

## **Declaration of a Corporation/Entity on Tax Residency and Classification for FATCA and CRS Purposes**

- This form is intended for "entities" only (A group of persons including a corporation or a legal arrangement). If you are an individual, fill out a Declaration of Tax Residency for Individuals form.
- If the entity is a resident for tax purposes of the United States or has been incorporated in the United States - also provide a W-9 form.
- In case of an entity which is a local branch of a foreign entity, fill out this form with particulars relating to the said branch.
- An entity that wishes to operate in securities or financial instruments - additional forms must be filled as required by the financial institution.
- This form is intended to determine whether an Account Holder or Controlling Person in an Account Holder which is a Passive Entity, as the case may be, is a U.S. Person and/or is a Resident of a Foreign Country<sup>1</sup>. In the event such Account Holder or Controlling Person is a U.S. Person and/or a Resident of a Foreign Country, such Foreign Country is a Reportable Jurisdiction and the Account was classified as a Reportable Account according to Applicable Law, information relating to such Account Holder or Controlling Person shall be delivered to the U.S.A. and/or to such Foreign Country.
- Please note - the financial institution can not advise on tax matters in Israel and / or elsewhere and it can not opine with respect to the meaning of answers to be given to any question or declaration in this form. If you have any questions about filing out this form, including with respect to the determination of your tax residency status or any matter which may have an effect on the information included herein, please consult your tax advisor or local tax authority.

<b>Identification No. of Entity</b>				<b>Country of Incorporation</b>	
<b>Name of Entity</b>					
<b>Address of Entity</b>	Country	State/District	City	Street and number	Zip Code

**I.**

### **Tax Residency of the Entity**

Choose the appropriate alternative and fill out the required details.

- ☐ **Tax resident in Israel only** – identification number for tax purposes: \_\_\_\_\_. The Entity declares and confirms that the Entity is a resident for tax purposes only in the State of Israel, which is the only country of its residence and is not deemed a resident for tax purposes of any other country.
- ☐ **Tax resident in Israel and in other country/ies** (including United States)- The Entity declares and certifies that the Entity is a resident for tax purposes in the State of Israel and the following countries, and is not deemed as a tax resident of another country:

Resident for tax purposes in the State of Israel and the following countries, and is not deemed as a tax resident of another country												
Country	Local Tax Identification Number (TIN) <sup>2</sup>										If there is no TIN - check one of the following:	
											The country does not issue TIN	Other
a. Israel												
b.											<input type="checkbox"/>	<input type="checkbox"/> Please specify: _____
c.											<input type="checkbox"/>	<input type="checkbox"/> Please specify: _____

- ☐ **Tax resident in other country/ies** (including United States)- The Entity declares and certifies that the Entity is a resident for tax purposes in the following countries, and that is not considered a resident for tax purposes in any other country besides them:

Country	Local Tax Identification Number (TIN)	If there is no TIN - check one of the following	
		The country does not issue TIN	Other
a.		<input type="checkbox"/>	<input type="checkbox"/> Please specify: _____
b.		<input type="checkbox"/>	<input type="checkbox"/> Please specify: _____

- ☐ The Entity has **no residency** for tax purposes. State the **place of the principal office** of the Entity: \_\_\_\_\_

<sup>1</sup> Resident of a Foreign Country - a resident of a foreign country in accordance to the tax laws of such country, or an estate of a deceased which was a resident of a foreign country in such country, including an entity which is not deemed as a resident according to the tax laws of such country, if its effective management is located in such foreign country, excluding the following:

1. A corporation stock of which is regularly traded on an established securities market;
2. A Related Entity of a corporation listed under sub-section (1); for this purpose, "Related Entity" – as defined under Section VIII, subparagraph E.4 of the Model;
3. Government Entity, as defined under Section VIII subparagraph B.2 of the Model;
4. International Organization as defined under Section VIII subparagraph B.3 of the Model;
5. Central Bank as defined under Section VIII subparagraph B.4 of the Model;
6. Depository Institution, Custodial Institution, or Specified Insurance Company;
7. Financial Institution Investment Entity as defined under Section VIII Paragraph A, subparagraph 6 of the Model, provided that in case it is an Entity listed under subparagraph 6.B thereof, it is a Resident of a Foreign Country in a Participating Country.

<sup>2</sup> TIN (Tax Identification Number) is the taxpayer's identification number for tax purposes, i.e., the taxpayer's identifying number at the relevant tax authority (e.g. in Israel, the identification number of an entity may be the company registration number). There are countries which do not issue a TIN, but they may issue another identification number which serves as a TIN, such as: Business / company registration code / number.

