

Inter-Governmental Agreement Declaration to confirm tax status under FATCA

Bank use only

Client Entity Name

Customer Number

Client Entity Business Address

Your Business Address is the address where you are treated as resident for tax purposes, or, if not applicable, the address of your principal office

Mailing Address, if different from the above address

Country of Incorporation / Country of Organisation

All countries in which the entity is resident for Tax purposes

- 1.
- 2.
- 3.

FATCA ENTITY CLASSIFICATION STATUS

In relation to chapter 4, subtitle A (sections 1471 through 1474) of the United States Internal Revenue Code of 1986 (the provisions commonly referred to as the "Foreign Account Tax Compliance Act" or "FATCA") and regulations made thereunder or any intergovernmental agreements to facilitate compliance with FATCA with the United States, I/We *(please delete as appropriate)* make the following certifications:

1. The entity is not:

- A corporation or partnership incorporated, created or organised in the United States of America or under the law of the United States of America or of any of the States of the United States of America, including the District of Columbia
- A trust in respect of which a court within the United States of America is able to exercise primary supervision over the administration of the trust, and one or more United States persons have the authority to control all substantial decisions of the trust; or
- An estate (other than 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, is not includible in gross income under subtitle A of the United States Internal Revenue Code of 1986)

2. The entity is **not** a Financial Institution.

- If you are a Trust please refer to the **Information for Trusts** section available at <http://www.fatca.hsbc.com/en/cmb/uk>

3. The entity is not acting as an agent, intermediary or nominee of another person

Please read the following information carefully and **select ONLY one of the entity types** to provides confirmation of entity status under FATCA. Once you have made your selection, please complete the section and sign on page 4 of this form. You will find more information on some of the terms used within this declaration within the associated notes of this declaration.

If you are unable to sign this declaration, you will need to provide alternative documentation, which can be downloaded from <http://www.fatca.hsbc.com/en/cmb/uk>

If you have any questions in relation to this declaration or are unsure whether the entity satisfies any of the criteria stated in this declaration, please contact a tax advisor.



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Trading Entity (Active Non-Financial Foreign Entity)

I/We hereby certify that the entity satisfies the following criteria:

- Less than 50% of the entity's gross income for the preceding calendar year or other appropriate reporting period is passive income (*see notes*)

AND

- Less than 50% of the entity's assets held by us during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income

AND

- The entity is engaged in the following active trade or business other than that of a financial institution (*see notes*):

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Start Up Trading Entity (Active Non-Financial Foreign Entity)

I/We hereby certify that the entity satisfies the following criteria:

- The entity is not yet operating a business and have no prior operating history, but am investing capital into assets with the intent to operate a business other than that of a financial institution.
- I acknowledge that this certification will expire 24 months from the date that is 24 months after the date of the initial organization of the NFFE (*see notes*)

- The Entity was formed on:

Please state day, month and year (cannot be a date which is more than 24 months before the date of signature on this declaration)

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Listed Entity

I/We hereby certify that the entity satisfies the following criteria:

- The entity is a non-financial foreign entity and its stock is regularly traded on an established securities market (within the meaning of The International Tax Compliance (United States of America) regulations 2014 and HMRC Guidance)
- or
- The entity is a Related Entity (*see notes*) of an entity the stock of which is traded on an established securities market.
The name of the entity which is traded on an established securities market is:

Please list all relevant securities markets that apply

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Non US Government Entity

I/We hereby certify that the entity satisfies the following criteria:

The entity is a non-U.S. government entity, a political subdivision of such government (which, includes a state, province, county, or municipality), or a public body performing a function of such government or a political subdivision thereof, a government entity of a U.S. Territory, an international organization, a non-U.S. central bank of issue, or an entity wholly owned by one or more of the foregoing

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Non Financial Holding Group Service Company

I/We hereby certify that the entity satisfies the following criteria:

- Substantially all of the entity's activities consist of holding (in whole or in part) the outstanding stock of, and providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution (*see notes*),
- The entity does not operate 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 interests in those companies as capital assets for investment purposes

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Group Financing Companies

I/We hereby certify that the entity satisfies the following criteria:

- The entity primarily engages in financing and hedging transactions with or for Related Entities (*see notes*) that are not Financial Institutions, and do not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution (*see notes*).

