

# FATCA-CRS DECLARATION (FOR NON-INDIVIDUAL CUSTOMERS)

[Mandatory to be filled by all Entity Account holders]  
 (Please consult your professional tax advisor for further guidance on tax residency and FATCA & CRS classification)

Bahrain Branch



We understand your world

1. Name of the entity: \_\_\_\_\_

2. Customer ID (Applicable for existing customers): \_\_\_\_\_

3. Country of Incorporation \_\_\_\_\_

4. Please tick the applicable tax resident declaration: (Any one)

- Entity is a tax resident of Bahrain and not tax resident of any other country **OR**
- Entity is a tax resident of the country/ies mentioned in the table below

Please indicate all the country/ies in which the entity is a resident for tax purposes and the associated TIN below:

Country/(ies) of Tax Residency	Tax Identification Number <sup>6*</sup>	Identification Type (TIN or Other <sup>6*</sup> , please specify)

<sup>6\*</sup> In case Tax Identification Number is not available, kindly provide functional equivalent<sup>7</sup>

5. Questions relevant for entity FATCA and CRS classification

- a. Is the entity incorporated or organized in the United States (including a Trust, if the trustee is a U.S. citizen or resident)  Yes  No  
 (If Yes, please answer question 'a.1' below:
- a.1 Is the entity a specified U.S. Person  Yes  No  
 (If No, please mention entity's exemption code<sup>2</sup> \_\_\_\_\_)
- b. Is the entity a Financial Institution<sup>3</sup> (FI) **OR** a Direct Reporting NFE  Yes  No  
 (If Yes, please fill **Part A of Q6** or else go to next question)
- c. Is the entity a publicly traded corporation/ a related entity of a publicly traded corporation  Yes  No  
 (If Yes, please fill **Part B1 or B2 of Q6** or else go to next question)
- d. Is the entity a Governmental entity, an International Organization, a Central Bank, or an entity wholly owned by one or more of the foregoing  Yes  No  
 (If yes, please sign the declaration on Page 4 or else go to next question)
- e. Is the Entity an active NFE<sup>4</sup>  Yes  No  
 (If yes, Please specify the sub-category of Active NFE: \_\_\_\_\_ (Mention code – refer 2c of Part C) and sign the declaration on Page 4 or else go to the next question)
- f. Is the Entity a passive NFE<sup>5</sup>  Yes  No  
 (If yes, Please fill **Annexure A** or else sign the declaration on Page 4)

<sup>1</sup>It is mandatory to supply a TIN or functional equivalent if the country in which you are tax resident issues such identifiers. If no TIN is yet available or has not yet been issued, please provide an explanation and attach this to the form.

<sup>2</sup>Refer 3(viii) of Part C

<sup>3</sup>Including a Foreign Financial Institution

<sup>4</sup>Refer 2c of Part C

<sup>5</sup>Refer 3(ii) of Part C

6. Entity FATCA classification and other details

Part A (to be filled by Financial Institutions or Direct Reporting NFEs)*		
1	<input type="checkbox"/> We are a Financial institution <sup>6</sup> OR <input type="checkbox"/> Direct reporting NFE <sup>7</sup> (please tick as appropriate) *If the entity is a FI and located outside Bahrain please fill Part A.1	GIIN: _____ Note: If you do not have a GIIN but you are sponsored by another entity, please provide your sponsor's GIIN above and indicate your sponsor's name below: Name of sponsoring entity: _____

- GIIN not available (please tick as applicable):  
 Following options available only for Financial Institutions:
- Applied for**
- Not required to apply for** (Please specify sub-category<sup>8</sup> \_\_\_\_\_)
- Not obtained**

**Part A.1 (to be filled by Financial Institution that is a tax resident outside Bahrain)**

1	Whether the Financial Institution is located in a CRS jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No (Please refer to the list of signatories to CRS given in the following link <a href="http://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/">http://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/</a> ) (If No, please go to Qs. 2)
2	Whether FI is an 'Investment Entity'? <input type="checkbox"/> Yes <input type="checkbox"/> No (Please refer definition 1(iii) of Part C of the FATCA-CRS declaration) (If yes, please go to Qs. 3)
3	The entity is managed by another entity that is a depository institution, a custodial institution, a specified insurance company, or an investment entity and the gross income of the entity is primarily attributable to investing, reinvesting, or trading in financial assets. <input type="checkbox"/> Yes <input type="checkbox"/> No (If <b>Yes</b> , please additionally fill <b>Annexure A</b> of this Form)

