



Self Certification according to the intergovernmental Standard for Automatic Exchange of Financial Account Information (AEOI) and FATCA [Entities]

Name and address of the entity

Customer number, custodial account number(s) or account/accounts

In accordance with the Exchange of Financial Account Information Act ('Finanzkonten-Informationsaustauschgesetz') and the FATCA-USA-Ordinance we collect and process data via this form. If necessary we will annually report data to the Federal Central Tax Office in Germany (BZSt). The BZSt will then forward the information to the competent foreign tax authorities. The following data and information are reportable: customer data, taxpayer identification number as well as account and custodial account numbers, account balances investment income credited incl. redemption payments and sales proceeds. If you do not provide us with a self certification we are legally obliged to report your accounts for purposes of FATCA as 'not documented' accounts to the Federal Central Tax Office in Germany. As this may have tax consequences we recommend to consult your tax advisor(s) in case of any doubt. This self certification supersedes any prior self certifications for the above mentioned entity concerning AEOI or FATCA.

Part I – Certification of Tax Status and Type of Entity

Please answer the following **two** questions **in any case** (and tick as appropriate).
Explanations can be found on the two last pages of this form.

- 1) The above mentioned entity is tax resident in at least one country other than Germany*) or was organized in the Yes No
United States of America (USA) or under the laws of the USA.

**) In accordance with national tax legislation and international agreements (in particular double taxation agreements).*

If you have answered 'Yes' to the question above, please indicate the country/countries in which you are tax resident as well as the corresponding taxpayer identification number(s) (TIN) if relevant in the respective country:

Country: _____ Taxpayer identification number (TIN): _____

Country: _____ Taxpayer identification number (TIN): _____

Country: _____ Taxpayer identification number (TIN): _____

In case the entity was organized in the USA or under the laws of the USA, please also complete IRS form W-9 (<http://www.irs.gov/pub/irs-pdf/fw9.pdf>) and attach the signed original to this self certification.

- 2) The above mentioned entity

is conducting an active business or is treated as Active Entity for other reasons (see Note 6).

For instance, an entity is considered as Active Entity if less than 50% of the entity's gross income for the preceding year is passive income. At the same time less than 50% of the assets held by the entity during the preceding year must be assets that produce or are held for the production of passive income.

The term passive income particularly includes dividends and interest (including substitute dividend and interest amounts), rents and royalties (except for rents and royalties which arise from a commercial trading activity or business activity that is – at least in parts – generated by own employees), annuities, excess profits resulting from currency transactions and transactions with derivatives, other profit payments and income from cash value insurance contracts as well as the excess of gains over losses from the sale of property that gives rise to passive income. If it is not possible to unambiguously assign income to active or passive income, we strongly recommend to contact your tax advisor(s);

or

is a listed company or related entity of a listed company. I.e. the stock of the entity is regularly traded on an established securities market or the entity is a related entity of an entity the stock of which is traded on an established securities market;

or

is a Governmental Entity (see Note 7) or an International Organization (see Note 8) or an entity wholly owned by one or more of the foregoing;

or

is a Passive Entity (see Note 9). *Please also complete Part II;*

or

is a Financial Institution (see Note 11). *Please also complete Part III.*

Part II – Certification for Passive Entities and certain Investment Entities

The above mentioned entity (tick as appropriate)

is **not** controlled by individuals who are foreign tax residents or U.S. citizens (see Note 10)

or

is controlled by one or more individual(s) who are foreign tax residents or U.S. citizens.

Please provide further information with respect to the Controlling Person(s) who are foreign tax residents or U.S. citizens:

Last name, first name	Address	Date of birth	Tax resident in...	Taxpayer identification number (TIN)
			1.	
			2.	
			3.	
			1.	
			2.	
			3.	
			1.	
			2.	
			3.	
			1.	
			2.	
			3.	

Part III – Certification for Financial Institutions

As Financial Institution please answer the following **two** questions.

1) The above mentioned entity is (tick as appropriate)

- a Depository Institution, Custodial Institution or a Specified Insurance Company,
- an Investment Entity that is not a Participating Jurisdiction Financial Institution and that is managed by another Financial Institution. *Please also complete Part II.*
- an Investment Entity other than the aforementioned.

2) The above mentioned entity is (tick as appropriate)

- a Participating FFI or a Reporting Model 1 FFI or a Reporting Model 2 FFI or a Deemed-Compliant FFI or an Exempt Beneficial Owner in the meaning of FATCA; and
- the Financial Institution has registered with the IRS. The GIIN is: _____

or

- a Non-Participating FFI (NPFFI) in the meaning of FATCA or a Partner Jurisdiction Financial Institution that is treated as Non-Participating FFI (NPFFI).

I hereby confirm that the information above is correct and complete. In the event of any changes with regard to the information provided above I am obliged to notify Sparkasse thereof within 30 days. I have already been informed about the possible notification of data to the Federal Central Tax Office in Germany as well as competent foreign tax authorities.

Signature of the authorized representative(s)

Place, date

For internal use only

Received by (date, user, HZ)

Plausibility check by (date, user, HZ)

Recorded by (date, user, HZ)

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Notes on the Self Certification according to the intergovernmental Standard for Automatic Exchange of Financial Account Information (AEOI) and FATCA [Entities]:

The following explanations refer to definitions of the Exchange of Financial Account Information Act ('Finanzkonten-Informationsaustausch-gesetz') and the FATCA-USA-Ordinance.

