

US Tax Status Declaration - Entities

Account/Custody account

Name of the Entity

In accordance with the regulations applicable under United States (US) tax law relating to withholding as well as the 'Agreement Between Switzerland and the United States of America for Cooperation to Facilitate the Implementation of FATCA', and in order to correctly determine whether the accounts related with the banking relationship above are US accounts, accounts held by Nonparticipating FFI, or other accounts for US tax purposes, the undersigned hereby declares and confirms the following to Bank Vontobel AG (hereinafter "the Bank").

Neither this document nor any related written or oral explanations constitute tax advice. The Bank recommends contacting a qualified tax advisor, if required.

In general, the contracting partner of a banking relationship is treated as the Account Holder for FATCA purposes. However, there are exceptions regarding certain intermediaries as well as concerning trusts

1. Fatca Status

a) Is the Entity a US Person?

A corporation or partnership is a US Person if it is created or organized in the US, or under the laws of the US or of any US State. A trust is a US Person if it cumulatively meets both the court test and the control test. If one of the two tests is not met, a trust is not considered a US Person.

Yes → Please proceed with section 2 and provide a completed and signed IRS Form W-9 and, if the Entity is a Specified US Person, an applicable disclosure waiver (form 459).

No → Please proceed with question b).

b) Is the Entity an Exempt Beneficial Owner?

The term Exempt Beneficial Owner means any Entity that is treated as such according to the Annex II of an applicable Intergovernmental Agreement (IGA) (and the respective domestic regulations and guidance, if any), or the US treasury regulations. Entities that are typically treated as Exempt Beneficial Owners include governmental entities, international organizations, central banks, pension funds, as well as entities that are wholly owned by the foregoing.

Yes → Please proceed with section 2.

No → Please proceed with question c).

c) Is the Entity a Financial Institution?

The term Financial Institution means an Entity that is treated as such according to an applicable IGA (and the respective domestic regulations and guidance, if any), or the US treasury regulations (if not the IGA definition is applied). Although the respective definitions slightly differ, they intend to cover financial institutions in a wider sense such as banks, custodians, brokers, asset managers, collective investment vehicles, life insurance companies, certain holding companies and treasury centers. Additionally, the definition includes professionally managed investment entities such as – for instance – certain personal investment companies or trusts.

Yes → Please complete question ca) resp. cb), as applicable, and then proceed with section 2.

No → Please proceed with question da).

ca) Please disclose the (sponsoring) Entity's Global Intermediary Identification Number (GIIN), if any.

An Entity is assigned a GIIN if it is registered with the US Internal Revenue Service (IRS). In case of Sponsored FFIs according to Annex II of the applicable Model 2 IGA or the US Treasury Regulations, both the GIIN of the Entity and the GIIN of the sponsoring Entity are required. In case of Sponsored FFIs according to Annex II of the applicable Model 1 IGA that do not have their own GIIN or in case of , Sponsored, Closely Held Investment Vehicles or Trustee-documented Trusts, only the sponsoring Entity's or the trustee's GIIN must be disclosed instead.

GIIN of the Entity:

GIIN of the sponsoring Entity/trustee*:

* If a sponsoring Entity's or a trustee's GIIN is provided, please indicate whether the Entity (Account Holder) is

a Sponsored FFI;

a Sponsored, Closely Held Investment Vehicle; or

a Trustee-documented Trust

and disclose the sponsoring Entity's or trustee's name:

cb) Please indicate the reason why no GIIN is provided.

The Entity is a Certified Deemed-Compliant FFI according to US treasury regulations (other than Sponsored, Closely Held Investment Vehicle).

The Entity is, or intends to be, an Owner-Documented FFI. --> Please provide a form 454.

The Entity is a Nonreporting IGA FFI (other than a Registered Deemed-Compliant FFI , a Sponsored FFI, a Sponsored, Closely Held Investment Vehicle or a Trustee-documented Trust). Please specify the respective Entity classification under the provisions of the applicable IGA:

Nonparticipating FFI --> Please provide an applicable disclosure waiver (form 459).

Other; please specify:

d) Non Financial Foreign Entities (NFFE)

da) Please confirm the Entity's NFFE status.

The term Active NFFE aims at capturing entities that are conducting an operative business other than the business of a Financial Institution.

Active NFFE (other than (Sponsored) Direct Reporting NFFE): Please proceed with section 2.

Direct Reporting NFFE: Please disclose the Entity's GIIN and then proceed with section 2.

GIIN of the Entity:

Sponsored Direct Reporting NFFE: Please disclose the GIIN of the Entity as well as the GIIN and the name of the sponsoring Entity and proceed with section 2.

GIIN of the Entity:

GIIN of the sponsoring Entity:

Name of the sponsoring Entity:

Passive NFFE --> Please proceed with question db).

db) Please list the Controlling Persons of the Passive NFFE.

