



# Tax Self-certification and Declaration Form - Entity

## Confidential

**Please note:** This form and relevant sections/parts need to be completed by all entities constituting clients of the Absa Group Limited group of companies.

Tax Regulations were enacted requiring the collection of certain information about an accountholder's tax residency status. In certain circumstances there may be a requirement to share this information with relevant tax authorities.

Please complete, where applicable, the relevant sections below and provide any additional information as may be required.

If you have any questions about how to complete this form, please contact your tax adviser or local tax authority.

If your organisation or entity is resident in the United States or dual resident, you should also provide a completed, signed and dated IRS Form W-9.

Do not use this form if you are acting as an agent, nominee or conduit for the account of others or you are not considered to be the Beneficial Owner of the payments. Instead, you should complete the IRS Intermediary Self-Certification and Declaration Form (W8 – IMY) and submit with the appropriate self-certification(s) from the Beneficial Owner(s).

### Part I: Accountholder's details

|                                     |                                  |
|-------------------------------------|----------------------------------|
| Full name of entity or organisation | <input type="text"/>             |
| Registration number                 | <input type="text"/>             |
| Country of incorporation            | <input type="text"/>             |
| Registered physical address         | <input type="text"/>             |
| Postal address                      | <input type="text"/>             |
| <input type="text"/>                | Postal code <input type="text"/> |

### Part II: Tax residency

I hereby certify that the entity or organisation identified above is a tax resident of

a) The entity or organisation's Tax Identification Number ("TIN") or functional equivalent in its country of residence for tax purposes is:

If the organisation or entity is not tax resident in the country stated in (a) above, please tick (✓) box and detail your reason in the space provided below.

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |

or

b) The entity or organisation's country of residence for tax purposes does not issue TINs or a functional equivalent to its residents, or the entity or organisation is otherwise unable to procure a TIN or a functional equivalent from its country of residence [please tick (✓) box if relevant].

If the entity or organisation is a tax resident in more than one jurisdiction, please complete the following section as appropriate:

Country

TIN

No TIN available for the following reason

### Part III: Entity type

#### Section A – For a Financial Institution (FI) to complete

If your organisation or entity is an FI, please complete (a) or (b) below as appropriate:

a) Participating FFI  b) or Registered Deemed Compliant (including Reporting Model 1 FFI)

Please provide your organisation's or entity's Global Intermediary Identification Number ("GIIN")

If you do not have a GIIN but you are sponsored by another entity which does, please provide your sponsor's GIIN above and state your sponsor's name:

- c) If unable to provide a GIIN, please tick (✓) the reason why your organisation does not have a GIIN:
- i) It is a Participating Financial Institution in an IGA Partner Jurisdiction and has not yet obtained a GIIN.
  - ii) It is a Financial Institution that intends to apply for a GIIN but has not yet applied/has not yet received it.
  - iii) It is an Exempt Beneficial Owner (i.e. an international organisation).

- iv) It is a Certified Deemed Compliant Financial Institution (i.e. a registered charity).
- v) It is an Owner Document Financial Institution.
- vi) It is a Non-participating Foreign Financial Institution.
- vii) Other (please state below).

**Section B – For a Non-Financial Institution (NFI) to complete**

If your organisation is not a FI, please confirm your organisation’s status below:

- Active NFFE     Passive NFFE     Direct reporting NFFE

If you are a direct reporting NFFE, please provide your GIIN or the GIIN of your sponsoring entity and the name of the sponsoring entity:

Name of sponsoring entity

GIIN

Please tick (✓) this box to confirm that the sponsoring entity has agreed with the entity identified above (that is not a non-participating FFI) to act as the sponsoring entity for this entity:

For Passive NFFEs, please complete either individual forms for each controlling person or complete the table below.

Controlling Persons are defined as natural persons who exercise control over the entity or the shareholders of the entity based on local Anti-Money Laundering (“AML”) requirements. In the case of a Trust this 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.

In the case of a legal arrangement other than a Trust, it means persons in equivalent or similar positions.

Controlling Persons (Please continue on a separate sheet if necessary, signing, dating and attaching the sheet to this form.)

