

# CRS Controlling Person Self-Certification Form

# Important: please read this information before you complete the form

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## **Why we are asking you to complete this form**

Regulations based on the OECD<sup>1</sup> Common Reporting Standard (CRS) require financial institutions like us to collect and report information about where our customers are tax resident. Under these regulations, we have to ask you to provide the information requested in this form.

## **About tax residence**

Each country/jurisdiction has its own rules for defining tax residence. In general, you are tax resident in the country/jurisdiction where you live. You can be tax resident in a country/jurisdiction without paying tax, for example, if your income is below the threshold. Special circumstances (such as studying abroad, working overseas or extended travel) may cause you to be tax resident elsewhere or tax resident in more than one country/jurisdiction at the same time. For more information on tax residence, please seek specialist advice or consult the information on the OECD website: [www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/](http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/).

## **What you need to do**

When an account is held with HSBC on behalf of a Passive Entity, (for example certain trusts or investment vehicles), we need those individuals who are identified as having ultimate control of the entity to complete this form. These individuals are termed 'controlling persons'.

If you need to self-certify on behalf of an entity (which includes all businesses, trusts and partnerships), complete an 'Entity Self-Certification Form' (CRS-E). Similarly, if you are a personal banking customer or a sole trader, complete an 'Individual Self-Certification form (CRS-I). You can find these forms at: [www.crs.hsbc.com](http://www.crs.hsbc.com).

For joint or multiple controlling persons each individual will need to complete a copy of the form.

Even if you have already provided information in relation to the United States Government's Foreign Account Tax Compliance Act (FATCA), you may still need to provide additional information for the CRS as this is a separate regulation.

## **Completing this form on behalf of someone else**

If you are completing this form on behalf of a controlling person, make sure you let them know that you have done so and tell us in what capacity you are signing in Part 4. For example, you may be a representative of the entity, or completing the form under a power of attorney.

<sup>1</sup> Organisation for Economic Co-operation and Development

**What we will do with this information**

We will keep a record of this form on your file. If the entity of which you are a Controlling Person maintains an account in one country/jurisdiction but is tax resident in a different country/jurisdiction, we may be legally obliged to pass on the information in this form to the tax authority in the country/jurisdiction where the account is located.

It is important that we hold the right information about you. If any of this information changes, you must tell us by sending us an updated form. You can download a new form from [www.crs.hsbc.com](http://www.crs.hsbc.com) or get a copy from your branch.

**Before you begin**

You will need to have your Tax Identification Number (TIN) or equivalent for each country/jurisdiction where you are tax resident.

A TIN is a unique combination of letters or numbers assigned to you by the country's/jurisdiction's tax authority and is used to identify you for tax purposes. You will normally find it on any letters or correspondence you receive from your tax authority. Some authorities do not issue a TIN, however, they will often use a similar type of number such as a social security/insurance number, or a resident registration number. If you are not sure of your TIN or its equivalent, further details on acceptable TINs can be found on the OECD website: [www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers](http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers).

**Where to go for help**

If you have any questions about the information requested in this form please visit [www.crs.hsbc.com](http://www.crs.hsbc.com), contact your Relationship Manager, visit a branch or call us. You can find more information about CRS and the governments taking part on the OECD website: [www.oecd.org/tax/automatic-exchange/](http://www.oecd.org/tax/automatic-exchange/).

We are not allowed to give tax advice so if you're not sure what your tax residence status is, please visit the OECD website or speak to a professional tax adviser. You can find a list of definitions in the Appendix.

Please complete Parts 1 – 4 in BLOCK CAPITALS

If you are completing this form on behalf of someone else, enter their details in Parts 1 - 3.

