

S.I. 1 of 2015

REVENUE ADMINISTRATION ACT

(Act 27 of 2009)

**REVENUE ADMINISTRATION (COMMON REPORTING
STANDARD) REGULATIONS, 2015**

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S.I. 1 of 2015**REVENUE ADMINISTRATION ACT***(Act 27 of 2009)***Revenue Administration (Common Reporting Standard)
Regulations, 2015**

In exercise of the powers conferred by section 98A of the Revenue Administration Act, 2009, the Minister responsible for Finance, Trade and The Blue Economy hereby makes the following Regulations —

1. These Regulations may be cited as the Revenue Administration (Common Reporting Standard) Regulations, 2015 and shall come into operation on 1st January, 2016.

Citation

2.(1) The Minister hereby declares that the Republic of Seychelles, by virtue of the Convention on Mutual Administration Assistance in Tax matters to which Seychelles is a Party, has entered into the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information.

Declaration

(2) The Agreement mentioned in sub-regulations (1) shall have effect in accordance with these Regulations.

(3) The list of Participating Jurisdictions with which Seychelles has entered into agreement is listed in Schedule 4.

(4) The list of Reportable Jurisdictions with which Seychelles has entered into agreement is listed in Schedule 5.

3. In these Regulations —

Interpretation

“Active Non-Financial Entity” means any Non-Financial-Entity that meets any of the following criteria —

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- (a) less than 50 % of the NFE's gross income for the preceding calendar year or is passive income and less than 50 % of the assets held by the NFE during the preceding calendar year 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 yet to operate 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 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—
 - (i) it is established and operated in its Participating Jurisdiction or other jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its Participating Jurisdiction or other 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 Participating Jurisdiction or other 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 Participating Jurisdiction or other 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 Participating Jurisdiction or other 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 Participating Jurisdiction or other jurisdiction of residence or any political subdivision thereof.

“Account Holder” means the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding

a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of this Regulation, and such other person is treated as holding the account. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Account Holder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

“Anti-Money Laundering/Know Your Client Procedures” means the customer due diligence procedures of a Reporting Seychelles Financial Institution pursuant to the anti-money laundering or similar requirements to which such Reporting Seychelles Financial Institution is subject.

“Annuity Contract” means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the Participating Jurisdiction or other jurisdiction in which the contract was issued, and under which the issuer agrees to make payments for a term of years.

“Cash Value” means the greater of —

- (a) the amount that the policyholder is entitled to receive upon surrender or termination of the

contract, to be determined without reduction for any surrender charge or policy loan; and

- (b) the amount the policyholder can borrow under or with regard to the contract.

Notwithstanding the foregoing, the term “Cash Value” does not include an amount payable under an Insurance Contract—

- (a) solely by reason of the death of an individual insured under a life insurance contract;
- (b) as a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;
- (c) as a refund of a previously paid premium (less cost of insurance charges whether or not actually imposed) under an Insurance Contract (other than an investment-linked life insurance or annuity contract) due to cancellation or termination of the contract, decrease in risk exposure during the effective period of the contract, or arising from the correction of a posting or similar error with regard to the premium for the contract;
- (d) as a policyholder dividend (other than a termination dividend) provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in subparagraph (b) of this definition; or
- (e) as a return of an advance premium or premium deposit for an Insurance Contract for which

the premium is payable at least annually if the amount of the advance premium or premium deposit does not exceed the next annual premium that will be payable under the contract.

“Cash Value Insurance Contract” means an Insurance Contract, other than an indemnity reinsurance contract between two insurance companies, that has a Cash Value.

“Common Reporting Standard” means Standard on Automatic Exchange of Financial Account Information in Tax Matters developed by the Organisation for Economic Cooperation and Development as amended from time to time and their commentaries arises therein.

“Controlling Persons” means the natural persons who exercise control over an Entity. In the case of a trust, that term 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, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions.

The term “Controlling Persons” shall be interpreted in a manner consistent with the term beneficial ownership as described in the 2012 Financial Action Task Force Recommendations.

“Custodial Account” means an account (other than an Insurance Contract or Annuity Contract) which holds one or more Financial Assets for the benefit of another person.

“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.

“Depository Account” includes any commercial, checking, savings, time, or thrift account, or an account that is evidenced by a certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar instrument maintained by a Financial Institution in the ordinary course of a banking or similar business. A Depository Account also includes an amount held by an insurance company pursuant to a guaranteed investment contract or similar agreement to pay or credit interest thereon.

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

“Documentary Evidence” includes any of the following—

- (a) a certificate of residence issued by an authorised government body (for example, a government or agency thereof, or a municipality) of the Participating Jurisdiction

- or other jurisdiction in which the payee claims to be a resident;
- (b) with respect to an individual, any valid identification issued by an authorised government body (for example, a government or agency thereof, or a municipality), that includes the individual's name and is typically used for identification purposes;
 - (c) with respect to an Entity, any official documentation issued by an authorised government body (for example, a government or agency thereof, or a municipality) that includes the name of the Entity and either the address of its principal office in the Participating Jurisdiction or other jurisdiction in which it claims to be a resident or the Participating Jurisdiction or other jurisdiction in which the Entity was incorporated or organised;
 - (d) any audited financial statement, third-party credit report, bankruptcy filing, or securities regulator's report;
 - (e) With respect to a Pre-existing Entity Account, Reporting Seychelles Financial Institutions may use as Documentary Evidence any classification in the Reporting Seychelles Financial Institution's records with respect to the Account Holder that was determined based on a standardised industry coding system, that was recorded by the Reporting Seychelles Financial Institution consistent with its normal business practices for purposes of AML/KYC Procedures or

another regulatory purposes (other than for tax purposes) and that was implemented by the Reporting Seychelles Financial Institution prior 1 January 2016, provided that the Reporting Seychelles Financial Institution does not know or does not have reason to know that such classification is incorrect or unreliable.

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

“Excluded Accounts” means an account set out in the Schedule 3 of this Regulation.

“Equity Interest” means, in the case of a partnership that is a Financial Institution, either a capital or profits interest in the partnership. In the case of a trust that is a Financial Institution, an Equity Interest is considered to be held by any person treated as a settlor or beneficiary of all or a portion of the trust, or any other natural person exercising ultimate effective control over the trust. A Reportable Person will be treated as being a beneficiary of a trust if such Reportable Person has the right to receive directly or indirectly (for example, through a nominee) a mandatory distribution or may receive, directly or indirectly, a discretionary distribution from the trust.

“Financial Account” means an account, other than an Excluded Account, that is maintained by a Financial Institution, and includes a Depository Account, a Custodial Account and —

- (a) in the case of an Investment Entity, any equity or debt interest in the Financial Institution.

Notwithstanding the foregoing, the term “Financial Account” does not include any equity or debt interest in an Entity that is an Investment Entity solely because it —

- (i) renders investment advice to, and acts on behalf of; or
 - (ii) manages portfolios for, and acts on behalf of, a customer for the purpose of investing, managing, or administering Financial Assets deposited in the name of the customer with a Financial Institution other than such Entity;
- (b) in the case of a Financial Institution not described in subparagraph (a), any equity or debt interest in the Financial Institution, if the class of interests was established with the purpose of avoiding reporting in accordance with Part I of Schedule I; and
- (c) any Cash Value Insurance Contract and any Annuity Contract issued or maintained by a Financial Institution, other than a non-investment-linked, non-transferable immediate life annuity that is issued to an individual and monetises a pension or disability benefit provided under an account that is an Excluded Account.