The term Controlling Persons means one or several natural persons who exercise control over an Entity.

<u>Name</u>	<u>Address</u>	<u>Date of Birth</u>	<u>TIN</u>
.....
.....
.....
.....
.....

- Please provide a completed and signed self-certification on Form 521 with regard to each Controlling Person and proceed with section 2.
- If one or more of the Controlling Persons are US Persons, please provide a completed and signed IRS Form W-9 for each controlling person that is a Specified US Person and proceed with section 2.

incorrect. If this occurs, I agree that I will submit a new form and/or further necessary forms and documentation within 60 days after such change in circumstances.

Further, I acknowledge that withholding and reporting/disclosure consequences may occur, if I fail to comply with my obligations to submit the necessary forms and/or documentation following a change in circumstances. Additionally, I affirm that I am aware that the above mentioned relationship with the Bank may be terminated, if that happened.

2. Declarations

For the duration of the contractual relationship with the Bank, I hereby confirm that I undertake to notify the Bank within 30 days on my own initiative, if a change in circumstances makes any information on this form

The undersigned declares that he has examined the information on this form and to the best of his knowledge and belief it is true, correct, and complete.

Place/Date

Signature

.....

.....

3. Glossary

Account Holder

The term Account Holder means the person listed or identified as the holder of an account. A person, other than a Financial Institution, holding an account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account, and such other person is treated as the Account Holder for FATCA purposes. Please note that for FATCA purposes in the case of trusts not the trustee is treated as holding the account, but the trust itself.

Active NFFE

There are multiple types of Active NFFEs. Probably the most common examples of Active NFFEs are the following:

- An Entity with less than 50 percent of its gross income for the preceding calendar year or other appropriate reporting period is passive income (see below); and less than 50 percent of the assets held by such Entity during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.
- A non-profit organization that meets the following requirements:
 - It is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes;
 - It is exempt from income tax in its country of residence;
 - It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
 - The applicable laws of the Entity's country of residence or the Entity's formation documents do not permit any income or assets of the Entity to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the Entity's charitable 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 the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a governmental Entity or other non-profit organization, or escheat to the government of the Entity's country of residence or any political subdivision thereof.

Other categories of Active NFFEs cover the following entities (for details regarding the specific requirements,

please consult the Annex I of the Swiss-US IGA or contact your qualified tax advisor):

- Certain corporations that are regularly traded on an established securities market and their affiliates;
- Certain NFFEs that are organized in a US territory;
- Certain holding companies and treasury centers that are in a group with mostly nonfinancial entities;
- Certain NFFEs that are in liquidation;
- Certain nonfinancial start-up companies;
- Excepted NFFEs according to the US treasury regulations.

Control test

The control test is met if one or more US Persons (individuals or entities) have the power, by vote or otherwise, to make all substantial decisions of the trust, with no other person having the power to veto any of the substantial decisions, whereas the term substantial decisions includes, but is not limited to, decisions concerning distributions, beneficiaries, or termination.

Controlling Person (of a passive NFFE)

- The term Controlling Person means the natural person who exercises control over an Entity. For purposes of determining the Controlling Person of an Entity, a Reporting Financial Institution under an IGA may rely for preexisting accounts and must rely for new accounts on information collected and maintained pursuant to AML/KYC Procedures.
- In the case of a trust such term means the settlor, the trustees, the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions.
- The term "Controlling Person" shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations. These state that a controlling ownership interest depends on the ownership structure of the Entity.

Court test

The court test is met if a court within the US has or would have the authority under applicable law to render orders or judgments resolving all issues regarding the administration of the entire trust, whereas the term administration of the trust means the carrying out of the duties imposed by the terms of the trust instrument and applicable law.

Exempt Beneficial Owner

There are multiple types of Exempt Beneficial Owners. Probably the most common example of an Exempt Beneficial Owner is a pension fund (or similar arrangement). A pension fund must meet the requirements of one of the below categories to be treated as Exempt Beneficial Owner:

- The pension fund is treated as an Exempt Beneficial Owner according to the Annex II of an applicable IGA

(and the respective domestic regulations and guidance, if any). For example, according to the Annex II of the Swiss-US IGA, the following Swiss pension arrangements are Exempt Beneficial Owners:

