

Entity – Self-certification for the CRS and FATCA

This self-certification form is provided to you in the context of the implementation of the Automatic Exchange of Financial Account Information (FATCA and CRS). We are required to collect certain information about our Account holders. When the Account holder or any of its Controlling Persons has a tax residence outside Luxembourg or is a US Person, the personal and financial information regarding any financial account with Keytrade Bank Luxembourg ("Keytrade Bank") may be reported to the Luxembourg tax authority and foreign tax authorities.

Please note that an erroneous or incomplete form may lead to the reporting of inaccurate information.

If the Account holder is acting as an intermediary, is a Disregarded Entity in the eyes of US tax law or is holding US securities, please also complete an IRS W8 or W9 form (available at <https://www.irs.gov/pub/irs-pdf/fw8ben.pdf> or <https://www.irs.gov/pub/irs-pdf/fw9.pdf>).

1- Identification of the account holder (entity)

COMPANY NAME:		
REGISTERED OFFICE ADDRESS:		
Street	N°	Postbox
Post code	City	Country
LEGAL ENTITY IDENTIFIER ¹ :		
GIIN ² : If the company is a Financial Institution, please provide the GIIN		

1) Any company wishing to trade in derivatives (options, Turbos, Sprinters, warrants, structured products, futures, ...) must provide its Legal Entity Identifier (LEI) to Keytrade Bank to enable the reporting by Keytrade Bank of such transactions in keeping with the European Market Infrastructure Regulation (EMIR) (for more information and to obtain a LEI, see <https://www.swift.com/standards/data-standards/lei> or www.gmeiutility.org). Upon entry into force of MiFID II (scheduled for early 2018), any company wishing to carry out financial transactions must first obtain and send Keytrade Bank its LEI to enable Keytrade Bank to complete the reporting to the appropriate authorities.

2) The GIIN or "Global Intermediary Identification Number" is only required for companies that have been given this number by the American tax authorities. If the company is a Financial Institution and does not provide a GIIN, the company must complete a W-8BEN-E (form available at <https://www.irs.gov/pub/irs-pdf/fw8bene.pdf>) to confirm its status under FATCA and provide this to Keytrade Bank.

2- Tax residence

Please specify in the table below ALL countries where the company is resident for tax purposes along with its tax identification number (TIN)³.

COUNTRY OF TAX RESIDENCE	TAX IDENTIFICATION NUMBER(S) (TIN)
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3) Please visit the OECD website for information: <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>.

If you do not have a TIN, you are required to indicate the reason why and provide it as soon as it is received.

Please mark "Applied for" if you are a newly incorporated company having applied for a TIN (you will be required to provide the TIN to us within 90 days).

3- US Status (Only tick one box – definition of the FATCA Agreement)

- ☐ The company holding the account is a US Person. Please also complete a W9 form.
- ☐ The company holding the account is not a US Person.

4- CRS Status

Please indicate the account holder's entity status by selecting the appropriate status:

- ☐ (a) Financial Institution: professionally managed investment company
☐ (b) Financial Institution: other
☐ (c) Active NFE: publicly traded company or subsidiary of a publicly listed company
☐ (d) Active NFE: a government entity or central bank
☐ (e) Active NFE: an international organisation
☐ (f) Active NFE: other than (c) to (e)
☐ (g) Passive NFE:

You are a passive NFE (g) or a professionally managed investment company national of a country that is a non-signatory of the EAI-CRS agreement, you must also complete section 5 "Identification of controlling Persons (or beneficial owners)".

5- Identification of controlling Persons ("Beneficial Owners")

Please indicate below the natural person(s) who, on the date of signing, is (are) the company's Beneficial Owners.

Surname		First name	
Official domicile address			
Date of birth City and Country of birth			
Nationality(ies)			
Please specify ALL countries where the Beneficial Owner is regarded as a resident for tax purposes, along with its TIN4 in these countries.			
Country of tax residence	TIN		
Country of tax residence	TIN		
Country of tax residence	TIN		
Beneficial Owner Status:			
<input type="checkbox"/> (i) Shareholder (≥ 25%) <input type="checkbox"/> (ii) Voting rights (≥ 25%) <input type="checkbox"/> (iii) Decision maker: Job title			
Politically Exposed Person :		<input type="checkbox"/> yes	<input type="checkbox"/> no
US Person ⁵ :		<input type="checkbox"/> yes	<input type="checkbox"/> no

Surname		First name	
Official domicile address			
Date of birth City and Country of birth			
Nationality(ies)			
Please specify ALL countries where the Beneficial Owner is regarded as a resident for tax purposes, along with its TIN4 in these countries.			
Country of tax residence	TIN		
Country of tax residence	TIN		
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Beneficial Owner Status:			
<input type="checkbox"/> (i) Shareholder (≥ 25%) <input type="checkbox"/> (ii) Voting rights (≥ 25%) <input type="checkbox"/> (iii) Decision maker: Job title			
Politically Exposed Person :		<input type="checkbox"/> yes	<input type="checkbox"/> no
US Person ⁵ :		<input type="checkbox"/> yes	<input type="checkbox"/> no

A copy of the identity card (or passport) of each Beneficial Owner must be enclosed with this document.