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

“High Value Account” means a Pre-existing Individual Account with an aggregate balance or value that exceeds USD1,000,000, as of 31 December 2015, or 31 December of any subsequent year.

“Investment Entity” means any Entity —

- (a) which primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer —
 - (i) 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;
 - (ii) individual and collective portfolio management; or
 - (iii) otherwise investing, administering, or managing Financial Assets or money on behalf of other persons; or

- (b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in subparagraph (a).

An Entity is treated as primarily conducting as a business one or more of the activities described in subparagraph (a), or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for the purposes of subparagraph (b), 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. The term "Investment Entity" does not include an Entity that is an Active NFE because that Entity meets any of the criteria in subparagraphs (d) through (g) of the definition of Active NFE.

"Lower Value Account" means a Pre-existing Individual Account with an aggregate balance or value as of 31 December 2015 that does not exceed USD 1 000 000.

"Pre-existing Entity Account" means a Pre-existing Account held by one or more Entities.

“New Account” means a Financial Account maintained by a Reporting Seychelles Financial Institution opened on or after 1 January 2016 unless it is treated as a Pre-existing Account under subparagraph (b) of the Pre-existing Account definition.

“New Individual Account” means a New Account held by one or more individuals.

“New Entity Account” means a New Account held by one or more Entities.

“Non-Financial Entity” means any Entity that is not a Financial Institution.

“Non-Reporting Seychelles Financial Institution” means an Institutions described under Schedule II.

“Participating Jurisdiction Financial Institution” means (i) any Financial Institution that is resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside such Participating Jurisdiction, and (ii) any branch of a Financial Institution that is not resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

“Participating Jurisdiction” means a jurisdiction which is specified under Schedule 4.

“Passive NFE” means any: (i) NFE that is not an Active NFE; or (ii) an Investment Entity described in subparagraph (b) of the definition of Investment Entity that is not a Participating Jurisdiction Financial Institution.

“Pre-existing Account” means —

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- (a) a Financial Account maintained by a Reporting Seychelles Financial Institution as of 31 December 2015;
 - (b) any Financial Account of an Account Holder, regardless of the date such Financial Account was opened, if—
 - (i) the Account Holder also holds with the Reporting Seychelles Financial Institution (or with a Related Entity within the same Participating Jurisdiction as the Reporting Seychelles Financial Institution) a Financial Account that is a Pre-existing Account under subparagraph (a) of this definition;
 - (ii) the Reporting Seychelles Financial Institution (and, as applicable, the Related Entity within the same Participating Jurisdiction as the Reporting Seychelles Financial Institution) treats both of the aforementioned Financial Accounts, and any other Financial Accounts of the Account Holder that are treated as Pre-existing Accounts under point (b), as a single Financial Account for purposes of satisfying the standards of knowledge requirements set forth in paragraph A of Part VII in Schedule 1, and for purposes of determining the balance or value of any of the Financial Accounts when applying any of the account thresholds;
 - (iii) with respect to a Financial Account that is subject to AML/KYC Procedures,

the Reporting Seychelles Financial Institution is permitted to satisfy such AML/KYC Procedures for the Financial Account by relying upon the AML/KYC Procedures performed for the Pre-existing Account described in subparagraph (a) of this definition; and

- (iv) the opening of the Financial Account does not require the provision of new, additional or amended customer information by the Account Holder other than for the purposes of this Regulation.

“Pre-existing Individual Account” means a Pre-existing Account held by one or more individuals.

“Pre-existing Entity Account” means a Pre-existing Account held by one or more Entities.

“Related Entity” of another Entity if (i) either Entity controls the other Entity; (ii) the two Entities are under common control; or (iii) the two Entities are Investment Entities described in subparagraph (b) of the definition of Investment Entity, are under common management, and such management fulfils the due diligence obligations of such Investment Entities.

For this purpose control includes direct or indirect ownership of more than 50 % of the vote and value in an Entity.

“Reportable Account” means a Financial Account that is maintained by a Reporting Seychelles Financial Institution and is held by one or more Reportable Persons or by a Passive NFE with one

or more Controlling Persons that is a Reportable Person, provided it has been identified as such pursuant to the due diligence procedures described in Part II through VII in Schedule 1.

“Reporting Seychelles Financial Institution” means a Seychelles Financial Institution that is not a Non- Reporting Seychelles Financial Institution.

“Reportable Person” means a Reportable Jurisdiction Person other than —

- (i) a corporation the stock of which is regularly traded on one or more established securities markets;
- (ii) any corporation that is a Related Entity of a corporation described in clause (i);
- (iii) a Governmental Entity;
- (iv) an International Organisation;
- (v) a Central Bank; or
- (vi) a Financial Institution.

“Reportable jurisdiction” means a jurisdiction which is specified under Schedule 5.

“Reportable Jurisdiction Person” means a person identified as resident in a Reportable jurisdiction, or an estate of a decedent that was a resident of any Reportable Jurisdiction. For this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement, which has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.

“Seychelles Financial Institution” means: (i) any Financial Institution that is resident in the Seychelles, but excludes any branch of Financial Institution that is located outside the Seychelles; and (ii) any branch of a Financial Institution that is not resident in the Seychelles, if that branch is located in the Seychelles.

“Specified Insurance Company” means any Entity that is an insurance company (or the holding company of an insurance company) which issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

“standardised industry coding system” means a coding system used to classify establishments by business type for purposes other than tax purposes.

“TIN” means Taxpayer Identification Number or functional equivalent in the absence of a Taxpayer Identification Number.

Terms
defined

4.(1) All terms defined in these Regulations shall be interpreted consistently with the Common Reporting Standard.

(2) Unless the context otherwise requires, a word or expression used in these Regulations that is also used in the Common Reporting Standard shall have the same meaning as it has in the Common Reporting Standard.

Reporting
Seychelles
Financial
Institution
to report to
Seychelles
Revenue

5.(1) A Reporting Seychelles Financial Institution shall, in respect of the calendar year 2016 and each subsequent calendar years, report to the Seychelles Revenue Commission such information as prescribed under Part I of Schedule 1 in respect of Reportable Accounts maintained by that Reporting Seychelles Financial Institution in a calendar year. The reporting shall be in the form and manner laid down in regulation 5(3).

(2) An account listed under Schedule 3 is not a Reportable Account for the purposes of these Regulations.

(3) A Reporting Seychelles Financial Institution shall automatically report to the Seychelles Revenue Commission not later than the 30th June of the year following the end of the previous calendar year in an electronic format following the schema referred to under the Common Reporting Standard by using the e-platform as provided by the Seychelles Revenue Commission.

(4) Each Reporting Seychelles Financial Institution shall register on the e-platform available on the Seychelles Revenue Commission website and submitting the following information —

- (a) the name of the Reporting Financial Institution;
- (b) the categorization of the Reporting Financial Institution as determined in accordance with these regulations; and
- (c) the full name, address, designation and contact details of the individual authorized by the Reporting Financial Institution to the Reporting Financial Institution's principal point of contact for all purposes of compliance with these regulations.