If the Controlling Person(s) are US Citizens they should additionally complete a W9 form.

| Name | Address | Tax residence | TINS (Provide all) | Place (City/Town and country) | Date of birth (dd/mm/ccyy) |
|------|---------|---------------|--------------------|-------------------------------|----------------------------|
|      |         |               |                    |                               |                            |
|      |         |               |                    |                               |                            |

**Part IV: Authorisation, declaration, declaration and signature**

- 1 I authorise the recipient to provide, directly or indirectly, a copy of this form;
  - a) to any relevant tax authorities or any party mandated to audit or conduct a similar control of the Recipient for tax purposes and to disclose to such tax authorities or such party any additional information that the Recipient may have in its possession that is relevant to the entity’s qualification for any benefits claimed on the basis of this form; and
  - b) information relating to the account(s) set out above, as required by law, to: (i) any person that has control, receipt, or custody of income to which this form relates; (ii) any person that can disburse or make payments of income to which this form relates; or (iii) any party authorised to audit or conduct a similar control of aforementioned persons for tax purposes.
- 2 I acknowledge and agree that information contained in this form and information regarding income paid or credited to or for the benefit of the account(s) set out above, may be reported to the tax authorities of the country in which such income arises and that those tax authorities may provide the information to the country or countries in which the entity is resident for tax purposes.
- 3 I agree that the information contained in this form and information (including information mentioned above) may be shared between Absa Group Limited entities to the extent required for tax reporting purposes.
- 4 I certify that the entity named is the Beneficial Owner of all the income to which this form relates.
- 5 I undertake to notify the Recipient of any change in circumstances that causes any certification on this form to become incorrect and to provide a suitably updated form within 30 (thirty) days of such change.
- 6 I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct and complete.
- 7 I certify that I have the capacity to sign for the entity identified in Part I of this form.

Print name

Signature \_\_\_\_\_

Date (dd/mm/ccyy)

## Definitions and detailed requirements

**Accountholder** means the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. 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 adviser, or intermediary, is not treated as holding the account for purposes of this Annex and such other person is treated as holding the account. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Accountholder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Accountholder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Accountholder.

**Active NFFE** means any NFFE that meets any of the following criteria: Less than 50% of the NFFE'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 NFFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.

**Annuity Contract** means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction in which the contract was issued and under which the issuer agrees to make payments for a term of years.

**Beneficial Owner** for payments other than those for which a reduced rate of, or exemption from, withholding is claimed under an income tax treaty, the Beneficial Owner of income is generally the person who is required under US tax principles to include the payment in gross income on a tax return. A person is not a Beneficial Owner of income, however, to the extent that person is receiving the income as a nominee, agent, or custodian, or to the extent the person is a conduit whose participation in a transaction is disregarded. In the case of amounts paid that do not constitute income, Beneficial Ownership is determined as if the payment were income.

Foreign partnerships, foreign simple trusts and foreign grantor trusts are not the Beneficial Owners of income paid to the partnership or trust. The Beneficial Owners of income paid to a foreign partnership are generally the partners in the partnership, provided that the partner is not itself a partnership, foreign simple or grantor trust, nominee or other agent. The Beneficial Owners of income paid to a foreign simple trust [that is, a foreign trust that is described in section 651(a)] are generally the beneficiaries of the trust, if the beneficiary is not a foreign partnership, foreign simple or grantor trust, nominee, or other agent. The Beneficial Owners of income paid to a foreign grantor trust (that is, a foreign trust to the extent that all or a portion of the income of the trust is treated as owned by the grantor or another person under sections 671 through 679) are the persons treated as the owners of the trust. The Beneficial Owners of income paid to a foreign complex trust (that is, a foreign trust that is not a foreign simple trust or foreign grantor trust) is the trust itself.

For purposes of section 1446, the same Beneficial Owner rules apply, except that under section 1446 a foreign simple trust rather than the beneficiary provides the form to the partnership.

The Beneficial Owner of income paid to a foreign estate is the estate itself.

