

# FOREIGN ACCOUNT TAX COMPLIANCE ACT ("FATCA") AND COMMON REPORTING STANDARD ("CRS") SELF-CERTIFICATION FORM NON-INDIVIDUAL



A member of Prudential plc (UK) 

## FATCA AND CRS SELF-CERTIFICATION FORM (NON-INDIVIDUAL) INSTRUCTIONS

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

- In compliance with relevant tax authorities requirement, Eastspring Investments Berhad is obliged to collect certain information about each investor's tax arrangement. Please complete the sections below as directed and provide any document that is requested. Please note that we may be legally obliged to share this information, and other financial information with respect to the financial accounts to which this form relates to Lembaga Hasil Dalam Negeri ("LHDN"), who in turn may share the information with relevant tax authorities of other jurisdictions where you are a tax resident.

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- If you have any questions on how to define your tax residency status or US indicia, please consult your tax adviser or visit the OECD automatic exchange of information portal at (<http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm>) or IRS FATCA website (<https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>). Eastspring Investments Berhad does not provide tax advice.

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- If any of the information provided changes or becomes incorrect due to change in circumstances, please advise of these changes promptly within 30 days from such changes with the supporting documents, as applicable.

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- You may find summaries of key defined terms in the Appendix.

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- **If you're filling in this form on behalf of someone else:**  
Please tell us in what capacity you are signing in Part 6.





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**FATCA AND CRS  
 SELF-CERTIFICATION FORM**  
**NON-INDIVIDUAL**

Please complete Part 1, 2, 3, 4, 5 and 6 in BLOCK CAPITALS.

**PART 1 – IDENTIFICATION OF NON-INDIVIDUAL ACCOUNT HOLDER**

**Name of Organisation**  
 (as in Company Registration Certificate)

**Company Registration No.**

**Name of Contact Person**

**PART 2 – FATCA DECLARATION OF SPECIFIED U.S. PERSON FOR TAX PURPOSES**

**Do you currently file a tax return in the United States?**

Yes  No

**Type of Entity** (You are allowed to tick (✓) more than one option)

Financial Institution <sup>(1)</sup> (Please provide relevant US tax forms)

Trust <sup>(2)</sup> (Please provide relevant US tax forms)

Listed Company  
 Trading Name/Stock Code:  Exchange Name:

Non-listed Company  
 Does any US Person/entity <sup>(3)</sup>, directly or indirectly, own more than 25% of the organisation?  
 Yes (Please provide relevant US tax forms)  No

Others

(1) **Financial institution** refers to any organisation that holds a banking, securities, and/or life insurance license. Examples of financial institutions include banks, life insurers, custodians, asset managers, investment funds.

(2) **Trust** refer to any legal arrangement or structure that holds and controls asset(s) for the benefit of others (i.e. an individual or company that is not the trust or trustee).

(3) **US person/entity** is defined as one of the following:  
 • Citizen or resident of the US  
 • Any estate of which any executor or administrator is a US person  
 • US partnership or corporation  
 • Any trust subject to US supervision and substantially controlled by a US person

**PART 3 – CRS DECLARATION OF TAX RESIDENCY**

**Note: You may indicate more than one country/jurisdiction.**  
 Please indicate your/the investor's country of tax residence (if resident in more than one country, please detail all countries of tax residence and associated Tax Identification Numbers ("TINs")).  
 Account Holder with only tax-residency of Malaysia need not provide the TIN and reason.

Country/Jurisdiction of tax residence	TIN	If no TIN available, please provide the appropriate reason
1.		
2.		
3.		
4.		
5.		

**PART 4 – CRS CLASSIFICATION**

**Note: The information provided in this section is for CRS, please note CRS classification may differ from your FATCA classification in Part 2.**

**4.1 Financial Institutions under CRS**

If the Account Holder is a Financial Institution, please tick (✓) one of the below categories:

Type of Entity	Categories	Tick (✓)
Financial Institution	Custodial Institution, Depository Institution or Specified Insurance Company	<input type="checkbox"/>
	Investment Entity, except an investment entity that is managed by another financial institution (e.g. with discretion to manage the entity's assets) and located in a non-participating jurisdiction	<input type="checkbox"/>

**4.2 Non Financial Institutions under CRS**

If the Entity is Non Financial Institution, please tick (✓) one of the below categories:

Type of Entity	Categories	Tick (✓)
Active NFE	<b>Listed company</b> Trading name : _____ Exchange name : _____	<input type="checkbox"/>
	Related entity of a listed company of : _____ Exchange name : _____	<input type="checkbox"/>
	A governmental entity, an international organisation, a central bank, or an entity wholly owned by one or more of the foregoing entities	<input type="checkbox"/>
	Others (e.g. non-listed entity or non-profit organisation)	<input type="checkbox"/>
Passive NFE	Investment Entity that is managed by another financial institution and located in a non-participating jurisdiction (if this box is ticked, please complete <b>Part 5</b> and include individual self certification forms for each of your Controlling Persons.)	<input type="checkbox"/>
	NFE that is not an active NFE (if this box is ticked, please complete <b>Part 5</b> and include individual self certification forms for each of your Controlling Persons.)	<input type="checkbox"/>

