

To: The Bank of East Asia, Limited 東亞銀行有限公司

Self-Certification Form – Entity Account Holder¹

(For FATCA)

Important Notes:

- The Foreign Account Tax Compliance Act (“FATCA”) is a United States (“U.S.”) legislation that primarily aims to prevent tax evasion by U.S. taxpayers by using non-U.S. financial institutions and offshore investment instruments. The Intergovernmental Agreement between the Government of the Hong Kong Special Administrative Region (“Hong Kong”) and the Government of the U.S. that facilitates the compliance of FATCA requires financial institutions in Hong Kong to obtain a self-certification from an entity account holder that allows financial institutions to determine whether an account holder is a U.S. person or Non-U.S. entity that is passive non-financial foreign entity with one or more controlling U.S. persons.
- U.S. person includes a partnership, corporation, company, or association created or organised in the U.S. or under the laws of the U.S.; a U.S. estate; or a U.S. trust, if (i) a court within the U.S. is able to exercise primary supervision over the administration of the trust, and (ii) one or more U.S. persons have the authority to control all substantial decisions of the trust (as defined in U.S. Regulations section 301.7701-7).
- This self-certification form will remain valid unless there is a change in circumstances² relating to information, such as the account holder’s U.S. person status or other mandatory field information that makes this self-certification form incorrect or incomplete. In that case, you must notify The Bank of East Asia, Limited 東亞銀行有限公司 (the “Bank”) and provide a new self-certification form and/or documentary evidence (including a new Form W-8BEN-E/ Form W-8IMY/ Form W-9 of the U.S. Internal Revenue Service (“IRS”), if required by the Bank) within 30 days of such change in circumstances.
- **Please fill in this self-certification form if you are an entity account holder. For joint or multiple account holders, each entity account holder is required to complete a separate self-certification form. For entity account holder that is passive non-financial foreign entity under the FATCA, each controlling U.S. person (if any) is required to fill in and provide a Form W-9 of the IRS and consent to the Bank to disclose/use the relevant information of such controlling U.S. person. If the entity account holder is a U.S. person under the FATCA, it will also need to fill in and provide a Form W-9 of the IRS and consent to the Bank to disclose/use the relevant customer and account information.**
- Kindly note that the Bank is unable to offer any tax advice to customers. For tax-related questions, you should seek advice from professional tax advisors or refer to the website of the IRS for FATCA (<https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>).

Completion Instructions:

1. Please complete this form in English using BLOCK letters.
2. Please complete all parts of this form (unless not applicable or otherwise specified) and mark a “✓” in the appropriate checkbox(es).
3. If the space provided is insufficient, please continue on additional sheet(s).

¹ The term “account holder” means the person listed or identified as the holder of a financial account by the Bank 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, intermediary or legal guardian, is not treated as the account holder for the purposes of the FATCA, and such other person is treated as the account holder. With respect to a jointly held account, each joint holder is treated as an account holder.

² The phrase “change in circumstances” means a situation when the FATCA status of the person has been changed. A change in circumstances includes any change that results in the addition or removal of information relevant to a person’s claim of U.S. person status or otherwise conflicts with that person’s claim of U.S. person status, which results in the Bank knowing or having reason to know that the original documentary evidence or other documentation previously obtained is incorrect or unreliable.

