

## FATCA Self-Certification for Individual Customer

### **INSTRUCTIONS FOR COMPLETING AND SUBMITTING THIS CERTIFICATION FORM**

Please carefully read the entire form, including the accompanying Appendix for completing this certification form. Please consult with a U.S. immigration or tax lawyer or a U.S. tax specialist if necessary.

I, (Name of customer) \_\_\_\_\_, hereby certify the following item I selected to be true and accurate:

1.  **I am a U.S. taxpayer (meeting one of the following two definitions), and I am willing to provide and sign a Form W-9 to demonstrate this identity.**

A. I am a U.S. citizen and possess the right of permanent residence of the United States (includes, but not limited to, green card holder) as well as a U.S. taxpayer defined under relevant U.S. tax laws.

B. I am NOT a U.S. non resident alien (or I am a U.S. resident not holding A, F, G, J, M, Q visa) **BUT** my days of stay in the United States meet the Substantial Presence Test that I physically present in the United States in the past three years and my number of days in the United States meets the following:

(1) Exceeds 183 days in the current year; or

(2) Exceeds 31 days but less than 183 days in the current year and the total number of days I was present during the past three year period, inclusive of the current year, exceeds 183 days, by counting:

i ∙ All the days I was present in the previous year, and

ii ∙  $\frac{1}{3}$  of the days I was present in the year prior to the previous year, and

iii ∙  $\frac{1}{6}$  of the days I was present in the year two years prior to the previous year.

2.  **I am not a U.S. taxpayer (meeting one of the following two definitions):**

A. I am NOT a U.S. citizen, a U.S. resident (includes, but not limited to, green card holder), or a U.S. taxpayer defined otherwise under the relevant U.S. tax laws.

B. I am NOT a U.S. resident alien (holding A, F, G, J, M or Q visa) and my days of stay in the United States **DO NOT** meet the Substantial Presence Test.

I understand and agree that Hua Nan Commercial Bank Limited (or hereafter “the Bank”) may request additional information to verify the self-certifications hereunder, and provide such on behalf of me to the withholding agent(s) to prove my identity certified as a Non-U.S. taxpayer. I also have read **【Appendix I】 Foreign Account Tax Compliance Act of the United States**, understand and agree to its regulations and requirements.

I will inform the Bank of any changes on contents made on this self-certification within 30 days of the occurrence, and I understand and agree that the Bank has the power and right to verify the validity of the self-certification and modify the rights of the account holder accordingly, including but not limited to withholding U.S. taxes or closing the account according to Chapter 4 of the U.S. Internal Revenue Codes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (MM/DD/YYYY)

## **【Appendix I】 Foreign Account Tax Compliance Act of the United States**

- I.** The client has been fully informed and agreed to cooperate with the Bank's necessary measures taken in compliance with any tax laws (including without limitation to, the U.S. Foreign Account Tax Compliance Act (or hereafter "FATCA") and the laws of the Hong Kong), international treaties or governmental agreements. Such measures may include a nationality and taxpayer identity investigation over the client or the beneficial owners/substantial U.S. owners in the case with entity clients, disclosure of the tax information and account information to the authority (including Hong Kong government and the U.S. government), and tax withholding or service termination for a cause against the client provided that the nationality and taxpayer identity investigation indicates that the relationship between the client and the Bank meets the conditions set forth in any tax laws, international treaties or governmental agreements (such conditions include without limitation to that, the client or its beneficiary owner fails to provide information necessary in the aforementioned investigation, fails to represent and warrant the truthfulness of the forms and documents attached herein, or does not approve the Bank to perform the aforementioned informational disclosure to the Hong Kong government and the U.S. government).
- II.** The definition of terms in paragraph I are as below for reference, the entirety and completeness of the relevant paragraphs of which shall be referred to the actual body of FATCA :
1. Foreign Account Tax Compliance Act is 26 USC §1471~ §1474, or Internal Revenue Code Chapter 4, includes notice (includes, but not limited to, 26 CFR parts 1 and 301), guidance, and other documents published by Internal Revenue Service.
  2. International agreement: includes, but not limited to, intergovernmental agreements that facilitate the effective and efficient implementation of FATCA sign between U.S. and Hong Kong governments.
  3. Beneficial owner of a Contract: Beneficial owner includes, but not limited to, holder of the account to which Contracting party has standing instruction to wire money to. Should the contract party be a legal entity, the beneficial owner is the person who holds directly or indirectly ownership of stock; holder of partnership interests; owner of investment benefits; beneficiary of a trust; or the substantial beneficiary of interests of an account as otherwise defined by FATCA.
  4. Nationality and chapter 4 status: includes, but not limited to, nationality, and/or residence status ; Taxpayer Identification Number, Global Intermediary Identification Number ; IRS Form W-8, Form W-9, substitute forms, and other documents that may be relevant in determining a person's chapter 4 status.
  5. Other related terms:
    - i. Internal Revenue Code Chapter 4 Status: a person's status as a U.S. person, a specified U.S. person, a foreign financial institution (participating / nonparticipating), an excepted non-financial foreign entity, a passive non-financial foreign entity, and any other status assigned pursuant to the U.S. Foreign Account Tax Compliance Act.
    - ii. U.S. Person for tax purpose  
The term "United States person" (or "U.S. person") means—(1) a citizen or resident of the United States; (2) a domestic partnership; (3) a domestic corporation; (4) any estate (other than a foreign estate, which is an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States; and (5) any trust if—(i) a court within the United States is able to exercise primary supervision over the administration of the trust, and (ii) one or more United States persons have the authority to control all substantial decisions of the trust.
    - iii. Specified U.S. Person  
The term "specified United States person" (or "specified U.S. person") means any U.S. person other than—(1) A corporation the stock of which is regularly traded on one or more established securities markets; (2) Any corporation that is a member of the same expanded affiliated group as a corporation described in (1); (3) Any organization exempt from taxation under 26 USC §501(a) or an individual retirement plan as defined in 26 USC § 7701(a)(37); (4) The United States or any wholly owned agency or instrumentality thereof;(5) Any State, the District of Columbia, any U.S. territory, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing; (6) Any bank as defined in 26 USC §581; (7) Any real estate investment trust as defined in 26 USC §856; (8) 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); (9) Any common trust fund as defined in section 26 USC §584(a); (10) Any trust that is exempt from tax under 26 USC §664(c) or is described in 26 USC § 4947(a)(1); (11) 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; (12) A broker; and (13) Any tax exempt trust under a 26 USC § 403(b) plan or 26 USC §457(g) plan.
    - iv. Foreign Financial Institution  
The term "foreign" specially means "non-U.S." for the purposes of this self-certification. The term "financial institution" means any entity that- (1) accepts deposits in the ordinary course of a banking or similar business (depository institution); (2) holds, as a substantial portion of its business, financial assets for the benefit of one or more other persons (custodial institution); (3) is an investment entity; (4) is an insurance company or a holding company that is a member of an expanded affiliated group that includes an insurance company, and the insurance company or holding company issues, or is obligated to make payments with respect to, a cash value insurance or annuity contract (specified insurance company); or (5) is an entity that is a holding company or treasury center that—(i) is part of an expanded affiliated group that includes a depository institution, custodial institution, insurance company, or investment entity, or (ii) is formed in connection with or availed of by a collective investment vehicle, mutual fund, exchange traded fund, private equity fund, hedge fund, venture capital fund, leveraged buyout fund, or any similar investment vehicle established with an investment strategy of investing, reinvesting, or trading in financial assets. A foreign financial institution may be "participating" or "nonparticipating" based on whether the foreign financial institution has executed an agreement with the U.S. Department of Treasury

