

CRS Self-Certification Form for Entities



Instructions

Please read these instructions carefully before completing this form.

Diners Club offices located in countries that have adopted the Common Reporting Standard (CRS) are required to collect certain information about an account holder's tax residence status. Please note that Diners Club may be legally required to report certain information provided in this form and other financial information with respect to your financial account(s) to the tax authorities of the country where your account is maintained. In turn, the local tax authorities may exchange the reported information with the tax authorities in the country or countries in which you the Entity is a tax resident.

Please complete this form if you represent an entity Account Holder. Do not use this form for an Account Holder that is an individual, a sole proprietor or the decedent of an estate. Instead use the "CRS self-certification Form for Individuals".

A separate form is required for each entity that is an Account Holder. For purposes of CRS, the term "Account Holder" means a legal entity listed or identified as the holder of a Financial Account maintained at Diners Club. This is regardless of whether such entity is a flow-through entity for tax purposes. Thus, for example, if a trust is listed as the holder or owner of the financial account, the trust is the Account Holder, rather than the trustee, the grantors, the settlors or the beneficiaries. Similarly, if a partnership is listed as the holder or owner of the account, the partnership is the Account Holder, rather than any of the partners. A person, other than another Financial Institution, holding a Financial Account for the benefit 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 the Account Holder.

For definitions of certain other terms relevant to the completion of this form, please see the Appendix to this form.

Items marked with an asterisk (*) indicate required information. This form is intended to request information only where such request is not prohibited by local law.

An authorised individual must sign the form on behalf of the Account Holder and indicate the capacity (officer title, director, partner or power of attorney, etc.) in which he/she is signing in Part 4.

This Form will remain valid unless there is a change in circumstances that makes this Form incorrect or incomplete. In that case, you must notify Diners Club within 30 days of any such change and provide us with an updated CRS Self-certification.

If the Account Holder is determined to be a Passive NFE or an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution, please identify the natural person(s) who exercise control over the entity by name in Part 2, section 2a and provide a CRS Self-certification Form for Controlling Persons for each controlling person. This information should be provided by all Investment Entities located in a Non-Participating Jurisdiction and managed by another Financial Institution, even if they also fall into a category of "Non-Reporting Financial Institution". The CRS Self-certification Form for Controlling Persons may be completed by the Account Holder or the Controlling Person.

Please note that this self-certification form is for CRS purposes only. Its completion is not a substitute for the completion of any IRS Form W-9, Form W-8 or self-certification that may otherwise be required for FATCA or other US tax purposes.

Diners Club does not provide tax advice to its customers. If you have any questions about determining the entity's tax residence status in any particular country, please contact your tax adviser or the local tax authority. You may obtain more information about CRS, including a list of countries that have signed agreements to automatically exchange information, and local tax laws on the OECD automatic exchange of information (AEOI) portal at www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/.

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Part 1 – Identification of Account Holder

(Please complete Parts 1-3 in BLOCK CAPITALS)

A. Legal Name of Entity/Branch*

B. Country of Incorporation or Organisation

C. Current Residence Address

Line 1 (e.g., Building/Apt/Suite/Number/Street): _____

Line 2 (e.g., Town/City/Province/County/State): _____

Country: _____

Postal Code/ZIP Code: _____

D. Mailing Address

*(please only complete if different from the address shown in **Section C** above)*

Line 1 (e.g., Building/Apt/Suite/Number/Street): _____

Line 2 (e.g., Town/City/Province/County/State): _____

Country: _____

Postal Code/ZIP Code: _____

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Part 2 – Entity Type*

Please provide the Account Holder's Status by ticking one of the following boxes in section 1.

1. (a) Financial Institution – Investment Entity

i. An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.
(Note: if ticking this box 1(a)(i), please also complete **Sections 2(a) and 2(b)** below for Controlling Persons)

ii. Other Investment Entity

(b) Financial Institution – Depository Institution, Custodial Institution or Specified Insurance Company

(c) Active NFE – a corporation the stock of which is regularly traded on an established securities market or a corporation which is a related entity of such a corporation

If ticking this box(c), please provide the name of an established securities market on which the stock is regularly traded:

If you are related to a publicly traded corporation, please provide the name of the corporation whose stock is publicly traded and with which you are related:

(d) Active NFE – a Government Entity or Central Bank

(e) Active NFE – an International Organisation

(f) Active NFE – other than (c)-(e) (See Appendix for definition of other Active NFEs)

(g) Passive NFE (Note: if ticking this box 1(g), please also complete **Sections 2(a) and 2(b)** below)

2. Controlling Persons: If you have ticked section 1(a)(i) or 1(g) above, then please:

(a) Indicate the name of any Controlling Person(s) of the Account Holder:

(b) Provide a separate “CRS Self-Certification Form for Controlling Persons” for each Controlling Person. These documents can be located at www.dinersclub.com.au/forms.htm.*

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Part 3 – Country of Tax Residence and Related Taxpayer Identification Number (TIN) or Equivalent*

Please complete the following table indicating the Account Holder's tax residence country or countries (*i.e., where the entity is treated as a resident of the country for purposes of that country's income tax*) and the Account Holder's TIN (if any) for each country indicated. If the Account Holder is tax resident in more than three countries, please use a separate sheet. If the Account Holder is not tax resident in any jurisdiction (*e.g., because it is fiscally transparent*), please provide its place of effective management or the country in which its principal office is located on line 1.

