

## Controlling Person tax residency self-certification form INSTRUCTIONS - CRS - CP

**Please read these instructions before completing the form.**

**Law on Automatic Exchange of Financial Account Information based on the *OECD Common Reporting Standard (“CRS”)*** require **ProCredit Bank Sha** to collect and report certain information about an account holder’s tax residence.

Failure to provide the required information by account holder of reportable accounts or other responsible person, or making a false statement by them constitutes a reason for imposing administrative sanctions on them pursuant to this law. 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 OECD automatic exchange of information portal <https://www.oecd.org/tax/automatic-exchange/>. In general, you will find that tax residence is the country/jurisdiction in which you live. Special circumstances may cause you to be resident elsewhere or resident in more than one country/jurisdiction at the same time (dual residency). *If you are a U.S. citizen or tax resident under U.S. law, you should indicate that you are a U.S. tax resident on this form and the bank reserves the right to ask you to fill in an IRS W-9 form.*

If your tax residence (or the Controlling Person, if you are completing the form on their behalf) is located outside Albania, we may be legally obliged to pass on the information in this form and other financial information with respect to your financial accounts to *Albanian Fiscal Authorities (e.g Drejtoria e Tatimeve)* and they may exchange this information with tax authorities of another jurisdiction or jurisdictions pursuant to intergovernmental agreements to exchange financial account information.

You can find summaries of defined terms such as an account holder, Controlling Person, and other terms, in the Appendix.

This form will remain valid unless there is a change in circumstances relating to information, such as the Controlling Person’s tax status or other mandatory field information, that makes this form incorrect or incomplete. In that case you must notify us and provide an updated self-certification.

This form is intended to request information consistent with local law requirements.

Please fill in this form if the account holder is a Passive NFE, or an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

For joint or multiple controlling persons use a separate form for each controlling person.

**Where you need to self-certify on behalf of an entity account holder**, do not use this form. Instead, you will need an “Entity tax residency self-certification.” Similarly, if you’re an individual account holder, sole trader or sole proprietor, then please complete an “Individual tax residency self-certification.”

**If you’re filling in this form on behalf of a controlling person,**

Please tell us in what capacity you’re signing in Part 4.

For example you may be the Passive NFE Account Holder, or completing the form under a power of attorney.

**As a financial institution, we are not allowed to give tax advice.**

Your tax adviser may be able to assist you in answering specific questions on this form. Your domestic tax authority can provide guidance regarding how to determine your tax status.

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 portal <https://www.oecd.org/tax/automatic-exchange/>.

## **Controlling Person tax residency self-certification FORM**

*(please complete parts 1-3 in BLOCK CAPITALS)*

### **Part 1 – Identification of a Controlling Person**

#### **A. Name of Controlling Person:**

Family Name or Surname(s): \* \_\_\_\_\_

Title: \_\_\_\_\_

First or Given Name: \* \_\_\_\_\_

Middle Name(s): \_\_\_\_\_

#### **B. Current Residence Address:**

Line 1 (e.g. House/Apt/Suite Name, Number, Street, if any)\* \_\_\_\_\_

Line 2 (e.g. Town/City/Province/County/State)\* \_\_\_\_\_

Country:\* \_\_\_\_\_

Postal Code/ZIP Code (if any):\* \_\_\_\_\_

#### **C. Mailing Address:** *(please only complete if different to the address shown in Section B)*

Line 1 (e.g. House/Apt/Suite Name, Number, Street, if any) \_\_\_\_\_

Line 2 (e.g. Town/City/Province/County/State) \_\_\_\_\_

Country: \_\_\_\_\_

Postal Code/ZIP Code (if any): \_\_\_\_\_

**D. Date of Birth\*** (dd/mm/yyyy) \_\_\_\_\_

#### **E. Place of Birth**

Town or City of Birth \* \_\_\_\_\_

Country of Birth\* \_\_\_\_\_

**Part 2 – Country/Jurisdiction of Residence for Tax Purposes and related Taxpayer Identification Number or functional equivalent\* (“TIN”) (See Appendix)**

Please complete the following table indicating (i) where the Controlling Person is tax resident; (ii) the Controlling Person’s TIN for each country/jurisdiction indicated; and, (iii) if the Controlling Person is a tax resident in a country/jurisdiction that is a Reportable Jurisdiction(s) then please also complete **Part 3 “Type of Controlling Person”**. Countries/Jurisdictions adopting the wider approach may require that the self-certification include a tax identifying number for each country/jurisdiction of residence (rather than for each Reportable Jurisdiction).