## II.

### Classification of the Entity - in selecting the classification I confirm that the Entity meets the specifications of the said classification

Choose the appropriate alternative and fill out the required details.

<input type="checkbox"/>	<b>Active Non-Financial Entity</b>	<b>An entity that is not a Financial Institution that has an active business. The Entity is active and meets one of the following criteria:</b>
--------------------------	------------------------------------	---

Select the appropriate alternative (including in Annex A attached hereto) and fill out the required details under the selected alternative.

- (7) ☐ **1.** Less than 50% of the Entity'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 Entity during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.
- (8) ☐ **2.** The stock of the Entity is regularly traded on an established securities market; provide the name of the stock exchange market where the Entity's stock is traded \_\_\_\_\_.  
Or the Entity is a related entity of an entity the stock of which is traded on an established securities market. provide the name of the entity whose stock is traded \_\_\_\_\_; provide the name of the established securities market where the entity's stock is traded \_\_\_\_\_.
- (9) ☐ **3.** The Entity 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 Entity shall not qualify for this exception after the date that is 24 months after the date of the initial organization of the Entity.
- ☐ Other. The Entity meets the terms of Section \_\_\_\_\_ of Annex A (specify here the number of the appropriate Section in Annex A).

<input type="checkbox"/>	<b>Passive Entity with controlling person/s who is/are resident/s for tax purposes in Israel only</b>	<b>The Entity is not a Financial Institution and is not an Active Entity. The Entity has no controlling person/s<sup>3</sup> (an individual other than an entity) who is/are resident/s for tax purposes of a country other than Israel<sup>4</sup>.</b>
--------------------------	---	--

(16)

The Entity declares that it has attached a declaration of tax residency for individual filled by each one of the controlling persons.

<input type="checkbox"/>	<b>Passive entity with foreign controlling person/s (who is/are not an Israeli/s)</b>	<b>The Entity is not a Financial Institution and is not an Active Entity. The Entity has controlling person/s (an individual other than an entity) who is/are resident/s for tax purposes of a country other than Israel.</b>
--------------------------	---	---

(17)

The Entity declares that it has attached a declaration of tax residency for individual filled by **each one** of the controlling persons.  
The Entity declares that it has provided in the table below the details of all the controlling persons **who are not residents of Israel** and has provided details about their tax residency

<b>Individual Name</b>	English			<b>Date of Birth</b>			/			/			
<b>Residential Address</b>	English	Country	State/District	City	Street and number				Zip Code				
<b>Country</b>		<b>Local Tax Identification Number (TIN)</b>		<b>If there is no TIN - check one of the following:</b>									
				The country does not issue a TIN				other					
a.				<input type="checkbox"/>				<input type="checkbox"/> Please specify: _____					
b.				<input type="checkbox"/>				<input type="checkbox"/> Please specify: _____					

<b>Individual Name</b>	English			<b>Date of Birth</b>			/			/			
<b>Residential Address</b>	English	Country	State/District	City	Street and number				Zip Code				
<b>Country</b>		<b>Local Tax Identification Number (TIN)</b>		<b>If there is no TIN - check one of the following:</b>									
				The country does not issue a TIN				other					
c.				<input type="checkbox"/>				<input type="checkbox"/> Please specify: _____					
d.				<input type="checkbox"/>				<input type="checkbox"/> Please specify: _____					

If there are more than 2 controlling persons, additional forms must be attached.

<input type="checkbox"/>	<b>Financial Institution</b>	<b>The Entity is a Financial Institution (FFI). If you choose this alternative, fill out Annex B.</b>
--------------------------	------------------------------	---

<sup>3</sup> "Controlling Person", as defined in Section 135B of the Income Tax Ordinance [New Version].

<sup>4</sup> A U.S. citizen and a Green Card holder are deemed a US resident for tax purposes even if such person is also a tax resident of another country.