(5) The Revenue Commission shall maintain an up-to-date register of Reporting Seychelles Financial Institutions mentioned in subregulation (4) (a) and shall make it available for verification to public on demand.

(6) Any changes to the information under subregulation 5(4) shall be amended on the e-platform immediately.

(7) In determining the balance or value of an account denominated in a currency other than US dollars for the purposes of these Regulations, the Reporting Seychelles Financial Institution shall translate the relevant US dollar amount described in Schedule 1 to these Regulations into the other currency using reference rate (mid-rate) as published by the Central Bank of Seychelles as of the last day of the calendar year preceding the year in which the Reporting Seychelles Financial Institution is determining the balance or value.

Lodging of return for Reporting Seychelles Financial Institution with no reportable account

6. Where the Seychelles Reporting Financial Institution does not identify any reportable account in a particular calendar year, the Seychelles Reporting Financial Institution shall lodge a nil return in the same manner as prescribed under regulation 5(3).

Application of due diligence by Reporting Seychelles Financial Institution

7.(1) A Reporting Seychelles financial institution shall apply the due diligence procedures contained in Schedule 1 to these regulations to identify the Financial Accounts held by an Account Holder who is not resident of Seychelles.

(2) A Reporting Seychelles financial institution shall have completed the review of its pre-existing accounts —

- (a) by the 31st December 2016 for high value individual accounts;
- (b) by 31st December 2017 for lower value individual accounts;
- (c) by 31st December 2017 for pre-existing entity accounts which aggregate account balance or value exceeds USD250,000 as of 31st December 2015; and
- (d) In respect of pre-existing entity accounts which aggregate account balance or value did not exceed USD250,000 as of 31st December 2015 but which aggregate account balance or

value exceeds USD250,000 as of 31st December of a subsequent year, within the calendar year following the end of the year in which the pre-existing account which aggregate balance or value exceeds USD250,000.

- 8.** If—
- Obligation
towards
arrangement
entered into
- (a) a person who enters into any arrangements; and
 - (b) the main purpose, or one of the main purposes, of the person in entering into the arrangement is to avoid or circumvent any obligations under these regulation, these regulations shall have effect, as if the arrangements had not been entered into.
- 9.(1)** A reporting Seychelles financial institution which —
- Offences and
penalties
- (a) fails to comply with a request made under regulation 11;
 - (b) fails to report any information in the form and manner as stated under these regulations;
 - (c) fraudulently or negligently makes a false report whether it is its entirety or in any particular part;
 - (d) fails to implement such arrangements or procedures in order to comply with these regulations;
 - (e) with intent to avoid the provisions of these regulations, alters, destroys or removes any documents or information, including document and information electronically held; or

- (f) intentionally obstructs an inquiry by the Revenue Commissioner under the course of its functions for the implementation of these regulations,

commits an offence and shall be liable on conviction to a fine of SCR20,000.

(2) Where an offence under this regulation is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, that individual, as well as the body corporate, is considered to have failed to comply and shall be liable to the same fine specified under sub regulation (1).

(3) Where the affairs of the reporting Seychelles financial institution, in cases where it is not a body corporate, are managed or controlled by its partners, members, trustees or other persons purporting to act in the capacity of a partner, member or trustee, the provisions of sub regulations (1) and (2) shall apply in relation to the acts and defaults of that person in connection with the person's functions of management or control as if that individual were a director of a body corporate.

Person appointed
as agent

10.(1) A reporting Seychelles financial institution may appoint a person as its agent to carry out the duties and obligations imposed on it by these regulations.

(2) Where a person is appointed under subregulation (1)—

- (a) the reporting Seychelles financial institution shall at all times have access to and be able to produce, where so requested by the Revenue Commissioner, the records and documentary evidence used to identify and report on reportable accounts; and

- (b) the reporting Seychelles financial institution shall be responsible for any failure of that person to carry out its obligations notwithstanding that the actions were the actions of that person or that the failure to act was the failure by that person to act.

11.(1) For the purpose of determining whether any information submitted by a Reporting Seychelles Financial Institution in furtherance of the requirements of these regulations, was accurate and complete, the Revenue Commissioner may require a reporting Seychelles financial institution—

Information
submitted to
Seychelles
Revenue
Commission

- (a) to provide, within a time specified by notice, the information including copies or any relevant books, documents or other records, or any electronically stored information that the Revenue Commissioner may reasonably require; or
- (b) to make available for inspection at the time specified by notice all copies of books, documents or other records or any electronically stored information, in the reporting Seychelles financial institution's possession or under its control.

(2) If information the Revenue Commissioner wants or wants to inspect is kept outside Seychelles and the Revenue Commissioner requires the Reporting Seychelles Financial Institution to bring the information to Seychelles, the Revenue Commissioner shall specify a time that will enable the Reporting Financial Institution to bring the information to Seychelles and the Reporting Financial Institution shall comply with the requirement of the Revenue Commissioner.

(3) A Reporting Seychelles Financial Institution shall retain for a period of seven years all books, documents and

other records including those stored in electronic form, which relate to—

- (a) the information required to be reported to the Revenue Commissioner under these regulations; and
- (b) the due diligence procedures required to be applied to establish the jurisdiction in which any account holder is resident for tax purposes.

SCHEDULE 1

REPORTING AND DUE DILIGENCE RULES FOR FINANCIAL ACCOUNT INFORMATION

This schedule lays down the reporting and due diligence rules that shall be applied by Reporting Seychelles Financial Institutions in order to comply with the requirements of these regulations:

PART I - GENERAL REPORTING REQUIREMENTS

- A. Subject to paragraphs C through D, each Reporting Seychelles Financial Institution shall report to the Seychelles Revenue Commission the following information with respect to each Reportable Account of such Reporting Seychelles Financial Institution—
 - 1. The name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is an Account Holder and that, after application of the due diligence procedures consistent with Parts V, VI and VII, is identified as having one or more Controlling Persons that is a

Reportable Person, the name, address, jurisdiction(s) of residence and TIN(s) of the Entity and the name, address, Jurisdiction of residence, TIN(s) and date and place of birth of each Reportable Person;

2. The account number (or functional equivalent in the absence of an account number);
3. The name and identifying number (if any) of the Reporting Seychelles Financial Institution;
4. The account balance or value (including, in the case of a Cash Value Insurance Contract or Annuity Contract, the Cash Value or surrender value) as of the end of the relevant calendar year or, if the account was closed during such year or period, the closure of the account;
5. In the case of any Custodial Account —
 - (a) the total gross amount of interest, the total gross amount of dividends, and the total gross amount of other income generated with respect to the assets held in the account, in each case paid or credited to the account (or with respect to the account) during the calendar year; and
 - (b) the total gross proceeds from the sale or redemption of Financial Assets paid or credited to the account during the calendar year with respect to which the Reporting Seychelles Financial Institution acted as a custodian, broker, nominee, or otherwise as an agent for the Account Holder;
6. In the case of any Depository Account, the total gross amount of interest paid or credited to the account during the calendar year; and