to agree to comply with the U.S. Foreign Account Tax Compliance Act.

v. Non-Financial Foreign Entity

The term “foreign” specially means “non-U.S.” for the purposes of this self-certification. The term “non-financial foreign entity” means any foreign entity that is not a financial institution.

vi. Excepted Non-Financial Foreign Entity

An excepted non-financial foreign entity means a non-financial foreign entity that is- (1) publicly traded corporation: a corporation the stock of which is regularly traded on one or more established securities markets for the calendar year; (2) certain affiliated entities related to a publicly traded corporation: any corporation that is a member of the same expanded affiliated group as a publicly traded corporation; (3) certain territory entities: any territory entity that is directly or indirectly wholly owned by one or more bona fide residents of the U.S. territory (under 26 U.S.C. § 937(a) and 26 C.F.R. §1.937-1.) under the laws of which the entity is organized; (4) active non-financial foreign entity: Any non-financial foreign entity if less than 50 percent of its gross income for the preceding calendar year is passive income and less than 50 percent 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(according to 26 U.S.C. §1472(1)(c), passive income includes dividends, interest, rents, royalties, and etc.); (5) excepted nonfinancial entities: holding companies, treasury centers, and captive finance companies that are members of a nonfinancial group; start-up companies; entities that are liquidating or emerging from bankruptcy; and non-profit organizations.

vii. Passive Non-Financial Foreign Entity

The term “passive non-financial foreign entity” means a non-financial foreign entity other than an excepted non-financial foreign entity.

viii. Substantial U.S. Owner

The term “substantial U.S. owner” means: (1) with respect to any foreign (the term “foreign” specially means “non-U.S.” for the purposes of this self-certification) corporation, any specified U.S. person that owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value); (2) with respect to any foreign partnership, any specified U.S. person that owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership; and (3) in the case of a trust-(A) any specified U.S. person treated as an owner of any portion of the grantor trust under 26 U.S.C. §671-679, and (B) any specified U.S. person that holds, directly or indirectly, more than 10 percent of the beneficial interests of the trust. In the case of any financial institution described in section 1471(d)(5)(C), those aforementioned “10 percent” standards shall be replaced by “0 percent”. Family members are defined as related parties include brothers and sisters, spouse, ancestors, and lineal descendants. In-laws and step relationships are not related parties, and losses on sale or exchanges with these parties may be deducted unless the in-law or step relationship is merely acting as a nominee for a related party. Half-brothers and half-sisters are related parties. The percentage of stock owned by the foresaid related parties does not need to be disclosed, but the percentage should be aggregated with the percentage of stock owned by the specified U.S. person for the purpose of determining the total percentage of stock owned by that specified U.S. person.