**Part 1**

Identifying the Controlling Person:

**A. Name of Controlling Person:**

Family Name or Surname(s)

Title (place an 'X' in the relevant box)  Mr  Mrs  Miss  Ms  Other (specify)

First or Given name(s)

Middle Name(s)

**B. Address where you live**

**Line 1** House/Apt/Suite Name, Number, Street

**Line 2** Town/City

**Line 3** Province/County/State

Country/jurisdiction  Postal Code / ZIP code

**C. Date of birth**

D	D	M	M	Y	Y	Y	Y
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**D. Where you were born**

Town or City of Birth

Country/jurisdiction of Birth

**E. Please enter the legal name of the relevant Entity Account Holder(s) of which you are a Controlling Person**

Legal name of **Entity 1**

Legal name of **Entity 2**

Legal name of **Entity 3**

**F. Please provide the Controlling Person’s Status by placing an ‘X’ in the appropriate box(es).**

	Entity 1	Entity 2	Entity 3
a. Controlling Person of a legal person – <b>control by ownership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Controlling Person of a legal person – <b>control by other means</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Controlling Person of a legal person – <b>senior managing official</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Controlling Person of a trust – <b>settlor</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Controlling Person of a trust – <b>trustee</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Controlling Person of a trust – <b>protector</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Controlling Person of a trust – <b>beneficiary</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Controlling Person of a trust – <b>other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Controlling Person of a legal arrangement (non-trust) – <b>settlor-equivalent</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Controlling Person of a legal arrangement (non-trust) – <b>trustee-equivalent</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Controlling Person of a legal arrangement (non-trust) – <b>protector-equivalent</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Controlling Person of a legal arrangement (non-trust) – <b>beneficiary-equivalent</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Controlling Person of a legal arrangement (non-trust) – <b>other-equivalent</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Part 2**

Country/Jurisdiction of Residence for Tax Purposes and related Taxpayer Identification Number or functional equivalent ("TIN") (See Appendix).

Please complete the following table telling us:

- I. Which country(ies)/jurisdiction(s) the Controlling Person is tax resident in; and
- II. The Controlling Person's TIN for each country/jurisdiction indicated. (\*Please only complete the TIN if you are resident for tax purposes outside of the United Kingdom (UK), including if you are dual resident in the UK and another country/jurisdiction, or you are a United States Citizen.

If the Controlling Person does not have a TIN please provide the appropriate reason **A, B** or **C**:

**Reason A** The country/jurisdiction where the Controlling Person is liable to pay tax does not issue TINs to its residents.

**Reason B** The Controlling Person is otherwise unable to obtain a TIN or equivalent number. (Please explain why you are unable to obtain a TIN in the below table if you have selected this reason).

**Reason C** The laws of the country/jurisdiction of the Controlling Person's tax residence do not require them to provide a TIN.

	Country/jurisdiction of tax residence for tax purposes	TIN	If no TIN available enter Reason A, B or C
1	<input type="text"/>	<input type="text"/>	<input type="text"/>
2	<input type="text"/>	<input type="text"/>	<input type="text"/>
3	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

1

2

3

**If the Controlling Person is tax resident in more than three countries/jurisdictions, please use a separate sheet and confirm by placing an 'X' in the box.**

**Please confirm here by placing an 'X' in this box that the Controlling Person has included ALL of the countries/jurisdictions in which they are tax resident.**

### Part 3

If the address in Part 1 is different from the country(ies)/jurisdiction(s) where the Controlling Person is tax resident in part 2, they need to tell us why.

**The country/jurisdiction the Controlling person lives in (Part 1.B) is different from the country/jurisdiction where the Controlling Person is tax resident (Part 2).**

Please place an 'X' against one of the following options:

1. The Controlling Person is a student studying in the country/jurisdiction in Part 1.B and has not yet lived there long enough to become tax resident.
2. The Controlling Person is working in the country/jurisdiction in Part 1.B and has not yet lived there long enough to become tax resident.
3. The Controlling Person is a diplomat or a member of the armed forces posted to the country/jurisdiction in Part 1.B.
4. The Controlling Person has recently moved to the country/jurisdiction that they are opening a bank account in and they are not yet tax resident in this country/jurisdiction. The Controlling Person is still tax resident in the country/jurisdiction in Part 2.
5. None of the above - please provide details in the space below.

## Part 4

### Declarations and Signature

I certify that I am the Controlling Person, or where I am not the Controlling Person, I am authorised to sign for the Controlling Person of all the account(s) to which this form relates.