7. In the case of any account not described in subparagraph A(5) or (6), the total gross amount paid or credited to the Account Holder with respect to the account during the calendar year with respect to which the Reporting Seychelles Financial Institution is the obligor or debtor, including the aggregate amount of any redemption payments made to the Account Holder during the calendar year.
 8. The information reported shall identify the currency in which each amount is denominated.
- B.**
- (1) Notwithstanding subparagraph A(1), with respect to each Reportable Account that is a Pre-existing Account, the TIN(s) or date of birth is not required to be reported if such TIN(s) or date of birth is not in the records of the Reporting Seychelles Financial Institution before the entry into force of these regulations.
 - (2) Subject to paragraph C but notwithstanding to subparagraph B(1), a Reporting Seychelles Financial Institution which would not have the TIN or date of birth in its records is required to use reasonable efforts to obtain the TIN and date of birth with respect to such account by the end of the second calendar year following the year in which the account was identified as reportable account.
- C.** Notwithstanding subparagraph A(1), the TIN is not required to be reported if a TIN is not issued by the relevant jurisdiction of residence.
- D.** Notwithstanding subparagraph A(1), the place of birth is not required to be reported unless it is available in the electronically searchable data maintained by the Reporting Seychelles Financial Institution.

PART II - GENERAL DUE DILIGENCE REQUIREMENTS

- A.** An account is treated as a Reportable Account beginning as of the date it is identified as such pursuant to the due diligence procedures in Parts II through VII and, unless otherwise provided, information with respect to a Reportable Account shall be reported annually in the calendar year following the year to which the information relates.
- B.** The balance or value of an account shall be determined as of the last day of the calendar year.
- C.** Where a balance or value threshold is to be determined as of the last day of a calendar year, the relevant balance or value shall be determined as of the last day of the reporting period that ends with or within that calendar year.
- D.** Reporting Seychelles Financial Institutions may use service providers to fulfil the reporting and due diligence obligations imposed on such Reporting Seychelles Financial Institutions, but these obligations shall remain the responsibility of the Reporting Seychelles Financial Institutions.
- E.** Reporting Seychelles Financial Institutions may apply the due diligence procedures for New Accounts to Pre-existing Accounts, and the due diligence procedures for High Value Accounts to Lower Value Accounts. Where New Account due diligence procedures are used for Pre-existing Accounts, the rules otherwise applicable to Pre-existing Accounts continue to apply.
- F.** In addition to the identification of any Reportable Accounts, a Reporting Seychelles Financial Institution shall also apply these due diligence procedures to identify

Financial Accounts held by an Account Holder who is resident in any jurisdiction, other than Seychelles. In applying these due diligence procedures, references to “Reportable Account” or “Reportable Jurisdiction” in Parts III to VII of this Schedule and paragraphs A to E of Part II of this Schedule are to be read as if the definition “Reportable Jurisdiction” means any jurisdiction other than Seychelles. Where such account is identified, the Reporting Seychelles Financial Institution may rely on the outcome of the due diligence procedures to comply with future reporting obligations, subject to the change of circumstances procedures.

PART III - DUE DILIGENCE FOR PRE-EXISTING INDIVIDUAL ACCOUNTS

- A.** The following procedures shall apply for purposes of identifying Reportable Accounts among Pre-existing Individual Accounts.
- B.** Lower Value Accounts.

The following procedures apply with respect to Lower Value Accounts.

1. Residence Address.

If the Reporting Seychelles Financial Institution has in its records a current residence address for the individual Account Holder based on Documentary Evidence, the Reporting Seychelles Financial Institution may treat the individual Account Holder as being a resident for tax purposes of the jurisdiction in which the address is located for purposes of determining whether such individual Account Holder is a Reportable Person.

2. Electronic Record Search.

If the Reporting Seychelles Financial Institution does not rely on a current residence address for the individual Account Holder based on Documentary Evidence as set forth in subparagraph B(1), the Reporting Seychelles Financial Institution shall review electronically searchable data maintained by the Reporting Seychelles Financial Institution for any of the following indicia and apply subparagraphs B(3) to (6)—

- (a) identification of the Account Holder as a resident of a Reportable Jurisdiction;
 - (b) current mailing or residence address (including a post office box) in a Reportable Jurisdiction;
 - (c) one or more telephone numbers in a Reportable Jurisdiction and no telephone number in the Seychelles;
 - (d) standing instructions (other than with respect to a Depository Account) to transfer funds to an account maintained in a Reportable Jurisdiction;
 - (e) currently effective power of attorney or signatory authority granted to a person with an address in a Reportable Jurisdiction; or
 - (f) a “hold mail” instruction or “in-care-of” address in a Reportable Jurisdiction if the Reporting Seychelles Financial Institution does not have any other address on file for the Account Holder.
3. If none of the indicia listed in subparagraph B(2) are discovered in the electronic search, then no further action is required until there is a change in

circumstances that results in one or more indicia being associated with the account, or the account becomes a High Value Account.

4. If any of the indicia listed in subparagraph B(2)(a) through (e) are discovered in the electronic search, or if there is a change in circumstances that results in one or more indicia being associated with the account, then the Reporting Seychelles Financial Institution shall treat the Account Holder as a resident for tax purposes of each Reportable Jurisdiction for which an indicium is identified, unless it elects to apply subparagraph B(6) and one of the exceptions in that subparagraph applies with respect to that account.
5. If a “hold mail” instruction or “in-care-of” address is discovered in the electronic search and no other address and none of the other indicia listed in subparagraph B(2)(a) through (e) are identified for the Account Holder, the Reporting Seychelles Financial Institution shall, in the order most appropriate to the circumstances, apply the paper record search described in subparagraph C(2), or seek to obtain from the Account Holder a self-certification or Documentary Evidence to establish the residence(s) for tax purposes of such Account Holder. If the paper search fails to establish an indicium and the attempt to obtain the self-certification or Documentary Evidence is not successful, the Reporting Seychelles Financial Institution shall report the account to the Seychelles Revenue Commission as an undocumented account.
6. Notwithstanding a finding of indicia under subparagraph B(2), a Reporting Seychelles Financial Institution is not required to treat an Account Holder as a resident of a Reportable Jurisdiction if—

- (a) the Account Holder information contains a current mailing or residence address in that Reportable Jurisdiction, one or more telephone numbers in that Reportable Jurisdiction (and no telephone number in the Seychelles) or standing instructions (with respect to Financial Accounts other than Depository Accounts) to transfer funds to an account maintained in a Reportable Jurisdiction, and the Reporting Seychelles Financial Institution obtains, or has previously reviewed and maintains, a record of—
 - (i) a self-certification from the Account Holder that does not include that Reportable Jurisdiction; and
 - (ii) Documentary Evidence establishing the Account Holder's non-reportable status;
- (b) the Account Holder information contains a currently effective power of attorney or signatory authority granted to a person with an address in that Reportable Jurisdiction, and the Reporting Seychelles Financial Institution obtains, or has previously reviewed and maintains, a record of—
 - (i) a self-certification from the Account Holder that does not include that Reportable Jurisdiction; or
 - (ii) Documentary Evidence establishing the Account Holder's non-reportable status.

