

Entity tax residency self-certification form

In accordance with the OECD Common Reporting Standard – CRS (Directive 2011/16/EU and Directive 2014/107/EU) and in accordance with the Law on tax procedure, we financial institutions are required to obtain information for determining one or more tax residences of the business entity and report to the Slovenian tax authorities information relating to clients who are holders of the relevant accounts at the bank and that are/will be defined as a foreign taxpayers.

In accordance with Article 255.b of the Law on Tax Procedure - ZdavP-2 reporting financial institutions in Slovenia are obliged to carry out due diligence to identify non-resident accounts, collect information on the accounts of non-residents, and annually report to the competent authority (ie the Republic of Slovenia Financial Administration) . Reporting financial institutions in the due diligence process for new individual accounts at the opening of the account are required to obtain a self-certification which enable to reporting financial institution to determine where the account holder is resident for tax purposes.

In accordance with the sixth paragraph of Article 255.b ZDavP-2, the person who submits self-certification to the reporting financial institution, has to state true, correct and complete information.

Banka Sparkasse d.d. in accordance with Article 255.c ZDavP-2 each person (account holder) inform about the purpose of the collection and processing of personal data, which is in accordance with Article 255.č ZDavP-2 obliged to report to the competent authority.

Part 1 – Identification of the account holder	
A. Company Name	
B. Country of Registration (establishment) of the entity	
Register Number	
C. Address of the entity (shown in the registration data)	
Street, House Number:	
Town, City, Province, Country:	
Postal Code, ZIP Code:	
State:	
D. Address for delivery (to be filled only if it is different from that under Title C)	
Street, House Number:	
Town, City, Province, Country:	
Postal Code, ZIP Code:	
State:	
E. Contact data	
E-mail:	
Phone Number:	

PART 2 - The type of entity (highlight the status of the account holder in boxes)

I. Entity Type

1. Financial Institution

Select the appropriate type of Financial Institution:

(a) Financial Institution - Investment entity

An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution (Note: if ticking this box please also complete Part II. (A) below)

☐

(b) Financial institution - The depository institution, custodian institution or specified insurance company

☐

(c) Financial institution - Financial Institution, which do not report

☐

If you have ticked any box under a) or b) above, indicate a global intermediary identification number (GIIN) if you possess for FATCA purposes:

2. Non-financial Institution (NFI)

2.1 Active NFI

Select the appropriate type of Active NFI:

a) Joint-stock company whose shares are regularly traded on an established securities market or a corporation which is a related entity of such a corporation

☐

If you have ticked (a), please provide the name of the established securities market on which the corporation is regularly traded:

If you are a Related Entity of a regularly traded corporation, please provide the name of the regularly traded corporation that the Entity in (a) is a Related Entity of:

(b) Active NFI – a Government Entity or Central Bank

☐

(c) Active NFI – an international Organization

☐

(d) Active NFI – other than (a)-(c)

☐

(Eg. Less than 50% of the NFI'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 NFI during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income; non-profit NFE)

(e) Active NFI - newly established entity

☐

2.2 Passive NFI

☐

(If you ticked this box, fill in point II. below)

Passive NFI means NFI, which is not active NFI or Investment Institution, which is not Financial Institution of cooperating jurisdiction and is managed by some other Financial Institution.

II. If you have ticked 2.2 or I. (a), please complete A and B

A. Provide the name of any person controlling the actual account holder:

B. Fill out the form "self-certification of residence for tax purposes for the controlling person"

C. If there is no controlling persons of the account holder; please indicate this in the box to the right.

☐

PART 3 – Country/Jurisdiction of Residence for Tax Purposes and related Taxpayer Identification Number or functional equivalent* ("TIN")

Please complete the following table indicating:

- (i) jurisdiction where the Account Holder is tax resident (see footnote 1) and
- (ii) the Account Holder's TIN for each country (Hereinafter: the tax code/No.)