FATCA Self-Certification Form – Entity Account Holder

Part 1 Identification of Entity Account Holder

(1)	Legal Name of Entity or Branch:	
(2)	Jurisdiction of Incorporation or Organisation:	
(3)	Business Registration Document Type and Number:	<div><input type="checkbox"/> Certificate of Incorporation No. _____</div> <div><input type="checkbox"/> Business Registration Certificate No. _____</div> <div><input type="checkbox"/> Other (Please specify the type and number) _____</div>
(4)	Current Business Address:	<div>For Hong Kong address</div> <div><div>_____</div><div>_____</div><div>_____</div><div>_____</div></div> <div>Flat / RoomFloorBlockBuilding / Estate</div> <div><div>_____</div><div>_____</div></div> <div>Phase No. / NameStreet No., Name and Other Information</div> <div><div>_____</div><div><input type="checkbox"/> HK<input type="checkbox"/> KLN<input type="checkbox"/> NT<input type="checkbox"/> Outlying Island</div></div> <div>District</div>
		<div>For non-Hong Kong address</div> <div>_____</div> <div>Others</div> <div><div>_____</div><div>_____</div><div>_____</div><div>_____</div></div> <div>CityProvincePostal CodeCountry / Region</div>
(5)	Mailing Address:	<div><input type="checkbox"/> Same as the above Current Business Address</div> <div><input type="checkbox"/> Different from the above Current Business Address (Please complete your Mailing Address below if different)</div> <div>For Hong Kong address</div> <div><div>_____</div><div>_____</div><div>_____</div><div>_____</div></div> <div>Flat / RoomFloorBlockBuilding / Estate</div> <div><div>_____</div><div>_____</div></div> <div>Phase No. / NameStreet No., Name and Other Information</div> <div><div>_____</div><div><input type="checkbox"/> HK<input type="checkbox"/> KLN<input type="checkbox"/> NT<input type="checkbox"/> Outlying Island</div></div> <div>District</div>
		<div>For non-Hong Kong address</div> <div>_____</div> <div>Others</div> <div><div>_____</div><div>_____</div><div>_____</div><div>_____</div></div> <div>CityProvincePostal CodeCountry / Region</div>

Part 2 Classification and Declaration of FATCA Status

[Please refer to the FATCA Glossary when completing the following question(s) where necessary.]

(6)	Q1. Is the jurisdiction of incorporation or organisation of the Entity in the U.S.?		
	<input type="checkbox"/>	Yes [Please provide a duly completed and signed Form W-9 of the IRS and a signed "Consent to Disclose / Use Our Customer and Account Information", skip the remaining questions of Part 2 and proceed to Part 4.]	
	<input type="checkbox"/>	No [Please proceed to Q2.]	
	Q2. Is the Entity a U.S. person?		
	<input type="checkbox"/>	Yes [Please provide a duly completed and signed Form W-9 of the IRS and a signed "Consent to Disclose / Use Our Customer and Account Information", skip the remaining questions of Part 2 and proceed to Part 4.]	
	<input type="checkbox"/>	No [Please proceed to Q3.]	
	Q3. Does the Entity have any U.S. address, e.g. business, operation, correspondence or mailing address in the U.S.?		
	<input type="checkbox"/>	Yes [Please provide a duly completed and signed Form W-8BEN-E of the IRS and proceed to Q4.]	
	<input type="checkbox"/>	No [Please proceed to Q4.]	
	Q4. Is the Entity a Financial Institution?		
	<input type="checkbox"/>	Yes [Please proceed to Q5.]	
	<input type="checkbox"/>	No [Please select one of the appropriate entity types below.]	
	Type of Non-Financial Foreign Entity ("NFFE")		
	Active NFFE [Please skip the remaining questions of Part 2 and proceed to Part 4.]	<input type="checkbox"/>	Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation
		<input type="checkbox"/>	An NFFE that less than 50 percent of the Entity's gross income is passive income and that less than 50 percent of the assets held by the Entity are assets that produce or are held for producing passive income.
		<input type="checkbox"/>	Excepted Non-financial Start-up Company (i.e. the Entity is organised within 24 months that is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution.)
		<input type="checkbox"/>	Non-profit Organisation
		<input type="checkbox"/>	Excepted Non-financial Entity in Liquidation or Bankruptcy (i.e. the Entity 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 and is not a Financial Institution in the past five years.)
		<input type="checkbox"/>	Excepted Territory NFFE (i.e. the Entity is organised in a U.S. Territory and all of the owners are bona fide residents of that U.S. Territory.)
		<input type="checkbox"/>	Excepted Non-financial Group Entity
<input type="checkbox"/>		Foreign Government, Government of a U.S. Possession, or Foreign Central Bank of Issue	
Passive NFFE [Please skip the remaining questions of Part 2 and proceed to Part 3.]	<input type="checkbox"/>	NFFE that is not an Active NFFE.	
Q5. Is the Entity a Non-Participating Foreign Financial Institution?			
<input type="checkbox"/>	Yes [Please skip Q6 of Part 2 and proceed to Part 4.]		
<input type="checkbox"/>	No [Please proceed to Q6.]		
Q6. Are ALL payments received for the benefit of the Entity?			
<input type="checkbox"/>	Yes [Please provide a duly completed and signed Form W-8BEN-E of the IRS and proceed to Part 4.]		
<input type="checkbox"/>	No [Please provide a duly completed and signed Form W-8IMY and/or Form W-8BEN-E (if the Entity acts on its own behalf) of the IRS and proceed to Part 4.]		