**PART 5 – CONTROLLING PERSONS**

**Note: Complete this part if the Account Holder is a passive NFE for CRS.**

Indicate the name of all controlling person(s) of the Account Holder in the table below: (each individual controlling person has to complete the Controlling Person Self-Certification Form)

Name of Controlling Person(s)
1. _____
2. _____
3. _____
4. _____

**PART 6 – DECLARATIONS AND UNDERTAKING (AS PER BOARD RESOLUTION)**

I/We understand that the information supplied by me/us is covered by the full provisions of the terms and conditions governing the Account Holder's relationship with Eastspring Investments Berhad ("Eastspring") setting out how Eastspring may use and share the information supplied by me/us.

I/We acknowledge that the information contained in this form and information regarding the Account Holder 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 the Account Holder may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I/We certify that I/we am/are authorised to sign for the Account Holder in respect of all the account(s) to which this form relates.

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

I/We undertake to advise Eastspring within 30 days of any change in circumstances which affects the tax residency status of the Account Holder identified in Part 1 of this form or causes the information contained herein to become incorrect or incomplete (including any changes to the information on controlling persons identified in Part 5), and to provide Eastspring with a suitably updated self-certification and Declaration within 30 days of such change in circumstances.

Authorised Signatory 1	Date
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Authorised Signatory 2	Date
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Company stamp
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**Note:** If signing under a power of attorney please also attach a certified copy of the power of attorney. Capacity:

**APPENDIX – DEFINITIONS**

**Note: These are selected summaries of defined terms provided to assist you with the completion of this form. Further details can be found at the OECD automatic exchange of information portal or IRS FATCA website. If you have any questions then please contact your tax adviser or domestic tax authority.**

**Account Holder**

The "Account Holder" is the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. This is regardless of whether such person is a flow-through Entity. Thus, for example, if a trust or an estate is listed as the holder or owner of a Financial Account, the trust or estate is the Account Holder, rather than the trustee or the trust's owners or beneficiaries. Similarly, if a partnership is listed as the holder or owner of a Financial Account, the partnership is the Account Holder, rather than the partners in the partnership. A person, other than a Financial Institution, holding a Financial 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 holding the account.

**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.

**Note:** Certain entities (such as U.S. Territory NFEs) may qualify for Active NFE status under FATCA but not Active NFE status under the CRS.

**Control**

"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(s) is/are identified as exercising control of the Entity through ownership interests, then under the CRS the Reportable Person is deemed to be the natural person who hold the position of senior managing official.

**Controlling Person(s)**

"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.

**Custodial Institution**

The term "Custodial Institution" means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. This is where the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.

**Depository Institution**

The term "Depository Institution" means any Entity that accepts deposits in the ordinary course of a banking or similar business.

**Entity**

The term "Entity" means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation. This term covers any person other than an individual (i.e. a natural person).

**Financial Institution**

The term "Financial Institution" means a "Custodial Institution", a "Depository Institution", an "Investment Entity", or a "Specified Insurance Company". Please see the relevant domestic guidance and the CRS for further classification definitions that apply to Financial Institutions.

**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**

The term "Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution" means 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 a Participating Jurisdiction Financial Institution.

**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.

**NFE**

An "NFE" is any Entity that is not a Financial Institution.

**Non-Reporting Financial Institution**

A Non-Reporting Financial Institution" means any Financial Institution that is:

- a Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;
- a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
- an Exempt Collective Investment Vehicle; or
- a Trustee-Documented Trust: a trust where the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported with respect to all Reportable Accounts of the trust;
- any other defined in a countries domestic law as a Non-Reporting Financial Institution.

**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.

**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 vote and value in an Entity.

**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 Person**

A "Reportable Person" is defined as a "Reportable Jurisdiction Person", other than:

- a corporation the stock of which is regularly traded on one or more established securities markets;
- any corporation that is a Related Entity of a corporation described in clause (i);
- a Governmental Entity;
- an International Organisation;
- a Central Bank; or
- a Financial Institution (except for an Investment Entity described in Sub Paragraph A(6) b) of the CRS that are not Participating Jurisdiction Financial Institutions. Instead, such Investment Entities are treated as Passive NFE's.)

**Specified Insurance Company**

The term "Specified Insurance Company" means 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, a Cash Value Insurance Contract or an Annuity Contract.

**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.

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 Entities, a Business/company registration code/number.