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Pursuant to the Agreements for the Automatic Exchange of Information which were concluded and/or will be concluded between the Republic of Cyprus and other countries for tax matters and the relevant legislation (including those relating to the Foreign Account Tax Compliance Act - FATCA and the Common Reporting Standard - CRS), Bank of Cyprus ('the Bank') is required to identify entities (as account holders) and/or their controlling persons that are tax residents in foreign jurisdictions (for purposes of CRS) and are US Persons (for purposes of FATCA) and report all related information to the Tax Department in Cyprus which in turn will report this information to Tax Departments of the foreign jurisdictions and/or to the IRS of the United States. As a Bank, we therefore request you to complete this Self-Certification Form (with reference to the Glossary in Parts 5 and 6), in cooperation with your tax/legal/accounting advisor (if so required). Further information on FATCA and CRS can be found on the websites of Bank of Cyprus at [www.bankofcyprus.com](http://www.bankofcyprus.com), the Association of Cyprus Banks at [www.acb.com.cy](http://www.acb.com.cy), the U.S. IRS at [www.irs.gov/fatca](http://www.irs.gov/fatca) and the OECD at <http://www.oecd.org/tax/automatic-exchange/>.

**PART 1 - GENERAL INFORMATION**

Section 1 – GENERAL INFORMATION			
1.1	Name of Entity/Branch		
1.2	Registration Number	1.3	Country of Registration / Incorporation
1.4	Registered or Current Residence Address:		
	Street and Number	City	Postal Code
		Country	

**PART 2 – U.S. FATCA  
(For definition of terms refer to Glossary – Part 6)**

Section 2 – Classification of U.S. ENTITIES (U.S. Persons)	
If the entity is a U.S. Person (i.e. <b>legal entity organized in the United States or under the laws of the United States or any State thereof</b> –full definition in page 8) , please tick one of the below categories and complete as appropriate , and then proceed to <b>Part 3 – CRS</b> .	
<input type="checkbox"/>	<b>Specified U.S. Person</b> and the entity's U.S. Federal Taxpayer Identifying Number (U.S. TIN) is as follows: .....
<input type="checkbox"/>	<b>Non-Specified U.S. Person.</b>

**If the entity is not a U.S. person, please complete Section 3.**

Section 3 – US FATCA Classification for all NON U.S. ENTITIES	
3.1	<b><u>FINANCIAL INSTITUTION</u></b> If the entity is a <b>Financial Institution</b> , please tick one of the below categories, and provide the entity's FATCA <b>Global Intermediary Identification Number (GIIN)</b> where required.
<input type="checkbox"/>	<b>Registered Deemed-Compliant FFI</b> Please provide your GIIN: .....
<input type="checkbox"/>	<b>Certified Deemed Compliant, or otherwise Non-Reporting Foreign Financial Institution</b> (including a Foreign Financial Institution deemed compliant under Annex II of an IGA, except for a Trustee Documented Trust or Sponsored Financial Institution).
<input type="checkbox"/>	<b>Participating FFI</b> Please provide your GIIN: .....
<input type="checkbox"/>	<b>Trustee Documented Trust.</b> Please provide your Trustee's name and GIIN. Trustee's Name: ..... Trustee's GIIN: .....
<input type="checkbox"/>	<b>Sponsored Financial Institution</b> that has not yet obtained a GIIN but is sponsored by another entity that has registered as a Sponsoring Entity. Please provide the Sponsoring Entity's name and GIIN. Sponsoring Entity's Name: ..... Sponsoring Entity's GIIN: .....
<input type="checkbox"/>	<b>Non-Participating FFI</b>

<b>NON FINANCIAL ENTITY</b>	
If the entity is <b>NOT</b> a Financial Institution, please confirm the Entity's FATCA status below	
<b>3.2</b>	<input type="checkbox"/> <b>Active Non-Financial Foreign Entity</b> (including an Excepted NFFE) <input type="checkbox"/> <b>Passive Non-Financial Foreign Entity.</b> (If you ticked this please report all US controlling persons as per Section 4 below) <input type="checkbox"/> <b>Exempt Beneficial Owner</b> <input type="checkbox"/> <b>Direct Reporting NFFE</b> Please provide your GIIN: ..... <input type="checkbox"/> <b>Sponsored Direct Reporting NFFE</b> Please provide the Sponsoring Entity's name and GIIN. Sponsoring Entity's Name: ..... Sponsoring Entity's GIIN: .....

