

***FATCA & AEOI SELF-CERTIFICATION – INDIVIDUALS (ENGLISH)***

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## INSTRUCTIONS

### FATCA & AEOI SELF-CERTIFICATION - INDIVIDUALS

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#### **SECTION I – IDENTIFICATION**

If you are the beneficial owner of the account, enter your name, making sure the spelling of your first name and last name matches the official identification document (identity card, passport) presented to your account manager.

Enter your permanent residence address. If you have several residence addresses and you are considered a tax resident of more than one country, enter the primary residence address (e.g. conduct of business, employment).

Finally, please provide your date of birth in the format indicated on the form and specify the location (city and country) as described on your identification document.

#### **SECTION II – TAX RESIDENCY**

If you are *not* a US Person and are a sole resident in the country where your account is held, you can tick the provided box and skip this section.

For all other cases, enter the list of countries where you are considered a resident for tax purposes under the domestic tax law and enter your local tax identification number (TIN) with respect to those countries.

The TIN is not mandatory for the country where the account is held but it is recommended to enter it.

If the country has not issued a TIN to its taxpayers, please enter “N/A” for “not applicable”.

If you are a US citizen or a Tax Resident (Green Card or Substantial Presence test) of the USA, you are asked to submit a W-9 withholding certificate. You do not need to enter your U.S.A. TIN, since it will be included in your W-9 form.

#### **SECTION IV – CERTIFICATION SECTION**

Any change that might render this form obsolete or outdated should be notified to the [Requesting FI] within 30 days of such change of circumstances. This includes, but is not limited to, the following

- Obtaining a green card,
- Naturalizations,
- Change of permanent address
- List of countries where you are a tax resident
- Tax Identification Number changes

Finally, date and sign the form.

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## DEFINITIONS

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**US Person** – An individual is a US Person if they are a US citizen or a Tax Resident (Green Card holder, but also persons who meet the Substantial presence test).

To pass the **Substantial presence test**, you must be physically present in the United States on at least: 31 days during the current year, and 183 days during the 3-year period that includes the current year and the 2 years immediately before that, counting:

- All the days you were present in the current year, and
- 1/3 of the days you were present in the first year before the current year, and
- 1/6 of the days you were present in the second year before the current year.

Also, spent in the USA with a visa "F", "J", "M," or "Q" (some teachers, students ...) are not counted in the calculation above (for more info: <http://www.irs.gov/Individuals/International-Taxpayers/Substantial-Presence-Test>).

***SELF-CERTIFICATION – ENTITIES (ENGLISH)***

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## INSTRUCTIONS

### FATCA & AEOI SELF-CERTIFICATION - ENTITIES

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#### **SECTION I – IDENTIFICATION**

Enter the legal name of the beneficial owner of the account, for which this self-certification is being requested. Enter the country of incorporation or organization and the residence address. It is the address in the country where the entity is considered a resident for tax purposes.

If the entity does not have a tax residence in any country, enter the address where you maintain your principal office.

#### **SECTION II – TAX RESIDENCY**

Enter the list of countries where the entity is considered a resident for tax purposes and enter the local tax identification number (TIN) for that country.

If the country has not issued a TIN to its taxpayers, please enter “N/A” for “not applicable”.

If the entity is incorporated, organized or resident in the US please submit a W-9 withholding certificate along with your self-certification. There is no need to provide the TIN on the self-certification since it will be contained in your W-9 form. You are then asked to declare whether the entity is a Specified US Person or a Non-specified US Person.

For the definition of these terms, please refer to the Definitions section.

#### **SECTION III – FATCA AND AEOI STATUSES**

If your entity is exempted from FATCA Reporting under the local FATCA IGA (local FATCA Intergovernmental Agreement), please:

- tick the “yes” box,
- provide the status allowing for an exemption under the local FATCA IGA, **and**
- use the rest of this section to provide your AEOI status.

If you are not exempted from FATCA Reporting under the local FATCA IGA, this section will allow you to provide both your FATCA and AEOI statuses.

Based on the main activity of the entity, the proper AEOI and FATCA statuses should be selected.

The self-certification distinguishes 4 main categories:

- **Financial Institution (FI)** – you will then be asked to give more details on the FATCA status of the FI
- **Exempted Entity** - the type of Exempted Entity is then required
- **Active Non-Financial Entity (Active NFE)** – the type of Active NFE is then required
- **Passive Non-Financial Entity** – the list of controlling persons will be required

In the form, please tick the box corresponding to one of the 4 status above and fill the information requested for that status (such as the sub-status of the Entity)

In most cases, the FATCA IGA and AEOI status definitions are aligned. When this is not the case, the text below provides both the FATCA and AEOI definitions.

