

SAXO CAPITAL MARKETS (AUSTRALIA) PTY LTD

US DECLARATION (FATCA, TAX TREATY BENEFIT) & OECD CRS CLIENT DECLARATION FORM/
SUBSTITUTE FORM W-8BEN-E
ENTITY - Trust Accounts & Self-managed Superannuation Funds



See attached FATCA & CRS Help for definitions.

For further assistance and additional forms please go to: <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>; <http://www.oecd.org/tax/automatic-exchange/common-reporting-standard/>; and https://www.ato.gov.au/General/International-tax-agreements/In-detail/International-arrangements/Automatic-exchange-of-information---CRS-and-FATCA/?page=1#1_Introduction.

PART I | Identification of Beneficial Owner

Client ID: _____

1. Registered Trust/ Name of Self-managed Superannuation Fund (SMSF):

2. Country of Incorporation or organization:

- Permanent residence address (street, apt. or suite no., or rural route)(do not use a P.O box or in-care-of address): _____
- Mailing address (if different from above): _____
- U.S taxpayer identification number (TIN)(if required): _____
- Global Intermediary Identification Number (GIIN) (if applicable): _____
- Foreign TIN (if applicable) or Tax File Number: _____

3. Name of disregarded entity receiving payment (if applicable)(See attached FATCA & CRS Help):

4. Chapter 3 Status (entity type)(Must check one box only)(See attached FATCA & CRS Help):

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Complex Trust | | | |
| <input type="checkbox"/> Central Bank of Issue | <input type="checkbox"/> Estate | <input type="checkbox"/> International Organization | <input type="checkbox"/> Simple trust |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Government | <input type="checkbox"/> Partnership | <input type="checkbox"/> Tax-exempt organization |
| <input type="checkbox"/> Disregarded entity | <input type="checkbox"/> Grantor Trust | <input type="checkbox"/> Private Foundation | |

If you entered disregarded entity, partnership, simple trust, or grantor trust above, is the entity a hybrid making treaty claim?

- ☐ Yes ☐ No

If "Yes" complete Part III. For further assistance and additional forms please go to:

<https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca> or <https://www.irs.gov/pub/irs-pdf/fw8bene.pdf>.

5. Chapter 4 Status - Foreign Account Tax Compliance Act (FATCA) Status

☒ Indicate the applicable FATCA status below, and complete any corresponding information, *if applicable*.

See attached FATCA & CRS Help for definitions.

For further assistance and additional forms please go to: www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca.

A. Trust -

☐ I certify that this entity meets the requirements to be considered a Publicly Traded Non-Financial Foreign Entity (Publicly Traded NFFE) or NFFE Affiliate of a publicly traded corporation:

- The entity is a foreign corporation that is not a financial institution; and
- The name of the entity, the stock which is regularly traded on an established securities market is _____.
- The name of the securities market on which the stock is regularly traded is _____.
- The International Securities Identification Number (ISIN) of the shares regularly traded on the securities market is _____.

☐ I certify that this entity meets the requirements to be considered an Active Non-Financial Foreign Entity (Active NFFE):

- The entity is a foreign corporation that is not a financial institution;
- Less than 50% of such entity's gross income for the preceding calendar year is Passive Income; and
- Less than 50% of the assets held by such entity are assets that produce or are held for the production of Passive Income (calculated as a weighted average of the percentage of passive assets measured quarterly).

☐ I certify that this entity meets the requirements to be considered a Passive Non-Financial Foreign Entity (Passive NFFE):

- The entity is a foreign corporation that is not a Financial Institution; and
 - i. The entity has no substantial U.S owners; or
 - ii. The entity has the following U.S owners whose direct or indirect holding is greater than 25%:

1. U.S. Person	Direct or Indirect holding percentage (above 25percent): _____ Name: _____ TIN: _____ Address: _____
2. U.S. Person	Direct or Indirect holding percentage (above 25percent): _____ Name: _____ TIN: _____ Address: _____

Note: If the entity's FACTA status is not NFFE in one of the listed forms above, the entity's FATCA status must be declared in a separately provided Form W-8BEN-E or in a FFI declaration.

➤ **Continue to PART III**

B. Self-managed Superannuation Fund (SMSF)

☐ I certify that this entity meets the requirements to be considered a Nonreporting IGA FFI:

- The entity is nonreporting foreign financial institution (FFI) pursuant to an applicable Intergovernmental Agreement (IGA) between the United States and Australia;
- The applicable IGA is a Model 1 IGA (FFIs in partner jurisdictions report information on U.S. account holders to their national tax authorities, which in turn will provide this information to the IRS; and
- The entity is treated as an Investment Entity wholly owned by Exempt Beneficial Owner under the provisions of the applicable IGA or Treasury regulations.

