



Tax Reporting Self-Certification

FATCA / CRS Declaration – Entity Form

Swiss Life (Liechtenstein) AG
EN

Contract number:

(Enter your Swiss Life contract number):

This document must be completed in the most precise way and in **capital letters**. In the case of lack of space, please respond on a separate sheet. The term “contract” makes reference, unless otherwise specified, to the life insurance contract or to a capitalisation bond, according to the case.

1. Status of the declarant in relation to the contract

- Policyholder
 Donor
 Beneficial owner
 Mandate holder/PoA
 Irrevocable beneficiary
 Assignee/Pledgee
 Other:

2. Declarant

	1 st declarant	2 nd declarant (if applicable)
Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Legal entity	<input type="checkbox"/> Mr <input type="checkbox"/> Ms
Surname/Corporate name:	<input type="text"/>	<input type="text"/>
First names:	<input type="text"/>	<input type="text"/>
Street name and number of residence / registered office:	<input type="text"/>	<input type="text"/>
Postcode and town / city:	<input type="text"/>	<input type="text"/>
Country:	<input type="text"/>	<input type="text"/>
Date of birth / of incorporation: (day, month, year):	<input type="text"/> / <input type="text"/> / <input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>
Place of birth / of incorporation:	<input type="text"/>	<input type="text"/>
Nationality / Country of registered office:	<input type="text"/>	<input type="text"/>
Telephone number : (including country code)	<input type="text"/>	<input type="text"/>

3. Correspondence address

Street and number:	<input type="text"/>
Postcode and town / city:	<input type="text"/>
Country:	<input type="text"/>

4. FATCA - Entity classification

4.1 If the Entity is a Financial Institution, please tick the relevant box that applies:

	Enter GIIN number below (not applicable for shaded areas)
<input type="checkbox"/> Reporting Financial Institution	
<input type="checkbox"/> Participating Foreign Financial Institution (PFFI)	
<input type="checkbox"/> Registered Deemed Compliant Foreign Financial Institution (RDC-FFI)	
<input type="checkbox"/> Sponsored Investment Entity (in this case please disclose the Sponsoring Entity's GIIN)	
<input type="checkbox"/> Non-Reporting, Foreign Financial Institution	
<input type="checkbox"/> Non-Participating, Foreign Financial Institution	

4.2 If the Entity is a Non-Financial Entity, please tick the relevant box that applies:

<input type="checkbox"/> Exempt Beneficial Owner (in this case please indicate status on the right table)	
<input type="checkbox"/> Active Non-Financial Foreign Entity	
<input type="checkbox"/> Passive Non-Financial Foreign Entity (in this case, all controlling person(s) will have to complete the form FATCA / CRS Declaration – Natural person)	

Please note that instead of completing Section 4 a above, you can also send us your completed IRS W-8 series form.

5. CRS / AEOI Standards - Entity classification

5.1 If the entity is a Financial Institution, please tick the relevant box that applies

- Reporting financial institution
- Non-Reporting Financial Institution

5.2 If the Entity is a Non-Financial Entity (NFE), please tick the relevant box that applies

- Active NFE – Publicly traded NFEs and related entities, Governmental entities, International organisations, central banks or their wholly owned entities
- Active NFE – other
- Passive NFE – Non-active NFE (in this case please complete Annex 1 “Controlling Persons”)
- Passive NFE – Investment entity that is not a participating jurisdiction (in this case please complete Annex 1 “Controlling Persons”)

6. Country of taxation

	Country of Tax Residence	Tax Identification Number (TIN*)	If no TIN available enter Reason A, B, C
1st declarant			

2 nd declarant (if applicable)			

* The term "TIN" means Taxpayer Identification Number (or functional equivalent in the absence of a Taxpayer Identification Number). 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 at the following link: <https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>

Reason A – The country where I am liable to pay tax does not issue TINs to its residents Reason B – The Account Holder is otherwise unable to obtain a TIN or equivalent number (please explain why you are unable to obtain TIN in the right table if you have selected this reason) Reason C – No TIN is required. (Note: only select this reason if the authorities of the country of tax residence entered above do not require the TIN to be disclosed)	If you selected reason B, please explain why you are unable to obtain a TIN:
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7. Declaration and signature

The declarant hereby certifies that all his declarations are honest and accurate and that he understands that the non-disclosure or an incomplete communication of information to Swiss Life can defer or stop the subscription/additional premium payment process.