(You can also find out more about whether a country/jurisdiction is a Reportable Jurisdiction on the OECD automatic exchange of information portal <https://www.oecd.org/tax/automatic-exchange/>).

*If the Controlling Person is tax resident in more than three countries/jurisdictions, please use a separate sheet*

If a TIN is unavailable please provide the appropriate reason **A**, **B** or **C**:

**Reason A** - The country/jurisdiction where the Controlling Person is resident does not issue TINs to its residents

**Reason B** - The Account Holder is otherwise unable to obtain a TIN or equivalent number (Please explain why you are unable to obtain a TIN in the below table if you have selected this reason)

**Reason C** -No TIN is required. (Note. Only select this reason if the domestic law of the relevant jurisdiction does not require the collection of the TIN issued by such jurisdiction)

Country/Jurisdiction of tax residence	TIN	If no TIN available enter Reason A, B or C
1		
2		
3		

*If you have only Albania as tax residence country, to the column TIN please write your Personal Number*

*Please explain in the following boxes why you are unable to obtain a TIN if you selected Reason B above.*

1	
2	
3	

### Part 3 – Type of Controlling Person

*(Please only complete this section if you are tax resident in one or more Reportable Jurisdictions)*

Please provide the Controlling Person’s Status by ticking the appropriate box.	Entity 1	Entity 2	Entity 3
a. Controlling Person of a legal person – <b>control by ownership</b>			
b. Controlling Person of a legal person – <b>control by other means</b>			
c. Controlling Person of a legal person – <b>senior managing official</b>			
d. Controlling Person of a trust – <b>settlor</b>			
e. Controlling Person of a trust – <b>trustee</b>			
f. Controlling Person of a trust – <b>protector</b>			
g. Controlling Person of a trust – <b>beneficiary</b>			
h. Controlling Person of a trust – <b>other</b>			
i. Controlling Person of a legal arrangement (non-trust) – <b>settlor-equivalent</b>			
j. Controlling Person of a legal arrangement (non-trust) – <b>trustee-equivalent</b>			
k. Controlling Person of a legal arrangement (non-trust) – <b>protector-equivalent</b>			
l. Controlling Person of a legal arrangement (non-trust) – <b>beneficiary-equivalent</b>			
m. Controlling Person of a legal arrangement (non-trust) – <b>other-equivalent</b>			

#### **Part 4 – Declarations and Signature\***

I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder's relationship with **ProCredit Bank** setting out how that Financial Institution may use and share the information supplied by me.

I acknowledge that the information contained in this form and information regarding the Controlling Person and any Reportable Account(s) may be reported to the tax authorities of the country/jurisdiction in which this account(s) is/are maintained and exchanged with tax authorities of another country/jurisdiction or countries/jurisdictions in which [I/the Controlling Person] may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I certify that I am the Controlling Person, or am authorized to sign for the Controlling Person, of all the account(s) held by the Entity Account Holder to which this form relates.

• **I DECLARE** and express **MY CONSENT** on processing of financial information and my personal data by the Bank as follows:

1. I declare that all the information provided to the ProCredit bank by me is accurate and true, and I agree that my personal data declared to ProCredit bank at the moment of registration and during my relation with the bank, to be processed in framework of due diligence for CRS and in accordance with the legal framework and sub legal acts in force for the protection of personal data, the bank secret and the professional secret.
2. I authorize ProCredit bank, for reasons of performing the due diligence in framework of CRS obligations and assessment of my status, to verify the accuracy and completeness of information provided by me, to exchange this information with the National Fiscal Authorities and with Tax Authorities of other countries, in which me as the individual customer of the bank; legal representative of any entity or the controlling person may be tax resident in compliance with the legal framework and sub legal acts in force for the protection of personal data, the bank secret and the professional secret.
3. I authorize with my free and full will the ProCredit bank, to process, transfer and treat all my personal and financial data declared by me, present or future ones, to the national fiscal authorities. The national fiscal authority can transfer the data to the tax authorities of other countries, in which me as the individual customer of the bank; legal representative of any entity or the controlling person may be tax resident in compliance with the CRS Standards, national legal framework and sub legal acts in force for the protection of personal data, the bank secret and the professional secret.