#### **(A) Financial Institution (FI)**

Financial Institutions are entities belonging to any of the 4 categories below (more details in the Definitions section):

- **Depository Institutions**
- **Custodial institutions**
- **Investment Entity** (in some cases, such entities will be classified as Passive NFEs under the AEOI)
- **Insurance Companies**

If the Entity qualifies for any of the FI types above, then please provide its FATCA Status.

- For a **Registered FFI**, please provide your GIIN in the dedicated space. A GIIN, or Global Intermediary Identification Number, was assigned to you by the IRS upon finalizing the registration process on the IRS portal. Then you are asked to select your status:
  - **Participating FFI** (if your country of incorporation has not signed a FATCA intergovernmental agreement with the IRS)
  - **Reporting Model 1 FFI** (for countries having signed a Model 1 IGA agreement), **or**
  - **Reporting Model 2 FFI** (for countries having signed a Model 2 IGA agreement).
- **Non-Reporting IGA FFI** are financial institutions in IGA countries that are exempt from reporting obligations and that do not need to register with the IRS in IGA 1 countries. In IGA 2 countries, these entities need to register with the IRS.
- A **Non-Participating FFI (NPFFI)** is a non US financial institution that will not be compliant with FATCA and would be reported as such to the IRS or to the local tax administration.
- For **other FFI statuses**, and due to specific requirements, please submit a W-8 series IRS withholding certificate along with your self-certification.

#### **(B) Exempted Entity**

Exempted Entities are Entities that are exempt from Reporting under FATCA and the AEOI. Exempted Entities include “publicly traded entities or their affiliates”, “Governmental entities”, “Central Banks” and “International organizations”.

#### **(C) Active Non-Financial Entity (Active NFE) (other than (B) )**

A non-financial entity’s activity is by definition any entity that is not a financial institution (see definition).

You are required to select between the proposed Active NFE statuses (Active NFE by reason of income and assets, Non-Profit Organisation, Other Active NFE). The definition for the “Active NFE by reason of income and assets” is provided in the Definition Section.

If the Active NFE is not an Active NFE by reason of income and assets or a Non-Profit Organisation, please check the box “Other Active NFE” and specify the exact status.

#### **(D) Passive Non-Financial Entity (Passive NFE)**

A Non-Financial Entity that is not an Active NFE is classified as Passive NFE, which is an NFE receiving Passive Income (see definition of Passive Income). You are then required to complete the questionnaire provided in the appendix of the self-certification for the list of the entity’s controlling persons.

Besides, if the FATCA status of the Entity is Direct Reporting Passive NFFE, please provide its GIIN (or the GIIN of the Sponsoring Entity in the case of a Sponsored Direct Reporting Passive NFFE).

### **SECTION IV - INFORMATION ON CONTROLLING PERSONS**

If the entity is a Passive Non-Financial Entity or if it’s an Investment Entity satisfying all the conditions listed in Section IV (A) of the form, please:

- Complete the table in Appendix A of the self-certification, **and**

- Certify either that the Entity has no US Controlling Person, or that all the information regarding the Entity’s US Controlling Persons have been filled in Appendix A.

**SECTION VI – CERTIFICATION SECTION**

Any change that might render this form obsolete or outdated should be notified to the [Requesting FI] within 30 days of such change of circumstances. This includes, but is not limited to, the following:

- A change the main activity of the entity,
- A change in the Entity Tax Residence(s)
- Presence of a Controlling Person,
- Change of address
- List of countries where the entity is a tax resident
- Tax Identification Number changes

Finally, please date and sign the form.

**APPENDIX A: LIST OF THE ENTITY’S CONTROLLING PERSONS**

This appendix A only has to be filled if the Entity is a Passive Non-Financial Entity or if it’s an Investment Entity satisfying all the conditions listed in Section IV of the form (the Definition of Controlling Persons is available in the Definitions Section).

Please provide all the requested details regarding each Controlling Person of the Entity, including ALL the Jurisdictions where he is Resident for Tax Purposes and his Taxpayer Identification Number in each of those Jurisdictions.

If you do not know some of the information requested with respect to a given Controlling Person, please obtain an individual Self-Certification directly from the Controlling Person.

Regarding the column “type of Controlling Person”, please fill-in the code corresponding to the role of the Controlling Person.