**Part B (please fill any one as appropriate; to be filled by NFEs)**

B1	Is the Entity a publicly traded company <sup>6</sup> (that is, a company whose shares are regularly traded on an established securities market)	<input type="checkbox"/> Yes (If yes, please specify any one stock exchange upon which the stock is regularly traded) Name of the stock exchange _____
B2	Is the Entity a related entity of a publicly traded company <sup>10</sup> a company whose shares are regularly traded on an established securities market	<input type="checkbox"/> Yes Name of the listed company, the stock of which is regularly traded _____ (If yes, please specify any one stock exchange upon which the stock is regularly traded) Name of the stock exchange _____

<sup>6</sup>Refer 1 of Part C

<sup>7</sup>Refer 3(vii) of Part C

<sup>8</sup>Refer 1A. of Part C

<sup>9</sup>Refer 2a of Part C

<sup>10</sup>Refer 2b of Part C

**FATCA CRS Terms and Conditions**

This declaration is required to comply with **Foreign Account Tax Compliance Act of United States of America, 2010 (FATCA)** and **Common Reporting Standards (CRS)** which require Financial Institutions to obtain and report specific information regarding their clients. For more information refer <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca> and <http://www.oecd.org/tax/automatic-exchange/common-reporting-standard/>

OECD CRS and FATCA require HDFC Bank to collect and report certain information about an account holder's tax residence. Each jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine if you are resident in the jurisdiction on the following website: <http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm>

Towards compliance with tax information sharing laws, such as FATCA and CRS, we are required to seek additional, tax and beneficial owner information and certain certifications and documentation from our account holders. Such information may be sought either at the time of account opening or any time subsequently. In certain circumstances (including if we do not receive a valid declaration from you) we may be obliged to share information on your account with relevant tax authorities. If you have any questions about your tax residency, please contact your tax advisor. **Should there be any change in any information provided by you, please ensure you advise us promptly, i.e., within 30 days.** Towards compliance with such laws, we may also be required to provide information to any institutions such as withholding agents for the purpose of ensuring appropriate withholding from the account or any proceeds in relation thereto. As may be required by domestic or overseas regulators/ tax authorities, we may also be constrained to withhold and pay out any sums from your account or close or suspend your account(s).

Neither we nor any other member of the HDFC Group shall be responsible to you or any third party for any loss incurred as a result of us or any other member of the HDFC Group taking the actions set out in this clause. Please note that you may receive more than one request for information if you have multiple relationships with the Bank. Therefore, it is important that you respond to our request, even if you believe you have already supplied any previously requested information.

If you have any questions about your tax residency, please contact your tax advisor. **If you are a US citizen or resident or green card holder, please include United States in the foreign country information field along with your US Tax Identification Number.**

You can also find out more, including a list of jurisdictions that have signed agreements to automatically exchange information, along with details about the information being requested, on the OECD automatic exchange of information.

**Certification**

I acknowledge and agree that (a) the information contained in this form is collected and may be kept by the financial institution for the purpose of automatic exchange of financial account information, and (b) such information and information regarding the account holder and any reportable account(s) may be reported by the financial institution.

I certify that I am authorized to sign for the account holder of all the account(s) to which this form relates.

I undertake to advise HDFC Bank of any change in circumstances which affects the tax residency status of the entity identified in Part 1 of this form or causes the information contained herein to become incorrect, and to provide HDFC Bank with a suitably updated self-certification form within 30 days of such change in circumstances.

I declare that the information given and statements made in this form are, to the best of my knowledge and belief, true, correct, complete and current.

Name: \_\_\_\_\_ Designation: \_\_\_\_\_

Signature:

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Place: \_\_\_\_\_

**For Bank Use Only**

Customer ID No

U.S. Indicia Match  Yes  No

CRS Indicia Match  Yes  No

Document(s) Collected \_\_\_\_\_

TIN Proof  Form W8 or equivalent  Form W9 or equivalent  Any other document (s)

RM/Branch Staff Name \_\_\_\_\_ Signature of RM/Bank Staff \_\_\_\_\_

Branch Code \_\_\_\_\_ Branch Name \_\_\_\_\_

**1 Financial Institution (FI)-** The term FI means any financial institution that is a:

- (i) Depository institution: Accepts deposits in the ordinary course of banking or similar business.
- (ii) Custodial institution As a substantial portion of its business, holds financial assets for the account of others  
(Substantial portion:-An entity holds financial assets for the account of others as a substantial portion of its business if the entity's gross income attributable to holding financial assets and related financial services equals or exceeds 20 percent of the entity's gross income during the shorter of-
  - (1) The three-year period ending on December 31 of the year preceding the year in which the determination is made;
  - (2) The period during which the entity has been in existence before the determination is made.)  
*(Income attributable to holding financial assets and related financial services)*