Part 3 Controlling Persons (Please complete this part if the entity account holder is a passive NFFE)

(7)

☐ I/We certify that the entity account holder has no Controlling U.S. Persons.

☐ I/We certify that the entity account holder has Controlling U.S. Person(s).

The table below indicates ALL Controlling U.S. Person(s) of the entity account holder.

If no natural person exercises control over an entity which is a legal person, the controlling person will be the individual holding the position of senior managing official.

Please provide a duly completed and signed Form W-9 of the IRS and "Consent/Confirmation of Agreement to Disclose/Use My Personal Data" for each Controlling U.S. Person.]

	Controlling U.S. Person(s)		
	Name	Address	U.S. Taxpayer Identification Number
(1)			
(2)			
(3)			
(4)			

Part 4 Declarations and Signature

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

I/We undertake to advise the Bank of any change in circumstances which affects the U.S. person status of the entity identified in Part 1 of this form or causes the information contained herein (and/ or in the Form W-8BEN-E/ Form W-8IMY/ Form W-9 of the IRS provided to the Bank) to become incorrect, and to provide the Bank with a suitably updated self-certification form (including a new Form W-8BEN-E/ Form W-8IMY/ Form W-9 of the IRS, if required by the Bank) within 30 days of such change in circumstances.

I/We declare that the information given and statements made in this form are, to the best of my/our knowledge and belief, true, correct and complete. I/We agree to fully indemnify and hold the Bank harmless from any loss, claim, action, proceeding, damage, suit, cost, expense and liability suffered or incurred by the Bank (including but not limited to those incurred relating to the investigation of, preparation for or defense of, any pending or threatened litigation or claim) in connection with or arising from the reliance on, or the disclosure of, any such information by the Bank.

(Applicable if the account holder is NOT a U.S. person) I/We further certify under penalties of perjury that:

• the entity identified on Part 1 of this form (the "Entity") is the beneficial owner of all the income or proceeds to which this form relates, is using this form to certify its status for FATCA purposes, or is submitting this form for purposes of the U.S. Internal Revenue Code section 6050W or 6050Y;

• the Entity is not a U.S. person;

• this form relates to: (a) income not effectively connected with the conduct of a trade or business in the U.S., (b) income effectively connected with the conduct of a trade or business in the U.S. but is not subject to tax under an income tax treaty, (c) the partner's share of a partnership's effectively connected taxable income, or (d) the partner's amount realised from the transfer of a partnership interest subject to withholding under U.S. Internal Revenue Code section 1446(f); and

• for broker transactions or barter exchanges, the Entity being the beneficial owner is an Exempt Foreign Person.

Furthermore, I/we authorise this form to be provided to any withholding agent that has control, receipt, or custody of the income of which the Entity is the beneficial owner or any withholding agent that can disburse or make payments of the income of which the Entity is the beneficial owner.

(8)

Signature:

Name of Signer (in English):

Surname

Given Name

(9)

Capacity:
(e.g. director or officer of a company, partner of a partnership, trustee of a trust etc.)

(10)

Date:

DD

MM

YYYY

Note: In case of any discrepancy between the English and Chinese version of this form, the English version shall prevail.

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