➤ **Continue to PART III**

C. Other

- | | |
|---|---|
| <input type="checkbox"/> Nonparticipating FFI (including an FFI related to a Reporting IGA FFI other than a deemed-complaint FFI, participating FFI, or exempt beneficial owner). | <input type="checkbox"/> Foreign government, government of a U.S. possession, or foreign central bank of issue. |
| <input type="checkbox"/> Participating FFI. | <input type="checkbox"/> International organization. |
| <input type="checkbox"/> Reporting Model 1 FFI. | <input type="checkbox"/> Exempt retirement plans. |
| <input type="checkbox"/> Reporting Model 2 FFI. | <input type="checkbox"/> Entity wholly owned by exempt beneficial owners. |
| <input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI, sponsored FFI, or nonreporting IGA FFI). | <input type="checkbox"/> Excepted nonfinancial group entity. |
| <input type="checkbox"/> Sponsored FFI. | <input type="checkbox"/> Excepted nonfinancial start-up company. |
| <input type="checkbox"/> Certified deemed-compliant nonregistering local bank. | <input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. |
| <input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. | <input type="checkbox"/> 501(c) organization. |
| <input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. | <input type="checkbox"/> Nonprofit organization. |
| <input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. | <input type="checkbox"/> Excepted territory NFFE. |
| <input type="checkbox"/> Certain investment entities that do not maintain financial accounts. | <input type="checkbox"/> Excepted inter-affiliate FFI. |
| <input type="checkbox"/> Owner-documented FFI. | <input type="checkbox"/> Direct reporting NFFE. |
| <input type="checkbox"/> Restricted distributor. | <input type="checkbox"/> Sponsored direct reporting NFFE. |
| <input type="checkbox"/> Territory financial institution. | <input type="checkbox"/> Account that is not a financial account. |

➤ **Continue to PART III**

PART II | Disregarded Entity or Branch Receiving Payment (Complete only if a disregarded entity with a GIIN or a branch of an FFI in a country other than the FFI's country of residence.)

For further assistance and additional forms please go to: <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca> or <https://www.irs.gov/pub/irs-pdf/fw8bene.pdf>.

PART III | Claim of Tax Treaty Benefits (if applicable). (For chapter 3 purposes only.)

Entities in jurisdictions that have concluded a tax treaty with the U.S. may under the provisions of such tax treaty be eligible for reduced rates on withholding taxes on income derived from sources in the U.S. The applicability of treaty benefits, however, depends on whether the recipient meets the provisions in the specific tax treaty, including any limitation of benefits provisions. It is the responsibility of the client to ensure that such provisions are met. Please consult with your tax advisor on treaty benefit issues.

If you want to claim tax treaty benefits, please:

☒ Indicate the applicable status below, and complete any corresponding information, *if applicable*.

See attached FATCA & CRS Help for definitions.

For further assistance and additional forms please go to: www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca.

☐ **I certify that:**

- ☐ The beneficial owner is a resident of Australia within the meaning of the income tax treaty between the United States and Australia; and
- ☐ The beneficial owner derives the item (or items) of income for which the treaty benefits are claimed, and if applicable, meets the requirements of the treaty provision dealing with limitation on benefits. The following are types of limitation on benefits provisions that may be included in an applicable tax treaty (check only one):

A. Trust

- ☐ Tax exempt pension trust or pension fund

➤ **Continue to PART IV**

B. Self-managed Superannuation Fund (SMSF) (See attached FATCA & CRS Help)

- ☐ Company that meets the ownership and base erosion test

➤ **Continue to PART IV**

C. Others

- | | |
|--|---|
| <input type="checkbox"/> Government | <input type="checkbox"/> Company that meets the derivative benefits test |
| <input type="checkbox"/> Other tax exempt organization | <input type="checkbox"/> Company with an item of income that meets active trade or business test |
| <input type="checkbox"/> Publicly traded corporation | <input type="checkbox"/> Favorable discretionary determination by the U.S. competent authority received |
| <input type="checkbox"/> Subsidiary of publicly traded organization | <input type="checkbox"/> Other (specify Article and paragraph): _____ |
| <input type="checkbox"/> The beneficial owner is claiming treaty benefits for U.S. source dividends received from foreign corporation or interest from a U.S. trade or business of a foreign corporation and meets qualified resident status | |

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Special rates and conditions (if applicable):

The beneficial owner is claiming the provisions of Article and paragraph _____ of the treaty to claim a _____ % rate of withholding on (specify type of income): _____ Explain the additional conditions in the Article the beneficial owner meets to be eligible for the rate of withholding: _____

➤ Continue to PART IV

PART IV | Common Reporting Standard (CRS) Status

Only complete this section if the entity is a tax resident in more/other countries than the country of registered address

See attached FATCA & CRS Help for definitions.

