



UNION BANCAIRE PRIVÉE

Tax Residency Self-Certification Form for Individual Account Holders and Controlling Persons

General Information and Instructions

This form must be completed:

- i. either for an individual account holder (hereinafter “Account Holder”);
- ii. or for a Controlling Person of a Passive Non-Financial Entity (NFE) account holder or a Professionally Managed Investment Entity resident in a non-participating jurisdiction (hereinafter “Account Holder Entity”).
- iii. or for a sole proprietorship

1. General Background

The applicable regulations under the Organization for Economic Cooperation and Development’s (hereinafter “OECD”) Automatic Exchange of Information (hereinafter “AEOI”) and Common Reporting Standard (hereinafter “CRS”), the UNION BANCAIRE PRIVÉE, UBP SA (hereinafter the “Bank”) is obliged under Swiss laws and regulations to collect information, particularly regarding the tax residency of Account Holders and, in some cases, the tax residency of an Account Holder Entity’s “Controlling Persons” (hereinafter “Controlling Person”) (see definition in the Appendix).

Definitions have been provided in the Appendix to assist you with the completion of this form, identifying the Controlling Person and to explain certain terms specific to the AEOI.

If the Account Holder/Controlling Person is resident for tax purposes in one or more countries that have signed an agreement regarding the AEOI with Switzerland¹, the Bank will report information concerning the following to the Swiss tax authorities from 2018 (based on data collected from 1 January 2017):

- i. The Account Holder/Controlling Person;
- ii. The Account Holder’s Financial Account(s)/the Financial Account(s) to which 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/Controlling Person’s country/countries of residence for tax purposes.

Under the AEOI, if the Account Holder/Controlling Person is not resident in a country that has signed an agreement with Switzerland, no information about these individuals will be passed on 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/Controlling Person, is resident for tax purposes. However, information may under certain conditions be disclosed to the Account Holder’s/Controlling Person’s tax authorities 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 status of any Account Holders and Controlling Persons in accordance with the CRS. The Bank therefore asks you to kindly complete all sections of this form for the person identified as the Account Holder/Controlling Person.

Please use a separate form for each Account Holder/Controlling Person.

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/Controlling Person’s tax residency status, we recommend you contact a tax advisor or the tax authorities.

Furthermore, please note:

- ◆ **This form is only intended to document individual Account Holders or Controlling Persons (however, it should be used for a sole trader).**
- ◆ If the Account Holder’s/Controlling Person’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/Controlling Person based on the indications of tax residence defined in the CRS. If the indications of tax residence show a connection to one or more Reportable Jurisdictions, the information about the Account Holder/Controlling Person may be passed on to each of said 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.
- ◆ If the Account Holder is a US citizen or a US taxpayer or has other connections with the US, he/she may be a “Specified US Person” under US Internal Revenue Service (“IRS”) regulations, and if so an IRS Form W-9 (or an equivalent self-certification form) along with the consent form to remove banking secrecy (“US Tax Compliance Declaration & Consent to Report (FATCA)”) should also be submitted.

¹ The up-to-date list of countries can be found at the following link: <https://www.sif.admin.ch/sif/fr/home/themen/internationale-steuerpolitik/automatischer-informationsaustausch.html/>





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Part 1 - Identification of the Account Holder/Controlling Person

The Bank reserves the right to reject this form if it contains information that contradicts details in its files.

A. Name of Account Holder/Controlling Person

[Redacted]

First name

[Redacted]

B. Date of birth (dd/mm/yyyy)

[Redacted]

C. Place of birth

[Redacted]

Country of birth

[Redacted]

D. Actual residence address (do not use post office box or "care of" addresses)

Street

[Redacted]

No.

[Redacted]

Zip code

[Redacted]

Town/City

[Redacted]

Canton, Region, State

[Redacted]

Country

[Redacted]

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/Controlling Person is tax resident and (ii) the Account Holder's/Controlling Person'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 Portal² about the rules for attaching an individual to a tax residence within the country/jurisdiction in question. **For a full definition of the term "Country/jurisdiction of tax residence" and any terms used below, please refer to the Appendix.**

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).