Income attributable to holding financial assets and related financial services means custody, account maintenance, and transfer fees; commissions and fees earned from executing and pricing securities transactions; income earned from extending credit to customers with respect to financial assets held in custody by the entity (or acquired through such extension of credit); income earned on the bid-ask spread of financial assets; fees for providing financial advice with respect to financial assets held in (or potentially to be held in) custody by the entity; and fees for clearance and settlement services)
- (iii) Investment entity : Conducts a business or operates for or on behalf of a customer for any of the following activities-
  - Trading in money market instruments, foreign exchange, foreign currency, etc.
  - Individual or collective portfolio management
  - Investing, administering or managing funds, money or financial asset on behalf of other persons.
- (iv) Insurance company: Entity issuing insurance products i.e. life insurance or cash value products.
- (v) Holding company or treasury company: Is an entity that is a holding company or treasury centre that is a part of an expanded affiliate group that includes a depository, custodial institution, specified insurance company or investment entity

**1A FIs not required to apply for GIIN:**

Code	Sub-category
01	Governmental Entity, International Organization or Central Bank
02	Treaty Qualified Retirement Fund; a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; or a Pension Fund of a Governmental Entity, International Organization or Central Bank
03	Non-public fund of the armed forces, an employees' state insurance fund, a gratuity fund or a provident fund
04	Entity is an FI solely because it is an investment entity
05	Qualified credit card issuer
06	Investment Advisors, Investment Managers & Executing Brokers
07	Exempt collective investment vehicle
08	Bahrain trust where the trustee is a reporting FI
09	FI with a local client base
10	Non-registering local banks
11	FFI with only Low-Value Accounts
12	Sponsored investment entity and controlled foreign corporation
13	Sponsored, Closely Held Investment Vehicle
14	Owner Documented FFI (if you select this category, please provide Owner Reporting Statement or an Auditor's Letter with required details as mentioned in Form W8 BEN E)

**2. Non-financial entity (NFE) – Any entity that is not a financial institution**

Types of NFEs that are regarded as excluded NFE are:

**a. Publicly traded company (listed company)**

A company is publicly traded if its stock are regularly traded on one or more established securities markets

(Established securities market means an exchange that is officially recognized and supervised by a governmental authority in which the securities market is located and that has a meaningful annual value of shares traded on the exchange)

**b. Related entity of a publicly traded company**

The NFE is a related entity of an entity of which is regularly traded on an established securities market;

**c. Active NFE : (is any one of the following):**

Code	Sub-category
01	less than 50% of the NFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
02	the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
03	substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) 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;
04	the NFE is not yet operating a business and has no prior operating history, (a "start-up NFE") but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
05	the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
06	the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does 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; or
07	<p>The NFE meets all of the following requirements (a "non-profit NFE") :</p> <ul style="list-style-type: none"> <li>• it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;</li> <li>• it is exempt from income tax in its jurisdiction of residence;</li> <li>• it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;</li> <li>• the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE 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 NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and</li> <li>• the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.</li> </ul>

**3. Other definitions****(i) Related entity**

An entity is a 'related entity' of another entity 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% of the votes and value in an entity.

**(ii) Passive NFE**

The term passive NFE means

(a) Under the CRS a "Passive NFE" means any NFE that is not an Active NFE.

(b) An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution is also treated as a Passive NFE for purposes of the CRS.

(c) A withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. Treasury Regulations.

(Note: Foreign persons having controlling interest in a passive NFE are liable to be reported for tax information compliance purposes)

**(iii) Passive income**

The term passive income includes income by way of :

- (1) Dividends,
- (2) Interest
- (3) Income equivalent to interest,
- (4) 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 NFE
- (5) Annuities
- (6) The excess of gains over losses from the sale or exchange of financial assets that gives rise to passive income
- (7) The excess of gains over losses from transactions (including futures, forwards, options and similar transactions) in any financial assets,
- (8) The excess of foreign currency gains over foreign currency losses
- (9) Net income from swaps
- (10) Amounts received under cash value insurance contracts

But passive income will not include, in case of a non-financial entity that regularly acts as a dealer in financial assets, any income from any transaction entered into in the ordinary course of such dealer's business as such a dealer.

**(iv) Controlling persons**

“Controlling Persons” are the natural person(s) who exercise control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“Passive NFE”) then a Financial Institution is required to determine whether or not these Controlling Persons are Reportable Persons. This definition corresponds to the term “beneficial owner” described in Recommendation 10 and the Interpretative Note on Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

In the case of a trust, the Controlling Person(s) are 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). Under the CRS the settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, are always treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust.

Where the settlor(s) of a trust is an Entity then the CRS requires Financial Institutions to also identify the Controlling Persons of the settlor(s) and when required report them as Controlling Persons of the trust.

In the case of a legal arrangement other than a trust, “Controlling Person(s) means persons in equivalent or similar positions.

