

## Guidance for Financial Institutions Requesting the Form

The Following pages contain an example of a form that could be used to collect data from Controlling Persons in relation to the CRS.

This form has been devised following the input of various industry experts on CRS, as an example, as to what could be used in order to attempt to create some market consistency and assist Financial Institutions in developing validation systems.

This is an example of the type of form that could be used by a Financial Institution. It should not be seen as a mandatory form.

Each Financial Institution is free to use its own form, but as a minimum a Financial Institution should collect the mandatory data detailed in the CRS commentary in accordance with local rules and guidance. Each Financial Institution also may need to modify this form based on local rules. For example, if the Controlling Person is not reportable, it may not be required or permissible to collect the tax identifying number or the date of birth, unless local rules permit the collection of that information under the “wider approach”. If a Financial Institution is not permitted to collect tax identifying number and date of birth with respect to jurisdictions that are not reportable, it may be required to re-document Controlling Persons as new jurisdictions are added to the list of Reportable Jurisdictions.

In addition, in some jurisdictions certain Financial Institutions may be required to collect the Controlling Person’s place of birth. In other jurisdictions or for other Financial Institutions, it may not be required, or not legally permissible, to collect this information, and in this case the place of birth fields should be deleted. If place of birth is required to be collected, the Financial Institution must collect both the city or town and the country of birth. Similarly, in some jurisdictions, Financial Institutions may be required to collect and report the type of Controlling Person, and type of Controlling Person is included in the CRS schema. In other jurisdictions, however, type of Controlling Person may not be required to be reported, and it may not be legally permissible for a Financial Institution to collect such information.

Fields marked with a \* are mandatory, subject to variations in local rules, as discussed above. Financial Institutions may also be able to collect the information required to be reported in another way (i.e., other than on the self-certification). For a self-certification to be valid, however, it generally must contain the Account Holder’s (i) name, (ii) residence address, (iii) jurisdiction(s) of residence for tax purposes, (iv) tax identifying number for each Reportable Jurisdiction, and (v) date of birth. Jurisdictions adopting the wider approach may require that the self-certification include a tax identifying number for each jurisdiction of residence (rather than for each Reportable Jurisdiction).

In Part 4 a Financial Institution should choose the time-limits applicable to its own procedures, (for example “30 days”). In Part 4, please also note that the CRS does not require a Financial Institution to collect a certified copy of the power of attorney; the form includes this language as optional on the part of the Financial Institution.

If a Financial Institution requests the form due to a change in circumstances or because indicia of reportable status is associated with the account, the Financial Institution may be required to obtain Documentary Evidence (as defined in the CRS and Commentary) that *(i)* confirms that the Controlling Person is resident in a jurisdiction other than the relevant Reportable Jurisdiction; *(ii)* contains a current residence address outside the relevant Reportable Jurisdiction; or *(iii)* is issued by an authorised government body of a jurisdiction other than the relevant Reportable Jurisdiction.

If a Financial Institution knows or has reason to know that a self-certification is incorrect, it is expected that in the course of the account opening procedures the Reporting Financial Institution would obtain either *(i)* a valid self-certification, or *(ii)* a reasonable explanation and documentation (as appropriate) supporting the reasonableness of the self-certification (and retain a copy or a notation of such explanation and documentation).

EXAMPLE FORM

# CRS - CP

## Controlling Person tax residency self-certification form INSTRUCTIONS

Please read these instructions before completing the form.

[Insert: applicable national regulations or text “Regulations based on the OECD Common Reporting Standard (“CRS”)”] require [insert “Financial Institutions” or insert the individual Financial Institution’s name] to collect and report certain information about an account holder’s tax residence. Each jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine if you are resident in the jurisdiction on the [OECD automatic exchange of information portal](#). In general, you will find that tax residence is the country/jurisdiction in which you live. Special circumstances may cause you to be resident elsewhere or resident in more than one country/jurisdiction at the same time (dual residency). If you are a U.S. citizen or tax resident under U.S. law, you should indicate that you are a U.S. tax resident on this form and you may also need to fill in an IRS W-9 form.

If your tax residence (or the Controlling Person, if you are completing the form on their behalf) is located outside [insert : name of country or following text “the country/jurisdiction where the FI is maintaining the account is located”], we may be legally obliged to pass on the information in this form and other financial information with respect to your financial accounts to [insert: name of local tax authorities (e.g. HMRC) or text” the tax authorities in the country where the FI is located”] and they may exchange this information with tax authorities of another jurisdiction or jurisdictions pursuant to intergovernmental agreements to exchange financial account information.

You can find summaries of defined terms such as an account holder, Controlling Person, and other terms, in the Appendix.

This form will remain valid unless there is a change in circumstances relating to information, such as the Controlling Person’s tax status or other mandatory field information, that makes this form incorrect or incomplete. In that case you must notify us and provide an updated self-certification.

This form is intended to request information consistent with local law requirements.

Please fill in this form if the account holder is a Passive NFE, or an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

For joint or multiple controlling persons use a separate form for each controlling person.