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² The attachment rules for each country can be seen at the following link: <https://www.oecd.org/tax/automatic-exchange/>



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	Country/jurisdiction of tax residence ³	TIN	If no TIN is provided, please state the reason (A, B or C).
1			
2			
3			

By signing this form, I certify that the Account Holder/Controlling Person identified is resident for tax purposes only in the country(ies)/jurisdiction(s) listed above.

Part 3 – 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 Account(s) may be reported to the Swiss tax authorities and thereafter exchanged with the tax authorities of other countries/jurisdictions in which the Account Holder/Controlling Person is/are tax resident if that/those country(ies)/jurisdiction(s) has/have entered into agreements to exchange financial account information.

Should circumstances change and make the information contained in this form incorrect, I undertake to provide the Bank with a duly updated self-certification form within 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 adverse tax consequences for the Account Holder/Controlling Person.

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/Controlling Person fails to fulfill the obligation to submit the requisite relevant documentation enabling identification of the Account Holder's/Controlling Person's country/jurisdiction of tax residence.

I certify that I am the Account Holder/a Controlling Person in relation to the Entity Account Holder (or am authorized to sign on behalf of the Account Holder/Controlling Person/Account Holder Entity).

If I am not the Account Holder/Controlling Person, I hereby confirm that I have informed the latter of the contents of the present form and of the undertakings made, and, in particular, of the fact his/her/their name(s) and personal data may be sent to foreign tax authorities where applicable and as described herein.

³ If the Account Holder/Controlling Person 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 component of this form.

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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.

Signatory (please check the relevant box for your status):

- Account Holder
- Controlling Person
- Account Holder Entity

Signature

Name in capitals

Date (dd/mm/yyyy)

Please indicate the capacity in which you are signing⁴.

Capacity

For internal use only (confirmation by Relationship Manager)

Date

Trigram

Signature



⁴ For example, a director signing for the Account Holder Entity, itself signing for the Controlling Person.



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“Account Holder”

For the purposes of this form, the Account Holder is the individual who is the beneficial owner of the Financial Account.

The term “Account Holder” also includes the beneficial owner of a sole proprietorship holding the 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.

“Controlling Person”

The term “Controlling Persons” means the individuals who exercise 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 “Tax Residency Self-Certification Form for Individual Account Holders and Controlling Persons” in the year in which they receive their first distribution.

Note: Trustees and protectors who are entities (“Corporate Trustees” and “Corporate Protectors”) will not be obliged to identify their own Controlling Persons. Settlers or beneficiaries of a trust or a foundation (or other equivalent legal arrangement) however will be obliged to identify their Controlling Persons. **Thus, for example, an entity underlying a trust, foundation or other legal arrangement whose settlor or beneficiary is an entity, must identify the settlor-entity’s or beneficiary-entity’s controlling parties and notify the Bank thereof as though they were its own Controlling Persons.**

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 (PMIE) in a Non-Participating Jurisdiction.





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“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 his or her total income because of his or her 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 from 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 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.

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.

For further information about tax residence rules applicable within the OECD countries, please see the following link: <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

“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.

“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.





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“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.

“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:

- i. 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,
- ii. Individual or collective portfolio management, or
- iii. 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.

“Reportable Account”

Pursuant to the CRS (see note at the end of the Appendix), this is an account held by one or more “Reportable Person(s)” or by a Passive NFE for which one or more “Controlling Person(s)” is(are) Reportable Person(s).

“Reportable Jurisdiction”

The term “Reportable Jurisdiction” means a coun-try/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 in the following list: <https://www.sif.admin.ch/sif/fr/home/themen/internationale-steuerpolitik/automatischer-informationsaustausch.html>

“Reportable Jurisdiction Person”

A person that is tax resident in (a) Reportable Jurisdiction(s) under the tax laws of such jurisdiction(s) – 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.

“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;





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- 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).

“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. (<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 OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the “CRS”), the associated Commentary to the CRS and domestic guidance. These documents can be viewed (in English and French) respectively on the OECD site in the Exchange of Information section (<http://www.oecd.org/tax/exchange-of-tax-information/>). If you have any questions, please contact a tax advisor or your domestic tax authorities.

