



Approved by the decision of the
Chairman of the Management Board of
Deutsche Bank Ltd.

on ____ April 2016

Chairwoman of the Management Board

/  A. Viehweg/



REGULATION

Regulation on Assignment of the Client of Deutsche Bank Ltd. to the Foreign Taxpayer Category

Moscow 2016

Contents

Section I.	General Provisions;
Section II.	Criteria for Assignment of the Bank's Clients to the Foreign Taxpayer Category;
Section III.	List of the Documents to Be Submitted;
Section IV.	Information Obtainment Methods for the Client Assignment to the Foreign Taxpayer Category;
Section V.	Procedure to Verify the Client's Conformity with the Criteria for Assignment to the Foreign Taxpayer Category;
Section VI.	Procedure for Maintenance of the Register of the Bank's Clients Assigned to the Foreign Taxpayer Category.
Appendix No. 1	Categories of Legal Entities Which Do Not Fall within the FATCA Scope
Appendix No. 2	Passive Income Structure

I. General Provisions

1.1. This Regulation was developed and approved by Deutsche Bank Ltd. (hereinafter referred to as the "Bank") on the basis of the provisions of Federal Law No. 173-FZ as of 28.06.2014 "On the specifics of conducting transactions with foreign nationals and legal entities, the introduction of amendments to the Russian Federation Code of Administrative Offences, and the recognition of certain legislative acts of the Russian Federation as void" (hereinafter referred to as the "Law"), and in view of coming into effect of the US Law "Foreign Account Tax Compliance Act" (FATCA) on July 1, 2014. The regulation determines decision making procedure and criteria for assignment of legal entities and individuals, who conclude (concluded) financial services agreements (hereinafter referred to as the "Client"), to the Foreign Taxpayer Category.

1.2. In accordance with the Regulation the Bank takes reasonable and available measures under the circumstances to identify Clients who fall within the Foreign Account Tax legislation which is enacted by a foreign state.

1.3. For the purpose of the Law the following persons shall not be assigned as client –foreign taxpayer:

- 1) Individuals — citizens of the Russian Federation excluding individuals:
 - a) who are simultaneously citizens of the Russian Federation and another foreign state (excluding citizens of the States of the Customs Union);
 - b) who have residence permission in a foreign state;
- 2) Legal entities which are incorporated in accordance with the legislation of the Russian Federation and more than 90 % of shares (participatory interest) of which are under direct / indirect control of the Russian Federation and (or) citizens of the Russian Federation, or those who are simultaneously citizens of the Russian Federation and any Member State of the Customs Union (excluding individuals who are specified in sub_items "a" and "b").

II. Criteria for Assignment of the Bank's Clients to the Foreign Taxpayer Category

In accordance with the requirements of the US Foreign Account Tax Compliance Act (hereinafter referred to as the "FATCA") the Bank's Client can be assigned to the Foreign Taxpayer Category if he meets the criteria from the listed below.

1. Criteria for assignment of the Client — an individual, self-employed person — to the Foreign Taxpayer Category (US taxpayer):

- 1) citizenship or residence permission (documented, for example, US Permanent Residence Card (form I-551 "Green Card")) in the USA or meeting the criteria for "long residence in a foreign state". With regard to the USA, the long residence is residence in the territory of the USA for at least 31 days during the current calendar year and for at least 183 days during 3 years including the current year and the two immediately preceding years. Moreover, the amount of days during which an individual has been staying in the territory of a foreign state in the current year and the two preceding years shall be multiplied by the coefficient specified:
 - Coefficient for the current year is 1 (i. e. all days spent in the territory of the USA are taken into account);
 - Coefficient for the preceding year is 1/3;
 - Coefficient for the year before last is 1/6.

Regulation on Assignment of the Client of Deutsche Bank Ltd. to the Foreign Taxpayer Category
Teachers, students and probationers who were temporary staying in the USA on the basis of "F", "J", "M" or "Q" visas are not United States tax residents.

- 2) Place of birth — USA;
- 3) Address of the place of residence / registration / postal address (or P. O. Box) in the USA;
- 4) Address "in favor of" or address "poste restante" in the territory of the USA;
- 5) Power of Attorney or right of signature which is given to a person who has address in the USA;
- 6) Telephone number includes international telephone code of the USA;
- 7) The presence of standing instructions with regard to money transfer to the account which is opened in the USA.