**Section 4 – US Controlling Persons of Passive NFFE**

If the Entity is a **Passive Non-Financial Foreign Entity** as marked in 3.2 above, please fill in the following table with the details of any *Controlling Person(s)* that are US Persons:

Name and Address	Position	US TIN

**PART 3 – COMMON REPORTING STANDARD (CRS)**  
(For definition of terms refer to Glossary – Part 6)

**Section 5: Declaration of All Tax Residencies**

Please indicate the Entity's place of tax residence (if resident in more than one country please detail all countries and associated Taxpayer Identification Number in each country). If no TIN is available, please provide your Social Security Number and indicate one of the reasons below.  
 If you are resident in more than three jurisdictions, please use a separate sheet.

Country of Tax Residence	Taxpayer Identification Number (TIN) or Functional Equivalent		If no TIN available enter Reason A, B, or C*
	Type of document	Number	

**Reason A** – The Country where the entity is tax resident does not issue TINs to its residents  
**Reason B** – The entity is otherwise unable to obtain a TIN or functional equivalent (Please explain)

.....

.....

**Reason C** – No TIN is required (Note: only select this reason where the authorities of the country of tax residence entered above, do not require the TIN to be disclosed)

**Section 6: CRS Classification**

Please provide your CRS classification by ticking the corresponding box(es). Note that CRS classification does not necessarily coincide with your classification for US FATCA purposes.

If the entity is a <b>Financial Institution (FI)</b> , specify the type of Financial Institution below:	
<b>6.1</b>	<input type="checkbox"/> <b>Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.</b> <i>(If you have ticked this box please provide the details of the Controlling Person(s) in Section 7. Please refer to the definition of Controlling Person in Part 6).</i>
	<input type="checkbox"/> <b>Other Investment Entity</b>
	<input type="checkbox"/> <b>Financial Institution, (including a Depository Institution, Custodial Institution, Specified Insurance Company, Providend Fund )</b>
If the entity is an <b>Non-Financial Entity ("NFE")</b> please specify the type of NFE below:	
<b>6.2</b>	<input type="checkbox"/> <b>Active NFE</b>
	<input type="checkbox"/> <b>Passive NFE.</b> <i>(If you have ticked this box please provide the details of the Controlling Person(s) in Section 7. Please refer to the definition of Controlling Person in Part 6).</i>
	<input type="checkbox"/> <b>Active NFE - Non-Reportable</b>

**Section 7 – Controlling Persons**

If you have ticked **Investment Entity in a non-participating jurisdiction managed by another Financial Institution in 6.1 above** or **Passive Non-Financial Entity in 6.2 above**, please fill in the following table with the respective details of all *Controlling Persons*. **Please report all countries in which each Controlling Person is tax resident).** If no TIN is available, please provide your Social Security Number (SSN) and indicate one of the reasons below.

Full Name	Address	Place of Birth	Date of Birth	Country of Tax Residence	TIN or Functional Equivalent		If no TIN available enter Reason A, B, or C*	Further explanation only if selected Reason B
					Type of Document	Number		

**Information for Section 7**

\* Does not apply to US Persons – If a TIN is not available please provide the appropriate **reason A, B or C**

**Reason A** – The Country where the account Holder is a tax resident does not issue TINs to its residents

**Reason B** – The Account Holder is otherwise unable to obtain a TIN (Please explain)

**Reason C** – No TIN is required (Note: Please select this reason only where the domestic law of the relevant authorities of the country of tax residence entered above, does not require the collection of the TIN issued by such country of tax residence to be disclosed).

**Part 4 – DECLARATION**

This must be signed according to the Entity’s relevant authorisation / resolution.

As representative(s) authorised to sign on behalf of the entity, I/we declare and confirm that the information given above is true, correct and complete.

I/We undertake to inform the Bank promptly of any subsequent change in the above information.

**Duly authorised Director(s) / Representative(s)**

Full Name	Signature
.....	.....

Full Name	Signature
.....	.....

Full Name	Signature
.....	.....

Date .....

## PART 5 - Glossary for Part 2 – U.S. FATCA

### General

**Entity** means a legal person or a legal arrangement such as a trust.

**Non-US Entity** means an Entity that is not a US Person.

**U.S. Person** means a U.S. citizen or resident individual, a partnership or corporation organized in the United States or under the laws of the United States or any State thereof, a trust if (i) a court within the United States would have authority under applicable law to render orders or judgments concerning substantially all issues regarding administration of the trust, and (ii) one or more U.S. persons have the authority to control all substantial decisions of the trust, or an estate of a decedent that is a citizen or resident of the United States.