**Broad Participation Retirement Fund:** A fund established to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries that are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund:

- 1 Does not have a single beneficiary with a right to more than 5% of the fund's assets.
- 2 Is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities.
- 3 Satisfies at least one of the following requirements:
  - a) The fund is generally exempt from tax on investment income under the laws of a jurisdiction due to its status as a retirement or pension plan.
  - b) The fund receives at least 50% of its total contributions (other than certain transfers) from the sponsoring employers.
  - c) Distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability death (except for certain rollover distributions), or penalties apply to distributions or withdrawals made before such specified events.
  - d) Contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed \$50 000 annually for account aggregation and currency translation.

**Cash Value** means the greater of (i) the amount that the policyholder is entitled to receive upon surrender or termination of the contract (determined without reduction for any surrender charge or policy loan) and (ii) the amount the policyholder can borrow under or with regard to the contract. Notwithstanding the foregoing, the term "**Cash Value**" does not include an amount payable under an Insurance Contract:

- 1 solely by reason of the death of an individual insured under a life insurance contract, including a refund of a previously paid premium provided such refund is a Limited Risk Refund as the term is understood in the Commentaries on the CRS;
- 2 a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;
- 3 a refund to the policyholder of a previously paid premium under an Insurance Contract (other than under a life insurance contract) due to policy cancellation or termination, decrease in risk exposure during the effective period of the Insurance Contract, or arising from a redetermination of the premium due to correction of posting or other similar error with respect to the premium of the contract;
- 4 as a policyholder dividend (other than a termination dividend) provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in subparagraph (2) above; or
- 5 as a return of an advance premium or premium deposit for an Insurance contract for which the premium is payable at least annually if the amount of the advance premium or premiums deposit does not exceed the next annual premium that will be payable under the contract.

**Cash Value Insurance Contract** means an Insurance Contract (other than an indemnity reinsurance contract between two insurance companies) that has a Cash Value.

**Central Bank:** An institution that is by law or government sanction the principal authority, other than the government of the jurisdiction itself, issuing instruments intended to circulate as currency. Such an institution may include an instrumentality that is separate from the government of the jurisdiction, whether or not owned in whole or in part by the jurisdiction.

**Controlling Persons** means the natural persons who exercise control over an Entity. 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 Persons shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations.

**Custodial Institution** means any Entity that holds, as a substantial portion of its business, financial assets for the account of others. 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 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 3 (three) year period that ends on the last day of February of the prior tax year; or (ii) the period during which the entity has been in existence.

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

**Deemed-compliant FFI:** Under section 1471(b)(2), certain FFIs are deemed to comply with the regulations under chapter 4 without the need to enter into an FFI agreement with the IRS. However, certain Deemed-compliant FFIs are required to register with the IRS and obtain a GIIN. These FFIs are referred to as **Registered Deemed-compliant FFIs**. See Regulations section 1.1471-5(f)(1).

**Direct Reporting NFFE** means the entity is not a financial institution; it elects to report information about its direct or indirect substantial US owners to the IRS. It registers with the IRS as a Direct Reporting NFFE and meets requirements defined by the IRS.

**Exempt Collective Investment Vehicle** means an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are held by or through one or more Exempt Entities or individuals or Entities that are not Reportable Persons.

An Investment Entity that is regulated as a collective investment vehicle does not fail to qualify under subparagraph B(9) as an Exempt Collective Investment Vehicle, solely because the collective investment vehicle has issued physical shares in bearer form, provided that:

- a) The collective investment vehicle has not issued and does not issue, any physical shares in bearer form after 29 February 2016.
- b) The collective investment vehicle retires all such shares upon surrender.
- c) The collective investment vehicle performs the due diligence procedures and reports any information required to be reported with respect to any such shares when such shares are presented for redemption or other payment.
- d) The collective investment vehicle has in place policies and procedures to ensure that such shares are redeemed or immobilised as soon as possible and in any event prior to 1 March 2018.

**Financial Institution** means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

**Foreign Financial Institution (FFI):** A Foreign Financial Institution (FFI) means a foreign entity that is a financial institution.

