



UNION BANCAIRE PRIVÉE

# Entity Tax Residency Self-Certification Form

## General Information and Instructions

### 1. General Background

As part of the Organization for Economic Cooperation and Development's (hereinafter the "OECD") Common Reporting Standard (hereinafter the "CRS") for the Automatic Exchange of Information (hereinafter the "AEOI"), Union Bancaire Privée, UBP SA (hereinafter the "Bank", "We" or "Us") is obliged, under local laws and regulations, to collect certain information relating to the tax status and residency of its clients.

Definitions have been provided in the Appendix to assist you with the completion of this form and, in particular, with classifying the account holder entity (hereinafter the "Entity" or "Account Holder") and to explain certain terms specific to the AEOI.

If the Account Holder and/or, in some cases, one or more individuals who exercise control over the Account Holder (hereinafter the "Controlling Person") is/are resident for tax purposes in one or more countries that have signed an AEOI agreement with Switzerland (an up-to-date list of countries is available on [www.sif.admin.ch](http://www.sif.admin.ch)), from 2018 the Bank will report information concerning the following to the Swiss tax authorities (based on data collected from 1 January 2017):

- (i) the Account Holder;
- (ii) in some cases the Controlling Person, and;
- (iii) the account(s) with which the Account Holder or, where applicable, the Controlling Person, is linked and, in particular, the balance and income at certain dates.

**This information will then be passed on to the tax authorities in the Account Holder's country/countries of residence for tax purposes and, in some cases, those of the Controlling Persons.**

If neither the Account Holder nor, where applicable, the Controlling Persons are resident in a country having signed an AEOI agreement with Switzerland, no information will be passed to the Swiss tax authorities. There will therefore be no automatic exchange of information with the tax authorities in the country or countries where the Account Holder, or Controlling Persons, are resident for tax purposes. However, information may under certain conditions be disclosed to the tax authorities in question in response to a request based on, in particular, a double taxation treaty. **In this respect, such information may also pertain to closed accounts.**

### 2. Instructions for completing the form

The Swiss tax authorities require the Bank to determine the tax status and residency of all Account Holders in accordance with the CRS. The Bank therefore requests that you determine the tax status and state the residence(s) for tax purposes of the Entity identified as the Account Holder of the Financial Account concerned. If there are multiple account holders, please complete a separate form for each Account Holder.

Furthermore, please note that if the Account Holder is classified as a passive Non-Financial Entity (NFE) under the CRS<sup>1</sup> then you will also be obliged to provide details of the Controlling Persons using the "Tax Residency Self-Certification Form for Individual Account Holders and Controlling Persons".

In any case, please complete the sections below as directed and provide any additional information and documents requested.

**This form has significant legal and tax-related consequences for you and for the Bank: please complete it with the utmost care and, if needed, seek counsel from a professional tax advisor. Under no circumstances should this form, or any written or verbal explanation relating to it, be construed as tax advice:** if you have any questions about this form or about the Account Holder's status or tax residency, we encourage you to contact a tax advisor or the domestic tax authorities.

**Please note the following important information:**

- ◆ **Do not use this form if the Account Holder is an individual or a sole trader. In these cases, please complete and submit the "Tax Residency Self-Certification Form for Individual Account Holders and Controlling Persons".**
- ◆ **If the Account Holder is a US taxpayer, or has other connections with the US, it may be a "Specified US Person" under US Internal Revenue Service ("IRS") regulations and, if so, an IRS Form W-9 must be completed along with consent to remove banking secrecy ("US Tax Compliance Declaration & Consent to Report (FATCA)").**
- ◆ **If the Account Holder's tax residency cannot be clearly established by application of the AEOI provisions, please note that the Bank will be obliged to report the Account Holder based on the indications of tax residence defined in the CRS and showing a link with one or more jurisdictions subject to reporting. Information about the Account Holder may then be sent to each of those jurisdictions.**

<sup>1</sup> This will include a Professionally Managed Investment Entity in a non-participating jurisdiction. Please see the Appendix for a full definition of a Passive NFE.



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- ◆ If the Account Holder is classified as a Passive NFE and the Bank has not been given the required self-certification for the Controlling Persons, please note that the Bank will be obliged to report the Controlling Persons based on the indications of tax residence showing a link with one or more jurisdictions subject to reporting. Information about the Controlling Persons may then be sent to each of these jurisdictions.
- ◆ Should circumstances change and make the information contained in this form incorrect, please provide the Bank with a duly updated self-certification form within 30 days of such change in circumstances.