If the Account Holder is not tax resident in any country/jurisdiction (e.g., because it is fiscally transparent), please indicate that on line 1 in table below and provide its country/jurisdiction of effective management or country/jurisdiction in which its principal office is located.

If you are resident for tax purposes in the Republic of Slovenia, as the country of residence specify the Republic of Slovenia, as a tax identification number specify the Slovenian tax number.

If you are resident for tax purposes outside the Republic of Slovenia, indicate the country of residence for tax purposes and tax identification number, which you issued by the country of residence for tax

purposes. If you are exceptionally resident for tax purposes in two or more member states/jurisdictions indicate the tax code and country of residence for all countries whose resident for tax purposes you are (see footnote 2).

If a TIN is unavailable please provide the appropriate reason arising from the A or B:

A – The country/jurisdiction where the Account Holder is resident does not issue TINs to its residents;

B – The Account Holder 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)

Country/Jurisdiction of tax residence	TIN (Tax Identification Number)	If no TIN available enter Reason A or B
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	

PART 4 – Declaration and Signature

Under signed:

1) I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder's relationship with Banka Sparkasse d.d. setting out how Banka Sparkasse d.d. may use and share the information supplied by me;

2) I acknowledge that the information contained in this form and information regarding the account holder and any Reportable Account(s) may be transmitted to the tax authority of the state where the open / managed account(s), and are exchanged with the competent authorities(i) other(s) of the country (countries), where I am a resident for tax purposes in accordance with the international agreement on the exchange of information about financial accounts;

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

4) I undertake to advise Banka Sparkasse d.d. immediately of any change in circumstances or data affecting the change in the status of tax residence (eg. change the country in section 1 / point C, change the country of residence and tax identification number under Section 2), and I will deliver new self-certification and declaration in accordance with changes of circumstances

Signature: _____

Name and Last name – in capital letters: _____

Date: _____

Note: Please indicate the capacity in which you are signing the form (for example 'Authorised Officer'). If signing under a power of attorney please also attach a certified copy of the power of attorney.

Footnote 1:

Enter the tax number of the Member State / jurisdiction in which you are resident for tax purposes. This is in the country where you are because of your seat, place of management or any other similar criterion liable to tax on all your income, which is reached anywhere in the world. You are not Resident for tax purposes in the country where you pay taxes only in respect of income from sources in that State or capital situated therein. Information about the status of residence for tax purposes can also be obtained at the competent tax authority (Financial Administration of the Republic of Slovenia or Foreign tax authority).

When you meet mentioned conditions in several countries at the same time, you can also be considered as a resident of two or more countries.

Footnote 2:

If you are resident for tax purposes outside the Republic of Slovenia, indicate the country of residence for tax purposes and tax identification number, which you were issued by the country of residence for tax purposes. If you are resident for tax purposes in two or more member states/jurisdictions, indicate the TIN and country of residence for all countries, where you are the resident for tax purposes.

When the Entity due to the headquarter or seat of the management is resident of two states members, shall be deemed to be a resident only of the State in which the place of effective management. In determining the residence for tax purposes of entities depending on the place of effective management shall be considered the place where such person actually operate. This is the place where you make key administrative and commercial decisions that are necessary for the running of the business. Place of effective management is also usually the place where a person or group of persons in managerial functions (eg. Board) takes decisions, or the place where you define actions to be undertaken by a person as a whole.

The so-called dual residents, in case of doubt, can rely on the so-called breaking the rules of the conventions for the avoidance of double taxation, in order to resolve the double residence and found their residence for tax purposes. In case of doubt, a resident whose country you are considered, provide two or more residences for tax purposes, which means that the data will be sent to all the aforementioned countries. Having resolved dilemmas regarding potential dual residence, which can be subsequently done at the competent tax authority, provide new self-certification due to changed circumstances.