C. Enhanced Review Procedures for High Value Accounts.

The following enhanced review procedures shall apply with respect to High Value Accounts.

1. Electronic Record search.

With respect to High Value Accounts, the Reporting Seychelles Financial Institution shall review electronically searchable data maintained by the Reporting Seychelles Financial Institution for any of the indicia described in subparagraph B(2).

2. Paper Record Search.

If the electronic databases do not capture all of this information, then with respect to a High Value Account, the Reporting Seychelles Financial Institution shall also review the current customer master file and, to the extent not contained in the current customer master file, the following documents associated with the account and obtained by the Reporting Seychelles Financial Institution within the last five years for any of the indicia described in subparagraph B(2)—

- (a) the most recent Documentary Evidence collected with respect to the account;
- (b) the most recent account opening contract or documentation;
- (c) the most recent documentation obtained by the Reporting Seychelles Financial Institution pursuant to AML/KYC Procedures or for other regulatory purposes;
- (d) any power of attorney or signature authority forms currently in effect; and
- (e) any standing instructions (other than with respect to a Depository Account) to transfer funds currently in effect.

3. Exception

To The Extent Databases Contain Sufficient Information. A Reporting Seychelles Financial Institution is not required to perform the paper record search described in subparagraph C(2) to the extent the Reporting Seychelles Financial Institution's electronically searchable information includes the following—

- (a) the Account Holder's residence status;
- (b) the Account Holder's residence address and mailing address currently on file with the Reporting Seychelles Financial Institution;
- (c) the Account Holder's telephone number(s) currently on file, if any, with the Reporting Seychelles Financial Institution;
- (d) in the case of Financial Accounts other than Depository Accounts, whether there are standing instructions to transfer funds in the account to another account (including an account at another branch of the Reporting Seychelles Financial Institution or another Financial Institution);
- (e) whether there is a current “in-care-of” address or “hold mail” instruction for the Account Holder; and
- (f) whether there is any power of attorney or signatory authority for the account.

4. Relationship Manager Inquiry for Actual Knowledge.

In addition to the electronic and paper record searches described in subparagraphs C(1) and (2),

the Reporting Seychelles Financial Institution shall treat as a Reportable Account any High Value Account assigned to a relationship manager (including any Financial Accounts aggregated with that High Value Account) if the relationship manager has actual knowledge that the Account Holder is a Reportable Person.

5. Effect of Finding Indicia —

- (a) If none of the indicia listed in subparagraph B(2) are discovered in the enhanced review of High Value Accounts described in paragraph C, and the account is not identified as held by a Reportable Person in subparagraph C(4), then further action is not required until there is a change in circumstances that results in one or more indicia being associated with the account.
- (b) If any of the indicia listed in subparagraphs B(2)(a) through (e) are discovered in the enhanced review of High Value Accounts described in paragraph C, or if there is a subsequent change in circumstances that results in one or more indicia being associated with the account, then the Reporting Seychelles Financial Institution shall treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph B(6) and one of the exceptions in that subparagraph applies with respect to that account.
- (c) If a “hold mail” instruction or “in-care-of” address is discovered in the enhanced review of High Value Accounts described in paragraph C, and no other address and none of the other

indicia listed in subparagraphs B(2)(a) through (e) are identified for the Account Holder, the Reporting Seychelles Financial Institution shall obtain from such Account Holder a self-certification or Documentary Evidence to establish the residence(s) for tax purposes of the Account Holder. If the Reporting Seychelles Financial Institution cannot obtain such self-certification or Documentary Evidence, it shall report the account to the Seychelles Revenue Commission as an undocumented account.

6. If a Pre-existing Individual Account is not a High Value Account as of 31 December 2015, but becomes a High Value Account as of the last day of a subsequent calendar year, the Reporting Seychelles Financial Institution shall complete the enhanced review procedures described in paragraph C with respect to such account within the calendar year following the year in which the account becomes a High Value Account. If based on this review such account is identified as a Reportable Account, the Reporting Seychelles Financial Institution shall report the required information about such account with respect to the year in which it is identified as a Reportable Account and subsequent years on an annual basis, unless the Account Holder ceases to be a Reportable Person.
7. Once a Reporting Seychelles Financial Institution applies the enhanced review procedures described in paragraph C to a High Value Account, the Reporting Seychelles Financial Institution is not required to reapply such procedures, other than the relationship manager inquiry described in subparagraph C(4), to the same High Value Account in any subsequent year unless the account is undocumented where the

- Reporting Seychelles Financial Institution shall reapply them annually until such account ceases to be undocumented.
8. If there is a change of circumstances with respect to a High Value Account that results in one or more indicia described in subparagraph B(2) being associated with the account, then the Reporting Seychelles Financial Institution shall treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph B(6) and one of the exceptions in that subparagraph applies with respect to that account.
 9. A Reporting Seychelles Financial Institution shall implement procedures to ensure that a relationship manager identifies any change in circumstances of an account. For example, if a relationship manager is notified that the Account Holder has a new mailing address in a Reportable Jurisdiction, the Reporting Seychelles Financial Institution is required to treat the new address as a change in circumstances and, if it elects to apply subparagraph B(6), is required to obtain the appropriate documentation from the Account Holder.
- D. Any Pre-existing Individual Account that has been identified as a Reportable Account under this regulation shall be treated as a Reportable Account in all subsequent years, unless the Account Holder ceases to be a Reportable Person.

PART IV - DUE DILIGENCE FOR NEW INDIVIDUAL ACCOUNTS

The following procedures apply for purposes of identifying Reportable Accounts among New Individual Accounts.

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- A. With respect to New Individual Accounts, upon account opening, the Reporting Seychelles Financial Institution shall obtain a self-certification, which may be part of the account opening documentation, that allows the Reporting Seychelles Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Seychelles Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures.
- B. If the self-certification establishes that the Account Holder is resident for tax purposes in a Reportable Jurisdiction, the Reporting Seychelles Financial Institution shall treat the account as a Reportable Account and the self-certification shall also include the Account Holder's TIN with respect to such Reportable Jurisdiction (subject to paragraph D of Part I) and date of birth.
- C. If there is a change of circumstances with respect to a New Individual Account that causes the Reporting Seychelles Financial Institution to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Seychelles Financial Institution cannot rely on the original self-certification and shall obtain a valid self-certification that establishes the residence(s) for tax purposes of the Account Holder.

PART V - DUE DILIGENCE FOR PRE-EXISTING ENTITY ACCOUNTS

The following procedures apply for purposes of identifying Reportable Accounts among Pre-existing Entity Accounts.

- A. Entity Accounts not required to be reviewed, identified or reported.

Unless the Reporting Seychelles Financial Institution elects otherwise, either with respect to all Pre-existing Entity Accounts or, separately, with respect to any clearly identified group of such accounts, a Pre-existing Entity Account with an aggregate account balance or value that does not exceed, as of 31 December 2015, an amount that corresponds to US\$250,000, is not required to be reviewed, identified, or reported as a Reportable Account until the aggregate account balance or value exceeds that amount as of the last day of any subsequent calendar year.

