



## Instructions to the Self Certification for Entity Clients U.S. Foreign Account Tax Compliance Act (FATCA) and the OECD Common Reporting Standard (CRS)

### Section A – General

#### 1. Foreign Account Tax Compliance Act (FATCA)

FATCA is a component of the Hiring Incentives to Restore Employment Act (the HIRE Act), which was enacted by the U.S. Congress and signed into law on 18 March, 2010. FATCA's objective is to reduce tax evasion by U.S. individuals receiving income from financial assets held outside the United States. FATCA has worldwide impact. Its provisions are designed with incentives for Foreign Financial Institutions (FFIs) to provide information to the U.S. Internal Revenue Service (IRS) on financial accounts held by U.S. persons. While foreign institutions are outside of U.S. jurisdiction and have no formal reporting obligation to the U.S., they will be incentivised to comply in order to avoid a 30% withholding tax on payments received from sources within the U.S. levied on non-compliant individuals or entities.

FATCA compliance requires that a FFI, including foreign subsidiaries of U.S.-based organizations, takes steps to:

- Register with the IRS as a Participating FFI or Registered Deemed Compliant FI, obtain a Global Intermediary Number (GIIN), and enter into an FFI Agreement with the IRS that states its intent to comply with FATCA
- If resident in a country that has entered into an Intergovernmental Agreement (IGA) with the U.S., register with the IRS and obtain a Global Intermediary Identification Number (GIIN).
- Conduct Due Diligence procedures on new and pre-existing accounts to classify account holders or investors as either U.S. or non-U.S.
- Withhold 30% tax on certain payments to individuals and entities that fail to comply.
- Report account information to the IRS or, if under a Model I IGA, to the local tax authorities

#### 2. Intergovernmental Agreements (IGA)

The U.S. Treasury published two Model Intergovernmental Agreements (Model I and Model II IGAs) for implementing the broad-ranging provisions of FATCA globally. Non-U.S. countries may enter into one of these agreements with the U.S. and following this, introduce local regulations to implement the agreement. Under a Model I IGA, a Foreign Financial Institution (FFI) in a respective partner country is required to report U.S.-owned account information directly to their local tax authority, rather than to the Internal Revenue Service (IRS). The local authority would then share that information with the IRS. However, a Model II IGA requires FFIs to report certain information directly to the IRS.

Poland already signed Model 1 IGA with the U.S.A. on October 7, 2014. Polish laws implementing this IGA into the Polish legal system entered into force on December 1, 2015 under the Act of October 9, 2015 on the execution of the Agreement between the Government of the Polish Republic and the Government of the United States of America on the improvement of the international fulfillment of tax obligations and the implementation of FATCA legislation (Journal of Laws of 2015. pos. 1712).

#### 3. Common Reporting Standard (CRS)

On 20 July, 2013, the G20 leaders endorsed the OECD proposals for a global model of automatic information exchange as the expected new standard on information exchange. This directive was carried out on 13 February, 2014, when the OECD released the Common Reporting Standard ("CRS") and model Competent Authority Agreement ("CAA"). On 15 July, 2014, the Council of the OECD published its detailed commentary on both the CRS and Model CAA.

In order to promote adoption of the Common Reporting Standard within the European Union, a revised Directive on Administrative Cooperation ("DAC") was published on 09 December, 2014 requiring EU Member States to begin the automatic exchange of information under the revised DAC no later than end of September 2017, which will be in line with other OECD "Earlier Adopter" countries. Per the DAC, the deadline for Member States to adopt local legislation will be 31 December, 2015, with the revised DAC "go-live" date commencing on 01 January, 2016. As of 17 June, 2015, more than 90 countries and jurisdictions have signed up for the CRS, including at least 50 who have committed to be a part of the early adopter group, which phases in beginning 01 January, 2016. It is expected that more countries will opt to implement the standard as the initial go-live date approaches.

CRS introduces requirements on top of other global and local implementation programs (e.g. FATCA, EUSD, QI) aiming at a uniform global standard of information exchange. Both the Model CAA and CRS each have a foundation that is substantially similar to that of the FATCA Intergovernmental Agreements (IGAs), with subtle differences imposed by the OECD and influenced through local law. Just as with FATCA, the CRS therefore impose obligations on Financial Institutions resident in those territories to report information on financial accounts held by foreign tax residents to the local tax authorities.

On 1 May, 2017 entered into force the Act of March 9, 2017 about the exchange of tax information with other countries (Journal of Laws of 2017, pos. 648).

#### 4. Legal Disclaimer

The above tax regulations require Deutsche Bank Polska S.A. to collect certain information about each account holder's tax residence and its entity classification. Please note that Deutsche Bank Polska S.A. cannot provide you with tax advice, including entity classification and tax residence. If you are unsure about how to complete this form, please consult your tax adviser. It is the responsibility of the Account Holder to ensure that the information provided is complete and accurate and to provide Deutsche Bank Polska S.A. with any additional documentation, information or replacement forms when requested or required.



Deutsche Bank Polska S.A. assumes no responsibility for the independent verification of any information provided on this Form and will rely on such information as being complete and accurate in all material respects. Deutsche Bank Polska S.A. is also under no obligation to accept a form if we have either reason to know, believe or have actual knowledge that the information provided in the form is invalid or incorrect.