1. **AEOI:** Automatic Exchange of Information; automatic exchange of tax information between participating jurisdictions governed by multi- or bilateral agreements based on an OECD standard. The exchange of information means the systematic exchange of predefined information concerning a person resident or established in another jurisdiction with reporting obligations to the relevant jurisdiction of residence without prior requests, at pre-established regular intervals.
2. **FATCA:** Foreign Account Tax Compliance Act; U.S. law designed to combat and prevent tax evasion by U.S. tax payers using offshore accounts.
3. **Entity:** A legal person or a legal arrangement such as a corporation, partnership, trust or foundation.
4. **Tax residency:** The determination of the tax residency status of an entity generally depends on local legislation in the relevant countries or territories. Local legislation on partnerships varies. In some countries and territories partnerships are treated as taxable persons. Conversely, in other countries partnerships are treated as 'transparent' for tax purposes.
An entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes is treated as resident in the jurisdiction in which its place of effective management is situated. The place of effective management is the place where key economic and business-policy decisions that are necessary for the conduct of the entity's daily business are in substance made. An entity may have more than one place of management, but it can have only one effective place of management at any one time.
5. **Taxpayer identification number (TIN):** Please note that not all countries issue a taxpayer identification number (TIN). Therefore a TIN is only mandatory if issued. You should carefully check whether or not your country of tax residence will in principle issue taxpayer identification numbers and that you have entered a correct TIN, if necessary. Incorrect information may lead to inquiries by the relevant local tax authorities in your country. In case of U.S. entities the taxpayer identification number is generally identical with the so-called '*Employer Identification Number*'.
6. **Active Entity:** An Entity that must at least meet one of the following criteria:
 - a) Less than 50% of the Entity's gross income for the preceding calendar year is passive income and less than 50% of the assets held by the Entity during the preceding calendar year are assets that produce or are held for the production of passive income.
 - b) Substantially all of the activities of the Entity consist of holding (in whole or 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 interest in those companies as capital assets for investment purpose.
 - c) (An Entity does not qualify for this exception after the date that is 24 months after the date of the initial organization of the Entity). The Entity is not yet operating a business (since its foundation) 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.
 - d) The Entity was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganizing with the intent to continue or recommence operations in a business other than that of a Financial Institution.
 - e) The Entity 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.
 - f) The Entity meets all of the following requirements:
 1. It is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes or – solely for the purposes of AEOI – it is a professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
 2. It is exempt from income tax in its jurisdiction of residence;
 3. It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
 4. The applicable laws of the Entity's jurisdiction 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 payments representing the fair market value of property which the Entity purchased; and
 5. The applicable laws of the Entity's jurisdiction 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 organization, or escheat to the government of the Entity's jurisdiction of residence or any political subdivision thereof.
7. **Governmental Entity:** The term 'Governmental Entity' means the government of a jurisdiction, any political subdivision of a jurisdiction (which includes a state, province, country, or municipality), or any wholly owned agency or instrumentality of a jurisdiction or of any one or more of the foregoing.

A Governmental Entity includes 'integral parts', controlled entities and political subdivisions of a jurisdiction. An 'integral part' of a jurisdiction means any person, organization, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a jurisdiction.

Furthermore church-based entities under public law are classified as Governmental Entity for purposes of FATCA and AEOI. This includes especially an evangelical federal state church, catholic dioceses, an evangelical or catholic parish and a Jewish religious community.

In general public corporations (e. g. public authorities, universities, state schools, statutory health insurances) or pension funds of the public service are Governmental Entities.

8. **International Organization:** The term 'International Organization' means any international organization or wholly owned agency or instrumentality thereof. An International Organization includes any intergovernmental organization (including a supranational organization) that is comprised primarily of governments that has in effect a headquarters or substantially similar agreement with the jurisdiction and the income of which does not inure to the benefit of private persons.
9. **Passive Entity:** The term Passive Entity means
- a) any Entity that is not an Active Entity; or
 - b) *for purposes of AEOI* – an Investment Entity described in Note 12b) that is not a Participating Jurisdiction Financial Institution; or
 - c) *for purposes of FATCA* – an Entity that is not a foreign withholding partnership or a withholding foreign trust pursuant to relevant U.S. Treasury Regulations.
10. **Controlling Person:** The term 'Controlling Person' means the natural persons who exercise control over an Entity. For the purpose of the Money Laundering Act ('Geldwäschegesetz - GWG') the term 'Controlling Person' respectively 'Beneficial Owner' means:
- a) In case of a legal person – except for legal trusts – and other corporate entities that are not listed on an organized market as defined in section 2 (5) of the German Securities Trading Act ('Wertpapierhandelsgesetz – WpHG') and are not subject to transparency requirements with regard to voting rights consistent with Community laws, or are not subject to equivalent international standards, is among the beneficial owners any individual who directly or indirectly holds more than 25% of the capital stock or controls more than 25% of the voting rights or otherwise exercises control.
 - b) In case of foundations with legal capacity and legal arrangements used to manage or distribute assets or property in a fiduciary capacity ('treuhänderisch') or through which third parties are instructed with the management or distribution of assets or property, or similar legal constructs is among the beneficial owners:
 1. any individual acting as trustor, trustee – if existing –
 2. any individual who is member of a trusts executive board;
 3. any individual who has been designated as the beneficiary;
 4. where the individual intended to be the beneficiary of the managed assets or property is yet to be designated, the group of individuals for whose benefit the assets or property are intended to be managed or distributed;
 5. any individual who otherwise directly or indirectly exercises a controlling influence on the management of assets or property or the distribution of income.
11. **Financial Institution:** A Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.
For further details with respect to the definitions and the different types of Financial Institutions reference is made to the relevant definitions and terms of the FATCA-USA-Ordinance.
12. **Investment Entity:** An entity
- a) 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; 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; or
 - b) 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 an Investment Entity described in Note 12a).

This information does not constitute tax advice and cannot replace such advice. Please contact your professional tax advisor(s) for help with questions about your tax liability.