**Fund** contemplated in section 10(1)(d)(i) or (ii) fund (e.g. pension fund) means a fund contemplated in section 10 (1)(d)(i) or (ii) of the (South African) Income Tax Act 58 of 1962.

**Governmental Entity:** The government of a jurisdiction, any political subdivision of a jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a jurisdiction or any one or more of the foregoing (each, a **"Governmental Entity"**). This category is comprised of the integral parts, controlled entities and political subdivisions of a jurisdiction.

- 1 An integral part of a jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a jurisdiction. The net earnings of the governing authority must be credited to its own account or to other accounts of the jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.
- 2 A controlled entity means an Entity that is separate in form from the jurisdiction or that otherwise constitutes a separate juridical entity, provided that:
  - a) The Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities.
  - b) The Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person.
  - c) The Entity's assets vest in one or more Governmental Entities upon dissolution.
- 3 Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a Governmental Entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

**IGA Partner jurisdiction** means a jurisdiction that has in effect an agreement with the United States to facilitate the implementation of FATCA. The IRS shall publish a list identifying all Partner Jurisdictions.

**Institution, board or body** contemplated in section 10(1)(cA) (e.g. water board) means an institution, board or body contemplated in section 10 (1)(cA) of the (South African) Income Tax Act 58 of 1962.

**International Organisation:** Any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation (including a supranational organisation) (1) that is comprised primarily of governments; (2) that has in effect a headquarters agreement or substantially similar agreement with the jurisdiction; and (3) the income of which does not inure to the benefit of private persons.

**Investment Entity** means any Entity:

- a) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a client:
  - 1 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;
  - 2 individual and collective portfolio management; or
  - 3 otherwise investing, administering or managing funds or money on behalf of other persons; or
- b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity.

An Entity is treated as primarily conducting as a business one or more of the activities described in subparagraph (a) above, or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for purposes of subparagraph (b), if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of: (i) the three-year period that ends on the last day of February of the prior tax year; or (ii) the period during which the Entity has been in existence.

**Listed corporation** means a corporation the stock of which is regularly traded on one or more established securities markets.

**A Model 1 IGA** means an agreement between the States or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs to such foreign government or agency, followed by automatic exchange of the reported information with the IRS. An FFI in a Model 1 IGA jurisdiction that performs account reporting to the jurisdiction's government is referred to as a **Reporting Model 1 FFI**.

**A Model 2 IGA** means an agreement or arrangement between the United States or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs directly to the IRS in accordance with the requirements of an FFI agreement, supplemented by the exchange of information between such foreign government or agency and the IRS. An FFI in a Model 2 IGA jurisdiction that has entered into an FFI agreement with respect to a branch is a participating FFI but may be referred to as a **Reporting Model 2 FFI**.

**Narrow Participation Retirement Fund:** A fund established to provide retirement, disability, or death benefits to beneficiaries that are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that:

- 1 The fund has fewer than 50 participants.
- 2 The fund is sponsored by one or more employers that are not Investment entities or Passive NFFEs.

- 3 The employee and employer contributions to the fund (other than certain transfers from retirement and pension accounts) are limited by reference to earned income and compensation of the employee, respectively.
- 4 Participants that are not residents of the jurisdiction in which the fund is established are not entitled to more than 20% of the fund's assets.
- 5 The fund is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities.

**Non-financial Entity (NFE)** means any Entity that is not a Financial Institution consisting of Active NFEs and Passive NFEs. The term NFE is equivalent to a NFFE, the terms used for US FATCA purposes.

**Non-reportable persons** include Listed Corporations, Related Entities to Listed Corporation, Governmental Entity, International Organisations, Central Banks and Certain FI's.