**Passive Income** means the portion of gross income that consists of:

1. Rents and royalties, other than rents and royalties derived in the active conduct of a trade or business conducted, at least in part, by employees of the NFFE;
2. Dividends, including substitute dividend amounts;
3. Interest or similar income;
4. Annuities;
5. The excess of gains over losses from transactions in foreign currency (including futures, forwards, and similar transactions)
6. The excess of gains over losses from swaps
7. Amounts received under cash value insurance contracts

### Section 2 – Classification of U.S. ENTITIES (U.S. Persons)

**Specified US Person** means a U.S. Person, that is NOT a Non-Specified US Person

**Non-Specified US Person** means

- (i) a corporation the stock of which is regularly traded on one or more established securities markets;
- (ii) any corporation that is a member of the same expanded affiliated group, as defined in section 1471(e)(2) of the U.S. Internal Revenue Code, as a corporation described in clause (i);
- (iii) the United States or any wholly owned agency or instrumentality thereof;
- (iv) any State of the United States, any U.S. Territory\*, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing;
- (v) any organization exempt from taxation under section 501(a) of the U.S. Internal Revenue Code or an individual retirement plan as defined in section 7701(a)(37) of the U.S. Internal Revenue Code;
- (vi) any bank as defined in section 581 of the U.S. Internal Revenue Code;
- (vii) any real estate investment trust as defined in section 856 of the U.S. Internal Revenue Code;
- (viii) any regulated investment company as defined in section 851 of the U.S. Internal Revenue Code or any entity registered with the U.S. Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-64);
- (ix) any common trust fund as defined in section 584(a) of the U.S. Internal Revenue Code;
- (x) any trust that is exempt from tax under section 664(c) of the U.S. Internal Revenue Code or that is described in section 4947(a)(1) of the U.S. Internal Revenue Code;
- (xi) 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;
- (xii) a broker as defined in section 6045(c) of the U.S. Internal Revenue Code; or
- (xiii) any tax-exempt trust under a plan that is described in section 403(b) or section 457(g) of the U.S. Internal Revenue Code.

\* *U.S. Territory means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, or the U.S. Virgin Islands.*

**U.S. TIN** means a U.S. federal taxpayer identification number.

### Section 3.1 – Financial Institution

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

- A. **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 percent of the entity's gross income during the shorter of: (i) the three-year period that ends on December 31 (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the entity has been in existence.
- B. **Depository Institution** means any Entity that accepts deposits in the ordinary course of a banking or similar business.
- C. **Investment Entity** means any Entity that conducts as a business (or is managed by an entity that conducts as a business) one or more of the following activities or operations for or on behalf of a customer:

- (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.
- D. **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.

**Foreign Financial Institution (FFI)** means a Financial Institution that is not a U.S. Entity.

**Deemed-Compliant FFIs** are those specified in Annex II of the Intergovernmental Agreement between the Republic of Cyprus and the United States.

1. A **Registered Deemed-Compliant FFI** needs to obtain a Global Intermediary Identification Number (GIIN) from the IRS and submit annual returns to the Cyprus Tax Department.
2. A **Certified Deemed-Compliant FFI** is not required to register with the IRS and obtain a GIIN.

**Participating FFI** means a Financial Institution that has agreed to comply with the requirements of an FFI Agreement (which is an agreement that sets forth the requirements for a Financial Institution to be treated as complying with the requirements of section 1471(b) of the US Internal Revenue Code).

**Non-participating FFI** means a non-participating FFI, as that term is defined in relevant US Treasury Regulations, but does not include a Cyprus Financial Institution or other **Partner Jurisdiction Financial Institution**\*\* other than a Financial Institution treated as a Non-participating Financial Institution pursuant to subparagraph 2(b) of Article 5 of the Intergovernmental Agreement between the Republic of Cyprus and the United States or the corresponding provision in an agreement between the United States and a Partner Jurisdiction.

Pursuant to subparagraph 2(b) of Article 5 of the Intergovernmental Agreement between the Republic of Cyprus and the United States, if, in the case of a Reporting Cyprus Financial Institution, such enforcement actions do not resolve the non-compliance within a period of 18 months after notification of significant non-compliance is first provided, the United States shall treat the Reporting Cyprus Financial Institution as a Nonparticipating Financial Institution pursuant to this subparagraph 2(b).

