Part 3:

Active NFE - Non-financial corporation that is a Related Entity of a publicly traded corporation

Please provide the name of the publicly traded corporation of which the entity is a Related Entity:

Please provide the name of the established securities market on which the publicly traded corporation is traded:

Active NFE - Governmental Entity or Central Bank Please proceed with Part 3.

Active NFE - International Organization Please proceed with Part 3.

Active NFE - Other Please proceed with Part 3.

The "Active NFE - Other" category covers all Active NFE statuses that are not separately listed above (e.g. Active NFEs by reason of income and assets or Non-profit NFEs).

Passive NFE → Please proceed with step d).

d) Please list the Controlling Persons of the PMIE or Passive NFE.

Please indicate the name and date of birth of any Controlling Person(s) of the Account Holder below. In addition, please complete a Form *U.S. Tax Status Declaration and Confirmation of Residence for Tax Purposes* (Controlling Person) for each Controlling Person.² Please see the definition of the term Controlling Person in the Glossary.

	Name	Date of birth
1		
2		
3		
4		
5		
6		

² If the Account Holder has more than six Controlling Persons, please attach a separate list.



Part 3 - Country(ies)/Jurisdiction(s) of Residence for Tax Purposes and related Taxpayer Identification Numbers or functional equivalents (TINs)

Please complete the following table indicating:

- All countries/jurisdictions where the Account Holder is resident for tax purposes (other than the U.S.), and
- The Account Holder's TIN for each country/jurisdiction indicated.

Each country/jurisdiction has its own rules for defining tax residence and countries/jurisdictions provided information on how to determine whether an entity is resident for tax purposes in the jurisdiction for inclusion on the OECD AEOI Portal (<http://www.oecd.org/tax/automatic-exchange/>).

If the Account Holder is not resident for tax purposes in any country/jurisdiction (e.g., because it is fiscally transparent), please provide its place of effective management or jurisdiction in which its principal office is located. Trusts are typically resident for AEOI/CRS purposes in the residence of their trustee(s) and branches are tax resident for AEOI/CRS purposes in the country/jurisdiction of residence for tax purposes of the headquarter entity of which they are a branch.

Country/jurisdiction of residence for tax purposes ³	TIN	If no TIN available enter reason A, B, C, D, E or F
1.		
2.		
3.		

If the Account Holder is unable to provide a TIN for a specific country/jurisdiction of residence for tax purposes, please include the appropriate reason **A, B, C, D, E or F** in the right column of the table above:

Reason A: The Account Holder's country/jurisdiction of residence for tax purposes does not assign TINs to its residents.

Reason B: Despite the country/jurisdiction of residence for tax purposes generally issuing TINs, the Account Holder not required to obtain a TIN.

Reason C: The country/jurisdiction of residence for tax purposes stated above is Switzerland.

Reason D: The country/jurisdiction of residence for tax purposes stated above is not a Reportable Jurisdiction. A list of all Reportable Jurisdictions can be found on: <https://www.sif.admin.ch/sif/fr/home/themen/internationale-steuerpolitik/automatischer-informationsaustausch.html>.

Reason E: The Account Holder's AEOI/CRS Status is (i) PMIE, (ii) other type of Financial Institution, (iii) publicly traded NFE, (iv) non-financial corporation that is a Related Entity of a publicly traded corporation, (v) Governmental Entity or Central Bank, or (vi) International Organization.

Reason F: The Account Holder is otherwise unable to provide a TIN. Please specify the reason below:

BY SIGNING THIS FORM I CERTIFY THAT THE ACCOUNT HOLDER IS RESIDENT FOR TAX PURPOSES ONLY IN THE COUNTRY(IES)/JURISDICTION(S) LISTED ABOVE

³ If the Account Holder is resident for tax purposes in more than three countries/jurisdictions, please use a separate sheet.



Part 4 - Change in Circumstances

For the duration of the contractual relationship with the Bank, I hereby confirm that I undertake to notify the Bank within 30 days on my own initiative, if the Account Holder's (or the Controlling Persons', if any) country(ies)/jurisdiction(s) of residence for tax purposes changes. If any certification made on this form becomes incorrect (including any changes to the information on Controlling Persons, if any), I agree that I will submit a new form and/or further necessary forms and documentation within 90 days after such change in circumstances.

In case of any change in circumstances, I further affirm that I am aware that the above-mentioned relationship with the Bank may be terminated, if the Account Holder (or one of the Controlling Persons, if any) fails to comply with the obligation to submit the relevant documentation required to determine the country(ies)/jurisdiction(s) of residence for tax purposes of the Account Holder (or the Controlling Persons, if any).

Part 5 - Declaration and Signature

By signing this form below, I declare that all statements made in this form are, to the best of my knowledge and belief, true, correct and complete.

I am aware that based on Article 35 of the Swiss AEOI Act, wilfully providing incorrect information on a self-certification, not notifying the Bank about any change in circumstances or providing incorrect information about any change in circumstances is subject to penalty.

Place, date (DD-MM-YYYY)

Signature of authorized signatory

Place, date (DD-MM-YYYY)

Signature of authorized signatory



Part 6 - Glossary

Account Holder

The term *Account Holder* means the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of FATCA and AEOI/CRS, and such other person is treated as holding the account. In the case of a banking relationship of a trust, the trust is the Account Holder for AEOI/CRS purposes and not the trustee.