**Other** means any one of the following:

- a holder of shares in a registered micro business, as defined in the Sixth Schedule [to the (South African) income Tax Act 58 of 1962], paying that dividend, to the extent that the aggregate amount of dividends paid by that registered micro business to all holders of shares in that registered micro business during the year of assessment in which that dividend is paid does not exceed the amount of R200 000;
- a small business funding entity as contemplated in section 10(1) [cQ of the (South African) Income Tax Act 58 of 1962];
- a person that is not a resident (of South Africa) and the dividend is a dividend contemplated in paragraph (b) of the definition of "dividend" in section 64D of the (South African) Income Tax Act 58 of 1962;
- a portfolio of a collective investment scheme in securities;
- any person to the extent that the dividend constitutes income of that person;
- any person to the extent that the dividend was subject to the secondary tax on companies;
- any fidelity or indemnity fund contemplated in section 10(1)(d)(iii) of the (South African) Income Tax Act 58 of 1962; or
- a natural person or deceased estate, or insolvent estate of that person in respect of a dividend paid in respect of a tax-free investment as contemplated in section 12T (1) of the (South African) Income Tax Act 58 of 1962.

**Passive NFFE** means any NFFE other than an Active NFFE.

**Participating Foreign Financial Institution:** A participating FFI is an FFI that has agreed to comply with the terms of an FFI agreement with respect to all branches of the FFI, other than a branch that is a reporting Model 1 FFI or a US branch. The term participating FFI also includes a reporting Model 2 FFI and a QI branch of a US financial institution, unless such branch is a reporting Model 1 FFI.

**Pension Fund of an Exempt Beneficial Owner:** A fund established by an exempt Beneficial Owner to provide retirement, disability, or death benefits to beneficiaries or participants that are current or former employees of the exempt Beneficial Owner (or persons designated by such employees), or that are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the exempt Beneficial Owner.

**Person** contemplated in section 10(1)(t) (e.g. CSIR, SAIDC, DBSA) means a person contemplated in section 10 (1)(t) of the (South African) Income Tax Act 58 of 1962.

**Public Benefit Organisation** approved by SARS (PBO) means a Public Benefit Organisation approved by the Commissioner in terms of section 30 (3) of the (South African) Income Tax Act 58 of 1962.

**Qualified Credit Card Issuer** means a Financial Institution satisfying the following requirements:

- a) The Financial Institution is a Financial Institution solely because it is an issuer of credit cards that accepts deposits only when a client makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the client.
- b) Beginning on or before 1 March 2016, the Financial Institution implements policies and procedures either to prevent a client from making an overpayment in excess of \$50 000, or to ensure that any client overpayment in excess of \$50 000 is refunded to the client within 60 (sixty) days.

**Recipient:** Absa Group Limited.

**Related Entity** to Listed Corporation means the controlling and controlled entity including two Entities under common control. For this purpose, control includes direct or indirect ownership of more than 50% of the vote or value in an Entity.

**RSA Government** (National, provincial or municipal) means the government of the Republic (of South Africa) in the national, provincial or local sphere.

**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.

**South African tax resident** means a company which is a resident of South Africa.

**Tax Regulations** refers to regulations created to enable automatic exchange of information and include Foreign Account Tax Compliance Act, various agreements to improve International Tax Compliance entered into between South Africa and the Organisation for Economic Cooperation and Development Common Reporting Standard for Automatic Exchange of Financial Account Information, as implemented in the relevant jurisdictions. For purposes of the definition of "international tax standard" in section 1 and under section 257 of the Tax Administration Act, 2011, the changes to the Organisation for Economic Cooperation and Development ("OECD") Standard for Automatic Exchange of Financial Account Information in Tax Matters (hereinafter "the Standard"), which encompasses the "Common Reporting Standard", "and any other international standard for the exchange of tax-related information between countries specified by the Minister".

**Trust** contemplated in section 37A (e.g. mining rehabilitation trust) means a trust contemplated in section 37A of the (South African) Income Tax Act 58 of 1962.

**US tax resident or US Person:** The definitions of these terms (FATCA) may be found in paragraphs §1.1471-1, §1.1471-5, §1.1471-6, §1.1472-1 and §1.1473-1 of the United States Internal Revenue Code. If the country in which your organisation is resident has signed an Intergovernmental Agreement (IGA) with the United States or with other relevant countries, please refer to the equivalent definitions in the relevant IGA and/or the enabling legislation applicable to that country's IGA.