### Part 1 – Identification of the Account Holder

A. Legal name of Entity

\_\_\_\_\_

B. Country of incorporation or organization

\_\_\_\_\_

C. Registered office/permanent residence address (do not use PO box or “care of” addresses unless these are registered on the commercial register)

Address Line 1 \_\_\_\_\_ Number \_\_\_\_\_

Address Line 2 \_\_\_\_\_

Postal Code \_\_\_\_\_ City \_\_\_\_\_

Region/State \_\_\_\_\_

Country \_\_\_\_\_

#### Only applicable for Trusts with more than one Trustee

Address Line 1 \_\_\_\_\_ Number \_\_\_\_\_

Address Line 2 \_\_\_\_\_

Postal Code \_\_\_\_\_ City \_\_\_\_\_

Region/State \_\_\_\_\_

Country \_\_\_\_\_

Address Line 1 \_\_\_\_\_ Number \_\_\_\_\_

Address Line 2 \_\_\_\_\_

Postal Code \_\_\_\_\_ City \_\_\_\_\_

Region/State \_\_\_\_\_

Country \_\_\_\_\_



## Entity Tax Residency Self-Certification Form (continued)

### Part 2 – Countries/jurisdictions of residence for tax purposes and related Taxpayer Identification Numbers (TINs)

Please complete the following table stating (i) **all** countries/jurisdictions where the Account Holder is tax resident and (ii) the Account Holder’s Taxpayer Identification Number (“TIN”), or equivalent number, for each country/jurisdiction indicated. **It is mandatory to indicate all relevant countries/jurisdictions.**

Each country/jurisdiction defines tax residence in accordance with its own rules. In this respect, the countries/jurisdictions concerned have provided information on the dedicated OECD Automatic Exchange Portal<sup>2</sup> about the rules for attaching an Entity to a tax residence within the country/jurisdiction in question.

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 the country/jurisdiction in which its principal office is located.

If the Account Holder is a trust without its own tax jurisdiction, please indicate the country/jurisdiction of tax residence of the trustee or trustees (if there are more than one) and leave the other two columns blank.

If it is not possible to specify a TIN in the table for each country/jurisdiction of tax residence, please indicate the reason in the right-hand column.

**Reason A** – The country/jurisdiction of tax residence specified does not issue TINs to its residents.

**Reason B** – The Account Holder/Controlling Person is unable to obtain a TIN or equivalent number or is in the process of being issued one (please explain why a TIN has not (yet) been obtained). If the TIN is in the process of being obtained, the TIN must be given to the Bank within 90 days.

**Reason C** – The TIN is not required (note: only select this reason if the domestic law of the relevant country/jurisdiction does not require the collection of the TIN issued by such country/jurisdiction).

	Country/jurisdiction of tax residence <sup>3</sup>	TIN	If no TIN is provided, please state the reason (A, B or C). If you select Reason B, please explain why you have not (yet) been able to obtain a TIN.
1			
2			
3			

<sup>2</sup> The attachment rules for each country/jurisdiction are available on [www.oecd.org/tax/automatic-exchange/](http://www.oecd.org/tax/automatic-exchange/).

<sup>3</sup> If the Account Holder is resident for tax purposes in more than three countries/jurisdictions, please use and sign a separate page. This additional page will then form an integral part of this document.



## Entity Tax Residency Self-Certification Form (continued)

### Part 3 – Status

#### a) Is the Entity a Professionally Managed Investment Entity (PMIE)?

In general, Entities that are typically treated as PMIEs include private investment vehicles and collective investment vehicles (e.g. private investment companies, trusts, foundations or investment funds) that are professionally managed, e.g. because they have concluded a discretionary asset management mandate with a Financial Institution (with the Bank or with an external asset manager). **For the full definition of the term “Professionally Managed Investment Entity” and any terms used below, please refer to the definitions in the Appendix.**

Yes

i) If the Entity is resident in a Participating Jurisdiction<sup>4</sup> → **please complete Part 4**

ii) If the Entity is resident in a Non-Participating Jurisdiction → **please go straight to point (d) and complete the “Tax Residency Self-Certification Form for Controlling Persons”, or have it completed.**