Code	Role of the Controlling Person
CRS801	CP of legal person – ownership
CRS802	CP of legal person – other means
CRS803	CP of legal person – senior managing official
CRS804	CP of legal arrangement – trust – settlor
CRS805	CP of legal arrangement – trust – trustee
CRS806	CP of legal arrangement – trust – protector
CRS807	CP of legal arrangement – trust – beneficiary
CRS808	CP of legal arrangement – trust – other
CRS809	CP of legal arrangement – other – settlor-equivalent
CRS810	CP of legal arrangement – other – trustee-equivalent
CRS811	CP of legal arrangement – other – protector-equivalent
CRS812	CP of legal arrangement – other – beneficiary-equivalent
CRS813	CP of legal arrangement – other – other-equivalent

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## DEFINITIONS

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### ***“RESIDENT FOR TAX PURPOSES”***

Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of his domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for determining their residence for tax purposes. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. A trust is treated as resident where one or more of its trustees is resident.

**ACTIVE NFE** – For the purpose of this form, an Active NFE is usually an Active NFE by reason of income (see definition below) and assets or a Non-Profit Organisation.

The *Other Active NFE* option can be selected if the Entity is any of the following:

- Holding NFEs that are members of a nonfinancial group;
- Treasury Centres that are members of a nonfinancial group;
- Start-up NFEs; or
- NFEs that are liquidating or emerging from bankruptcy.

### **ACTIVE NFE BY REASON OF INCOME AND ASSETS**

An active NFE by reason of income and assets is an entity that satisfies the following conditions

- Less than 50 % of its gross income for the preceding calendar year is passive income
- AND
- Less than 50 % of the weighted average percentage of assets (tested quarterly) held by it are assets that produce or are held for the production of passive income
  - The value of an NFFE 's assets is determined based on the fair market value or book value of the assets that is reflected on the NFFE's balance sheet

**PASSIVE INCOME** – The following is a list of revenues considered as passive income

- Dividends, including substitute dividend amounts
- Interests
- Incomes equivalent to interests, including substitute interests and amounts received from or with respect to a pool of insurance contracts if the amounts received depend in whole or part upon the performance of the pool
- Rents and royalties, other than rents and royalties derived in the active conduct of a trade or business conducted, at least in part, by employees of the NFFE
- Annuities
- The excess of gains over losses from the sale or exchange of property that gives rise to passive income (as described in the 5 categories above)
- The excess of gains over losses from transactions (including futures, forwards, and similar transactions) in any commodities subject to exceptions aside
- The excess of foreign currency gains over foreign currency losses attributable to any section 988 transaction



- Net income from notional principal contracts
- Amounts received under cash value insurance contracts; or
- Amounts earned by an insurance company in connection with its reserves for insurance and annuity contracts

## ***FINANCIAL INSTITUTION (FI)***

### **FATCA definition**

The term FFI used in FATCA terminology, refers to Foreign FI (non US). We distinguish the following types of institutions:

- **Depository institutions** – Any entity which accepts deposits in the ordinary course of a banking or similar business. Definition of banking or similar business:
  - an entity is a depository institution if, in the ordinary course of its business with customer, the entity accepts deposits or other similar investments of funds and regularly engages in one or more of the following activities:
    - Makes personal, mortgage, industrial or other loans or provides other extensions of credit
    - Purchases, sells, discounts, or negotiates accounts receivable, installment obligations, notes drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness
    - Issues letters of credit and negotiate drafts drawn thereunder
    - Provides trust or fiduciary services
    - Finances foreign exchange transactions
    - Enters into, purchases, or disposes of finance leases or leased assets
  - Exception for certain lessors and lenders: an entity which solely accepts deposits from persons as collateral or security pursuant to a sale or lease of property or a similar financing arrangement between such entity and the person holding the deposit with the entity is not considered as a depository institution
- **Custodial Institution** – Any entity which holds, as a substantial portion of its business, financial assets for the benefit of one or more other persons.
  - Definition of “substantial portion of its business”: an entity is considered as a custodial institution if the entity’s gross income attributable to holding financial assets and related financial services equals or exceeds 20% of the entity’s gross income during the shorter of:
    - the 3 years period ending on December 31 of the year preceding the year in which the determination is made ; or
    - the period during which the entity has been in existence before the determination is made
  - Income attributable to holding financial assets and related financial services: custody, account maintenance, and transfer fees; commissions and fees earned from executing and pricing securities transactions; income earned from extending credit to customers with respect to financial assets held in custody by the entity (or acquired though such extension of credit), fees for providing financial advice with respect to financial assets held in (or to be held in) custody, and fees for clearance and settlement services
- **Investment Entity** – An investment entity is any entity that meets one of the 3 definitions below
  - Which primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- (1) trading in money markets instruments (checks, bills, certificates of deposit, derivatives, etc.); foreign currency; foreign exchange, interest rate, and index instruments; transferable securities; or commodity futures;
  - (2) individual or collective portfolio management; or
  - (3) investing, administering or managing funds, money or financial assets on behalf of other persons
  - Whose gross income is primarily attributable to investing, reinvesting or trading in financial assets and which is managed by an investment entity, a depository institution, a custodial institution or an insurance company (“professionally managed”)
  - Which functions or holds itself out as a collective investment vehicle, mutual fund, ETF, private equity fund, hedge fund, venture capital fund, LBO fund or any similar investment vehicle established with an investment strategy of investing, reinvesting, or trading in financial assets.
- **Insurance companies** – Any entity which is
    - an insurance company or a holding that is a member of an expanded affiliated group that includes an insurance company; and
    - issues, or is obligated to make payments with respect to, a cash value insurance or annuity contract