Deutsche Bank Polska S.A. requesting this form will operate under the regulations applicable to Poland.

#### 5. Who should complete this form?

This form is to be completed by all entity account holders. The entity may be the account holder or acting on behalf of other clients/account holders. Please do not use this form for individual account holders. Instead, the Self Certification Form for Individual Clients should be used.

Please contact your Deutsche Bank Polska S.A. Relationship Manager for blank copies of this form or for the Self Certification Form for Individual Clients.

#### 6. Expiration of the Self Certification

Generally, the self certification will remain valid indefinitely unless there is a change in circumstances, in which case you are required to notify Deutsche Bank Polska S.A. within 30 days of the change of circumstances and provide us with an updated self certification.

#### 7. Consequences of non-provision of a valid form

Deutsche Bank Polska S.A. is required to validate the information provided in this form against other information that we hold about the account holder. If, for any reason, conflicting information is identified, then the form may be rejected. Deutsche Bank Polska S.A. may need to request additional supporting information as necessary under the rules.

In the case where the discrepancies cannot be resolved, the below are some possible consequences:

- The entity can be treated as a Reportable account and as a consequence account holder information, account balances and payments may be reported by Deutsche Bank Polska S.A. to the relevant local tax authority for onward exchange of information to the tax authority where the Entity is tax resident.
- The Entity can be treated as a Non Participating Foreign Financial Institution (NPFPI) and may be subject to 30% U.S. withholding taxes on all U.S. source income payments and gross proceeds credited to the account. This is only valid under U.S. FATCA and depends on the IGA Model between the reportable country and the U.S.A.

#### 8. Further Information

If you need further information, please find below the following web pages:

- General Information - Foreign Account Tax Compliance (FATCA)  
<http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA.aspx>
- Intergovernmental Agreement (IGA)  
<http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx>
- OECD - Common Reporting Standard (CRS)  
<https://www.oecd.org/ctp/exchange-of-tax-information/>

Międzynarodowe Centrum Finansów

<http://www.finanse.mf.gov.pl/abc-podatkow/umowy-miedzynarodowe/automatyczna-wymiana-informacji-w-sprawach-podatkowych>

### Section B – Detailed Instructions

Please complete all parts in Capital Letter. Fields with (\*) are mandatory.

#### Part 1 – Entity Details

##### **Line 1 - Legal Name of Entity or Organisation\***

The full legal name of the Entity should be provided. If the name does not correspond to that of the account holder, please provide an explanation of the relationship between the two. The term "Entity" means a legal person or a legal arrangement and includes a corporation, trust or partnership.

##### **Line 2 - Country of Incorporation or Organisation**

If the entity is a corporation, enter the country of incorporation. If it is another type of entity, enter the country under whose laws it is created, organised or governed.

##### **Line 3 - Current Residence Address of Entity or Organisation\***

This is usually the address in the country where the entity claims to be a resident for purposes of that country's income tax. Please do not include the address of a financial institution, an investment manager, a post office box (P.O. Box) or an in care of address.

##### **Line 4 - Mailing Address**

Enter mailing address only if it is different from the Current Residence Address.



**Line 5 – Commercial register Number**

Provide the commercial register number in the country of incorporation, if available.

**Part 2 – Entity Certification – Non U.S. Entities – for the purpose of FATCA**

**Part 2(a) – Financial Institutions - FI**

**Line 6 - FI Classification**

If your entity is a Financial Institution, please select the FI's status from one of the options.

**Part 2(b) – Non Financial Foreign Entities - NFFE**

**Line 9 - NFFE Classification**

If your entity is not a Financial Institution (i.e. a Non Financial Entity), please select the Entity's status from one of the options.

**Part 3 – Entity Certification – for the purpose of CRS**

**Part 3(a) – Financial Institutions - FI**

**Line 10 - FI Classification**

If your entity is a Financial Institution, please select the FI's status from one of the options.

**Part 3(b) – Non Financial Entities - NFE**

**Line 11 - NFE Classification**

If your entity is not a Financial Institution (i.e. a Non Financial Entity), please select the Entity's status from one of the options.

**Part 4 – Country of Residence for Tax Purposes and related TIN or functional equivalent**

**Line 12 - Country of Tax Residence\***

Please provide all the countries where the Entity is considered to be tax resident. Note that there may be instances where tax residence may change (for example, as a result of, but not restricted to, corporate re-structuring, changes to local or any applicable, tax laws).

It is the client's responsibility to advise Deutsche Bank Polska S.A. if there is such a change and notify Deutsche Bank Polska S.A. within 30 days of such a change.

**Line 13 - Local Tax Identification Number (TIN)**

Provide the Entity local Tax Identification Number ("TIN"). If you are not able to provide Deutsche Bank Polska S.A. with a TIN number, please insert "Country of Tax Residence doesn't give a TIN".

**Line 14 - TIN Type**

Provide the TIN type. Some examples may include local Tax Identification Number, Employer Identification Number, Corporation Tax Identification Number/Reference.

**Line 15 - No TIN available**

If you are not able to provide a TIN, please inform about a reason behind ((choose A, B or C as appropriate).

**Part 5 – Declaration and Signature**

Please ensure that you have the authority to sign on behalf of the Entity. Please sign and date the form in this part. Please consider that this statement is made under pain of criminal liability for disclosure of false statements.