4) Please visit the European Commission website (https://ec.europa.eu/taxation_customs/tin/tinByCountry.html?locale=fr) or the OECD website (<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>) or contact the tax authorities of your country of residence for tax purposes.

5) The term US Person must be interpreted in accordance with current American law and the company bears full responsibility for ascertaining whether the Beneficial Owner is classified as a US Person or not. If in doubt, the company must contact a tax adviser. Keytrade Bank does not provide any services to US Persons and retains the right to terminate its relationship with the company. If the company (or its Beneficial Owners) has (have) US index instruments, it must provide Keytrade Bank with the required documentation in order to confirm or invalidate its US Person status

6- Personal data protection

Personal data will be processed by Keytrade Bank Luxembourg when processing your request and when managing self-certification for the CRS and FATCA, as well as for the purposes described in the Privacy Policy. Please see this Policy for more information about the collection, recording and processing of your personal data, as well as about your rights to access, rectify, oppose, delete the data, limit the processing thereof and your right to data portability.

7- Statements and signature

We confirm that the information in this document is, to the best of our knowledge, true, correct and complete.

We undertake to notify Keytrade Bank promptly of any change that may render the information contained herein inaccurate and to provide Keytrade Bank with a new document within 30 days of such a change.

We acknowledge and agree to the collection, processing and disclosure of information contained in this document, including TINs of Beneficial Owners issued by countries that are not reportable jurisdictions as of the date of signing of this document, and information regarding the company's account(s) for the purposes indicated in section 6 above.

We declare that we are authorised to disclose the information, namely by obtaining the consent of each Beneficial Owner to collect, process and disclose their personal information indicated in section 5 above and we have informed each Beneficial Owner of their privacy rights as set out in section 6 above.

Therefore, we give our consent to the processing and disclosure of our personal data required in accordance with current international tax information exchange agreements and national regulations. Furthermore, we give our consent to the processing and disclosure of the above-mentioned data to the companies belonging to the group that includes Keytrade Bank and/or to subcontractor third parties so that Keytrade Bank is able to comply with its statutory obligations indicated in section 6 above.

Place and date

SURNAME & FIRST NAME(S)

JOB TITLE⁶

PLACE, DATE AND SIGNATURE

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SURNAME & FIRST NAME(S)

JOB TITLE⁶

PLACE, DATE AND SIGNATURE

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SURNAME & FIRST NAME(S)

JOB TITLE⁶

PLACE, DATE AND SIGNATURE

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6) Indicate the exact position of the persons authorised to represent the company (officer, president, manager...) in accordance with their status as well as with Keytrade Bank.

Definitions

These definitions are based on the OECD Common Reporting Standard for the Automatic Exchange of Financial Account Information ("The Common Reporting Standard" or "CRS") and the FATCA Agreement concluded between Luxembourg and the United States. If you have any questions about these definitions or require further details, please contact your tax advisor.

" CONTROL "

Control over an Entity is generally exercised by the natural person(s) who ultimately has(have) a controlling ownership interest in the Entity. Where no natural person(s) exercise(s) control through ownership interests, the controlling person(s) of the Entity will be the natural person(s) who exercise(s) control of the Entity through other means. Where no natural person(s) is(are) identified as exercising control of the Entity, the Controlling Person(s) of the Entity will be the natural person(s) who hold(s) the position of senior managing official.

The term "Controlling Person" shall be interpreted in a manner consistent with the Financial Action Task Force (FATF) Recommendations.

" CRS "

The Common Reporting Standard (CRS) is a standard proposed by the OECD with the objective of developing a system for the automatic exchange of information in order to guarantee greater fiscal transparency. The CRS was adopted by the European Union through the Directive regarding the mandatory automatic exchange of information in the field of taxation (Directive 2014/107/EU), also known as "DAC 2". The Directive has been transposed into Luxembourg law (law voted on 9 December 2015).