The declarant hereby declares the following:	Yes	No
1. Is the declarant a citizen of the United States (including dual or multiple citizenship)?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the declarant a "U.S. resident alien" (e.g. Green Card Holder, in possession of a U.S. alien registration card as a lawful permanent resident issued by the U.S. citizenship and Immigration Service or anyone who meets the "substantial physical presence test" as issued by the IRS)?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the declarant a "U.S. Person" under U.S. tax principles or for any other reason (including but not limited to dual residency, spouse filing jointly, relinquishing U.S. citizenship or permanent residency in the U.S.)? <i>(The declarant is considered as U.S. resident if he meets the criteria of the Substantial Physical Presence Test. He satisfies the test if, during the current year, he was physically present in the United States for 183 days or more, or, if less, but already 31 days or more, according to the following formula: (number of days in the current year x 1) + (number of days in the previous year x 1/3) + (number of days in the year before the previous year x 1/6) => 183 days)</i>	<input type="checkbox"/>	<input type="checkbox"/>
4. Regardless of the Substantial Physical Presence Test above, is the declarant currently domiciled in the United States? <i>(If the declarant has left the United States during the calendar year without the intention to return or to satisfy the Substantial Physical Presence Test the next year, you can answer "No". This must be documented with a current and official certificate of domiciliation)</i>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the declarant an individual resident in the United States, or any of its territories (Puerto Rico, Guam, American Samoa, U.S. Virgin Islands and Northern Mariana Islands), U.S. possessions (Midway Islands, Wake Island, Kingman Reef, Navassa Island, Johnston Atoll, Palmyra Atoll, Baker, Howland and Jarvis Islands) and the District of Columbia, regardless of his U.S. tax status?	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the declarant a partnership, corporation, or LLC created or organised under the laws of the U.S., any of its states, the District of Columbia or any U.S. possession or territory (see Question 5) or a non-US partnership, corporation or LLC where at least - either directly or indirectly - one beneficial owner who qualifies as a U.S. Person under Questions 1 to 5 above controls 10% or more of such non-US partnership, corporation or LLC?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the declarant an estate of a U.S. citizen or U.S. resident?	<input type="checkbox"/>	<input type="checkbox"/>

8. Is the declarant a trust upon which a U.S. court would have authority under applicable law to render orders or judgements concerning substantially all issues regarding administration?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is the declarant a trust in which one or more U.S. persons is a settlor, grantor, beneficiary, protector, enforcer or otherwise has control of the trust, any control over who to appoint as a beneficiary, or any control over part of the trust's property?	<input type="checkbox"/>	<input type="checkbox"/>

The declarant commits himself to inform Swiss Life within 30 days of any change in circumstances occurring, which causes any of the information contained in this form to be inaccurate or incomplete.

By signing this declaration the declarant is aware that:

- He gives his irrevocable consent to Swiss Life reporting the contract, pre-existing contracts and associated assets to the U.S. tax authorities, if he has the status of "U.S. person" now or in the future and if the contract must be reported to the U.S. and Liechtenstein tax authorities;
- He expressly and irrevocably authorises Swiss Life to disclose information to the U.S. and Liechtenstein tax authorities by name including details of the assets involved if, at a future date, there are indications that the policyholder is a "U.S. person" and the latter fails to provide Swiss Life with the required information.
- He understands and acknowledges that Swiss Life is legally required to disclose and report data (including tax relevant information) pertaining to the contract with Swiss Life and any other relevant data arising from the application documents or other documents regarding the contract to competent authorities for FATCA and CRS purposes in accordance with relevant Liechtenstein Laws that release Swiss Life for such purpose of insurance, data and business secrecy.
- He understands and acknowledges that Swiss Life may be obliged to disclose and report data (including tax relevant information) pertaining to the contract with Swiss Life and any other relevant data arising from the application documents or other documents regarding the contract to its business partners (the custodian bank holding the Contract's assets, asset manager and any other mandated third party, appointed during the term of the contract) or to authorise its business partners to transfer such data or information. This duty may lead to a disclosure of the data or information to the competent authorities. The declarant agrees to this disclosure and data transfer, to the extent necessary, releases Swiss Life and its business partners from the Liechtenstein data and business secrecy provision in order to comply with the aforementioned disclosure, reporting and data transfer requirements.
- This data/information may include, but is not limited to, personal data of the declarant such as a copy of the identity card, full name, address, date and place of birth, nationality, Social Security Number or Taxpayer Identification Number, as well as data related to the bank account underlying the contract including but not limited to account statements, amount of assets and any revenues or income, and any other relevant data arising from the execution of the insurance contract including U.S. Treasury and IRS Form W-9, FinCEN Report 114 and TD F 90-22.1 FBAR, 8938, 8966 or other equivalent and similar forms, whether this information is confidential or not (the "Data"). The Data may be disclosed by means of written courier (postal or electronically) and verbally (telephone or oral communication).
- Being a reporting financial institution, Swiss Life is responsible for the transfer of personal information concerning the declarant to the Liechtenstein tax authority. The declarant fully and unlimitedly releases Swiss Life from any liability incurred from disclosing or transferring the data. He is aware of the risk related to electronic communication and explicitly releases Swiss Life from any liability with regard to any erroneous transmission.
- The data may be communicated to the Liechtenstein tax authority and to relevant authorities of each jurisdiction participating in the CRS / AEOI standards.
- He understands and acknowledges that answers to each questions of the FATCA and CRS declaration are mandatory and he accepts all risks associated with inaccurate or incomplete answers. The declarant has the rights to access the data which will be communicated to the Liechtenstein tax authority and he shall advise Swiss Life in order to rectify any erroneous information.

Place/Date

Signature of the 1st declarant

/ /

Place/Date

Signature of the 2nd declarant (if applicable)

/ /

Annex 1

Passive NFE controlling person

Controlling Persons are defined as natural persons who exercise control over an Entity. Where that Entity is treated as a Passive Non-Financial Entity ("Passive NFE"), then a Financial Institution is required to determine whether or not these Controlling Persons are Reportable Persons. In the case of a trust, that term means the settlor(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 that of a trust, such a term means natural persons in equivalent or similar positions.

In case of more than 3 controlling person, please complete another Annex 1.

Controlling person 1

*Controlling person 1 identified below **MUST** also complete and sign Tax Reporting Self-certification for Natural Person*

First Name	Family Name / Surname	Date of Birth and Place of Birth	
Address	City / Town	Postal Code	Country

Controlling Person Type

<i>Legal Person:</i>	<input type="checkbox"/> Control by Ownership	<input type="checkbox"/> Control by Other Means	<input type="checkbox"/> Senior Managing Official		
<i>Legal arrangement - Trust</i>	<input type="checkbox"/> Settlor	<input type="checkbox"/> Trustee	<input type="checkbox"/> Protector	<input type="checkbox"/> Beneficiary	<input type="checkbox"/> Other
<i>Legal arrangement - Other</i>	<input type="checkbox"/> Settlor-equivalent	<input type="checkbox"/> Trustee-equivalent	<input type="checkbox"/> Protector-equivalent	<input type="checkbox"/> Beneficiary-equivalent	<input type="checkbox"/> Other-equivalent

Controlling person 2

*Controlling person 2 identified below **MUST** also complete and sign Tax Reporting Self-certification for Natural Person*

First Name	Family Name / Surname	Date of Birth and Place of Birth	
Address	City / Town	Postal Code	Country