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Non Profit or Charitable Organisation

I/We hereby certify that the entity satisfies the following criteria:

I am/We are a Non Profit Organisation ☐ a Charitable Organisation ☐

- The entity is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
- The entity is exempt from income tax in our country of residence;
- The entity has no shareholders or members who have a proprietary or beneficial interest in our income or assets;
- The applicable laws of the entity's country of residence or its formation documents do not permit any of our income or assets to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of its activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the entity has purchased; **and**
- The applicable laws of the entity's country of residence or its formation documents require that, upon the entity's liquidation or dissolution, all of our assets be distributed to a governmental entity or other non-profit organization, or transfer to the government of our country of residence or any political subdivision thereof
- The Charity registration number is

☐**US Territory Entity**

I/We hereby certify that the entity satisfies the following criteria:

- The entity is organized in a U.S. Territory and all of the owners are bona fide residents of that U.S. Territory

☐**In Liquidation**

I/We hereby certify that the entity satisfies the following criteria:

- The entity was not a financial institution in the past five years, and is in the process of liquidating assets or reorganizing with the intent to continue or recommence operations in a business other than that of a financial institution (*see notes*)

☐**Passive Non Financial Foreign Entity**

- I/We confirm that the entity is not a foreign financial institution and not within any of the other above categories
- Information on the entity's Controlling Persons that are Specified US Persons (*see notes*) is listed below: ☐
- If the entity has no United States Controlling persons, please tick here: ☐

Full Name	Permanent Residential Address	United States Tax Identification Number

Please provide details of any additional Controlling Persons on an Additional Controlling Persons Insert

I/We declare that:

- All statements made in this declaration are, to the best of my knowledge and belief, correct and complete
- Should any of the information we have provided in this declaration become incorrect, I/we will inform HSBC as soon as possible

Signature

Full Name

Official Position

Date

Signature

Full Name

Official Position

Date

Signature

Full Name

Official Position

Date

Signature

Full Name

Official Position

Date

This must be signed in accordance with the mandate

Please use the Additional Signature Insert for more to sign in accordance with your mandate

Inter-Governmental Agreement (IGA) under the Foreign Account Tax Compliance Act (FATCA)

Notes for signing the Declaration

IMPORTANT - This document must be read with the Disclaimer which forms part of it

BACKGROUND

There are a number of substantial changes being made by financial regulators, governments and banks to ensure the protection and long-term safety of both the financial system and our customers' interests. One of these changes is the Foreign Account Tax Compliance Act (FATCA), which has been introduced by the US government. The United Kingdom has introduced The International Tax Compliance (United States of America) regulations 2014 to achieve the objectives of FATCA. The purpose of FATCA is to report financial assets owned by United States persons to the United States tax authorities.

How does FATCA affect HSBC and you?

HSBC has made a commitment to being fully FATCA compliant in all countries where we operate. This means we have to report affected customers' income and profit details to the US tax authorities. In order to do so, we will need to obtain additional information from our customers to identify US Persons (USPs) and Foreign Financial Institutions (FFIs). There may also be other customers who we have to identify for this purpose.

Every year Banks and other Financial Organisations will be required to report information on financial accounts held directly or indirectly by US Persons.

Where we are not able to obtain the required information or documentation from our customers, we may be required to apply U.S. withholding taxes in respect of certain types of US payments we make to our customers or our customers' accounts in the future. We may also end customer relationships.

In order to identify the customers where reporting under FATCA may apply, we need to match our customer base against certain categories set out in the FATCA legislation.

Does this apply to you?

Whilst most FATCA categories set out in the legislation are not reportable, some may be applicable to our customers. In order to make sure that we are able to match our customers against the FATCA categories, we are asking our customers to provide confirmation of their FATCA status, review the conditions that apply, and confirm that they are satisfied.

HSBC is not able to provide tax advice in respect of this process or for FATCA classification purposes.

Who do we need to report under FATCA?

We are required to report certain information on accounts held by *Specified US Persons*. This includes accounts held by U.S. citizens and U.S. residents, certain corporations or partnerships created or organised in the United States, as well as accounts held by certain passive entities (*please see the section on Passive Income and the section What is meant by a passive entity (Passive NFFE) under FATCA?*) with shareholders who are U.S. citizens or U.S. resident persons. We will also be required to report certain information on customers or financial counterparties who do not provide us with documentation to establish a tax status under FATCA.