2. Criteria for assignment of the Client — a legal entity — to the Foreign Taxpayer Category (US taxpayer):

- 1) State of registration or tax residence — USA (persons which are listed in Appendix No. 1 to the Regulation are not US taxpayers);
- 2) Residence address or postal address — USA;
- 3) The presence of American taxpayers (individuals and / or legal entities) among beneficial owners of a legal entity, which is:
 - A passive company (more than 50 % of aggregate income of a passive company is "passive" income and more than 50 % of weighted assets at the completion of a quarter bring a "passive" income — see Appendix No. 2 to the Regulation);
 - A company the core business of which is religious activity, charity, scientific, cultural and sport activity;
 - A company which is a professional association / chamber of trade / trade union / league or entity which is established for promotion of social goals;
- 4) Additional factors which evidence the assignment of the Client to the Foreign Taxpayer Category can be determined on the basis of the data which is provided by Client for the purposes of identification:
 - Postal address in the USA;
 - Telephone number in the USA (state code begins with "001");
 - Power of Attorney which is issued to the person who has address in the USA;
 - Right of signature which is given to the person who has address in the USA;
 - In respect of the person it is stated "to the attention of" or "poste restante" as the sole address for delivery of statements of account opened within a credit institution;

Teachers, students and probationers who were temporary staying in the USA on the basis of "F", "J", "M" or "Q" visas are not United States tax residents.

In respect of the Clients which are the financial institutions for the purposes of the FATCA, the Bank specifies the status of registration and registration number in the Internal Revenue Service (GIIN).

The above criteria are not proof that the Bank's customer is a foreign taxpayer, but the presence of one of these criteria requires a closer examination of the information and documents provided. At the same time, the absence of the criteria listed above, by itself, is not a proof that the client is not a foreign taxpayer. Confirmation of the taxpayer status is carried out by providing the documents referred to in Section III of this Regulation.

III. List of the Documents to Be Submitted

For confirmation of the status of the foreign taxpayer (US taxpayer) or for confirmation of the absence of such status the Bank shall request and the Client shall provide the Bank with the following:

Regulation on Assignment of the Client of Deutsche Bank Ltd. to the Foreign Taxpayer Category

No.	Criterion for assignment to the Foreign Taxpayer Category	Supporting document
1)	Citizenship or permanent residence	Form W-9
2)	Place of birth in another state	1. Form W-9 or W-8; and 2. Passport or another document which confirms citizenship; and 3. Written explanation about the presence of the citizenship of another state.
3)	Residence address or postal address	1. Form W-9 or W-8; and 2. Passport or another document which confirms citizenship.
4)	Standing instructions with regard to money transfer to the account which is opened in another state or dispatches which are constantly received in another state.	1. Form W-9 or W-8; and/or 2. Document proving that the Client is not a foreign taxpayer;
5)	Address "in favor of" or address "poste restante" in the territory of another state	1. Form W-9 or W-8; and/or 2. Document proving that the Client is not a foreign taxpayer;
6)	Power of Attorney or right of signature which is given to a person who has address in another state	1. Form W-9 or W-8; and/or 2. Document proving that the Client is not a foreign taxpayer.

For the purposes of confirmation or refutation of taxpayer status (foreign taxpayer or non-foreign taxpayer) the Client submits to the Bank relevant completed form W (list of forms W-8 are available on the website of the Internal Revenue Service of the USA: <http://apps.irs.gov/app/picklist/list/formsInstructions.html?value=w-8&criteria=formNumber>).

The Bank also requests the client to provide the consent to transfer the information to a foreign tax authority which, simultaneously, is the consent to transfer such information to the Central Bank of the Russian Federation, federal executive body which is authorized to counteract against money laundering (legalization) and terrorism financing, as well as the federal executive body which is authorized to carry out control and supervision in the sphere of taxes and levies. The consent to transfer the information is requested only from the clients that were identified as foreign taxpayer in accordance to this Reglament.

Upon receipt of the form completed by the client (W8 or W9) and the results of the analysis conducted by the Bank, in the case of confirmation of the foreign taxpayer status of the client, the Bank, on the basis of the client's consent has the right to transfer data to a foreign tax authority (in accordance with the requirements of FATCA) and Central Bank of the Russian Federation (according to the requirements of paragraph 2 of Article 3 of the 173-FZ).

The term for submission of the information by the Client, which identifies the Client as the client-foreign taxpayer, or confirming the client not being foreign taxpayer, and the consent (refusal to submit consent) is fifteen (15) working days from the date of the Bank sends respective request to the Client.

IV. Information Obtainment Methods for the Client Assignment to the Foreign Taxpayer Category

The Bank can use any available and legal methods for getting information which is required to assign the Clients to the Foreign Taxpayer Category or confirming the client not being a foreign taxpayer including the following:

- Written and verbal requests sent to the Client;
- Filling in the form by the Client which confirms / refutes the possibility for assignment of the Client to the Foreign Taxpayer Category (tax forms W-8/W-9);
- Review of the available information about the Client including the information which is received from open data bases of the federal executive bodies and posted in the information and

Regulation on Assignment of the Client of Deutsche Bank Ltd. to the Foreign Taxpayer Category telecommunications network "Internet", as well as other information sources which are legally available for the Bank.