Controlling Person Type

<i>Legal Person:</i>	<input type="checkbox"/> Control by Ownership	<input type="checkbox"/> Control by Other Means	<input type="checkbox"/> Senior Managing Official		
<i>Legal arrangement - Trust</i>	<input type="checkbox"/> Settlor	<input type="checkbox"/> Trustee	<input type="checkbox"/> Protector	<input type="checkbox"/> Beneficiary	<input type="checkbox"/> Other
<i>Legal arrangement - Other</i>	<input type="checkbox"/> Settlor-equivalent	<input type="checkbox"/> Trustee-equivalent	<input type="checkbox"/> Protector-equivalent	<input type="checkbox"/> Beneficiary-equivalent	<input type="checkbox"/> Other-equivalent

Controlling person 3

*Controlling person 3 identified below **MUST** also complete and sign Tax Reporting Self-certification for Natural Person*

First Name	Family Name / Surname	Date of Birth and Place of Birth	
Address	City / Town	Postal Code	Country

Controlling Person Type

<i>Legal Person:</i>	<input type="checkbox"/> Control by Ownership	<input type="checkbox"/> Control by Other Means	<input type="checkbox"/> Senior Managing Official		
<i>Legal arrangement - Trust</i>	<input type="checkbox"/> Settlor	<input type="checkbox"/> Trustee	<input type="checkbox"/> Protector	<input type="checkbox"/> Beneficiary	<input type="checkbox"/> Other
<i>Legal arrangement - Other</i>	<input type="checkbox"/> Settlor-equivalent	<input type="checkbox"/> Trustee-equivalent	<input type="checkbox"/> Protector-equivalent	<input type="checkbox"/> Beneficiary-equivalent	<input type="checkbox"/> Other-equivalent

1. FATCA Glossary

▪ **“IGA (Intergovernmental agreement)”**

An agreement or arrangement between the United States of America or the U.S. Treasury and a foreign government or one or more agencies to implement FATCA. At this stage two models of the IGA have been developed: Model 1 and Model 2.

The term Model 1 IGA means an agreement between the United States and a foreign government or one or more agencies thereof to implement FATCA through reporting by financial institutions to such foreign government or agency thereof, followed by automatic exchange of the reported information with the IRS. Liechtenstein has entered into a Model 1 IGA.

The term Model 2 IGA means an agreement between the United States and a foreign government or one or more agencies thereof to facilitate the implementation of FATCA through reporting by financial institutions directly to the IRS in accordance with the requirements of an FFI agreement, supplemented by the exchange of information between such foreign government or agency thereof and the IRS.

▪ **“Partner Jurisdiction”**

The term FATCA Partner means a jurisdiction that has in effect an IGA with the United States. The U.S. Treasury is publishing a list identifying all Partner Jurisdictions, which is updated on a regular basis

▪ **“Participating Foreign Financial Institution (FFI)”**

For the purpose of relevant US Treasury Regulations, the term Participating FFI means a Financial Institution that has agreed to comply with the requirements of an FFI Agreement, including a Financial Institution described in a Model 2 IGA that has agreed to comply with the requirements of such an agreement. The term Participating FFI also includes a qualified intermediary branch of a Reporting U.S. Financial Institution, unless such branch is a Reporting Model 1 FFI.

Each Reporting Liechtenstein Financial Institution shall be treated as complying with FATCA pursuant to article 4(1) of the Liechtenstein IGA.

▪ **“GIIN (Global Intermediary Identification Number)”**

The term **“GIIN or Global Intermediary Identification Number”** means the identification number that is assigned by the IRS to a Financial Institution upon registration for purposes of identifying such entity to withholding agents.

▪ **“Financial Institution”**

The term **“Financial Institution”** means a “Custodial Institution”, a “Depository Institution”, an “Investment Entity”, or a “Specified Insurance Company”.