\*\* **Partner Jurisdiction** means a jurisdiction that has in effect an agreement with the United States to facilitate the implementation of FATCA.

## **Section 3.2 – Non-Financial Entity**

**Non-Financial Foreign Entity (NFFE)** means any Non-U.S. Entity that is not a Foreign Financial Institution as defined in relevant U.S. Treasury Regulations or is an Entity which meets the requirements specified below, and also includes any Non-U.S. Entity that is established in Cyprus or another Partner Jurisdiction and that is not a Financial Institution.

The NFFE meets all of the following requirements:

- (a) 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 organization, business league, chamber of commerce, labor organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
- (b) It is exempt from income tax in its jurisdiction of residence;
- (c) It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- (d) The applicable laws of the NFFE's jurisdiction of residence or the NFFE's formation documents do not permit any income or assets of the NFFE 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 NFFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFFE has purchased; **and**
- (e) The applicable laws of the NFFE's jurisdiction of residence or the NFFE's formation documents require that, upon the NFFE's liquidation or dissolution, all of its assets be distributed to a governmental entity or other non-profit organization, or escheat to the government of the NFFE's jurisdiction of residence or any political subdivision thereof.

**Active NFFE** means any NFFE that meets any one of the following criteria:

- (a) Less than 50 percent of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50 percent 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;
- (b) The stock of the NFFE is regularly traded on an established securities market or the NFFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- (c) The NFFE is organized in a U.S. Territory and all of the owners of the payee are bona fide residents of that U.S. Territory;
- (d) The NFFE is a government (other than the U.S. government), a political subdivision of such government (which, for the avoidance of doubt, includes a state, province, county, or municipality), or a public body performing a function of such government or a political subdivision thereof, a government of a U.S. Territory, an international organization, a non-U.S. central bank of issue, or an Entity wholly owned by one or more of the foregoing;
- (e) Substantially all of the activities of the NFFE 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 shall not qualify for NFFE 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;
- (f) The NFFE 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 NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial organization of the NFFE;
- (g) The NFFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganizing with the intent to continue or recommence operations in a business other than that of a Financial Institution;

- (h) The NFFE 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;
- (i) The NFFE is an “excepted NFFE” as described in relevant U.S. Treasury Regulations; **or**
- (j) The NFFE meets all of the following requirements:
  1. 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 organization, business league, chamber of commerce, labor organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
  2. It is exempt from income tax in its jurisdiction of residence;
  3. It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  4. The applicable laws of the NFFE’s jurisdiction of residence or the NFFE’s formation documents do not permit any income or assets of the NFFE 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 NFFE’s charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFFE has purchased; **and**
  5. The applicable laws of the NFFE’s jurisdiction of residence or the NFFE’s formation documents require that, upon the NFFE’s liquidation or dissolution, all of its assets be distributed to a governmental entity or other non-profit organization, or escheat to the government of the NFFE’s jurisdiction of residence or any political subdivision thereof.

**Passive NFFE** means any NFFE that is not (i) an Active NFFE or (ii) a withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. Treasury Regulations.

An Entity is a **Related Entity** of 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 percent of the vote or value in an Entity. Notwithstanding the foregoing, Cyprus may treat an Entity as not a Related Entity of another Entity if the two Entities are not members of the same expanded affiliated group as defined in section 1471(e)(2) of the U.S. Internal Revenue Code.

**Controlling persons** means:

- (a) For companies and cooperative societies the ultimate beneficial owner, which is the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership; a percentage of **25%** plus one share is deemed sufficient to meet this criterion, as defined by the Prevention and Suppression of Money Laundering Law (Law 188(I)/2007) and the relevant Directives of the Central Bank of Cyprus. Where no natural person(s) is identified as exercising control of the Entity, the Controlling Person(s) of the Entity will be natural persons(s) who holds the position of senior managing official, except for entities that are (or are majority owned subsidiaries of) an entity that is listed on a stock exchange..
- (b) For Unions, Administrative Committees, Foundations, Clubs, Associations and Fund Raising Committees, means the members of the Board of Directors/Committee and administrators of accounts.
- (c) For trusts accounts the Settlor(s), trustee(s), the protector(s) (if any), the beneficiary(ies) or classes of beneficiaries and any other natural person(s) exercising ultimate effective control over the trust.