B. Entity Accounts subject to review

A Pre-existing Entity Account that has an aggregate account balance or value that exceeds, as of 31 December 2015, an amount that corresponds to US\$250,000 and a Pre-existing Entity Account that not exceed, as of 31 December 2015, that amount but the aggregate account balance or value of which exceeds such amount as of the last day of any subsequent calendar year, shall be reviewed in accordance with the procedures set forth in paragraph D.

C. Entity Accounts with reporting requirements

With respect to Pre-existing Entity Accounts described in paragraph B, only accounts that are held by one or more Entities that are Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons, shall be treated as Reportable Accounts.

D. Review Procedures for identifying Entity Accounts with reporting requirements

For Pre-existing Entity Accounts described in paragraph B, a Reporting Seychelles Financial Institution shall apply the following review procedures to determine whether the account is held by one or more Reportable Persons, or by

Passive NFEs with one or more Controlling Persons who are Reportable Persons —

1. Determine Whether the Entity Is a Reportable Person.
 - (a) Review information maintained for regulatory or customer relationship purposes (including information collected pursuant to AML/KYC Procedures) to determine whether the information indicates that the Account Holder is resident in a Reportable Jurisdiction. For this purpose, information indicating that the Account Holder is resident in a Reportable Jurisdiction includes a place of incorporation or organisation, or an address in a Reportable Jurisdiction.
 - (b) If the information indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Seychelles Financial Institution shall treat the account as a Reportable Account unless it obtains a self-certification from the Account Holder, or reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person.
2. Determine Whether the Entity is a Passive NFE with one or more Controlling Persons who are Reportable Persons. With respect to an Account Holder of a Pre-existing Entity Account (including an Entity that is a Reportable Person), the Reporting Seychelles Financial Institution shall determine whether the Account Holder is a Passive NFE with one or more Controlling Persons who are Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account shall be treated

as a Reportable Account. In making these determinations the Reporting Seychelles Financial Institution shall follow the guidance in subparagraphs (2)(a) through (c) in the order most appropriate under the circumstances —

- (a) Determining whether the Account Holder is a Passive NFE. For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Seychelles Financial Institution shall obtain a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in subparagraph (b) of the definition of Investment Entity that is not a Participating Jurisdiction Financial Institution.
- (b) Determining the Controlling Persons of an Account Holder. For the purposes of determining the Controlling Persons of an Account Holder, a Reporting Seychelles Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures.
- (c) Determining whether a Controlling Person of a Passive NFE is a Reportable Person. For the purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Seychelles Financial Institution may rely on —
 - (i) information collected and maintained pursuant to AML/KYC Procedures in the case of a Pre-existing Entity Account held

by one or more NFEs with an aggregate account balance or value that does not exceed an amount that corresponds to US\$1,000,000; or

- (ii) a self-certification from the Account Holder or such Controlling Person of the jurisdiction(s) in which the Controlling Person is resident for tax purposes.

3. If there is a change of circumstances with respect to a Pre-existing Entity Account that causes the Reporting Seychelles Financial Institution to know, or have reason to know, that the self-certification or other documentation associated with an account is incorrect or unreliable, the Reporting Seychelles Financial Institution shall re-determine the status of the account in accordance with the procedures set forth in paragraph D.

PART VI - DUE DILIGENCE FOR NEW ENTITY ACCOUNTS

The following review procedures apply for purposes of identifying New Entity Accounts with respect to which reporting is required.

For New Entity Accounts, a Reporting Seychelles Financial Institution shall apply the following review procedures to determine whether the account is held by one or more Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons:

1. Determining whether the Entity is a Reportable Person—
 - (a) Obtain a self-certification, which may be part of the account opening documentation, that

allows the Reporting Seychelles Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Seychelles Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures. If the Entity certifies that it has no residence for tax purposes, the Reporting Seychelles Financial Institution may rely on the address of the principal office of the Entity to determine the residence of the Account Holder.

- (b) If the self-certification indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Seychelles Financial Institution shall treat the account as a Reportable Account, unless it reasonably determines based on information in its possession or that is publicly available that the Account Holder is not a Reportable Person with respect to such Reportable Jurisdiction.
2. Determining Whether the Entity is a Passive NFE with one or more Controlling Persons who are Reportable Persons. With respect to an Account Holder of a New Entity Account (including an Entity that is a Reportable Person), the Reporting Seychelles Financial Institution shall determine whether the Account Holder is a Passive NFE with one or more Controlling Persons who are Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account shall be treated as a Reportable Account. In making these determinations the Reporting Seychelles Financial Institution shall

follow the guidance in subparagraphs (2)(a) through (c) in the order most appropriate under the circumstances—

- (a) Determining whether the Account Holder is a Passive NFE. For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Seychelles Financial Institution shall rely on a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in subparagraph (b) of the definition of Investment Entity that is not a Participating Jurisdiction Financial Institution.
- (b) Determining the Controlling Persons of an Account Holder. For purposes of determining the Controlling Persons of an Account Holder, a Reporting Seychelles Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures if they are consistent with the 2012 FATF Standards.
- (c) Determining whether a Controlling Person of a Passive NFE is a Reportable Person. For purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Seychelles Financial Institution may rely on a self-certification from the Account Holder or such Controlling Person.

PART VII - SPECIAL DUE DILIGENCE RULES

The following additional rules apply in implementing the due diligence procedures described above—

A. Reliance on Self-Certifications and Documentary Evidence.

A Reporting Seychelles Financial Institution may not rely on a self- certification or Documentary Evidence if the Reporting Seychelles Financial Institution knows or has reason to know that the self-certification or Documentary Evidence is incorrect or unreliable.

B. Account Balance Aggregation and Currency Rules

1. Aggregation of Individual Accounts

For purposes of determining the aggregate balance or value of Financial Accounts held by an individual, a Reporting Seychelles Financial Institution is required to aggregate all Financial Accounts maintained by the Reporting Seychelles Financial Institution, or by a Related Entity, but only to the extent that the Reporting Seychelles Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

2. Aggregation of Entity Accounts

For purposes of determining the aggregate balance or value of Financial Accounts held by an Entity, a Reporting Seychelles Financial Institution is required to take into account all Financial Accounts that are maintained by the Reporting Seychelles Financial Institution, or by a Related Entity, but only to the extent that the Reporting Seychelles Financial

Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

3. **Special Aggregation Rule Applicable to Relationship Managers**

For purposes of determining the aggregate balance or value of Financial Accounts held by a person to determine whether a financial account is a High Value Account, a Reporting Seychelles Financial Institution is also required, in the case of any Financial Accounts that a relationship manager knows, or has reason to know, are directly or indirectly owned, controlled, or established (other than in a fiduciary capacity) by the same person, to aggregate all such accounts.

4. **Amounts Read to Include Equivalent in Other Currencies**

All amounts denominated in US dollars shall be read to include equivalent amounts in other currencies as determined under regulation 6(3) of these regulations.

SCHEDULE 2

NON REPORTING FINANCIAL INSTITUTIONS

The following Financial Institutions are Non-Reporting Financial Institutions—

1. A Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a

commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;

2. A Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
3. An Exempt Collective Investment Vehicle; or
4. A trust to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported pursuant to Section I with respect to all Reportable Accounts of the trust.