▪ **“Active Non-Financial Foreign Entity (Active NFFE)”**

The term **“Active NFFE”** consist of a series of entities defined in a limitative manner. For the purpose of general guidance, the different categories of Active NFFEs can be summarized as follows:

a) An NFFE that meets the following, cumulative income and asset tests:

- Under the income test, the entity must have less than 50% of its gross income from the preceding calendar year as passive income; and
- Under the asset test, the entity must have less than 50% of its assets for the preceding calendar year as passive assets (i.e. assets that produce or are held for the production of passive income);

b) An NFFE, the stock of which is regularly traded on an established securities market or a NFFE that is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;

c) An NFFE organized in a U.S. Territory and wholly-owned by bona fide residents of that U.S. Territory 6;

d) A national government (other than the U.S. government), a political subdivision of such government (which, for the avoidance of doubt, includes a state, province, county, or municipality), or a public body performing a function of such government or a political subdivision thereof, a government of a U.S. Territory 7, an international organization, a non-U.S. central bank of issue, or an Entity wholly owned by one or more of the foregoing;

e) Most holding companies, treasury centers and captive finance companies that are members of a nonfinancial group. This category excludes, however, investment funds that acquire or fund (operational) companies for investment purposes;

f) Start-up companies investing capital in assets with the intent to operate a business other than that of a Financial Institution within two years as of the date of incorporation of the said company;

g) Nonfinancial entities that are liquidating or emerging from reorganization or bankruptcy, to the extent that the entity under review was not a Financial Institution in the past five years;

h) An NFFE that primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and that 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;

i) Entities otherwise qualifying as “Excepted NFFE” under the relevant US Treasury Regulations. This category includes essentially certain retirement funds;

j) Most charitable organizations, non-profit organizations and professional organizations.

▪ **“Passive NFFE”**

A **“Passive NFFE”** means any NFFE that is not (a) an Active NFFE, or (b) a withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. Treasury Regulations.

▪ **“Non-Financial Foreign Entity (NFFE)”**

For the purpose of the Liechtenstein IGA, an **“NFFE”** (or **“Non-financial foreign entity”**) means any Non-U.S. Entity that is not an FFI as defined in relevant U.S. Treasury Regulations or to the Liechtenstein IGA, and also includes any Non-U.S. Entity that is established in Liechtenstein or another Partner Jurisdiction and that is not a Financial Institution.

▪ **“Non-Participating Financial Institution”**

The term **“Non-Participating Financial Institution”** means an FI, which is neither a Participating FFI, nor a Deemed Compliant FFI, nor an Exempt Beneficial Owner. The definition includes a Liechtenstein Financial Institution or other Partner Jurisdiction Financial Institution treated as a Non-participating Financial Institution pursuant to subparagraph 2(b) of Article 5 of the Liechtenstein IGA or the corresponding provision in an agreement between the United States and a Partner Jurisdiction. Pursuant to subparagraph 2(b) of Article 5 of the Liechtenstein IGA, a Non-participating Financial Institution is a Financial Institution that has not solved its non-compliance within a period of 18 months after notification of significant non-compliance is first provided.

▪ **“Non-Reporting (Liechtenstein) Financial Institution”**

The term **“Non-Reporting Liechtenstein Financial Institution”** means any Financial Institution, or other Entity resident in Liechtenstein that is described as such in Annex II to the Liechtenstein IGA or that otherwise qualifies as a deemed-compliant FFI or an exempt beneficial owner under relevant U.S. Treasury Regulations in effect on the date of signature of the Liechtenstein IGA.

A comparable definition applies to Financial Institutions or other entities resident in Partner Jurisdictions by virtue of the applicable IGA.

▪ **“Sponsored Financial Institution”**

A **“Sponsored Financial Institution”** is a Financial Institution that is sponsored by a Sponsoring entity, to the extent permitted under the Liechtenstein IGA (or any other IGA or applicable Treasury Regulations).

▪ **“Deemed-compliant FFI”**

The term **“deemed-compliant FFI”** means,

a) any entity described under section III or IV of Annex II to the Liechtenstein IGA;

b) any entity described under the relevant Treasury Regulations as

- Registered deemed-compliant FFI;
- Certified deemed-compliant FFI;
- Owner-documented FFI; or
- QI branch of a U.S. financial institution that is a reporting FFI under IGA Model 1.