V. Procedure to Verify the Client's Conformity with the Criteria for Assignment to the Foreign Taxpayer Category

- 4.1. The Bank's subdivision responsible for the client service shall check the documents submitted by the Client against fulfilling the requirements of the Regulation and shall take decision on assignment of the Client to the Foreign Taxpayer Category.

The Bank is entitled to request from the Client to submit additional documents confirming compliance with the requirements which shall be fulfilled for assignment of the Client to the Foreign Taxpayer Category.

On the basis of the submitted documents and information the Bank's subdivision responsible for the client service shall take a decision on assignment of the Client to the Foreign Taxpayer Category.

- 4.2. The Bank shall check the Clients assigned to the Foreign Taxpayer Category, conform to the requirements of the Regulation within regular (extraordinary) procedure of Client identification or upon W form expiration.

The Bank's subdivision shall request from the Clients assigned to the Foreign Taxpayer Category to submit documents for confirmation of compliance with the requirements which are necessary for assignment of the Client to the Foreign Taxpayer Category in accordance with the Regulation.

Categories of Legal Entities Which Do Not Fall within the FATCA Scope**A) Excepted FFI**

1. Excepted nonfinancial group entities (such entities do not fall within the scope of the FATCA if certain terms are observed). This group includes nonfinancial holding companies, hedging and financial centers of nonfinancial groups excluding investment funds;

2. Excepted nonfinancial start-up companies or companies entering a new line of business excluding the companies which carry out their activity (or hold themselves out) as private equity funds, venture capital funds, leveraged buyout fund or any investment vehicle whose purpose is to acquire or finance companies and hold interest in those companies as capital assets for investment purposes;

3. Excepted nonfinancial entities in liquidation or bankruptcy.

4. Excepted inter-affiliate FFI;

5. US entities which are determined in section 501(c) of the Internal Revenue Code of the USA and include noncommercial entities which are exempt from taxation in the USA, for example:

- charitable, religious, educational, scientific, literary entities;
- entities which carry out tests for public safety;
- entities which foster national or international amateur sports competition;
- entities which prevent cruelty to children or animals;

6. Non-profit organizations;

B) Legal entities which do not fall within the FATCA scope as exempt beneficial owners

1. Government bodies or administrative agencies, or legal entities fully owned by them;

2. International entities or entities fully owned by them;

3. Central Banks and issuing banks;

4. US government authorities;

5. Certain types of pension funds;

6. Investment institutions which are fully owned by exempt beneficial owners, provided that each direct holder of the equity interest in the entity is an exempt beneficial owner, and each direct holder of a debt interest in such entity is either a depository institution (with respect to a loan made to such entity) or an exempt beneficial owner;

7. Other entities in accordance with the provisions of agreed Appendix II to the intergovernmental agreement pursuant to Model 1 and 2 (if the legal entity is established in the state with which the USA has concluded a respective FATCA Agreement);

C) Financial institutions which are excluded from FATCA

1. Owner documented FFI;

2. Certified deemed-compliant FFI which include:

- Non-registering local banks;
- FFI with only low-value accounts;
- Sponsored, closely held investment vehicles;
- Investment advisers and investment managers;

Regulation on Assignment of the Client of Deutsche Bank Ltd. to the Foreign Taxpayer Category
— Limited life debt investment entities.

D) Non-Financial Foreign Entities (NFFE) — a foreign legal entity which is not a financial institution or foreign legal entity described as Non-Financial Foreign Entity in accordance with the intergovernmental agreement pursuant to Model 1 and 2 (if the legal entity is established in the state with which the USA has concluded a respective FATCA Agreement).

Appendix No. 2
to the Regulation on
Assignment of the Client
to the Foreign Taxpayer Category

Passive Income Structure

For the purposes of the Regulation the passive income includes the following:

- 1) dividends;
- 2) interest;
- 3) insurance pool income, provided that the received amounts depend, in whole or in part, on profitability of the pool;
- 4) rent and royalty (excluding rent and royalty which are received as a result of active operating activities);
- 5) annuities;
- 6) income from sale or exchange of property which brings one of the aforementioned income;
- 7) income from exchange commodities deals (including futures, forwards and similar deals) excluding hedging deals, provided that deals with such commodities is a principal business of the entity;
- 8) income from foreign currency transactions (gain of exchange and loss of exchange);
- 9) contracts the price of which depends on basic asset (nominal value). For example, derivative financial instruments (exchange swap, interest swap, options, etc.);
- 10) repurchasing price in accordance with insurance agreement or loan amount which is secured by an insurance agreement;
- 11) amounts which are paid by an insurance company using the reserve for carrying out insurance activity and annuities.