No → **Please go to point (b)**

#### b) Does the Entity come under the “Other types of financial institutions” category?

“Other types of financial institutions” include in particular Depository Institutions, Custodial Institutions, Managing Investment Entities and Specified Insurance Companies. Such Entities may be banks, brokers, investment managers/advisors and life insurance companies. **For the full definition of Depository institutions, Custodial Institutions, Managing Investment Entities and Specified Insurance Companies, please refer to the definitions in the Appendix.**

Yes → **Please complete Part 4**

No → **Please go to point (c)**

#### c) Please confirm the Entity's Non-Financial Entity (NFE) status (by ticking the appropriate box):

Active NFE since the Entity is:

An Active NFE by reason of income and assets → **Please complete Part 4**

A publicly traded NFE – publicly traded corporation

Please provide the name of the established securities market on which the NFE is regularly traded below and **complete Part 4.**

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A non-financial corporation that is a Related Entity of a publicly traded corporation

A NFE (other than a corporation) that is a Related Entity of a publicly traded corporation.

In both cases, please provide the company name of the publicly traded corporation of which the Entity is a Related Entity:

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Please also provide the name of the regulated securities market on which the corporation is traded and **complete Part 4**

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A Government Entity or Central Bank → **Please complete Part 4.**

An International Organization → **Please complete Part 4.**

A Holding Entity that is a member of a non-financial group → **Please complete Part 4.**

A start-up NFE → **Please complete Part 4.**

An NFE that is liquidating or emerging from bankruptcy → **Please complete Part 4.**

A treasury center that is a member of a non-financial group → **Please complete Part 4.**

A Non-Profit Entity → **Please complete Part 4.**

Passive NFE → **Please go to point (d) and complete the “Tax Residency Self-Certification Form for Controlling Persons” or have it completed.**

<sup>4</sup> A list of Participating Jurisdictions is available on [www.oecd.org/tax/transparency/who-we-are/members/](http://www.oecd.org/tax/transparency/who-we-are/members/).



## Entity Tax Residency Self-Certification Form (continued)

**d) Please list the Controlling Persons for the Professionally Managed Investment Entity resident in a non-Participating Jurisdiction or the Passive NFE.**

In the table below, please indicate the name, date of birth and status of each Controlling Person, specifying the appropriate letter from the list below.

Please also complete the "Tax Residency Self-Certification Form for Controlling Persons", or have it completed, for each Controlling Person and return it to the Bank.

Surname – First name	Date of birth (dd/mm/yyyy)	Status of the Controlling Person (see below)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additional \_\_\_ Controlling Person(s) listed in the attached page(s), which constitute(s) an integral part of this document.

- a. Controlling Person of a legal person – control by ownership
- b. Controlling Person of a legal person – control by other means
- c. Controlling Person of a legal person – senior managing official
- d. Controlling Person of a trust – settlor
- e. Controlling Person of a trust – trustee
- f. Controlling Person of a trust – protector
- g. Controlling Person of a trust – beneficiary
- h. Controlling Person of a trust – other
- i. Controlling Person of a legal arrangement (non-trust<sup>5</sup>) – settlor-equivalent
- j. Controlling Person of a legal arrangement (non-trust) – trustee-equivalent
- k. Controlling Person of a legal arrangement (non-trust) – protector-equivalent
- l. Controlling Person of a legal arrangement (non-trust) – beneficiary-equivalent
- m. Controlling Person of a legal arrangement (non-trust) – other-equivalent

**N.B.1:** If the Account Holder is an underlying Entity of a trust, the Controlling Person type will be one of the types listed under points d. to h.

**N.B.2:** If the Account Holder is an Entity underlying a (non-trust) legal arrangement, the Controlling Person will be one of the types listed under points i. to m.

<sup>5</sup> Non-trust legal arrangements include, for example, foundations or fideicommissa.



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## Entity Tax Residency Self-Certification Form (continued)

### Part 4 – Declarations and signature

I understand that the information supplied by me will be covered by the full provisions of the Swiss AEOI laws and regulations which set out how the Bank may use and share such information.

I acknowledge that the information contained in this form and information regarding the Financial Accounts may be reported to the Swiss tax authorities and thereafter exchanged with the tax authorities of other countries/jurisdictions in which the Entity and/or the Controlling Persons may be tax resident if those countries/jurisdictions have entered into agreements to exchange financial account information.