## **AEOI definition**

The AEOI distinguish the following types of Financial Institutions:

- **Depository Institutions** - Any Entity that accepts deposits in the ordinary course of a banking or similar business.
  - An Entity is considered to be engaged in a “banking or similar business” if, in the ordinary course of its business with customers, the Entity accepts deposits or other similar investments of funds and regularly engages in one or more of the following activities:
    - Makes personal, mortgage, industrial, or other loans or provides other extensions of credit;
    - Purchases, sells, discounts, or negotiates accounts receivable, instalment obligations, notes, drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness;
    - Issues letters of credit and negotiates drafts drawn thereunder;
    - Provides trust or fiduciary services;
    - Finances foreign exchange transactions; or
    - Enters into, purchases, or disposes of finance leases or leased assets.
  - An Entity is not considered to be engaged in a banking or similar business if the Entity solely accepts deposits from persons as a collateral or security pursuant to a sale or lease of property or pursuant to a similar financing arrangement between such Entity and the person holding the deposit with the Entity.
- **Custodial Institution** - 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:

- 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
  - the period during which the Entity has been in existence.
- “Income attributable to holding Financial Assets and related financial services” means custody, account maintenance, and transfer fees; commissions and fees earned from executing and pricing securities transactions with respect to Financial Assets held in custody; income earned from extending credit to customers with respect to Financial Assets held in custody (or acquired through such extension of credit); income earned on the bid-ask spread of Financial Assets held in custody; and fees for providing financial advice with respect to Financial Assets held in (or potentially to be held in) custody by the entity; and for clearance and settlement services.
- Entities that safe keep Financial Assets for the account of others, such as custodian banks, brokers and central securities depositories, would generally be considered Custodial Institutions. Entities that do not hold Financial Assets for the account of others, such as insurance brokers, will not be Custodial Institutions.
- **Investment Entity** – An investment entity is any entity that meets one of the 2 definitions below:
  - 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.
  - Whose gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in the paragraph above.
  - **Exceptions:**
    - Rendering non-binding investment advice to a customer is not sufficient to make an entity an investment entity
    - Any entity matching the investment entity requirement will still be classified as Active NFE if it belongs to any of the following categories:
      - holding NFEs and treasury centers that are members of a nonfinancial group
      - start-up NFEs
      - NFEs that are liquidating or emerging from bankruptcy
    - An Investment Entity will be a passive NFE instead of an FI provided that:
      - The Entity’s gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets AND the entity is managed by an Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity; and
      - The Entity is not a Participating Jurisdiction Financial Institution.
    - Real property
      - An Entity that primarily conducts as a business investing, administering, or managing non-debt, direct interests in real property on behalf of other persons, such as a type of real estate investment trust, will not be an Investment Entity.
      - This exception covers real estate and leasing entities but not funds of funds of real properties.

- **Insurance companies** – any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

**SPECIFIED US PERSON** – FATCA Notion – a Specified US Person means any US Person other than a Non Specified US Person

**NON-SPECIFIED US PERSON** – FATCA Notion – a Non Specified US Person is any US Person that is either

- A corporation the stock of which is regularly traded on one or more established securities markets or an affiliate of a publicly traded corporation;
- Any organization exempt from taxation under section 501(a) IRC or an individual retirement plan as defined in section 7701(a)(37) IRC;
- The United States or any wholly owned agency or instrumentality thereof;
- Any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing;
- Any bank as defined in section 581 IRC;
- Any real estate investment trust as defined in section 856 IRC;
- Any regulated investment company as defined in section 851 or any entity registered with the Securities Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-64);
- Any common trust fund as defined in section 584(a) IRC;
- Any trust that is exempt from tax under section 664(c) IRC or is described in section 4947(a)(1) IRC;
- A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any State; and
- A broker as defined in section 6045(c) and §1.6045-1(a)(1) IRC
- Addition of tax exempt trusts under section 403(b) plan or section 457(g) plan