For the purpose of this Schedule, the following terms are defined —

1. “Broad Participation Retirement Fund” means a fund established to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund—
 - (a) does not have a single beneficiary with a right to more than 5% of the fund's assets;
 - (b) is subject to government regulation and provides information reporting to the tax authorities; and
 - (c) satisfies at least one of the following requirements —
 - (i) the fund is generally exempt from tax on investment income, or taxation of such income is deferred or taxed at a reduced rate, due to its status as a retirement or pension plan;

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- (ii) the fund receives at least 50 % of its total contributions (other than transfers of assets from other plans described in paragraphs (1), (6) and (7) or from retirement and pension accounts described in paragraph 1 of Schedule 3 from the sponsoring employers;
 - (iii) distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability, or death (except rollover distributions to other retirement funds described in paragraphs (1), (6) and (7) or retirement and pension accounts described in paragraph 1 of Schedule 3, or penalties apply to distributions or withdrawals made before such specified events; or
 - (iv) contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed, annually, an amount denominated in the domestic currency of each Participating Jurisdiction that corresponds to USD 50,000, applying the rules set forth in paragraph B of Part VII for account aggregation and currency translation.
2. “Central Bank” means an institution that is by law or government sanction the principal authority, other than the government of the Participating Jurisdiction itself, issuing instruments intended to circulate as currency. Such an institution may include an instrumentality that is separate from the government of the Participating Jurisdiction, whether or not owned in whole or in part by the Participating Jurisdiction.
3. “Exempt Collective Investment Vehicle” means an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the

collective investment vehicle are held by or through individuals or Entities that are not Reportable Persons, except a Passive NFE with Controlling Persons who are Reportable Persons.

An Investment Entity that is regulated as a collective investment vehicle does not fail to qualify under Schedule III as an Exempt Collective Investment Vehicle, solely because the collective investment vehicle has issued physical shares in bearer form, provided that —

- (a) the collective investment vehicle has not issued, and does not issue, any physical shares in bearer form after 31 December 2015;
 - (b) the collective investment vehicle retires all such shares upon surrender;
 - (c) the collective investment vehicle performs the due diligence procedures set forth in Parts II through VII and reports any information required to be reported with respect to any such shares when such shares are presented for redemption or other payment; and
 - (d) the collective investment vehicle has in place policies and procedures to ensure that such shares are redeemed or immobilised as soon as possible, and in any event prior to 1 January 2018.
4. “Governmental Entity” means the government of a Participating Jurisdiction or other jurisdiction, any political subdivision of a Participating Jurisdiction or other jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a Participating Jurisdiction or other jurisdiction or of any one or more of the foregoing (each, a “Governmental Entity”). This category is comprised of the integral parts, controlled

entities, and political subdivisions of a Participating Jurisdiction or other jurisdiction —

- (a) “integral part” of a Participating Jurisdiction or other jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a Participating Jurisdiction or other jurisdiction. The net earnings of the governing authority shall be credited to its own account or to other accounts of the Participating Jurisdiction or other jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.
- (b) “controlled entity” means an Entity which is separate in form from the Participating Jurisdiction or other jurisdiction or which otherwise constitutes a separate juridical entity, provided that —
 - (i) the Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities;
 - (ii) the Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person; and
 - (iii) the Entity's assets vest in one or more Governmental Entities upon dissolution.
- (c) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general

public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a Governmental Entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

5. “International Organisation” means any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation, including a supranational organisation —
 - (a) that is comprised primarily of governments;
 - (b) that has in effect a headquarters or substantially similar agreement with the Participating Jurisdiction; and
 - (c) the income of which does not inure to the benefit of private persons.
6. “Pension Fund of a Governmental Entity, International Organisation or Central Bank” means a fund established by a Governmental Entity, International Organisation or Central Bank to provide retirement, disability, or death benefits to beneficiaries or participants who are current or former employees (or persons designated by such employees), or who are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the Governmental Entity, International Organisation or Central Bank.
7. “Narrow Participation Retirement Fund” means a fund established to provide retirement, disability, or death benefits to beneficiaries who are current or former

employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that —

- (a) the fund has fewer than 50 participants;
 - (b) the fund is sponsored by one or more employers that are not Investment Entities or Passive NFEs;
 - (c) the employee and employer contributions to the fund (other than transfers of assets from retirement and pension accounts described in 1 of Schedule 3 are limited by reference to earned income and compensation of the employee, respectively;
 - (d) participants that are not residents of the Participating Jurisdiction in which the fund is established are not entitled to more than 20 % of the fund's assets; and
 - (e) the fund is subject to government regulation and provides information reporting to the tax authorities.
8. “Qualified Credit Card Issuer” means a Financial Institution satisfying the following requirements —
- (a) the Financial Institution is a Financial Institution solely because it is an issuer of credit cards that accepts deposits only when a customer makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the customer; and
 - (b) beginning on or before 1st January 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess that corresponds to USD1,000,000, or to ensure that any customer overpayment in excess of USD50,000 is refunded to

the customer within 60 days, in each case applying the rules set forth in paragraph B of Part VII of Schedule 1 for account aggregation and currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

SCHEDULE 3

EXCLUDED ACCOUNTS

“Excluded Account” means any of the following accounts —

1. a retirement or pension account that satisfies the following requirements —
 - (a) the account is subject to regulation as a personal retirement account or is part of a registered or regulated retirement or pension plan for the provision of retirement or pension benefits (including disability or death benefits);
 - (b) the account is tax-favoured (i.e., contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the Account Holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);
 - (c) information reporting is required to the tax authorities with respect to the account;
 - (d) withdrawals are conditioned on reaching a specified retirement age, disability, or death, or penalties apply to withdrawals made before such specified events; and
 - (e) either (i) annual contributions are limited to an amount that corresponds to USD50,000 or less; or

(ii) there is a maximum lifetime contribution limit to the account of an amount that corresponds to USD 1,000,000 or less, in each case applying the rules set forth in paragraph B of Part VII for account aggregation and currency translation. A Financial Account that otherwise satisfies the requirement of this subparagraph will not fail to satisfy such requirement solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of paragraphs 1 or 2 of this Schedule or from one or more retirement or pension funds that meet the requirements of a “broad participation retirement fund”, a “narrow participation retirement fund” or “Pension Fund or a Government Entity, International Organisation or Central Bank” as defined under these Regulations.