What is an Active Non-Financial Foreign Entity (Active NFFE)?

The term 'Active NFFE' refers to an entity that operates an active trade or business other than that of a financial business. There are several different sub-categories within the Active NFFE definition. These are shown on the declaration for you to review and confirm whether you satisfy the criteria of any of these categories and provide your certification. HSBC is unable to provide advice about your classification. If you are unable to select any of the classifications, you should seek advice from a tax professional.

We are not required to report information on Active NFFEs or their shareholders under FATCA.

For a detailed definition of passive income, please refer to the The International Tax Compliance (United States of America) regulations 2014 and HMRC Guidance.

What is meant by a passive entity (Passive NFFE) under FATCA?

Very broadly, Passive Entities are defined under FATCA as entities, organisations or companies that are in receipt of passive income or hold passive assets and do not fall under any of the other FATCA classifications. These entities do not carry on a business of a financial institution.

HSBC needs to understand the ownership of such entities to determine whether reporting under FATCA applies in respect of owners of a Passive NFFE that are Controlling US Persons.

What is meant by Controlling Persons?

Controlling Persons will be those that are treated as owning the entity under normal KYC / Money Laundering principles applicable to the entity. If you are a Passive NFFE and have US Controlling Persons, please provide the relevant details on the declaration in the specified section.

In the case of a trust, the Controlling Person may be the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, or any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership).

What is meant by Passive income?

Passive income generally includes:

- Dividends including income equivalent to dividends
- Interest including income equivalent to interest and certain returns from investments in insurance contracts
- Certain rents and royalties other than those derived from an active trade or business
- Annuities
- Net gains from transactions, including forwards and similar transactions relating to certain types of transactions in commodities
- Certain foreign currency exchange gains
- 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
- Net gains from the sale of assets that give rise to certain of the above types of income
- Passive income excludes:
 - Any income from interest, dividends, rents or royalties that is received or accrued from a related person to the extent such amount is properly allocable to income of such related person that is not passive income.
 - Income generated by certain commodities dealers and securities dealers in the ordinary course of business.
 - For a detailed definition of passive income, please refer to the The International Tax Compliance (United States of America) regulations 2014 and HMRC Guidance.

What is meant by a Financial Institution under FATCA?

The term 'financial institution' is broadly defined under FATCA and generally includes all banks, building societies, entities with custody of financial assets, certain types of insurance companies, asset management companies and certain investment funds or investment vehicles. An entity which appoints a trustee company or an entity that is a third party asset manager or acts as the holding company to a group of companies carrying on a financial business may also fall within the definition of financial institution, as well as certain types of treasury and group financing companies.

For a detailed definition of financial institution, please refer to The International Tax Compliance (United States of America) regulations 2014 and HMRC Guidance.

If you are a Financial Institution you will need to provide alternative documentation, which can be downloaded from <http://www.fatca.hsbc.com/en/cmb/uk>

What is a United States person (USP)?

The term 'United States person' includes:

A citizen or resident of the United States

A corporation or partnership created or organized in the United States of America or under the law of the United States or of any State of the United States of America

Any estate (other than foreign estate, i.e. 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, is not includible in gross income under subtitle A of the United States Internal Revenue Code)

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.

If you are a United States person you will need to provide alternative documentation, which can be downloaded from <http://www.fatca.hsbc.com/en/cmb/uk>

What is a Related Entity?

An entity is a Related Entity of another if either entity controls the other entity, or the two entities are under common control. For this purpose control includes direct or indirect ownership of more than 50 percent of the vote or value in an entity

DISCLAIMER

This document is intended solely for the customers of HSBC Bank plc, HSBC Trust Company (UK) Limited, HSBC Global Asset Management (UK) Limited to whom it is sent and not for any other person. It is a summary for information purposes only and general in nature. It should not be considered as tax or legal advice. Each of HSBC Bank plc, HSBC Trust Company (UK) Limited and HSBC Global Asset Management (UK) Limited make no guarantee of its accuracy and completeness and is not responsible for any errors, nor shall any member of the HSBC Group be liable for any loss that results from reliance upon this information based on FATCA legislation as at 30 June 2014. Customers should seek professional legal and tax advice specific to their own situation.