

FATCA form

Entities

Determine foreign tax status

1a. Is your organization a **US-person**?

No. *Proceed to 1b*

Yes, the US TIN of my organization is _____

Yes, my organization is a non-specified US person and the exempt code is: __
Proceed to 3, 'Declaration and signature'

1b. Is your organization a **financial institution**?

Yes. *Proceed to 2a*

This includes **custodial institutions, investment entities,** and certain **investment clubs,** among others.

No. *Proceed to 1c*

1c. Does your organization have **ultimate beneficiaries** who are US persons?

No. *Proceed to 3, 'Declaration and signature'*

Yes. Details of the ultimate beneficiary(ies):

Name:

His/Her TIN is:

2a. Does your **financial institution** have a **GIIN (Global Intermediary Identification Number)**?

No. *Proceed to 2b*

Yes. The GIIN is (if you are completing this form on behalf of a branch of a foreign organization, please provide the GIIN of the branch):

_____ - _____ - ____ - _____

Proceed to 3, 'Declaration and signature'

2b. Is your organization an **exempt beneficial owner**?

No. *Proceed to 2c*

Yes. *Proceed to 3, 'Declaration and signature'*

2c. Is your organization a **certified deemed-compliant FFI**?

No. *Proceed to 2d*

Yes. *Proceed to 3, 'Declaration and signature'*

2d. Is your organization a **non-participating FFI**?

Ja. *Ga naar de ondertekening*

Nee. *Ga naar de ondertekening*

3. Declaration and signature.

Reporting Obligation for Foreign Tax Status

As a financial institution, we are legally obligated to report the data of organizations and/or US persons to the Dutch tax authorities. The Dutch tax authorities then transmit this information to the United States Internal Revenue Service (IRS). For more information, please visit www.belastingdienst.nl.

I declare that:

- I have truthfully completed this form;
- I will promptly report any changes in the above information to my financial institution within 30 days; and
- The listed ultimate beneficiaries have given me permission to provide their personal information for the purpose of transmitting it to the Dutch tax authorities.

Have this form signed by the legally authorized representative(s). In case of joint authority, at least two of the representatives must sign this form.

Date __ - __ - ____

Town/city _____

Name _____

Signature

Name _____

Signature

Name _____

Signature

Name _____

Signature



Glossary

US Person with regard to an entity

When is an organization considered a US person?

An organization is considered a US person if one of the following situations applies:

- the activities of the organization are conducted in the United States (excluding the US Territories);
- the organization is established under the laws of the United States or one of its federal states (excluding the US Territories);
- the organization is a trust and meets the following requirements:
 - a court in the United States has the authority, pursuant to applicable law, to issue orders or rulings on nearly all matters concerning the administration of the trust; and
 - one or more US persons have the authority over all substantial decisions regarding the trust.

Non-specified US person

The United States Internal Revenue Service (IRS) has excluded certain US persons from reporting requirements by financial institutions under FATCA. An organization typically knows if it is exempt based on the specific conditions outlined by the IRS and US tax laws (US Internal Revenue Code).

If you are uncertain whether your organization qualifies for this status, you can seek more information by visiting www.irs.gov or consulting with your tax advisor.

US Person regarding ultimate beneficiary

A natural person referred to as a US Person is someone who is either a US citizen (A) or a US resident (B). Below, you can find out when you are considered a US citizen (A) or a US resident (B).

A. US Citizen

You are a US citizen if you:

- were born in the United States;
- were born in the Commonwealth of Puerto Rico, Guam, or the US Virgin Islands;
- were born in the Commonwealth of the Northern Mariana Islands after November 3, 1986;
- were naturalized as a US citizen; or
- have at least one parent who is a US citizen; in this case, you must also meet additional requirements, which can be found on www.irs.gov.

B. US Resident

You can also be a US Person even if you do not hold US citizenship. In this case, you are referred to as a US resident. The US Internal Revenue Service (IRS) considers you a US resident if you:

- possess or have possessed a certain type of US Green Card. To determine which type of US Green Card applies, you can consult a tax advisor or find more information about US Green Cards on www.irs.gov; and/or
- meet the so-called substantial presence test, which is explained below.

Note: if you have renounced your citizenship, you are no longer a US citizen. Please send us a copy of your Certificate of Loss of Nationality of the United States.

Substantial presence test

You can also be considered a US Person because you have been present in the United States for a certain number of days. The substantial presence test can help you determine if this applies to you. You meet the substantial presence test if you were present in the US for at least:

- 31 days in the current calendar year; and
- 183 days in the current year and the two preceding calendar years combined.

For the 183-day test, the sum includes:

- all days you were present in the current year;
- one-third of the days you were present in the prior calendar year; and
- one-sixth of the days you were present in the US two calendar years ago.

Tax Resident

When are you considered a tax resident of a country?

Most countries consider you a tax resident if you permanently live or reside in that country. Some countries may have different rules, which you can verify with the local authorities or find on the website www.oecd.org using the search term 'tax residency rules.'

Note: paying foreign dividend tax does not make you subject to tax in that country.

When are you considered a tax resident of the Netherlands?

According to Dutch law, you are considered a tax resident of the Netherlands if your permanent place of residence is in the Netherlands.

The key situations that determine whether you are a tax resident of the Netherlands include:

- spending the most time at a Dutch address;
- living in the Netherlands (you and your family);
- working in the Netherlands;
- being insured in the Netherlands;
- having a Dutch general practitioner (GP);
- being a member of one or more Dutch associations;
- having children attending school in the Netherlands.



Tax Identification Number

The tax identification number is the number under which a taxpayer is registered in the local tax authority's records. In the Netherlands, this is known as the BSN (Burgerservicenummer). You can verify which number to use with the local government or find more information on the website www.oecd.org under the search term 'Taxpayer Identification Number.'