**Where you need to self-certify on behalf of an entity account holder**, do not use this form. Instead, you will need an “*Entity tax residency self-certification*.” Similarly, if you’re an individual account holder, sole trader or sole proprietor, then please complete an “*Individual tax residency self-certification*.”

**If you’re filling in this form on behalf of a controlling person,**

Please tell us in what capacity you’re signing in Part 4.

For example you may be the Passive NFE Account Holder, or completing the form under a power of attorney.

**As a financial institution, we are not allowed to give tax advice.**

Your tax adviser may be able to assist you in answering specific questions on this form. Your domestic tax authority can provide guidance regarding how to determine your tax status.

You can also find out more, including a list of jurisdictions that have signed agreements to automatically exchange information, along with details about the information being requested, on the [OECD automatic exchange of information portal](#).

**Controlling Person tax residency self-certification FORM** (please complete Parts 1-3 in BLOCK CAPITALS)

**Part 1 – Identification of a Controlling Person**

**A. Name of Controlling Person:**

Family Name or Surname(s): \*

Title:

First or Given Name: \*

Middle Name(s):

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**B. Current Residence Address:**

Line 1 (e.g. House/Apt/Suite Name, Number, Street, if any)\*

Line 2 (e.g. Town/City/Province/County/State)\*

Country:\*

Postal Code/ZIP Code (if any):\*

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**C. Mailing Address:** (please complete if Section B above not completed)

Line 1 (e.g. House/Apt/Suite Name, Number, Street)

Line 2 (e.g. Town/City/Province/County/State)

Country:

Postal Code/ZIP code:

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**D. Date of birth\***(dd/mm/yyyy)

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**E. Place of birth**

Town or City of Birth\*

Country of Birth\*

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**F. Please enter the legal name of the relevant Entity Account Holder(s) of which you are a Controlling Person**

Legal name of Entity 1

Legal name of Entity 2

Legal name of Entity 3

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**Part 2 – Country/Jurisdiction of Residence for Tax Purposes and related Taxpayer Identification Number or functional equivalent\* (“TIN”) (See Appendix)**

Please complete the following table indicating (i) where the Controlling Person is tax resident; (ii) the Controlling Person’s TIN for each country/jurisdiction indicated; and, (iii) if the Controlling Person is a tax resident in a country/jurisdiction that is a Reportable Jurisdiction(s) then please also complete **Part 3 “Type of Controlling Person”**. Countries/Jurisdictions adopting the wider approach may require that the self-certification include a tax identifying number for each country/jurisdiction of residence (rather than for each Reportable Jurisdiction).

(You can also find out more about whether a country/jurisdiction is a Reportable Jurisdiction on the [OECD automatic exchange of information portal](#)).

*If the Controlling Person is tax resident in more than three countries/jurisdictions, please use a separate sheet*

If a TIN is unavailable please provide the appropriate reason **A, B** or **C**:

**Reason A** - The country/jurisdiction where the Controlling Person is resident 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 a TIN in the below table if you have selected this reason)

**Reason C** -No TIN is required. (Note. Only select this reason if the domestic law of the relevant jurisdiction does not require the collection of the TIN issued by such jurisdiction)

Country/Jurisdiction of tax residence	TIN	If no TIN available enter Reason A, B or C
1		
2		
3		

*Please explain in the following boxes why you are unable to obtain a TIN if you selected Reason B above.*

1	
2	
3	

### Part 3 – Type of Controlling Person

(Please only complete this section if you are tax resident in one or more Reportable Jurisdictions)

<b>Please provide the Controlling Person's Status by ticking the appropriate box.</b>	<b>Entity 1</b>	<b>Entity 2</b>	<b>Entity 3</b>
<b>a.</b> Controlling Person of a legal person – <b>control by ownership</b>			
<b>b.</b> Controlling Person of a legal person – <b>control by other means</b>			
<b>c.</b> Controlling Person of a legal person – <b>senior managing official</b>			
<b>d.</b> Controlling Person of a trust – <b>settlor</b>			
<b>e.</b> Controlling Person of a trust – <b>trustee</b>			
<b>f.</b> Controlling Person of a trust – <b>protector</b>			
<b>g.</b> Controlling Person of a trust – <b>beneficiary</b>			
<b>h.</b> Controlling Person of a trust – <b>other</b>			
<b>i.</b> Controlling Person of a legal arrangement (non-trust) – <b>settlor-equivalent</b>			
<b>j.</b> Controlling Person of a legal arrangement (non-trust) – <b>trustee-equivalent</b>			
<b>k.</b> Controlling Person of a legal arrangement (non-trust) – <b>protector-equivalent</b>			
<b>l.</b> Controlling Person of a legal arrangement (non-trust) – <b>beneficiary-equivalent</b>			
<b>m.</b> Controlling Person of a legal arrangement (non-trust) – <b>other-equivalent</b>			

**Part 4 – Declarations and Signature\***

I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder’s relationship with *[the Financial Institution/insert FI’s name]* setting out how *[that Financial Institution /insert FI’s name]* may use and share the information supplied by me.