More information about using the rules from the landmark conventions in determining the residency status for tax purposes can be found on the website of the Financial Administration of the Republic of Slovenia at the following link (question 19):

http://www.fu.gov.si/en/taxes_and_other_duties/areas_of_work/international_taxation/?tx_news_pi1%5Bnews%5D=5012&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=0cc032574c061b00ec96a5c297860a8e#c1172

Appendix – Summary Descriptions of Select Defined Terms

Note: These are selected summaries of defined terms 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 in Council Directive 2014/107/EU from 9th December 2014 amending Directive 2011/16/EU about the mandatory automatic exchange of information in the field of taxation and on the website of the Financial Administration of the Republic of Slovenia in the Links section.

http://www.fu.gov.si/nadzor/podrocja/mednarodna_izmenjava/oecd_standard_avtomatice_izmenjave_informacij_o_financnih_racunih_in_direktiva_sveta_2014107eu/

"Entity"

The term "Entity" means a legal person or a legal arrangement, such as a corporation, organization, partnership, trust or foundation. This term covers any person other than an individual (i.e. a natural person).

"Related Entity"

An Entity is a "Related Entity" of another Entity if either Entity controls the other Entity, or the two Entities are under common control, or are both investment Entities, which are located in non-cooperative jurisdictions and managed by other financial institutions and are under common control, which meets the requirements of the duty of care applicable to such investment entities. For this purpose control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

"Participating Jurisdiction"

The term "Participating jurisdiction" in relation to a particular Member State means:

(A) any other Member State;

(B) any other jurisdiction,

(i) with which the Member State concluded an agreement according to which jurisdiction will provide information and

(ii) define the list by that Member State shall publish and communicate to the European Commission;

(C) any other jurisdiction,

(i) with which the Union has an agreement under which jurisdiction will provide information and

(ii) define the list published by the European Commission.

List of participating jurisdictions is published on the website of the Financial Administration of the Republic of Slovenia.

"Financial Institution"

The term "Financial Institution" means a "Custodial Institution", a "Depository Institution", an "Investment Entity", or a "Specified Insurance Company".

"Custodial Institution"

The term "Custodial Institution" means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. This is where the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (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.

"Depository Institution"

The term "Depository Institution" means any Entity that accepts deposits in the ordinary course of a banking or similar business.

"Specified Insurance Company"

The term "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.

"Investment Entity"

The term "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”

The term “Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution” means 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 a Participating Jurisdiction Financial Institution.

“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”

An “NFE” is any Entity that is not a Financial Institution.

“Active NFE”

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

- active NFEs by reason of income and assets;
- publicly traded NFEs;
- Governmental Entities, International Organizations, Central Banks, or their wholly owned Entities;
- holding NFEs that are members of a nonfinancial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centers that are members of a nonfinancial group; or
- non-profit NFEs.

An entity will be classified as Active NFE if it 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 Organization, 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, (a “start-up NFE”) 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 organization 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 reorganizing 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 (a “non-profit NFE”) :
 - 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 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;

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 organization, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.

»**Passive NFE**« means: (i) NFE, that is not an Active NFE, or (ii) an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

"Reporting financial institution" means any financial institution of a Member State that is not non-reportable financial institution. The term financial institution of Member State shall mean (i) any financial institution that is resident in a Member State, but does not include subsidiaries of such financial institutions that are outside that Member State, and (ii) any branch of financial institution that is not a resident in a Member State if the branch is in that Member State.

"Financial institution of participating jurisdiction" means (i) any financial institution that is resident in the participating jurisdictions, but does not include subsidiaries such financial jurisdiction that is outside of the participating jurisdiction, and (ii) any branch of financial institution that is not a resident in the participating jurisdiction if the branch is in this participating jurisdiction.

"Controlling Person(s)"

"Controlling Persons" are the natural person(s) who exercise 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 Persons.

In the case of a trust, the Controlling Person(s) are the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, or any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership. In the case of a legal arrangement other than a trust, "Controlling Person(s)" means persons in equivalent or similar positions.

"Control"

"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(s) is/are identified as exercising control of the Entity through ownership interests, then the Reportable Person is deemed to be the natural person who hold the position of senior managing official.

Signature of the bank employee: _____ Date: _____