" DISREGARDED ENTITY "

For FATCA purposes, a "disregarded entity" is an entity that is wholly owned by a natural person or an entity and which is considered by the Internal Revenue Code as fiscally transparent.

"NEF "/" NFFE "

Means "Non-Financial Entity" under CRS or "Non-Financial Foreign Entity" under FATCA and corresponds to any Entity that is not a Financial Institution nor a US person.

"ACTIVE NFE"/"ACTIVE NFFE"

The term refers to any Non-Financial Entity (NFE/NFFE) that meets any of the following criteria:

- a) Active operating company
A company that generates 50% or more of its gross income from active operations (as opposed to investments), and less than 50% of the assets held by the entity during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income. A Financial Institution is not an active operating company;
- b) Holding or financing company of a non-financial group
Substantially all of the activities of the NFE/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, except that an Entity does not qualify for this status if the Entity functions 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;
- c) Start-up companies
The NFE/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. The NFE/NFFE does not qualify for this status until 24 months after the date of its incorporation;
- d) Entity in liquidation or reorganization
The NFE/NFFE has not been a Financial Institution for the past five years, and is in the process of liquidating its assets or is in the process of restructuring with the intent to continue or resume operations in a business other than that of a Financial Institution;
- e) Treasury centre of a non-financial group
The NFE/NFFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or
- f) Non-profit NFE/NFFE

"PASSIVE NFE"/"PASSIVE NFFE"

Under CRS, a "Passive NFE" means any: (i) NFE that is not an Active NFE; or (ii) an Investment entity resident in a non-participating jurisdiction.

Under FATCA, a "Passive NFFE" means any NFFE that is not (i) an Active NFFE, or (ii) a withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. legislation.

" ENTITY "

An entity refers to a natural person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation. This term encompasses any person other than a natural person.

Librem ipsum

“INVESTMENT ENTITY RESIDENT IN A NON-CRS JURISDICTION AND MANAGED BY ANOTHER FINANCIAL INSTITUTION”

This term refers to an Investment entity that is not a participating Jurisdiction Financial Institution, whose gross income is primarily attributable to investing, reinvesting, or trading in financial assets. The Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or another Investment Entity.

“RELATED ENTITY”

An entity is a Related Entity of another entity if either entity controls the other entity, or if 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.

“FINANCIAL INSTITUTION”

The term “Financial Institution” means a “Depository Institution”, a “Custodial Institution”, an “Investment Entity”, or a “Specified Insurance Company”, as defined below:

- the term “Depository Institution” refers to any entity that accepts deposits in the ordinary course of a banking or similar business;
- the term “Custodial Institution” refers to any entity that holds, as a substantial part of its business, Financial Assets for third parties;
- the term “Investment Entity” refers to any Entity:
 - a) that conducts as its core business one or more of the following activities or transactions for or on behalf of a customer:
 - i) trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.), the exchange market, currency instruments, interest rates and indices, securities, or future commodities;
 - ii) individual and collective portfolio management; or
 - iii) otherwise investing, administering or managing Financial Assets or money for third parties, 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.

An investment entity includes an entity that functions as an investment fund, such as a private equity fund, a venture capital fund, a leverage buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold shares in those companies for investments purposes.

- The term “Specified Insurance Company” means any insurance company (or the holding company of an insurance company) that issues a Cash Value Insurance Contract or an Annuity Contract.

“REPORTING FINANCIAL INSTITUTION”

Under FATCA, this term refers to a Financial Institution that has registered with the US Internal Revenue Service (IRS). Every Reporting Financial Institution obtains a Global Intermediary Identification Number (GIIN).

Under CRS, it refers to a Financial Institution that does not qualify as a Non-Reporting Financial Institution.

“NON-REPORTING FINANCIAL INSTITUTION”

Under FATCA, this term refers to a Financial Institution, or other Entity resident in a jurisdiction signatory to an Intergovernmental Agreement (IGA) with the US that is referred to in Annex II of the IGA as a Non-Reporting Financial Institution or a Deemed-Compliant FFI (Foreign Financial Institution) under the US Treasury Regulations.

Under CRS, the term “Non-Reporting Financial Institution” means any Financial Institution that is:

- a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Public Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
- any other Entity that presents a low risk of being used to evade tax, included in the list of Non-Reporting Financial Institutions published in the Official Journal of the European Union (OJ);
- an Exempt Collective Investment Vehicle; this term refers to an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are entirely held by or through natural persons or Entities that are not Reportable Persons, except a Passive NFE/NFFE with Reportable Controlling Persons; or
- a trust insofar as the trustee of this trust is a Reporting Financial Institution and discloses all required information with respect to all Reportable Accounts of the trust.