**PASSIVE NON-FINANCIAL ENTITY (PASSIVE NFE)**- *a Passive NFE is an Entity that is neither a Financial Institution nor an Active NFE.*

**DIRECT REPORTING NFFE** - *A Direct Reporting NFFE is an NFFE that chose to report directly to the IRS under FATCA*

A Direct Reporting NFFE will be treated as an Exempt Beneficial Owner under FATCA. It will be required to elect to, and report directly to the IRS certain information about its direct or indirect substantial US owners. The NFFE will also be required to register with the IRS to obtain its Global Intermediary Identification Number (GIIN).

## ***PUBLICLY TRADED CORPORATION AND AFFILIATE***

### **FATCA definition**

A Corporation stock is **regularly traded** on one or more established securities markets for the calendar year if:

- One or more classes of stock of the corporation that, in the aggregate, represent more than 50 percent of the total combined voting power of all classes of stock of such corporation entitled to vote and of the total value of the stock of such corporation are listed on such market or markets during the prior calendar year; and
- With respect to each class relied on to meet the more-than-50 % threshold
  - Trades in each such class are effected, other than in de minimis quantities, on such market or markets on at least 60 days during the prior calendar year; and
  - The aggregate number of shares in each such class that are traded on such market or markets during the prior year are at least 10 percent of the average number of shares outstanding in that class during the prior calendar year

An affiliate of a publicly traded corporation is any corporation that is a member of the same EAG as a publicly traded corporation.

There are special rules for the **regularly traded requirement**

- Year of initial public offering
  - For the calendar year in which a corporation initiates a public offering of a class of stock for trading on one or more established securities markets, the stock is regularly traded in more than de minimis quantities on 1/6 of the days remaining after the date of the offering in the quarter during which the offering occurs, and on at least 15 days during each remaining quarter of the calendar year
  - If a corporation initiates a public offering of a class of stock in the fourth quarter of the calendar year, the stock is regularly traded on such established securities market, other than in de minimis quantities, on the greater of 1/6 of the days remaining after the date of the offering in the quarter during which the offering occurs, or 5 days
- Classes of stock treated as meeting the regularly traded requirement
  - A class of stock meets the trading requirements for a calendar year if the stock is traded during such year on an established securities market located in the US and is regularly quoted by dealers making a market in the stock
  - A dealer makes a market in a stock only if the dealer regularly and actively offers to, and in fact does, purchase the stock from, and sell the stock to, customers who are not related persons with respect to the dealer in the ordinary course of a trade or business
- Anti-abuse rule
  - Any trade conducted with a principal purpose of meeting the regularly traded requirements shall be disregarded
  - Further, a class of stock shall not be treated as regularly traded if there is a pattern of trades conducted to meet the trading requirements
  - Similarly, the special rule regarding the year of initial public offering shall not apply to a public offering of stock that has as one of its principal purposes qualification of the class of stock as regularly traded under the reduced regularly traded requirements for the calendar year of an initial public offering (consideration will be given to whether the regularly traded requirements are satisfied in the calendar year immediately following the initial public offering)

## **AEOI definition**

A Corporation stock is **regularly traded** on one or more established securities markets for the calendar year if:

- Stock is “regularly traded” if there is a meaningful volume of trading with respect to the stock on an on-going basis, and an “established securities market” means an exchange that is officially recognised and supervised by a governmental authority in which the market is located and that has a meaningful annual value of shares traded on the exchange.
- With respect to each class of stock of the corporation, there is a “meaningful volume of trading on an on-going basis” if
  - trades in each such class are effected, other than in de minimis quantities, on one or more established securities markets on at least 60 business days during the prior calendar year; and
  - the aggregate number of shares in each such class that are traded on such market or markets during the prior year are at least 10% of the average number of shares outstanding in that class during the prior calendar year.
- A class of stock would generally be treated as meeting the “regularly traded” requirement for a calendar year if the stock is traded during such year on an established securities market and is regularly quoted by dealers making a market in the stock. A dealer makes a market in a stock only if the dealer regularly and actively offers to, and in fact does, purchase the stock from, and sell the stock to, customers who are not related persons with respect to the dealer in the ordinary course of a business.
- An exchange has a “meaningful annual value of shares traded on the exchange” if it has an annual value of shares traded on the exchange (or a predecessor exchange) exceeding USD 1 000 000 000 during each of the three calendar years immediately preceding the calendar year in which the determination is being made. If an exchange has more than one tier of market level on which stock may be separately listed or traded, each such tier must be treated as a separate exchange.