## Declaration of the Entity and Signature

- a. All the information provided in this form, including the Annexes attached hereto, is correct and complete. In any event of a change in the information provided in this form, the Entity undertakes to submit to the Bank a new form within 30 days from the date of the change.
- b. The Entity is aware that this form and the information provided herein may be reported to the tax authorities in Israel and/or abroad.
- c. The person signing on behalf of the Entity, whose name is stated below, confirms that he is authorized to sign this form on behalf of the Entity.
- d. The Entity and the person who is authorized to sign this form on its behalf are aware that the giving a false declaration is an offence which is subject to the penalties prescribed by law.
- e. The Entity has performed and shall perform, as required and in accordance with any law, including any foreign law applicable and relevant to the Entity, all the reporting duties governing the Entity with regard to the account and/or the monies deposited into it, including for the payment of a loan/s and any other account related to the Entity at the Bank<sup>5</sup>. The Entity has performed and will perform all the reporting obligations relating to the account, including income, the account's details, funds that shall be transferred from the account and funds that shall be deposited into the account and/or for the payment of the loan/s. The Entity has paid and shall pay all the taxes applicable to the Entity in the relevant countries in connection with the account, or that the Entity has filed or acting to file an application for voluntary disclosure in connection with the account and the above mentioned monies in the relevant countries<sup>6</sup>.
- f. In the event that the Entity declares that it is a tax resident in a foreign country including the United States or incorporated in a foreign country or the United States, the Entity hereby agrees and confirms that if the Bank is required to provide information about the Entity or the account and/or the loan (the "Information") by a competent authority in Israel or abroad, or by someone on their behalf, the Bank will be entitled to transfer the Information, including by means of transfer outside the borders of Israel, and the Entity hereby releases the Bank in advance from any duty if confidentiality and/or liability imposed on it by virtue of any law in connection with the Entity, the account and/or the loan or any other Related account, and the Entity shall have no plea and/or demand and/or claim against the Bank or anyone acting on its behalf in connection with the delivery and transfer of the Information as aforesaid.
- g. The declarations in this form and the consent to the furnishing of information shall apply to any account and/or loan and/or Related account at the Bank, whether existing or opened in the future.

.....  
Name of authorized person to sign on behalf of the entity

.....  
signature

.....  
date

<sup>5</sup> Related account - including an account in which I am an owner, co-owner, a beneficiary, a trustee, a trustee, a controlling shareholder, whether an account exists or will be opened in the future

<sup>6</sup> If a request for voluntary disclosure is submitted, a copy of the application submitted must be attached

## **Annex A - Additional alternatives for the definition of an Active Entity**

Active Entity - below are additional alternatives to the definition in Part II of the form. Check the appropriate alternative **and state its number** under the "Other" section in Part II of the form.

- (10) ☐ 4. The Entity is a governmental entity, an international organization, a central bank, or an entity wholly owned by one or more of the foregoing.
- (11) ☐ 5. Substantially all of the activities of the Entity 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 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;
- (12) ☐ 6. The Entity 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**.
- (13) ☐ 7. The Entity 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;
- (14) ☐ 8. The Entity is an Association (as defined in the Israeli Associations Law of 1980) or a Public Utilities Company (as defined in the Israeli Companies Law of 1999) that is also a Public Institution as defined in section 9 (2) (b) of the Income Tax Ordinance, 1961.
- (15) ☐ 9. The Entity meets all of the following requirements:
- i) It is established and operates in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic or educational purposes; or it is established and operates in its jurisdiction of residence and it is a professional organization, business league, chamber of commerce, labour 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 Entity's jurisdiction of residence or the Entity's formation documents do not permit any income or assets of the Entity 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 Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and
  - v) The applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents require that, upon the Entity'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 Entity's jurisdiction of residence or any political subdivision thereof.

If the entity does not meet any of the alternatives specified above, fill out whether the Entity meets either of the following alternatives **10** or **11**:

If you checked alternative **10** or **11**:

- For FATCA purposes only, the Entity will be deemed as an Active Entity.
  - Also fill out the appropriate classification for the purpose of CRS in Part II of the form (Passive Entity with controlling persons who are residents for tax purposes in Israel only / Passive entity with foreign controlling persons including details of the controlling persons ):
- ☐ 10. The Entity is organized in a **U.S. Territory** and all of the owners of the payee are bona fide residents of that **U.S. Territory**.
- ☐ 11. The Entity is an "excepted NFFE" as described in the relevant U.S. Treasury Regulations.

## **Annex B - Financial Institution for CRS and FATCA Purposes**

Fill out the following two sections (Financial Institution for CRS purposes and Financial Institution for FATCA purposes):

### **A. Financial institution for CRS Purposes**

The information in this section is for CRS purposes, note that the classification of the Entity may differ from the classification of the Entity under FATCA in section B below.

Check one of the two alternatives below:

- (18) ☐ Investment Entity – If you are an Investment Entity which is resident in a jurisdiction which is not a CRS Participating Jurisdiction and managed by another Investment Entity, **fill out also the appropriate classification for CRS purposes in Part II of the form** (Passive Entity with controlling person/s who is/are resident/s for tax purposes in Israel only / Passive entity with foreign controlling person/s (who is/are not an Israeli/s) including details of controlling persons).
- (19) ☐ Financial Institution - Depository Institution, Custodial Institution, Investment Entity (other than the one mentioned in the note above), or Specified Insurance Company.

### **B. Financial institution for FATCA**

Fill out W-8BEN-E form.

Note that the classification of the Entity under FATCA may differ from the Entity's classification under CRS in section A above.