**Exempt Beneficial Owners** are those specified in Annex II of the Intergovernmental Agreement between the Republic of Cyprus and the United States. Among others it includes:

1. Government and Governmental Organisations
2. International Organisations
3. Central Banks
4. Retirement Plans etc

**Related Entity** means an entity related to another entity because (i) either entity controls the other entity; (ii) the two entities are under common control; or (iii) the two entities are Investment Entities described limb B of the definition of Investment Entity, are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose control includes direct or indirect ownership of more than 50 % of the vote and value in an Entity.

For any other terms and definitions, please refer to the Intergovernmental Agreement between the Republic of Cyprus and the United States (which can be found at the Bank of Cyprus’ website).

**Direct Reporting NFFE** means an NFFE that elects to report its direct or indirect substantial US owners directly to the IRS, A Direct Reporting NFFE will be required to register with the IRS directly, obtain a global intermediary identification number (GIIN) and agree to comply with certain provisions.

**Sponsored Direct Reporting NFFE** means an NFFE sponsored by another entity, which (on behalf of the NFFE) will report directly to the IRS information about each sponsored direct reporting NFFE’s direct or indirect substantial US owners.

**Part 6: Glossary for Part 3 – Common Reporting Standard**

**General**

**Resident for tax purposes** Each jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine whether an entity is tax resident in the jurisdiction on the OECD automatic exchange of information portal. Generally, an Entity will be resident for tax purposes in a 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. Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for determining their residence for tax purposes. 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 talk to your tax adviser or see the OECD automatic exchange of information portal.

**TIN** means Taxpayer Identification Number. 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 OECD automatic exchange of information portal. 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”).

**Functional Equivalent:** Some jurisdictions do not issue a TIN. However, these jurisdictions often use another high integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number for entities are Social Security Number, personal ID number for physical persons, business/company registration code/numbers for legal persons etc

## **Section 6.1 – Financial Institution**

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

- (a) Custodial Institution as defined in Section 3.1
- (b) Depository Institution as defined in Section 3.1;
- (c) Investment Entity as defined in Section 3.1
- (d) Broad Participation Retirement Fund – as defined in the Decree based on Article 6 of the Assessment and Collection of Tax Information Law
- (e) Narrow Participation Retirement Fund – as defined in the Decree based on Article 6 of the the Assessment and Collection of Tax Information Law

## **Section 6.2 – Non-Financial Entity**

**Non-Financial Entity (NFE)** means any Entity that is not a Financial Institution.

**Passive Non-Financial Entity** means any: (i) Non-Financial Entity that is not an Active Non-Financial Entity; or (ii) an Investment Entity described in limb B (or subparagraph A(6)(b) of the Standard) of the definition of Investment Entity that is not a Participating Jurisdiction Financial Institution.

Related Entity means an entity related to another entity because (i) either entity controls the other entity; (ii) the two entities are under common control; or (iii) the two entities are Investment Entities described limb B of the definition of Investment Entity, are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose control includes direct or indirect ownership of more than 50 % of the vote and value in an Entity.

**Controlling persons** means:

- (a) For companies and cooperative societies the ultimate beneficial owner, which is the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership; a percentage of **25%** plus one share is deemed sufficient to meet this criterion, as defined by the Prevention and Suppression of Money Laundering Law (Law 188(I)/2007) and the relevant Directives of the Central Bank of Cyprus. Where no natural person(s) is identified as exercising control of the Entity, the Controlling Person(s) of the Entity will be natural persons(s) who holds the position of senior managing official, except for entities that are (or are majority owned subsidiaries of) an entity that is listed on a stock exchange.
- (b) For Unions, Administrative Committees, Foundations, Clubs, Associations and Fund-Raising Committees, means the members of the Board of Directors/Committee and administrators of accounts.
- (c) For trusts accounts the Settlor(s), trustee(s), the protector(s) (if any), the beneficiary(ies) or classes of beneficiaries and any other natural person(s) exercising ultimate effective control over the trust.

**Active NFE** means any NFE that meets any of the following criteria:

- 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, 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) 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) 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:
  - 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 thereof.

**Active NFE – Non-Reportable** means

- a) a corporation the stock of which is *regularly traded on one or more established securities markets*
- b) *any corporation that is a Related Entity \*\*\* of such a corporation,*
- c) *a Governmental Entity,*
- d) *an International Organisation,*
- e) *a Central Bank*

\*\*\* **Related Entity** means an entity related to another entity because (i) either entity controls the other entity; (ii) the two entities are under common control; or (iii) the two entities are Investment Entities described limb B of the definition of Investment Entity, are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose, control includes direct or indirect ownership of more than 50 % of the vote and value in an Entity.