Should the Account Holder's circumstances change and make the information contained herein incorrect (including information relating to the Controlling Persons), I undertake to provide the Bank with a suitably updated self-certification form within a period of 30 days of such change in circumstances. I understand that if the information is not corrected, this may lead to reporting to the wrong country, which may have negative tax consequences for the Account Holder and/or the Controlling Persons.

Moreover, in the event of a change of circumstances, I am aware that the abovementioned relationship with the Bank may be terminated if the Account Holder (or one of the Controlling Persons) fails to fulfill the obligation to submit the requisite relevant documentation enabling identification of the Account Holder's (or Controlling Person's) country/jurisdiction of tax residence.

As regards Part 3 (d) and the requirement to state the Controlling Persons, I hereby confirm that I have informed the Controlling Persons of the contents of the present form and, in particular, of the fact that their names and personal data may be disclosed to foreign tax authorities where applicable and as described herein.

**I declare and certify that all statements made in this form are, to the best of my knowledge and belief, correct and complete and I hereby undertake to indemnify the Bank against any damage it may incur should any information contained in this form be incorrect or false.**

**I am aware that, pursuant to Article 35 of the Swiss Federal Act on the International Automatic Exchange of Information in Tax Matters (AEOI Act), any person who intentionally provides inaccurate information in a self-certification form, fails to provide an updated self-certification form in the event of a change of circumstances, or provides inaccurate information regarding a change of circumstances may be liable to penalties.**

Date

\_\_\_\_\_

Signature(s) of the Client(s)

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Additional \_\_\_ Controlling Person(s) listed in the attached page(s), which constitute(s) an integral part of this document.



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## Entity Tax Residency Self-Certification Form (continued)

### Appendix – Glossary

#### “Account Holder”

The term “Account Holder” means the person listed or identified as the holder of a Financial Account. A person, other than a financial institution, holding a Financial Account for the benefit of another person as an agent, a custodian, a nominee, a signatory, an investment advisor, an intermediary, or a legal guardian is not treated as the Account Holder. In these circumstances that other person is the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

#### “Active Non-Financial Entity (NFE)” (“Active NFE”)

The term “Active NFE” means any NFE that meets any of the following criteria:

- a) **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 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;
- b) **Publicly traded NFE and NFE related to a publicly traded Entity:** the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity with stock that is regularly traded on an established securities market;
- c) **Government Entity, International Organization or Central Bank:** the NFE is a Government Entity, an International Organization, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- d) **Holding Entity that is a member of a non-financial 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;
- e) **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 organization of the NFE;
- f) **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 reorganizing with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- g) **Treasury Center that is a member of a non-financial 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; or
- h) **Non-profit Entity:** the NFE meets all of the following requirements:
  - i. 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 is a professional organization, business league, chamber of commerce, labor organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
  - ii. It is exempt from income tax in its jurisdiction of residence;
  - iii. It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - iv. 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
  - v. 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 Government Entity or other non-profit organization, or escheat to the government of the NFE’s jurisdiction of residence or any political subdivision thereof.



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## Entity Tax Residency Self-Certification Form (continued)

### “Collective Investment Vehicle that is an Investment Entity”

An Entity is generally considered an Investment Entity if it operates or behaves like a collective investment vehicle, a mutual fund, an exchange-traded fund, a private equity fund, a hedge fund, a venture capital fund, a leveraged buyout fund or any similar investment vehicle whose strategy consists of investing or reinvesting in financial assets and carrying out transactions with such assets. An Entity whose primary activity consists of carrying out investment, administration or management transactions relating to non-debt direct interests in real estate on behalf of third-parties, such as a real estate investment trust, will not constitute an Investment Entity.

### “Controlling Person”

The term “Controlling Person” means the individual(s) who exercises control over an Entity.

This term must be interpreted in a manner consistent with the Swiss implementation of the Financial Action Task Force recommendations, namely for banking relationships in Switzerland, in accordance with the Agreement on the Swiss banks’ code of conduct with regard to the exercise of due diligence (CDB 16).

For Entities other than operational Entities (e.g. domiciliary companies), all of the beneficial owners must be identified with no minimum share of the capital or voting rights being stipulated for such entities.