For further assistance and additional forms please go to: <http://www.oecd.org/tax/automatic-exchange/common-reporting-standard/>

Country of residency	Address	TIN/TFN

Please attach a separate document for further countries of residency.

For the purpose of CRS due diligence and reporting requirements imposed on Saxo Bank, please provide the entity's CRS information below:

I/We declare that:

- ☐ The Entity's CRS status/classification is identical to the FATCA status as declared in Part I.
- ☐ The Entity's CRS status/classification is not identical to the FATCA status declared in Part I. The entity's CRS status is _____.

If the Entity's CRS Status is Passive NFE, please indicate the name of any Controlling Person(s) of the entity corporation:

See attached FATCA & CRS Help:

Name	Country of tax residence	Address	TIN/TFN

Please attach a separate document for further countries of residency.

➤ Continue to PART V

PART V | CERTIFICATION DECLARATION

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- The entity in line 1 of this form is the beneficial owner of all the income to which this form relates, is using this form to certify its status for chapter 4 purposes, or is a merchant submitting this form for the purposes of section 6050W;
- The entity in line 1 of this form is not a U.S. person;
- The income to which this form relates is: (a) not effectively connected with the conduct of a trade or business in the United States, (b) effectively connected but is not subject to tax under an income tax treaty, or (c) the partner's share of a partnership's effectively connected income; **and**
- For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which the entity on line 1 is the beneficial owner or any withholding agent that can disburse or make payments of the income of which the entity on line 1 is the beneficial owner.

I agree that I will submit a new form within 30 days if any certification on this form becomes incorrect.

Sign Here



Signature of individual authorized to sign for beneficial owner

Print Name

Date (MM-DD-YYYY)

☐ **I certify that I have the capacity to sign for the entity identified on line 1 of this form.**

FATCA & CRS HELP

PLEASE NOTE THAT SAXO CAPITAL MARKETS IS NOT A REGISTERED TAX SPECIALIST AND IS THEREFORE NOT IN A POSITION TO PROVIDE ANY TAX RELATED ADVICE. ANY INFORMATION CONTAINED HEREIN IS FOR YOUR GENERAL INFORMATION ONLY, AND DOES NOT CONSTITUTE TAX AND/OR LEGAL ADVICE, AND SHOULD NOT BE RELIED UPON AS SUCH. PLEASE SEEK INDEPENDENT TAX, LEGAL OR OTHER PROFESSIONAL ADVICE BEFORE COMPLETING ANY FATCA/US TAX/OECD CRS STATUTORY DECLARATION. For further assistance, please go to:

1. FATCA (Instructions for W-8BEN-E): <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>, www.irs.gov/pub/irs-pdf/iw8bene.pdf;
2. CRS guidelines: www.oecd.org/tax/automatic-exchange/common-reporting-standard; and
3. Australian Tax Office Automatic exchange of information guidance - CRS and FATCA: https://www.ato.gov.au/General/International-tax-agreements/In-detail/International-arrangements/Automatic-exchange-of-information---CRS-and-FATCA/?page=1#1_Introduction.

FATCA & CRS STATUS	DESCRIPTION
ACTIVE NFFE	ACTIVE NFFE (FATCA status) Active NFFE is an entity that is not a Financial Institution <u>and</u> less than 50 percent of its gross income for the preceding calendar year is Passive Income <u>and</u> less than 50 percent of the weighted average of its assets (measured quarterly), that produce or are held for the production of passive income.
ACTIVE NFE	ACTIVE NFE (CRS status) Active NFE is an entity that is not a Financial Institution <u>and</u> less than 50 percent of its gross income in a relevant period is Passive Income <u>and</u> less than 50 percent of the assets held during that period were for the production of passive income.
AFFILIATE OF A PUBLICLY TRADED CORPORATION	Affiliate of a Publicly Traded NFFE is a member of the same expanded affiliated group as a Publicly-Traded NFFE.
COMPLEX TRUST	A Complex Trust is a trust that is not a simple or grantor trust, i.e. Self-managed Super Fund (SMSF) or a Family Trust.
CRS	Common Reporting Standard is the single global standard for the collection, reporting and exchange of financial account information on foreign tax residents. Banks and financial institutions are required to collect and report to the Australian Tax Office financial account information on non-residents using the standard.
CUSTODIAL INSTITUTION	Custodial Institution is an entity that holds, a substantial portion of its business, Financial Assets for the account of others. A substantial portion means that at least 20% of the entity's gross income is attributable to holding Financial Assets and providing related financial services in the shorter of either at least three accounting periods or the period that it has existed.
DEPOSITORY INSTITUTION	Depository Institution is an institution that accepts deposits in the ordinary course of a banking or similar business.
DIRECT REPORTING NFFE	Direct Reporting NFFE is a non-financial foreign entity that elects to directly report information annually about its substantial U.S. owners to the IRS.
EXCEPTED NONFINANCIAL ENTITY IN LIQUIDATION OR BANKRUPTCY	Excepted Nonfinancial Entity in Liquidation or Bankruptcy is an entity that has filed a plan of liquidation, reorganization bankruptcy and during the past 5 years has not been engaged in business as a financial institution or acted as a Passive NFFE or is liquidating or emerging from reorganization or bankruptcy with the intent to continue or recommence operations as a non-financial entity and has or will provide documentary evidence that supports its claim if it remains in bankruptcy or liquidation for more than 3 years.
EXCEPTED NONFINANCIAL START-UP COMPANY	Excepted Nonfinancial Start-Up Company is an entity that was formed but is not yet operating a business and has no prior operating history or is investing capital in assets with the intent to operate a new line of business other than that of a financial institution or Passive NFFE or is investing capital into assets with the intent to operate a business other than that of a financial institution and does not function 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 those companies as capital assets for investment purposes.