**CONTROLLING PERSONS** – The term “Controlling Persons” means the natural persons who exercise control over an entity.

The term “Controlling Persons” shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations:

- (i) Natural persons who ultimately have a controlling ownership interest (beneficial owner) in a legal person, and
- (ii) To the extent that there is doubt under (i), the natural persons (if any) exercising control of the legal person or arrangement through other means
- (iii) Where no natural person is identified under (i) or (ii) above, relevant natural person who holds the position of senior managing official.

Controlling ownership interest

- Depends on the ownership structure of the company
- It is usually based on a threshold, e.g. any person owning more than a certain percentage of the company
- Typically in AML, a risk based approach is used

In the case of a trust, the term Controlling Person means the settlor, the trustees, the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person 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.

**AEOI & FATCA MEMBER COUNTRIES – LIST AS OF 16/04/2015**

COUNTRY	FATCA Regulation	AEOI status (first reporting)	AEOI TIN (Individuals)	AEOI TIN (Entities)
Afghanistan	FRegs	No commitment		
Aland Islands	FRegs	No commitment		
Albania	FRegs	Signed (2018)		
Algeria	IGA 1	No commitment		
American Samoa	FRegs	No commitment		
Andorra	FRegs	Commitment (2018)		
Angola	IGA 1	No commitment		
Anguilla	IGA 1	Signed (2017)		
Antarctica	FRegs	No commitment		
Antigua and Barbuda	IGA 1	Commitment (2018)		
Argentina	FRegs	Signed (2017)		
Armenia	IGA 2	No commitment		
Aruba	FRegs	Signed (2018)		
Australia	IGA 1	Signed (2018)		
Austria	IGA 2	Signed (2018)		
Azerbaijan	IGA 1	No commitment		
The Bahamas	IGA 1	Commitment (2018)		
Bahrain	IGA 1	Expected adopter		
Bangladesh	FRegs	No commitment		
Barbados	IGA 1	Commitment (2017)		
Belarus	IGA 1	No commitment		
Belgium	IGA 1	Signed (2017)		
Belize	FRegs	Commitment (2018)		
Benin	FRegs	No commitment		
Bermuda	IGA 2	Signed (2017)		
Bhutan	FRegs	No commitment		
Bolivia	FRegs	No commitment		
Bonaire, Sint Eustatius and Saba	IGA 1	No commitment		
Bosnia and Herzegovina	FRegs	No commitment		
Botswana	FRegs	No commitment		
Bouvet Island	FRegs	No commitment		
Brazil	IGA 1	Commitment (2018)		
British Indian Ocean Territory	FRegs	No commitment		
British Virgin Islands	IGA 1	Signed (2017)		
Brunei Darussalam	FRegs	Commitment (2018)		
Bulgaria	IGA 1	Commitment (2017)		
Burkina Faso	FRegs	No commitment		
Burundi	FRegs	No commitment		
Cambodia	IGA 1	No commitment		
Cameroon	FRegs	No commitment		
Canada	IGA 1	Signed (2018)		
Cape Verde	IGA 1	No commitment		
Cayman Islands	IGA 1	Signed (2017)		
Central African Republic	FRegs	No commitment		
Chad	FRegs	No commitment		
Chile	IGA 2	Signed (2018)		
China	IGA 1	Commitment (2018)		
Christmas Island	FRegs	No commitment		
Cocos (Keeling) Islands	FRegs	No commitment		
Colombia	IGA 1	Signed (2017)		
Comoros	FRegs	No commitment		
Congo (Brazzaville)	FRegs	No commitment		