I acknowledge that the information contained in this form and information regarding the Controlling Person and any Reportable Account(s) may be reported to the tax authorities of the country/jurisdiction in which this account(s) is/are maintained and exchanged with tax authorities of another country/jurisdiction or countries/jurisdictions in which [I/the Controlling Person] may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I certify that I am the Controlling Person, or am authorised to sign for the Controlling Person, of all the account(s) held by the Entity Account Holder to which this form relates.

**I declare that all statements made in this declaration are, to the best of my knowledge and belief, correct and complete.**

I undertake to advise *[the Financial Institution/insert FI’s name]* within *[XX]* days of any change in circumstances which affects the tax residency status of the individual identified in Part 1 of this form or causes the information contained herein to become incorrect or incomplete, and to provide *[the Financial Institution that maintains the account/FI’s name]* with a suitably updated self-certification and Declaration within *[up to XX]* days of such change in circumstances.

Signature: \* \_\_\_\_\_

Print name: \* \_\_\_\_\_

Date: \* \_\_\_\_\_

**Note:** If you are not the Controlling Person please indicate the capacity in which you are signing the form. If signing under a power of attorney please also attach a certified copy of the power of attorney.

Capacity: \* \_\_\_\_\_

## Appendix – Summary Descriptions of Select Defined Terms

**Note:** These are selected summaries of defined terms provided to assist you with the completion of this form. Further details can be found within the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the CRS”), the associated Commentary to the CRS, and domestic guidance. This can be found at the [OECD automatic exchange of information portal](#).

If you have any questions then please contact your tax adviser or domestic tax authority.

**“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 as a legal guardian, is not treated as the Account Holder. In these circumstances that other person is the Account Holder. For example in the case of a parent/child relationship where the parent is acting as a legal guardian, the child is regarded as the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

**“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.

An entity will be classified as Active NFE if it meets any of the following criteria:

- a) 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) the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- c) the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- d) 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) the NFE is not yet operating a business and has no prior operating history, (a “ start-up NFE”) 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 organisation of the NFE;



- f) the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- g) 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) the NFE meets all of the following requirements (a “non-profit NFE”) :
  - 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 it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation 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 Governmental Entity or other non-profit organisation, or escheat to the government of the NFE’s jurisdiction of residence or any political subdivision.

**“Control”** over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest (typically on the basis of a certain percentage (e.g. 25%)) in the Entity. Where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity will be the natural person(s) who exercises control of the Entity through other means. Where no natural person or persons are identified as exercising control of the Entity through ownership interests, the Controlling Person of the Entity is deemed to be the natural person who holds the position of senior managing official.

**“Controlling Person”** This is a natural person who exercises control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“NFE”) then a Financial Institution must determine whether such Controlling Persons are Reportable Persons. This definition corresponds to the term “beneficial owner” as described in Recommendation 10 and the Interpretative Note on Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

**Controlling Persons of a trust**, means the settlor(s), the trustee(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 (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, must always be 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.

In the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions.

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

**“Investment Entity”** The term “Investment Entity” includes two types of Entities:

(i) an Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

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

Such activities or operations do not include rendering non-binding investment advice to a customer.

(ii) “The second type of “Investment Entity” (“Investment Entity managed by another Financial Institution”) is any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets where the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

**“Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution”** is any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets if the Entity is (i) managed by a Financial Institution and (ii) not resident in, or a branch located in, a Participating Jurisdiction.

**“Investment Entity managed by another Financial Institution”**

An Entity is “managed by” another Entity if the managing Entity performs, either directly or through another service provider on behalf of the managed Entity, any of the activities or operations described in clause (i) above in the definition of ‘Investment Entity’.

An Entity only manages another Entity if it has discretionary authority to manage the other Entity’s assets (either in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity, if any of the managing Entities is such another Entity.

**“Participating Jurisdiction”** A “Participating Jurisdiction” means a jurisdiction with which an agreement is in place pursuant to which it will provide the information required on the automatic exchange of financial account information set out in the Common Reporting Standard and that is identified in a published list.

**“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.

**“Passive NFE”** Under the CRS a “Passive NFE” means any NFE that is not an Active NFE. An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution is also treated as a Passive NFE for purposes of the CRS.

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

**“Reportable Person”** A Reportable Person is an individual (or entity) that is tax resident in a Reportable Jurisdiction under the laws of that jurisdiction. The Account Holder will normally be the “Reportable Person”; however, in the case of an Account Holder that is a Passive NFE, a Reportable Person also includes any Controlling Persons who are tax resident in a Reportable Jurisdiction. Dual resident individuals may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for purposes of determining their residence for tax purposes.

**“TIN” (including “functional equivalent”)** The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. 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 [OECD automatic exchange of information portal](#).

Some jurisdictions do not issue a TIN. However, these jurisdictions often utilise 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.