- Any pension institution or other retirement arrangement established in Switzerland according to Articles 48 – 49 Federal Law on the Occupational Old-age, Survivors' and Disability Benefit Plan/BVG, Article 89a paragraph 6 Swiss Civil Code/ZGB or Article 331 paragraph 1 Swiss Code of Obligations/OR;
- Vested benefits institutions (Article 4 Vested Benefits Act/FZG and Article 10 Vested Benefits Ordinance/FZV);
- The substitute occupational pension fund (Auffangeinrichtung, Article 60 BVG);
- The guarantee fund (Articles 56-59 BVG);
- Institutions for recognized forms of pension provision under Article 82 BVG (pillar 3a);
- Employer-funded welfare funds in the area of old age, survivors' and disability insurance (Article 89a paragraph 6 Swiss Civil Code/ZGB);
- Investment foundations (Anlagestiftungen; Articles 53g-53k BVG), if all of the participants in the investment foundation are pension or other retirement arrangements according to the Annex II of the Swiss-US IGA.
- The pension fund is established in a country with which the US has an income tax treaty in force, provided that the fund is entitled to benefits under such treaty on income that it derives from sources within the US (or would be entitled to such benefits if it derived any such income) as a resident of the other country that satisfies any applicable limitation on benefits requirement, and is operated principally to administer or provide pension or retirement benefits.
- The pension fund is another type of Exempt Beneficial Owner like a Broad Participation Retirement Fund or Narrow Participation Retirement Fund as those terms are defined in the US treasury regulations.

Other categories of Exempt Beneficial Owners cover the following entities (for details regarding the specific requirements, please consult the Annex II of the applicable IGA (and the respective domestic regulations and guidance, if any), or the US treasury regulations, or contact your qualified tax advisor):

- Governmental Entities, i.e., integral parts, controlled entities, and political subdivisions of a non-US sovereign (with regard to Switzerland this category captures the Swiss Federal Government, cantons, and communes and wholly owned instrumentalities and agencies of any of the foregoing, including in particular any institution, body, or fund of the social security system on the federal, cantonal, or communal levels);
- International Organizations according to the Annex II of an applicable FATCA or the International Organizations Immunities Act (22 U.S.C. articles 288 through 288f);
- Central Banks;
- Entities wholly owned by Exempt Beneficial Owners.

Financial asset

The term financial asset means a security (i.e., a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest, commodity, swap, insurance contract or annuity contract, or any interest (including a futures or forward contract or option) in one of the foregoing.

Financial Institution

There may be slight differences in the definition and interpretation of the term Financial Institution depending on the applicability of an IGA. Generally, an Entity is considered a Financial Institution if it falls within at least one of the following categories:

- **Depository Institution:**
any Entity that accepts deposits in the ordinary course of a banking or similar business.
- **Custodial Institution:**
any Entity that holds financial assets (see above) for the benefit of others, if at least 20 percent of the Entity's gross income was attributable to such activities during the last three years (or since the Entity has been in existence, if shorter).
- **Investment Entity:**
 - any Entity that provides as a business certain financial services (e.g. trading, portfolio management, investing, administering or managing funds, money, or financial assets) on behalf of other persons, if at least 50 percent of the Entity's gross income was attributable to such activities during the last three years (or since the Entity has been in existence, if shorter);
 - any professionally managed (see below) Entity, if at least 50 percent of the Entity's gross income was attributable to investing, reinvesting, or trading in financial assets during the last three years (or since the Entity has been in existence, if shorter); or
 - any Entity that functions or holds itself out as a collective investment vehicle, mutual fund, exchange traded fund, private equity fund, hedge fund, venture capital fund, leverage buyout fund, or any similar investment vehicle established with an investment strategy of investing, reinvesting, or trading in financial assets.
- **Specified Insurance Company:**
any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, cash value insurance contracts or annuity contracts.
- **Specified Holding Company or Treasury Center:**
certain holding companies or treasury centers that are in a group which includes other Financial Institutions, or that are formed in connection with a collective investment vehicle or the like (Note: this category is not relevant for entities in certain jurisdictions)

depending on the applicable IGA and the respective domestic regulations and guidance, if any).

Intergovernmental Agreement (IGA)

The term Intergovernmental Agreement, or short IGA, means an agreement or arrangement between the US and a foreign government governing the implementation of FATCA in such non-US jurisdiction.

Passive income

The term passive income is generally considered to include the portion of gross income that consists of dividends, interest, income equivalent to interest, rents and royalties (other than rents and royalties derived in the active conduct of a business conducted, at least in part, by employees of the Entity), annuities, the excess of gains over losses from the sale or exchange of property that gives rise to the aforementioned types of passive income, the excess of gains over losses from certain transactions

in commodities, the excess of foreign currency gains over foreign currency losses, the net income from swaps transactions, amounts received under a cash value insurance contract, or amounts earned by an insurance company in connection with its reserves for insurance and annuity contracts.

Professionally managed

An Entity is considered professionally managed if another Financial Institution provides certain financial services on behalf of the Entity (e.g. trading, portfolio management, investing, administering or managing funds, money, or financial assets).

Specified US Person

The term Specified US Person means any US Person, except for certain entities excluded according to an applicable IGA or the US treasury regulations.