▪ **“Exempt Beneficial Owner”**

The term **“exempt beneficial owner”** means,

a) any entity that is described under section I or II of Annex II to the Liechtenstein IGA;

b) any entity described under the relevant Treasury Regulations as

- Exempt Beneficial Owners other than Funds
 - Governmental Entity
 - International Organization
 - Central Bank
- Funds that Qualify as Exempt Beneficial Owners
 - Treaty-Qualified Retirement Fund
 - Broad Participation Retirement Fund
 - Narrow Participation Retirement Fund
 - Pension Fund of an Exempt Beneficial Owner
 - Investment Entity Wholly Owned by Exempt Beneficial Owners

▪ **“Controlling Persons”**

Same definition as for CRS / AEOI. Please refer to the definition given in the CRS / AEOI Glossary

2. CRS / AEOI 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 Directive 2014/107/UE (the EU Directive for Automatic Exchange of Information), in these circumstances that other person is the account holder. With respect to jointly held account, each joint holder is treated as account holder. In case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary, any person named as the owner in the contract, and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

▪ **“Entity”**

The term **“Entity”** means a legal person or a legal arrangement, such as a corporation, partnership, trust, or foundation.

▪ **“TIN”**

The term **“TIN”** means Taxpayer Identification Number (or functional equivalent in the absence of a Taxpayer Identification Number). 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 at the following link: <https://search.oecd.org/tax/automatic-exchange/tinsandtaxresidency/taxidentificationnumberstins/>

▪ **“Reportable Account”**

The term **“Reportable Account”** means an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person.

▪ **“Reportable Jurisdiction”**

The term **“Reportable Jurisdiction”** means a jurisdiction with which an obligation to provide financial account information is in place and that is identified in a published list.

▪ **“Resident for tax purposes”**

Each jurisdiction has its own rules for defining tax residence and jurisdictions have provided information on how to determine whether an entity is tax resident in the jurisdiction on the following website: <https://search.oecd.org/tax/automatic-exchange/>. Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of its domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. Dual-resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residency for determining their residence for tax purposes. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. For additional information on tax residence, please talk to your tax adviser and see the following link: <https://search.oecd.org/tax/automatic-exchange/>

▪ **“Reporting Financial Institution”**

The term **“Reporting Financial Institution”** means any Participating Jurisdiction Financial Institution that is not a Non-Reporting Financial Institution.

▪ **“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.

▪ **“Financial Institution”**

This is the same definition as for FATCA. Please refer to the definition given in the FATCA Glossary.

▪ **“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 trust established under the laws of a Reportable Jurisdiction to the extent that 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 Entity defined in a country's domestic law as a Non-Reporting Financial Institution.

- **"NFE"**

An **"NFE"** is any Entity that is not a Financial Institution.

- **"Passive NFE"**

Under the CRS, a **"Passive NFE"** means any: (i) NFE that is not an Active NFE; and (ii) Investment Entity that is not a Participating Jurisdiction Financial Institution

- **"Active NFE"**

An NFE is an **"Active NFE"** if it meets any of the criteria listed below. In summary, those criteria refer to:

- active NFEs by reason of income and assets;
- publicly traded NFEs;
- Governmental Entities, International Organisations, Central Banks, or their wholly-owned Entities;
- holding NFEs that are members of a nonfinancial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centres that are members of a nonfinancial group; or
- non-profit NFEs.

- **"Controlling Persons"**

The term **"Controlling Persons"** means the natural persons who exercise control over an Entity. Where that Entity is treated as a Passive Non-Financial Entity (**"Passive NFE"**) then a Financial Institution is required to determine whether or not these Controlling Persons are Reportable Persons. In the case of a trust, that term means the settlor(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 that of a trust, such a term means natural persons in equivalent or similar positions. Under the CRS, the settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, are always treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust. Where the settlor(s) of a trust is an Entity, then the CRS requires Financial Institutions to also identify the Controlling Persons of the settlor(s) and, when required, report them as Controlling Persons of the trust. The term **"Controlling Persons"** must be interpreted in a manner consistent with the Financial Action Task Force Recommendations.