Exempt code

An exempt code is used by the United States Internal Revenue Service (IRS) for identification purposes. This code, or letter, indicates that your organization is a non-specified US person. According to US tax law, the IRS uses the following codes:

- a. An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37).
- b. The United States or any wholly owned agencies or instrumentalities.
- c. A state, the District of Columbia, a US Territory, or any of their political subdivisions or any wholly owned agency or one or more instrumentalities of any of the foregoing.
- d. A corporation whose stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i).
- e. A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i).
- f. A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state.
- g. A real estate investment trust.
- h. A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940.
- i. A common trust fund as defined in section 584(a).
- j. A bank as defined in section 581.
- k. A broker.
- l. A trust exempt from tax under section 664 or described in section 4947(a)(1).

Financial Institution

There are four types of financial institutions:

1. Custodial Institution: an institution that holds financial assets in custody for third parties as a substantial part of its business activities. An institution holds financial assets in custody for third parties as a substantial part of its business activities when its gross income related to holding financial assets and providing related financial services is equal to or greater than 20% of gross income during (i) the three-year period ending on December 31 (or the last day of the fiscal

year if it does not coincide with the calendar year) before the year in which the determination is made, or (ii) the institution's existence period if it is shorter.

2. Depository Institution: an institution that acquires demand deposits in the ordinary course of a banking or similar business. For example, a bank or a financial leasing company.

3a. Investment Entity: an entity primarily engaged in one or more of the following activities or transactions on behalf of a customer:

- Trading in money market instruments (e.g., checks, drafts, deposit certificates, derivatives, etc.), foreign currencies, exchange rate, interest rate, and index instruments, transferable securities, or commodity futures trading.
- Managing individual and collective portfolio investments.
- Other forms of investing, administering, or managing financial assets or money on behalf of others.

3b. Investment Entity: an entity whose gross income is primarily attributable to investing, reinvesting, or trading in financial assets when the entity is managed by a financial institution of types 1, 2, 3a, or 4 as described here.

Important: an entity that functions as an investment fund (or presents itself as such), such as a private equity fund, venture capital fund, leveraged buyout fund, or any other investment fund that aims to acquire or finance organizations and subsequently holds interests for investment purposes, is considered an investment entity and therefore a financial institution.

4. Specified Insurance Company: an entity that is an insurance company (or the holding company of an insurance company) that offers or is obligated to make payments under a capital or annuity insurance contract.

Note: if you are unsure whether your organization qualifies as a financial institution under CRS and/or FATCA, consult your tax advisor.

Ultimate Beneficial

The ultimate beneficial owner is the natural person who is the ultimate owner of or exercises control over an organization, or the natural person for whose benefit a transaction or activity is conducted. Please note that an organization can have multiple ultimate beneficial owners.

It is important to note that, for the determination of whether a person qualifies as an ultimate beneficial owner (UBO), natural persons who hold less than 25% of shares, voting rights, or ownership interest may still be considered UBOs if they have ultimate control over a company through other means (such as contractual arrangements).



Exempt beneficial owner

An exempt beneficial owner is a financial institution that is exempt from reporting to the United States Internal Revenue Service (IRS) under FATCA.

The following organizations, among others, may qualify for exempt beneficial owner status:

- pension funds mentioned in the following laws:
 - Pension Act;
 - Compulsory Participation in a Pension Fund in 2000 Act;
 - Compulsory Occupational Pension Scheme Act;
 - Notarial Professions Act;
 - Financial Supervision Act;
 - Article 19a of the Wage Tax Act 1964; and/or
 - Pension Act BES.
- Dutch government bodies and 100%-owned subsidiaries of Dutch government bodies;
- international organizations and their full agencies or entities as defined in Article 39 of the General Tax Law;
- De Nederlandsche Bank N.V. and all its 100%-owned subsidiaries;
- a Dutch financial institution that is exclusively an investment entity and is fully held by exempt beneficial owners.

The above organizations are examples of exempt beneficial owners covered in the Dutch IGA (Intergovernmental Agreement), but it is not an exhaustive list. Other types of exempt beneficial owners include:

- non-US governments and organizations fully owned by non-US governments.
- governments of US territories, including Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and the US Virgin Islands.
- international organizations or organizations that have entered into a headquarters agreement with a government and are fully owned by an international organization.
- non-US central banks such as De Nederlandsche Bank and the European Central Bank.

If you are unsure whether your organization qualifies for exempt beneficial owner status, consult your tax advisor.

Certified deemed-compliant FFI

A certified deemed-compliant FFI is a financial institution that must comply with the regulations under FATCA. This financial institution is not required to register with the United States Internal Revenue Service (IRS) for a GIIN (Global Intermediary Identification Number). Instead, it can declare to other financial institutions that it meets the

requirements of a certified deemed-compliant FFI under FATCA.

The same applies to institutions included in Annex II of the agreement between the Netherlands and the United States as deemed-compliant financial institutions. Under FATCA, there are four types of certified deemed-compliant FFIs:

1. certified deemed-compliant non-registering local bank;
2. certified deemed-compliant FFI with only low-value accounts;
3. certified deemed-compliant sponsored, closely held investment vehicle; and
4. certified deemed-compliant limited life debt investment company.

Non-participating FFI

A non-participating FFI is a financial institution that does not fall into one of the following categories:

- a financial institution complying with FATCA rules;
- certified deemed-compliant FFI; and
- exempt beneficial owner.

Generally, a financial institution located in an IGA (Intergovernmental Agreement) country is not considered a non-participating FFI, unless the IRS officially designates that financial institution as a non-participating FFI through an official communication. If you are unsure whether your organization is a non-participating FFI, consult a tax advisor or visit www.irs.gov for more information.