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

Reason A – The country where the Account Holder is liable to pay tax does not issue TINs to its residents.

Reason B – The Account Holder is unable to obtain a TIN or equivalent number. (If this reason is selected, please explain why the Account Holder is unable to obtain a TIN in the below table.)

Reason C – No TIN is required because the tax residence jurisdiction that issued the TIN does not require a Financial Institution to collect and report the TIN.

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

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

1	
2	
3	

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Part 4 – Declarations and Signature*

1. I declare that all statements made in this declaration are, to the best of my knowledge and belief, correct and complete.
2. I acknowledge that the information provided on this Form regarding the Account Holder, as well as financial information (e.g., account balance or value, the amount of income or gross proceeds received) respecting the Financial Accounts to which this Form is applied may be reported to the tax authorities of the country in which this/these account(s) is/are maintained and exchanged with tax authorities of another country or countries in which the Account Holder may be a tax resident pursuant to a legal agreement between the competent authorities of these countries on the automatic exchange of information on Financial Accounts under the Common Reporting Standard (CRS).
3. I certify that I am authorised to sign for the Account Holder in respect of all the account(s) to which this form relates.
4. If there is a change in circumstances that affects the tax residence 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 2, section 2a), I understand that I am obligated to inform Diners Club of the change in circumstances within 30 days of its occurrence and to provide a suitably updated CRS self-certification.

Signature:* _____

Print Name:* _____

Date (DD/MM/YYYY):* _____

Note: Please indicate the capacity in which you are signing the form. If signing under a power of attorney please also attach a copy of the power of attorney.

Capacity:* _____

Appendix of Defined Terms

Note: The following selected definitions are provided to assist you with the completion of this form. If you have any questions about substantive tax principles, please contact your tax adviser or the applicable tax authority.

“Active NFE” — an NFE that meets any of the criteria listed below:

- (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;
- (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, This exception is limited to 24 months from 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 for a “non-profit NFE”:
 - (i) 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) is exempt from income tax in its jurisdiction of residence;
 - (iii) 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; 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” — 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 (for example where no underlying person has control of greater than 25% of the entity) then under the CRS the Reportable Person is deemed to be the natural person who holds the position of senior managing official.

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“Controlling Person(s)” – a natural person who exercises 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 Jurisdiction Persons. This definition corresponds to the term “beneficial owner” of an entity as described in Recommendation 10 (and the Interpretative Note) of the Financial Action Task Force (FATF) 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), and the beneficiary(ies) or class(es) of beneficiaries, regardless of whether or not any of them exercises control over the activities of the trust. In addition, any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership) is a Controlling Person of a trust.

“Entity” – 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 Account” – an account maintained by a Financial Institution and includes: Depository Accounts, Custodial Accounts; Equity and debt interests in certain Investment Entities, Cash Value Insurance Contracts; and Annuity Contracts.

“Financial Institution” – a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

“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.

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

(ii) an 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 of an Investment Entity described in (i) above.

“Participating Jurisdiction” – a jurisdiction (i) with which an agreement is in place pursuant to which it will provide the information set out in the CRS and required for the automatic exchange of financial account information, and (ii) which is identified in a published list.

“Passive NFE” – under the CRS any: (i) NFE that is not an Active NFE; and (ii) Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

“Related Entity” – an Entity is related to 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” – an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is/are a Reportable Person(s).

“Reportable Jurisdiction” – a jurisdiction (i) with which an agreement is in place pursuant to which there is an obligation to provide financial account information set forth in the CRS, and (ii) which is identified in a published list.

“Reportable Jurisdiction Person” – an Entity that is resident in a Reportable Jurisdiction(s) under the local tax laws of such country. Generally, an entity will be resident for tax purposes in a jurisdiction, if under the tax laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of its domicile, residence, place of management or incorporation or any other criterion of a similar nature, and not only from sources in that jurisdiction. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. If another type of Entity certifies that it has no residence for tax purposes it should complete the CRS Self-certification stating the address of its principal office. Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to determine their residence for tax purposes.

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“Reportable Person” — is 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 immediately above;
- a Governmental Entity;
- an International Organisation;
- a Central Bank; or
- a Financial Institution (except for an Investment Entity that is not a Participating Jurisdiction Financial Institution, which is treated as a “Passive NFE”).

“Resident for tax purposes” — generally means resident for tax purposes in a particular jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of his domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. For additional information on tax residence, please contact your tax adviser or use the OECD AEOI Portal containing information on tax residence in Participating Jurisdictions at www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/.

“Specified Insurance Company” — 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” — the 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. 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.