I understand that the information I have provided is covered by the Privacy Notice and the terms and conditions governing the account holder's relationship with HSBC, in particular how HSBC may use and share it.

I acknowledge that HSBC may share this information with the tax authorities of the country(ies)/jurisdiction(s) where the account(s) are held, and that those tax authorities may exchange this information between themselves as part of the intergovernmental agreements to exchange Financial Account information. If I have completed this form on behalf of the Controlling Person, I certify that I have their authority and that all relevant individuals have been made aware of the Privacy Notice, and the individual rights and information it sets out. I will notify them within 30 days of signing this form that I have provided this information to HSBC and that it may be passed to the tax authorities of all countries/jurisdictions where the account holder maintains accounts.

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

I agree to tell HSBC within **30 days** of any change in circumstance that affects the tax residence status of the person named in Part 1 of this form, or means that the information contained within the form becomes out of date. I agree to provide an updated self-certification form to HSBC within **90 days** of any such changes.

Signature

Print name

Date

D	D	M	M	Y	Y	Y	Y
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Note: If you are signing on behalf of someone else, enter the capacity below. 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 definitions provided to assist you with the completion of this form. Further details can be found within the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the “CRS”), the associated Commentary to the CRS, and domestic guidance. This can be found at the following link:

[www.oecd.org/tax/transparency/automaticexchangeofinformation.htm](http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm)

If you have any questions, please contact your tax adviser or domestic tax authority.

**“Account Holder”** The term “Account Holder” means the person listed or identified as the holder of a Financial Account. A person, other than a Financial Institution, holding a Financial Account for the benefit of another person as an agent, a custodian, a nominee, a signatory, an investment advisor, an intermediary, or as a legal guardian, is not treated as the Account Holder. In these circumstances that other person is the Account Holder. For example, in the case of a parent/child relationship where the parent is acting as a legal guardian, the child is regarded as the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

**“Active NFE”** An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- a) active NFEs by reason of income and assets; 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) publicly traded NFEs; 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) holding NFEs that are members of a nonfinancial group; 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) start-up NFEs; the NFE 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, 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) NFEs that are liquidating or emerging from bankruptcy; 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) treasury centres that are members of a nonfinancial group; 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) non-profit NFEs; the NFE meets all of the following requirements:
  - 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.

**“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 or persons are identified as exercising control of the Entity through ownership interests, the Controlling Person of the Entity is deemed to be the natural person who holds the position of senior managing official.

**“Controlling Person”** This is a natural person who exercises control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“NFE”) then a Financial Institution must determine whether such Controlling Persons are Reportable Persons. This definition corresponds to the term “beneficial owner” as described in Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

**“Controlling Persons of a trust”** means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, must always be 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, such term means persons in equivalent or similar positions.

**“Entity”** The term “Entity” means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation.

**“Financial Account”** A Financial Account is an account maintained by a Financial Institution and includes: Depository Accounts; Custodial Accounts; Equity and Debt interest in certain Investment Entities; Cash Value Insurance Contracts; and Annuity Contracts.

**“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”** is 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 resident in, or a branch located in, a Participating Jurisdiction.

**“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”** is any Entity that is not a Financial Institution.

**“Participating Jurisdiction”** A Participating Jurisdiction is a jurisdiction with which an agreement is in place pursuant to which it will provide the information set out in the Common Reporting Standard.

**“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.

**“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 Jurisdiction”** A Reportable Jurisdiction is a jurisdiction with which an obligation to provide financial account information is in place.

**“Reportable Person”** A Reportable Person is an individual or entity that is tax resident in a Reportable Jurisdiction under the laws of that jurisdiction. The Account Holder will normally be the “Reportable Person”; however, in the case of an Account Holder that is a Passive NFE, a Reportable Person also includes any Controlling Persons who are tax resident in a Reportable Jurisdiction. Dual resident individuals may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for purposes of determining their residence for tax purposes.

**“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 following link:

[www.oecd.org/tax/transparency/automaticexchangeofinformation.htm](http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm)

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 individuals, a social security/ insurance number, citizen/personal identification/service code/number, and resident registration number.