“CRS JURISDICTION”

A CRS jurisdiction is a jurisdiction that has signed a Competent Authority Agreement. It includes all European Union Member States (by application of Directive 2014/107/EU).

“NON-PARTICIPATING CRS JURISDICTION”

This term refers to a Country that is not an EU Member State and that has not concluded an agreement on the automatic exchange of financial information.

“CONTROLLING PERSON”

The “Controlling Person” is the natural person who exercises control over an entity. Every entity has at least one controlling person. This definition corresponds to the term “beneficial owner”, as described in Recommendation 10 of the FATF Recommendations and defined in the Luxembourg anti-money laundering and anti-terrorism financing Law dated 12 November 2004. The Luxembourg law of 12 November 2004 provides that “beneficial owner” means “any natural person on whose behalf a transaction or activity is being conducted. The beneficial owner shall at least include, in the case of corporate entities.

- i) any natural person who ultimately owns or controls a legal entity through direct or indirect ownership or control over a sufficient percentage of the shares” (property) “or voting rights” (other means) “in that legal entity, including through bearer share holdings, other than a company listed on a regulated market that is subject to disclosure requirements consistent with Community legislation or subject to equivalent international standards; a percentage of more than 25% shall be deemed sufficient to meet this criterion;
- ii) any natural person who otherwise exercises control over the management of a legal entity” (senior executive).

In the case of a trust, this term refers to the settlor(s), the trustee(s), the protector(s) of the trust, if any, the beneficiary(ies) or class(es) of beneficiaries, or any other natural person(s) exercising ultimate effective control over the trust, regardless of whether or not they exercise control over the Trust. In the case of a legal arrangement other than a trust, such a term refers to persons in equivalent or similar positions.

“REPORTABLE PERSON”

Any person that is a tax resident outside Luxembourg or any US person.

“US PERSON”

Under FATCA, the term “US person” means a US citizen or resident, a partnership or corporation organised or incorporated in the United States.

“TAX RESIDENT”

A person is always a tax resident in at least one country.

An entity is a Tax Resident in a jurisdiction when it is considered a resident under a tax law of that jurisdiction and when it pays taxes to said jurisdiction. The concept of tax residency may differ from jurisdiction to jurisdiction. Criteria that may be factored into establishing tax residency include: domicile in a jurisdiction; or place of incorporation/organisation; or nationality.

Staying in a jurisdiction can contribute to establishing tax residency in this jurisdiction. Furthermore, it is possible to be considered a Tax Resident in more than one jurisdiction. Government officials, diplomats and military personnel are generally Tax Residents in their home jurisdiction. The current determination of the tax residency is established on the basis of the local tax legislation.

You can look up the conditions in the local legislation or on the following website: www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/

Legal arrangements and tax residency:

An entity such as a legal arrangement that has no residence for tax purposes (transparent entity) is deemed a tax resident for CRS purposes in the jurisdiction in which it is actually managed. If there is no central administration, the address of its principal office can serve as a proxy for determining residence.

Keytrade Bank is not authorised to provide tax advice to determine a client’s tax residence. Please consult a tax advisor if you are not sure about your tax residence.

“PASSIVE INCOME”

Passive income generally includes a portion of gross income that consists of:

- a) dividends and income equivalent to dividends;
- b) interest and income equivalent to interest;
- c) rents, royalties and annuities;
- d) capital gains realised on the sale or exchange of Financial Assets that give rise to passive income, as described above;
- e) capital gains realised on transactions (including futures, forwards, options, and similar transactions) related to any Financial Assets;
- f) currency-related capital gains;
- g) net income from swaps; or
- h) amounts received under Cash Value Insurance Contracts.

Notwithstanding the foregoing, passive income will not include, in the case of a NFFE that regularly acts as a dealer in Financial Assets, any income from a transaction entered into in the ordinary course of such dealer’s business.

"PUBLICLY LISTED COMPANY"

The stock of the NFE/NFFE is traded on a regulated financial market or the NFE/NFFE is a Related Entity of an entity whose stock is traded on a regulated financial market.

Please complete this document and email it to info@keytradebank.lu or post it to the following address:

Keytrade Bank Luxembourg SA
62 Rue Charles Martel
L-2134 Luxembourg, Luxembourg

Further information

OECD: <http://www.oecd.org/tax/automatic-exchange/>

FATCA in Luxembourg: http://www.impotsdirects.public.lu/fr/echanges_electroniques/FATCA.html