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EXCEPTED TERRITORY NFFE	Excepted Territory NFFE is an entity that is organized in a possession of the United States and does not accept deposits in the ordinary course of banking or similar business or does not hold, as a substantial portion of its business, financial assets for the account of others, or is not an insurance company (or holding company of an insurance company) that issues or is obliged to make payments with respect to a financial account and all of the owners of the entity are bona fide residents of the possession in which the NFFE is organized or incorporated.
EXEMPT BENEFICIAL OWNER	Exempt Beneficial Owner is an entity described in U.S. Treasury Regulations as: (1) a foreign government, a political subdivision of a foreign government, or a wholly owned agency or instrumentality of any one or more of the foregoing; (2) an international organization or a wholly owned agency or instrumentality thereof; (3) a foreign central bank of issue; (4) a government of a U.S. Territory; (5) a treaty-qualified retirement fund; (6) a broad participation retirement fund; (7) a narrow participation retirement fund; (8) a fund formed pursuant to a plan similar to a section 401(a) plan; (9) an investment vehicle used exclusively for retirement funds; (10) a pension fund of an exempt beneficial owner; or (11) an entity wholly owned by exempt beneficial owners.
FATCA	Foreign Account Tax Compliance Act is the United States (U.S.) legislation aimed at improving compliance with U.S. tax laws. FATCA imposes certain due diligence and reporting obligations on Australian financial institutions, and those of other non-US countries, to report U.S. citizen or US tax-resident Account Holders to the IRS. Australia has a signed intergovernmental FATCA agreement with the U.S.
FFI	Foreign Financial Institution is as a financial institution that is a foreign entity, other than a financial institution organized under the laws of a possession of the United States.
FINANCIAL ASSETS	Financial Assets is any assets that may be held in an account maintained by a Financial Institution, with the exception of a non-debt, direct interest in real property.
FINANCIAL INSTITUTION	Financial Institution is an entity that is a Depository Institution, Custodial Institution, Investment Entity, or an insurance company (or holding company of an insurance company) that issues cash value insurance or annuity contracts.
IGA	Inter-Government Agreement.
INVESTMENT ENTITY	Investment Entity either primarily conducts as a business, specified investing or trading activities for or on behalf of customers or primarily derives its gross income from investing or trading in Financial Assets and is managed by a Financial Institution.
IRS	United States Internal Revenue Service.
NFE	Non-Financial Entity.
NFFE	Non-Financial Foreign Entity.
OECD	Organization for Economic Development.
PASSIVE INCOME	Passive Income includes but is not limited to dividends, interest, rents, royalties, annuities.
PASSIVE NFFE	PASSIVE NFFE (FATCA status) A Passive NFFE is an entity that does not classify as a Financial Institution <u>or</u> an Active NFFE <u>or</u> a non U.S. partnership or trust who has entered a withholding agreement with the IRS. Note: Certain U.S. organisations are excluded from the Active NFFE.
PASSIVE NFE	PASSIVE NFE (CRS status) A Passive NFFE is an entity that does not classify as a Financial Institution <u>or</u> an Active NFE <u>or</u> a Professionally managed investment entity not tax resident in a participating country.
PUBLICLY TRADED NFFE	Publicly traded NFFE is a non-financial public company listed or traded on one or more established stock exchanges.
SPONSORED DIRECT REPORTING NFFE	Sponsored Direct Reporting NFFE is a Direct Reporting NFFE that engages another qualifying entity to act as the sponsoring entity and reports information about the NFFE's substantial U.S. owners.