2. An account that satisfies the following requirements —
- (a) the account is subject to regulation as an investment vehicle for purposes other than for retirement and is regularly traded on an established securities market, or the account is subject to regulation as a savings vehicle for purposes other than for retirement;
 - (b) the account is tax-favoured (i.e., contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the Account Holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);
 - (c) withdrawals are conditioned on meeting specific criteria related to the purpose of the investment or savings account (for example, the provision of educational or medical benefits), or penalties apply to withdrawals made before such criteria are met; and

- (d) annual contributions are limited to an amount that corresponds to USD50,000 or less, applying the rules set forth in paragraph B of Part VII for account aggregation and currency translation. A Financial Account that otherwise satisfies the requirement of this subparagraph will not fail to satisfy such requirement solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of paragraphs 1 or 2 of this Schedule or from one or more retirement or pension funds that meet the requirements of a “broad participation retirement fund”, a “narrow participation retirement fund” or “Pension Fund or a Government Entity, International Organisation or Central Bank” as defined under these Regulations.
3. A life insurance contract with a coverage period that will end before the insured individual attains age 90, provided that the contract satisfies the following requirements —
- (a) periodic premiums, which do not decrease over time, are payable at least annually during the period the contract is in existence or until the insured attains age 90, whichever is shorter;
- (b) the contract has no contract value that any person can access (by withdrawal, loan, or otherwise) without terminating the contract;
- (c) the amount (other than a death benefit) payable upon cancellation or termination of the contract cannot exceed the aggregate premiums paid for the contract, less the sum of mortality, morbidity, and expense charges (whether or not actually imposed) for the period or periods of the contract's existence and any amounts paid prior to the cancellation or termination of the contract; and
- (d) the contract is not held by a transferee for value;

4. an account that is held solely by an estate if the documentation for such account includes a copy of the deceased's will or death certificate;
5. an account established in connection with any of the following—
 - (a) a court order or judgment.
 - (b) a sale, exchange, or lease of real or personal property, provided that the account satisfies the following requirements: the account is funded solely with a down payment, earnest money, deposit in an amount appropriate to secure an obligation directly related to the transaction, or a similar payment, or is funded with a Financial Asset that is deposited in the account in connection with the sale, exchange, or lease of the property, the account is established and used solely to secure the obligation of the purchaser to pay the purchase price for the property, the seller to pay any contingent liability, or the lessor or lessee to pay for any damages relating to the leased property as agreed under the lease, the assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the purchaser, seller, lessor, or lessee (including to satisfy such person's obligation) when the property is sold, exchanged, or surrendered, or the lease terminates, the account is not a margin or similar account established in connection with a sale or exchange of a Financial Asset, and the account is not associated with an account described in paragraph 6;
 - (c) an obligation of a Financial Institution servicing a loan secured by real property to set aside a portion of a payment solely to facilitate the payment of taxes or insurance related to the real property at a later time;

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- (d) an obligation of a Financial Institution solely to facilitate the payment of taxes at a later time;
6. A Depository Account that satisfies the following requirements —
- (a) the account exists solely because a customer makes a payment in excess of a balance due with respect to a credit card or other revolving credit facility and the overpayment is not immediately returned to the customer; and
- (b) beginning on or before 1 January 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of an amount that corresponds to USD1,000,000, or to ensure that any customer overpayment in excess of that amount is refunded to the customer within 60 days, in each case applying the rules set forth in paragraph B of Part VII for currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

SCHEDULE 4**LIST OF PARTICIPATING JURISDICTIONS**

| | |
|----|------------------------|
| 1 | Albania |
| 2 | Anguilla |
| 3 | Antigua and Barbuda |
| 4 | Argentina |
| 5 | Aruba |
| 6 | Australia |
| 7 | Austria |
| 8 | Barbados |
| 9 | Belgium |
| 10 | Belize |
| 11 | Bermuda |
| 12 | British Virgin Islands |
| 13 | Bulgaria |
| 14 | Canada |
| 15 | Cayman Islands |
| 16 | Chile |
| 17 | Colombia |
| 18 | Cook Islands |
| 19 | Costa-Rica |
| 20 | Croatia |
| 21 | Curacao |
| 22 | Cyprus |
| 23 | Czech Republic |
| 24 | Denmark |
| 25 | Estonia |
| 26 | Faroe Islands |
| 27 | Finland |
| 28 | France |
| 29 | Germany |
| 30 | Ghana |
| 31 | Gibraltar |
| 32 | Greece |
| 33 | Grenada |
| 34 | Guernsey |
| 35 | Hungary |
| 36 | Iceland |
| 37 | India |
| 38 | Indonesia |
| 39 | Ireland |
| 40 | Isle of Man |

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|----|----------------------------------|
| 41 | Italy |
| 42 | Japan |
| 43 | Jersey |
| 44 | Korea |
| 45 | Latvia |
| 46 | Liechtenstein |
| 47 | Lithuania |
| 48 | Luxembourg |
| 49 | Malta |
| 50 | Marshall Islands |
| 51 | Mauritius |
| 52 | Mexico |
| 53 | Montserrat |
| 54 | Netherlands |
| 55 | New-Zealand |
| 56 | Niue |
| 57 | Norway |
| 58 | Poland |
| 59 | Portugal |
| 60 | Romania |
| 61 | Saint Lucia |
| 62 | Saint Vincent and the Grenadines |
| 63 | Samoa |
| 64 | San-Marino |
| 65 | Sint-Maarten |
| 66 | Slovak Republic |
| 67 | Slovenia |
| 68 | South-Africa |
| 69 | Spain |
| 70 | Sweden |
| 71 | Switzerland |
| 72 | Turks & Caicos Islands |
| 73 | United Kingdom |

SCHEDULE 5
LIST OF REPORTABLE JURISDICTIONS

| | |
|----|------------------------|
| 1 | Albania |
| 2 | Anguilla |
| 3 | Antigua and Barbuda |
| 4 | Argentina |
| 5 | Aruba |
| 6 | Australia |
| 7 | Austria |
| 8 | Barbados |
| 9 | Belgium |
| 10 | Belize |
| 11 | Bermuda |
| 12 | British Virgin Islands |
| 13 | Bulgaria |
| 14 | Canada |
| 15 | Cayman Islands |
| 16 | Chile |
| 17 | Colombia |
| 18 | Cook Islands |
| 19 | Costa-Rica |
| 20 | Croatia |
| 21 | Curacao |
| 22 | Cyprus |
| 23 | Czech Republic |
| 24 | Denmark |
| 25 | Estonia |
| 26 | Faroe Islands |
| 27 | Finland |
| 28 | France |
| 29 | Germany |
| 30 | Ghana |
| 31 | Gibraltar |
| 32 | Greece |
| 33 | Grenada |
| 34 | Guernsey |
| 35 | Hungary |
| 36 | Iceland |
| 37 | India |
| 38 | Indonesia |
| 39 | Ireland |
| 40 | Isle of Man |
| 41 | Italy |

| | |
|----|----------------------------------|
| 42 | Japan |
| 43 | Jersey |
| 44 | Korea |
| 45 | Latvia |
| 46 | Liechtenstein |
| 47 | Lithuania |
| 48 | Luxembourg |
| 49 | Malta |
| 50 | Marshall Islands |
| 51 | Mauritius |
| 52 | Mexico |
| 53 | Montserrat |
| 54 | Netherlands |
| 55 | New-Zealand |
| 56 | Niue |
| 57 | Norway |
| 58 | Poland |
| 59 | Portugal |
| 60 | Romania |
| 61 | Saint Lucia |
| 62 | Saint Vincent and the Grenadines |
| 63 | Samoa |
| 64 | San-Marino |
| 65 | Sint-Maarten |
| 66 | Slovak Republic |
| 67 | Slovenia |
| 68 | South-Africa |
| 69 | Spain |
| 70 | Sweden |
| 71 | Switzerland |
| 72 | Turks & Caicos Islands |
| 73 | United Kingdom |

MADE this 30th day of December, 2015.

**JEAN-PAUL ADAM
MINISTER OF FINANCE, TRADE
AND THE BLUE ECONOMY**