For operational entities, CDB 16 states that to identify the Controlling Persons for an operational entity (based on form K), the following steps must be followed:

- (i) Determine whether or not there are individuals who hold 25% or more of the entity’s voting rights or capital. In the case of indirect holdings, the 25% threshold must be reached within the intermediary entity and the individual must hold at least 50% of the intermediary entity’s voting rights or capital or otherwise control that entity. It is not necessary to apply transparency for intermediary entities exempted from identification of Controlling Persons in accordance with the AML/KYC procedures (e.g. publicly traded entities including majority-controlled subsidiaries, public authorities, banks and other financial intermediaries such as associated contractors or simple partnerships).
- (ii) If no individual could be identified in point (i), whether or not there is a person controlling the entity by other means (e.g. shareholders’ agreement, dominant influence of a lender) must be determined.
- (iii) If no one was identified under points (i) and (ii), the person in the most senior position will be identified as the entity’s Controlling Person.

According to CDB 16, companies that are engaged in trading, manufacturing or service provision (unlike domiciliary companies) will be considered to be engaged in an operational activity.

In the case of a trust, this term means the settlor(s), the trustee(s), the protector(s), the beneficiary/beneficiaries or the members of a class or classes of beneficiaries and any other individual exercising ultimate effective control over the trust. In the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The members, defined based on characteristics only, of a class of beneficiaries must not be treated as Controlling Persons until the person is known by name (then the rules for beneficiaries known by name will be applied depending on the type of rights). A discretionary beneficiary known by name will only be deemed a Controlling Person for calendar years or other suitable reference periods during which the person actually receives a distribution. A discretionary beneficiary must therefore be documented using the “**Individual Controlling Person Tax Self-Certification**” form in the year in which they receive their first distribution.

### Under AEOI rules, information about Controlling Persons is only required if the Account Holder Entity is:

- i. A Passive NFE
- ii. A Professionally Managed Investment Entity in a Non-Participating Jurisdiction.

### “Country/jurisdiction of tax residence”

In general, an individual is deemed tax resident in a country/jurisdiction when, under the laws of said country/jurisdiction (including tax treaties), the individual pays, or should pay, tax on their total income because of their domicile, residence or any other criterion of a similar nature (i.e. unlimited tax liability) and not solely on sources of income originating from the country/jurisdiction in question.

The tax residence of an Entity is defined by the domestic legislation of the jurisdiction to which it is connected. In general, an Entity will be deemed resident in a jurisdiction for tax purposes when, under the legislation of said jurisdiction, it is liable to pay tax there due to its place of incorporation or organization, the address of its registered office, its principal office or its place of effective management (i.e. unlimited tax liability). On the other hand, an Entity will not be deemed resident in a jurisdiction for tax purposes solely due to the presence of a permanent establishment within said jurisdiction.

In the case of a trust, which is a Financial Institution (whether resident for tax purposes within a participating jurisdiction or not), the trust will be deemed to fall under the jurisdiction of a Participating Jurisdiction if one or more of its trustees are resident within said Participating Jurisdiction, except if the trust provides all reportable information (pursuant to the CRS pertaining to reportable accounts maintained by the trust) to another participating jurisdiction as a result of the trust’s tax residence within that participating jurisdiction.



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## Entity Tax Residency Self-Certification Form (continued)

In the event of a conflict of residence between multiple jurisdictions, the double taxation treaties applicable between the jurisdictions in question should be referred to in order to determine which one takes precedence.

Further information about tax residence rules applicable within the OECD countries can be found on [www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/](http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/).

### “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 (if shorter than three years).

### “Depository Institution”

The term “Depository Institution” means any Entity that accepts deposits in the ordinary course of a banking or similar business.

### “Entity”

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

### “Financial Account”

A Financial Account is an account maintained by a financial institution and includes depository accounts, custodial accounts, equity and debt interest in certain investment entities, cash value insurance contracts, and annuity contracts.

### “Financial Asset”

The term “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”, an “Investment Entity”, or a “Specified Insurance Company”. Please see the relevant Tax Regulations for the countries in question and the CRS for further classification definitions that apply to Financial Institutions.

### “Managing Investment Entity”

The term “Managing Investment Entity” means any Entity which 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 (checks, bills, certificates of deposit, derivatives etc.), foreign exchange, exchange, interest rate and index instruments, transferable securities or commodities futures trading,
- ◆ Individual or 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.