Active NFE

An NFE is an *Active NFE* for purposes of AEOI/CRS if it meets the criteria for any of the sub-categories listed below (the requirements are applied analogously to *Active NFFEs* under FATCA):

- **Active NFE by reason of income and assets:**
Less than 50% of the NFE's gross income for the preceding calendar year or other appropriate reporting period is passive income (e.g. dividends, interest, rents, royalties, annuities) and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.
- **Publicly traded NFE:**
The stock of the NFE is regularly traded on an established securities market.
- **Related Entity of a publicly traded corporation:**
The NFE is a Related Entity of a corporation the stock of which is regularly traded on an established securities market.
- **Governmental Entity, International Organisation, or Central Bank:**
The NFE is a Governmental Entity, an International Organisation, a Central Bank, or an entity wholly owned by one or more of the foregoing.
- **Holding NFE that is a member of a nonfinancial group:**
Substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an entity does not qualify for this status if the entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes.
- **Start-up NFE:**
The NFE 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 NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE.
- **NFE that is liquidating or emerging from bankruptcy:**
The NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution.
- **Treasury center that is a member of a nonfinancial group:**
The NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution.
- **Non-profit NFEs:**
The NFE 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 jurisdiction 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 NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and
 - The applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.

Controlling Persons

The term *Controlling Persons* means the natural persons who exercise control over an entity. In the case of a trust, such term means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons



in equivalent or similar positions. The term Controlling Persons must be interpreted in a manner consistent with the Swiss implementation of the Financial Action Task Force Recommendations, i.e. for banking relationships in Switzerland the *Agreement on the Swiss banks' code of conduct with regard to the exercise of due diligence* (CDB 16).

Country/jurisdiction of residence for tax purpose

Generally, an individual is resident for tax purposes in a country/jurisdiction if, under the laws of that country/jurisdiction (including tax conventions), he/she pays or should be paying tax therein by reason of his/her domicile, residence, or any other criterion of a similar nature (i.e. full tax liability), and not only from sources in that jurisdiction. Dual resident individuals may rely on the tiebreaker rules contained in taxconventions (if applicable) to solve cases of double residence for determining their residence for tax purposes.

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. An entity holds Financial Assets for the account of others as a substantial portion of its business if 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.

Financial Asset

Financial Asset includes a security (for example, a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest, commodity, swap (for example, interest rate swaps, currency swaps, basis swaps, interest rate caps, interest rate floors, commodity swaps, equity swaps, equity index swaps, and similar agreements), Insurance Contract or Annuity Contract, or any interest (including a futures or forward contract or option) in a security, partnership interest, commodity, swap, Insurance Contract, or Annuity Contract. The term Financial Asset does not include a non-debt, direct interest in real property.

Financial Institution

The term *Financial Institution* means a Custodial Institution, a Depository Institution, a Managing or Professionally Managed Investment Entity, or a Specified Insurance Company.

Managing Investment Entity

The term Managing Investment Entity means any 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.

An entity is treated as primarily conducting as a business one or more of the activities described above, if the entity's gross income attributable to the relevant activities equals or exceeds 50% of the entity's gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the entity has been in existence.

NFE (Non-Financial Entity)

An *NFE* is any entity that is not a Financial Institution.

Passive NFE

The term *Passive NFE* means any NFE that is not an Active NFE. Additionally, an Account Holder PMIE located in a Non-Participating Jurisdiction from the perspective of Switzerland is also treated as a Passive NFE Account Holder for purposes of AEOI/CRS.

Participating Jurisdiction

The term Participating Jurisdiction means a jurisdiction (i) with which Switzerland has an agreement in place pursuant to which such other jurisdiction will provide information about Swiss residents and their accounts, and (ii) which is identified in the following list: <https://www.sif.admin.ch/sif/fr/home/themen/internationale-steuerpolitik/automatischer-informationsaustausch.html>

Professionally Managed Investment Entity (PMIE)

The term *PMIE* means any entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the entity is managed by another entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or a Managing Investment Entity.

An entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the entity's gross income attributable to the relevant activities equals or exceeds 50% of the entity's gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the entity has been in existence.

An entity is "managed by" another entity if the managing entity performs, either directly or through another service provider, any of the following activities or operations on behalf of the managed entity:



- 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.

However, an entity does not manage another entity if it does not have discretionary authority to manage the entity's assets (in whole or in 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 Financial Institution.

Related Entity

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

Reportable Account

The term *Reportable Account* means an account held by one or more Reportable Persons or by a Passive NFE (or a Professionally Managed Investment Entity in a Non-Participating Jurisdiction) with one or more Controlling Persons that is a Reportable Person, provided it has been identified as such pursuant to the applicable AEOI/CRS due diligence procedures.

Reportable Person

The term *Reportable Person* means a person that is resident for tax purposes in a Reportable Jurisdiction under the tax laws of such jurisdiction other than: (i) a corporation the stock of which is regularly traded on one or more established securities markets; (ii) any corporation that is a Related Entity of a corporation described in clause (i); (iii) a Governmental Entity; (iv) an International Organisation; (v) a Central Bank; or (vi) a Financial Institution.

Reportable Jurisdiction

The term Reportable Jurisdiction means a country/jurisdiction (i) with which Switzerland has an agreement in place pursuant to which Switzerland is obliged to provide the information about the residents of that country/jurisdiction and their accounts (Reportable Accounts), and (ii) which is identified in the following list: <https://www.sif.admin.ch/sif/de/home/themen/internationale-steuerpolitik/automatischer-informationsaustausch.html>.

Specified Insurance Company

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

TIN

The term TIN means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. A TIN is a unique combination of letters or numbers assigned by a jurisdiction to an individual or an entity and used to identify the individual or entity for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found on the OECD AEOI Portal (<http://www.oecd.org/tax/automatic-exchange/>).