*The bank reports to national fiscal authority the financial accounts information as well as the personal data of the account holder (individuals, controlling persons, entities). Some of these reportable data are: Name; Address; Jurisdiction(s) of Residence; Tax identification number(s); Date and place of birth (for natural persons); account number(s) for Current Accounts, Savings, TDAs, etc; account balances or values as of the end of the calendar year or the closure of the account; the total gross amount of income, dividends or other income generated with respect to the assets held in the account, as well as total gross proceeds from the sale or redemption of financial assets, in each case paid or credited to the account during the calendar year or other reporting period*

*In the case of entities additionally the controlling person(s) of the entity, identified in accordance with the provisions of the CRS/Law and other sub-legal acts: Name; Address; Jurisdiction(s) of Residence; Tax Identification Number(s); Date and place of birth.*

*The complete and accurate data which will be reported by the bank to National Fiscal Authorities (Drejtoria e Pergjithshme e Tatimeve) are foreseen and in line with the Law "On Automatic Exchange of Financial Accounting Information" and other sub-legal acts.*

4. In cases when ProCredit bank considers to contract third parties, other companies to achieve its goal of implementing CRS, I give my consent for the processing from these companies of my data declared to ProCredit bank, in function of implementing CRS.
5. ProCredit bank guarantees to me that all measures have been taken for securing the processing of my personal and financial data as a subject of CRS, in compliance with the legal framework and sub legal acts for the protection of personal data, the bank secret and the professional secret.

6. This Statement of Consent shall be in force until the end of my contractual relation with ProCredit Bank and the obligations stemming by CRS.

I give this Statement of Consent in my free and full will for the processing of my financial data and personal data by ProCredit bank sh.a, that are linked or stem specifically for the implementation of CRS, in compliance with the relevant legislation.

The content of this Consent Statement has been drafted in application and in compliance with requirements of Law No. 9887 dated 10.03.2008 "On protection of personal data" and the sub legal acts issued based on this law and the Albanian Bank Instruction No.31, dated 08.05.2002 "On Bank Secret".

**I declare that all statements made in this declaration are, to the best of my knowledge and belief, correct and complete.**

I undertake to advise **ProCredit Bank sha** within 10 days of any change in circumstances which affects the tax residency status of the individual identified in Part 1 of this form or causes the information contained herein to become incorrect or incomplete, and to provide **ProCredit Bank sha** with a suitably updated self-certification and Declaration within 10 days of such change in circumstances.

Signature: \* \_\_\_\_\_

Print name: \* \_\_\_\_\_

Date:\* \_\_\_\_\_Place:\_\_\_\_\_

**Note:** If you are not the Controlling Person please indicate the capacity in which you are signing the form. If signing under a power of attorney please also attach a certified copy of the power of attorney.

Capacity: \* \_\_\_\_\_

## Appendix – Summary Descriptions of Select Defined Terms

**Note:** These are selected summaries of defined terms provided to assist you with the completion of this form. Further details can be found within the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the CRS”), the associated Commentary to the CRS, and domestic guidance. This can be found at the OECD automatic exchange of information portal <https://www.oecd.org/tax/automatic-exchange/> .

If you have any questions then please contact your tax adviser or domestic tax authority.