Congo, Democratic Republic of the	FRegs	No commitment		
Cook Islands	FRegs	Expected adopter		
Costa Rica	IGA 1	Signed (2018)		
Côte d'Ivoire	FRegs	No commitment		
Croatia	IGA 1	Signed (2017)		
Cuba	FRegs	No commitment		
Curacao	IGA 1	Signed (2017)		
Cyprus	IGA 1	Signed (2017)		
Czech Republic	IGA 1	Signed (2017)		
Denmark	IGA 1	Signed (2017)		
Djibouti	FRegs	No commitment		
Dominica	IGA 1	Commitment (2017)		
Dominican Republic	IGA 1	No commitment		
Ecuador	FRegs	No commitment		
Egypt	FRegs	No commitment		
El Salvador	FRegs	No commitment		
Equatorial Guinea	FRegs	No commitment		
Eritrea	FRegs	No commitment		
Estonia	IGA 1	Signed (2017)		
Ethiopia	FRegs	No commitment		
Falkland Islands (Malvinas)	FRegs	No commitment		
Faroe Islands	FRegs	Signed (2017)		
Fiji	FRegs	No commitment		
Finland	IGA 1	Signed (2017)		
France	IGA 1	Signed (2017)		
French Guiana	IGA 1	Signed (2017)		
French Polynesia	FRegs	No commitment		
French Southern Territories	FRegs	No commitment		
Gabon	FRegs	No commitment		
Gambia	FRegs	No commitment		
Georgia	IGA 1	No commitment		
Germany	IGA 1	Signed (2017)		
Ghana	FRegs	Signed (2018)		
Gibraltar	IGA 1	Signed (2017)		
Greece	IGA 1	Signed (2017)		
Greenland	IGA 1	Commitment (2017)		
Grenada	IGA 1	Commitment (2018)		
Guadeloupe	IGA 1	No commitment		
Guam	FRegs	No commitment		
Guatemala	FRegs	No commitment		
Guernsey	IGA 1	Signed (2017)		
Guinea	FRegs	No commitment		
Guinea-Bissau	FRegs	No commitment		
Guyana	IGA 1	No commitment		
Haiti	IGA 1	No commitment		
Heard Island and Mcdonald Islands	FRegs	No commitment		
Holy See (Vatican City State)	IGA 1	No commitment		
Honduras	IGA 1	No commitment		
Hong Kong, Special Administrative Region of China	IGA 2	Commitment (2018)		
Hungary	IGA 1	Signed (2017)		
Iceland	IGA 1	Signed (2017)		
India	IGA 1	Signed (2017)		
Indonesia	IGA 1	Signed (2018)		
Iran, Islamic Republic of	FRegs	No commitment		
Iraq	IGA 2	No commitment		
Ireland	IGA 1	Signed (2017)		
Isle of Man	IGA 1	Signed (2017)		



Israel	IGA 1	Commitment (2018)		
Italy	IGA 1	Signed (2017)		
Jamaica	IGA 1	No commitment		
Japan	IGA 2	Commitment (2018)		
Jersey	IGA 1	Signed (2017)		
Jordan	FRegs	No commitment		
Kazakhstan	IGA 1	No commitment		
Kenya	FRegs	No commitment		
Kiribati	FRegs	No commitment		
Korea, Democratic People's Republic of	FRegs	No commitment		
Korea, Republic of	IGA 1	Signed (2017)		
Kosovo	IGA 1	No commitment		
Kuwait	IGA 1	No commitment		
Kyrgyzstan	FRegs	No commitment		
Lao PDR	FRegs	No commitment		
Latvia	IGA 1	Signed (2017)		
Lebanon	FRegs	No commitment		
Lesotho	FRegs	No commitment		
Liberia	FRegs	No commitment		
Libya	FRegs	No commitment		
Liechtenstein	IGA 1	Signed (2017)		
Lithuania	IGA 1	Signed (2017)		
Luxembourg	IGA 1	Signed (2017)		
Macao, Special Administrative Region of China	IGA 2	No commitment		
Macedonia, Republic of	FRegs	No commitment		
Madagascar	FRegs	No commitment		
Malawi	FRegs	No commitment		
Malaysia	IGA 1	Commitment (2018)		
Maldives	FRegs	No commitment		
Mali	FRegs	No commitment		
Malta	IGA 1	Signed (2017)		
Marshall Islands	FRegs	Commitment (2018)		
Martinique	IGA 1	No commitment		
Mauritania	FRegs	No commitment		
Mauritius	IGA 1	Signed (2017)		
Mayotte	IGA 1	No commitment		
Mexico	IGA 1	Signed (2017)		
Micronesia, Federated States of	FRegs	No commitment		
Moldova	IGA 2	No commitment		
Monaco	FRegs	Commitment (2018)		
Mongolia	FRegs	No commitment		
Montenegro	IGA 1	No commitment		
Montserrat	IGA 1	Signed (2017)		
Morocco	FRegs	No commitment		
Mozambique	FRegs	No commitment		
Myanmar	FRegs	No commitment		
Namibia	FRegs	No commitment		
Nauru	FRegs	Expected adopter		
Nepal	FRegs	No commitment		
Netherlands	IGA 1	Signed (2017)		
New Caledonia	FRegs	No commitment		
New Zealand	IGA 1	Signed (2018)		
Nicaragua	IGA 2	No commitment		
Niger	FRegs	No commitment		
Nigeria	FRegs	No commitment		
Niue	FRegs	Commitment (2017)		
Norfolk Island	FRegs	No commitment		