### “Non-Financial Entity (NFE)”

This term means any Entity that is not a Financial Institution.

### “Passive Non-Financial Entity (NFE)” (“Passive NFE”)

A “Passive NFE” means any NFE that is not an Active NFE. Moreover, an Account Holder that is a Professionally Managed Investment Entity in a Non-Participating Jurisdiction as far as Switzerland is concerned will be deemed a Passive NFE Account Holder under the CRS.



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## Entity Tax Residency Self-Certification Form (continued)

### “Participating Jurisdiction Financial Institution”

The term “Participating Jurisdiction Financial Institution” means (i) any Financial Institution that is tax resident in a Participating Jurisdiction, excluding any branch of that Financial Institution that is located outside 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.

### “Professionally Managed Investment Entity”

The term “Professionally Managed Investment Entity” means any Entity whose gross income 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 will be 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 its 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 considered to be “professionally managed” if the managing Entity performs, either directly or indirectly through a service provider, any of the following activities or operations on behalf of the managed Entity:

- ◆ Trading in money market instruments (checks, bills, certificates of deposit, derivatives etc.), foreign exchange, exchange, interest rate and index instruments, transferable securities or commodities futures trading,
- ◆ Individual or collective portfolio management, or
- ◆ Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.

However, an Entity is not professionally managed if the managing Entity does not have discretionary authority to manage the Entity’s assets (in whole or in part). An Entity will therefore be considered to be professionally managed by an Entity where the latter has discretionary authority to manage the former’s assets (in whole or in part) even if it does not manage the Entity as such.

Accordingly, an Entity will not be deemed a managing Entity if it only provides administrative services, for example secretarial services, registered office or registered agent services, financial report or tax return preparation services, accounting services, or nominee shareholder services, or only carries out instructions in a non-autonomous and non-discretionary manner.

Where an Entity is managed by a mix of financial institutions, NFEs or persons (individuals), it is considered to be managed by an 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”

Pursuant to the CRS (see note at the end of the Appendix), this is an account held by one or more “Reportable Persons” or by a passive Non-Financial Entity (“NFE”) for which one or more “Controlling Persons” are Reportable Persons.

### “Reportable Jurisdiction”

The term “Reportable Jurisdiction” means a country/jurisdiction with which Switzerland has concluded an agreement obliging Switzerland to provide information about the residents of that country/jurisdiction and their accounts (reportable accounts). The reportable jurisdictions can be found on [www.sif.admin.ch](http://www.sif.admin.ch).

### “Reportable Jurisdiction Person”

A person that is tax resident in a Reportable Jurisdiction under the tax laws of such jurisdiction – by reference to local laws in the country where the Entity is established, incorporated or managed. In general, an Entity that has no residence for tax purposes (e.g. a tax-transparent partnership) is considered to be resident in the jurisdiction in which its place of effective management is situated.



UNION BANCAIRE PRIVÉE

## Entity Tax Residency Self-Certification Form (continued)

### “Reportable Person”

Under the CRS a “Reportable Person” is defined as a “Reportable Jurisdiction Person”, other than

- i. a corporation with stock that is regularly traded on one or more established securities markets;
- ii. a corporation that is a Related Entity of a corporation described in clause (i);
- iii. a Government Entity;
- iv. an International Organization;
- v. a Central Bank; or
- vi. a Financial Institution (except for an Investment Entity as described in Sub Paragraph A(6) b) of Section VIII of the CRS that are not Participating Jurisdiction Financial Institutions, which are treated as Passive NFEs).

### “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”

“TIN” stands for Taxpayer Identification Number or may refer to a “functional equivalent” in the absence of a TIN. A TIN is a unique combination of letters and/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 Automatic Exchange Portal ([www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/](http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/)).

Some jurisdictions do not issue a TIN. However, these jurisdictions often use some other high-integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number include, for individuals, a social security/insurance number, citizen/personal identification/service code/number, and resident registration number.

**Note:** Further information can be found in the provisions of the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the “CRS”), the associated Commentary to the CRS, and domestic guidance. This is available (in English and French) on the OECD AEOI portal ([www.oecd.org/tax/exchange-of-tax-information/](http://www.oecd.org/tax/exchange-of-tax-information/)). If you have any questions, please contact a tax advisor or your domestic tax authorities.