**(A) Controlling Person Type:**

Code	Sub-category
C01	CP of legal person-ownership
C02	CP of legal person-other means
C03	CP of legal person-senior managing official
C04	CP of legal arrangement-trust-settlor
C05	CP of legal arrangement--trust-trustee
C06	CP of legal arrangement--trust-protector
C07	CP of legal arrangement--trust-beneficiary
C08	CP of legal arrangement--trust-other
C09	CP of legal arrangement—Other-settlor equivalent
C10	CP of legal arrangement—Other-trustee equivalent
C11	CP of legal arrangement—Other-protector equivalent
C12	CP of legal arrangement—Other-beneficiary equivalent
C13	CP of legal arrangement—Other-other equivalent
C14	Unknown

**(v) Specified U.S. person – A U.S. person other than the following:**

- (a) a corporation the stock of which is regularly traded on one or more established securities markets;
- (b) any corporation that is a member of the same expanded affiliated group, as defined in section 1471(e)(2) of the U.S. Internal Revenue Code, as a corporation described in clause (i);
- (c) the United States or any wholly owned agency or instrumentality thereof;
- (d) any State of the United States, 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;
- (e) any organization exempt from taxation under section 501(a) of the U.S. Internal Revenue Code or an individual retirement plan as defined in section 7701(a)(37) of the U.S. Internal Revenue Code;
- (f) any bank as defined in section 581 of the U.S. Internal Revenue Code;
- (g) any real estate investment trust as defined in section 856 of the U.S. Internal Revenue Code;
- (h) any regulated investment company as defined in section 851 of the U.S. Internal Revenue Code or any entity registered with the U.S. Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-64);
- (i) any common trust fund as defined in section 584(a) of the U.S. Internal Revenue Code;
- (j) any trust that is exempt from tax under section 664(c) of the U.S. Internal Revenue Code or that is described in section 4947(a)(1) of the U.S. Internal Revenue Code;
- (k) 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;
- (l) a broker as defined in section 6045(c) of the U.S. Internal Revenue Code; or
- (m) any tax-exempt trust under a plan that is described in section 403(b) or section 457(g) of the U.S. Internal Revenue Code.

**(vi) Owner documented FFI**

An FFI meets the following requirements:

- (A) The FFI is an FFI solely because it is an investment entity;
- (B) The FFI is not owned by or related to any FFI that is a depository institution, custodial institution, or specified insurance company;
- (C) The FFI does not maintain a financial account for any nonparticipating FFI;
- (D) The FFI provides the designated withholding agent with all of the documentation and agrees to notify the withholding agent if there is a change in circumstances; and
- (E) The designated withholding agent agrees to report to the IRS (or, in the case of a reporting Model 1 FFI, to the relevant foreign government or agency thereof) all of the information described in or (as appropriate) with respect to any specified U.S. persons. Notwithstanding the previous sentence, the designated withholding agent is not required to report information with respect to an indirect owner of the FFI that holds its interest through a participating FFI, a deemed-compliant FFI (other than an owner-documented FFI), an entity that is a U.S. person, an exempt beneficial owner, or an excepted NFE.

**(vii) Direct reporting NFE**

A direct reporting NFE means a NFE that elects to report information about its direct or indirect substantial U.S. owners to the IRS

**(viii) Exemption code for U.S. persons**

Code	Sub-category
A	An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
B	The United States or any of its agencies or instrumentalities
C	A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
D	A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)
E	A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)
F	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
G	A real estate investment trust
H	A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
I	A common trust fund as defined in section 584(a)
J	A bank as defined in section 581
K	A broker
L	A trust exempt from tax under section 664 or described in section 4947(a)(1)
M	A tax exempt trust under a section 403(b) plan or section 457(g) plan

**(ix) Participating Jurisdiction**

A "Participating Jurisdiction" means a jurisdiction with which an agreement is in place pursuant to which it will provide the information required on the automatic exchange of financial account information set out in the Common Reporting Standard and that is identified in a published list.

Please refer to the list of "Participating Jurisdictions" in Schedule A of the Central Bank of Bahrain ("CBB") Directive OG/212/2017 dated 30 April 2017.

**Annexure A – Details of Controlling Person.**

1	Name of the controlling person			
2	Controlling person type code <sup>11</sup>			
3	Date of Birth (DD-MM-YYYY)			
4	Place / City of Birth			
5	Country of Birth			
6	Country of Citizenship			
7	Country of tax residence*			
8	Tax identification number (or functional equivalent) %			
9	Current residence address (including City, State, Country and Pin code)			
10	Mailing address (if different from above)			

\*To include US, where controlling person is a US citizen or green card holder. Please provide the ALL the countries of tax residency and corresponding TINs.

% In case Tax Identification Number is not available, kindly provide functional equivalent

<sup>11</sup>Refer 3(iv) of Part C