Northern Mariana Islands	FRegs	No commitment		
Norway	IGA 1	Signed (2017)		
Oman	FRegs	No commitment		
Pakistan	FRegs	No commitment		
Palau	FRegs	No commitment		
Palestinian Territory, Occupied	FRegs	No commitment		
Panama	IGA 1	Expected adopter		
Papua New Guinea	FRegs	No commitment		
Paraguay	IGA 2	No commitment		
Peru	IGA 1	No commitment		
Philippines	IGA 1	No commitment		
Pitcairn	FRegs	No commitment		
Poland	IGA 1	Signed (2017)		
Portugal	IGA 1	Signed (2017)		
Puerto Rico	FRegs	No commitment		
Qatar	IGA 1	Commitment (2018)		
Reunion	IGA 1	No commitment		
Romania	IGA 1	Signed (2017)		
Russian Federation	FRegs	Commitment (2018)		
Rwanda	FRegs	No commitment		
Saint Barthelemy	FRegs	No commitment		
Saint Helena, Ascension and Tristan Da Cunha	FRegs	No commitment		
Saint Kitts and Nevis	IGA 1	Commitment (2018)		
Saint Lucia	IGA 1	Commitment (2018)		
Saint Martin (French part)	FRegs	No commitment		
Saint Pierre and Miquelon	FRegs	No commitment		
Saint Vincent and Grenadines	IGA 1	Commitment (2018)		
Samoa	FRegs	Commitment (2018)		
San Marino	IGA 2	Signed (2017)		
Sao Tome and Principe	FRegs	No commitment		
Saudi Arabia	IGA 1	Commitment (2018)		
Senegal	FRegs	No commitment		
Serbia	IGA 1	No commitment		
Seychelles	IGA 1	Commitment (2017)		
Sierra Leone	FRegs	No commitment		
Singapore	IGA 1	Commitment (2018)		
Sint Marteen (Dutch part)	FRegs	Commitment (2018)		
Slovakia	IGA 1	Signed (2017)		
Slovenia	IGA 1	Signed (2017)		
Solomon Islands	FRegs	No commitment		
Somalia	FRegs	No commitment		
South Africa	IGA 1	Signed (2017)		
South Georgia and the South Sandwich Islands	FRegs	No commitment		
South Sudan	FRegs	No commitment		
Spain	IGA 1	Signed (2017)		
Sri Lanka	FRegs	No commitment		
Sudan	FRegs	No commitment		
Suriname	FRegs	No commitment		
Svalbard and Jan Mayen Islands	FRegs	No commitment		
Swaziland	FRegs	No commitment		
Sweden	IGA 1	Signed (2017)		
Switzerland	IGA 2	Signed (2018)		
Syrian Arab Republic (Syria)	FRegs	No commitment		
Taiwan, Republic of China	IGA 2	No commitment		
Tajikistan	FRegs	No commitment		
Tanzania, United Republic of	FRegs	No commitment		
Thailand	IGA 1	No commitment		

Timor-Leste	FRegs	No commitment		
Togo	FRegs	No commitment		
Tokelau	FRegs	No commitment		
Tonga	FRegs	No commitment		
Trinidad and Tobago	IGA 1	Commitment (2017)		
Tunisia	IGA 1	No commitment		
Turkey	IGA 1	Commitment (2018)		
Turkmenistan	IGA 1	No commitment		
Turks and Caicos Islands	IGA 1	Signed (2017)		
Tuvalu	FRegs	No commitment		
Uganda	FRegs	No commitment		
Ukraine	IGA 1	No commitment		
United Arab Emirates	IGA 1	Commitment (2018)		
United Kingdom	IGA 1	Signed (2017)		
United States Minor Outlying Islands	FRegs	No commitment		
United States of America	FRegs	No commitment		
Uruguay	FRegs	Commitment (2017)		
Uzbekistan	IGA 1	No commitment		
Vanuatu	FRegs	Expected adopter		
Venezuela (Bolivarian Republic of)	FRegs	No commitment		
Viet Nam	FRegs	No commitment		
Virgin Islands, US	FRegs	No commitment		
Wallis and Futuna Islands	FRegs	No commitment		
Western Sahara	FRegs	No commitment		
Yemen	FRegs	No commitment		
Zambia	FRegs	No commitment		
Zimbabwe	FRegs	No commitment		