**“Account Holder”** The term “Account Holder” means the person listed or identified as the holder of a Financial Account. A person, other than a Financial Institution, holding a Financial Account for the benefit of another person as an agent, a custodian, a nominee, a signatory, an investment advisor, an intermediary, or as a legal guardian, is not treated as the Account Holder. In these circumstances that other person is the Account Holder. For example in the case of a parent/child relationship where the parent is acting as a legal guardian, the child is regarded as the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

**“Active NFE”** An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- active NFEs by reason of income and assets;
- publicly traded NFEs;
- Governmental Entities, International Organisations, Central Banks, or their wholly owned Entities;
- holding NFEs that are members of a nonfinancial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centres that are members of a nonfinancial group; or
- non-profit NFEs.

An entity will be classified as Active NFE if it meets any of the following criteria:

- a) 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;
  - b) the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
  - c) the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
  - d) 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;
  - e) 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;
  - f) 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;
  - g) 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**
- h) the NFE meets all of the following requirements (a “non-profit NFE”) :

- i) 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;
- ii) it is exempt from income tax in its jurisdiction of residence;
- iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- iv) 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
- v) 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.

**“Control”** over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest (typically on the basis of a certain percentage (e.g. 25%)) in the Entity. Where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity will be the natural person(s) who exercises control of the Entity through other means. Where no natural person or persons are identified as exercising control of the Entity through ownership interests, the Controlling Person of the Entity is deemed to be the natural person who holds the position of senior managing official.

**“Controlling Person”** This is a natural person who exercises control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“NFE”) then a Financial Institution must determine whether such Controlling Persons are Reportable Persons. This definition corresponds to the term “beneficial owner” as described in Recommendation 10 and the Interpretative Note on Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

**Controlling Persons of a trust**, means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, must always be 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, such term means persons in equivalent or similar positions.

**“Entity”** The term “Entity” means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation.

**“Financial Account”** A Financial Account is an account maintained by a Financial Institution and includes: Depository Accounts; Custodial Accounts; Equity and debt interest in certain Investment Entities; Cash Value Insurance Contracts; and Annuity Contracts.

**“Investment Entity”** The term “Investment Entity” includes two types of Entities:

(i) an Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- Trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
- Individual and collective portfolio management; or
- Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.

Such activities or operations do not include rendering non-binding investment advice to a customer.

**(ii)** The second type of “Investment Entity” (“Investment Entity managed by another Financial Institution”) is any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets where the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

**“Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution”** is any Entity the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets if the Entity is (i) managed by a Financial Institution and (ii) not resident in, or a branch located in, a Participating Jurisdiction.

**“Investment Entity managed by another Financial Institution”**

An Entity is “managed by” another Entity if the managing Entity performs, either directly or through another service provider on behalf of the managed Entity, any of the activities or operations described in clause (i) above in the definition of ‘Investment Entity’.

An Entity only manages another Entity if it has discretionary authority to manage the other Entity’s assets (either in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity, if any of the managing Entities is such another Entity.

**“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.

**“Participating Jurisdiction Financial Institution”** The term “Participating Jurisdiction Financial Institution” means (i) any Financial Institution that is tax resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside of that jurisdiction, and (ii) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

**“Passive NFE”** Under the CRS a “Passive NFE” means any NFE that is not an Active NFE. 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.

**“Reportable Account”** The term “Reportable Account” means an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person.

**“Reportable Jurisdiction”** A Reportable Jurisdiction is a jurisdiction with which an obligation to provide financial account information is in place and that is identified in a published list.

**“Reportable Person”** A Reportable Person is an individual (or entity) that is tax resident in a Reportable Jurisdiction under the laws of that jurisdiction. The Account Holder will normally be the “Reportable Person”; however, in the case of an Account Holder that is a Passive NFE, a Reportable Person also includes any Controlling Persons who are tax resident in a Reportable Jurisdiction. Dual resident individuals may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for purposes of determining their residence for tax purposes.

**“TIN” (including “functional equivalent”)** The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. A TIN is a unique combination of letters or numbers assigned by a jurisdiction to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found at the OECD automatic exchange of information portal <https://www.oecd.org/tax/automatic-exchange/>.

Some jurisdictions do not issue a TIN. However, these jurisdictions often utilise some other high integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number include, for individuals, a social security/insurance number, citizen/personal identification/service code/number, and resident registration number.