

## Self-Certification Controlling Person - AEOI / FATCA

Policy / Application Number(s) \_\_\_\_\_

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*In the following text "Quantum" refers to Quantum Leben AG. Key terms are explained in the glossary. Neither this document nor the associated declarations constitute tax advice.*

Due to the statutory obligations under the OECD Common Reporting Standard (CRS, AEOI Act) and the Foreign Account Tax Compliance Act (FATCA) on Automatic Information Exchange, as well as the applicable international treaties (IGA) and national implementation acts as amended, Quantum is obliged to obtain information of its customers' tax residency, and to keep this information up to date. This self-certification is an integral part of all contractual relations that the customer (Policyholder or "Account Holder"<sup>1</sup>) has entered into with Quantum.

**Please note that failure to fill in this self-certification may lead to multiple and inaccurate reporting. If you do not provide this / these AEOI / FATCA form(s), Quantum must report you to the respective Reportable Jurisdictions based on the information that is available to Quantum.**

**If you have any questions about this form, these instructions, or defining your tax residency status, please speak to your tax adviser or local tax authority. As a financial institution, we are not allowed to give advice on filling in this form.**

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### 1. Identification of a Controlling Person

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Address \_\_\_\_\_

ZIP code / City \_\_\_\_\_

Country \_\_\_\_\_

Date of Birth \_\_\_\_\_

City of Birth \_\_\_\_\_

Country of Birth \_\_\_\_\_

**Mailing address** *(please only complete if different to the address above)*

Address \_\_\_\_\_

ZIP code / City \_\_\_\_\_

Country \_\_\_\_\_

**Please enter the legal name of the relevant entity Account Holders of which you are a Controlling Person**

Legal name of Entity 1 \_\_\_\_\_

Legal name of Entity 2 \_\_\_\_\_

Legal name of Entity 3 \_\_\_\_\_

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<sup>1</sup> In the FATCA and AEOI context, policyholders are referred to as "Account Holder"; see glossary at the end of this form.  
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## 2. Type of Controlling Person

Please select the applicable option:

Please provide the Controlling Person's status by ticking the appropriate box.		Entity 1	Entity 2	Entity 3
a.	Controlling Person of a legal person - control by ownership more than 25% <sup>2</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Controlling Person of a legal person - control by other means	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Controlling Person of a legal person - senior managing official	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Controlling Person of a trust - settlor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Controlling Person of a trust - trustee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Controlling Person of a trust - protector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Controlling Person of a trust - beneficiary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Controlling Person of a trust - other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Controlling Person of a legal arrangement (non-trust) - settlor-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Controlling Person of a legal arrangement (non-trust) - trustee-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Controlling Person of a legal arrangement (non-trust) - protector- equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Controlling Person of a legal arrangement (non-trust) - beneficiary-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m.	Controlling Person of a legal arrangement (non-trust) - other-equivalent Please specify: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 3. Countries in which the Controlling Person is a Tax Resident

The Controlling Person herewith confirms that he is a tax resident within the meaning of full tax liability pursuant to the locally applicable laws and regulations solely in the following countries.

Country of tax residence	Tax identification number (TIN) <sup>3</sup>	Reason, if a TIN is not available (A, B or C, see below for description)		
		<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C
		<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C
		<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C
		<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C

**Reason A:** the country does not issue a TIN

**Reason B:** no TIN required (this is only possible if the country does not disclose a Taxpayer ID)

**Reason C:** other reasons (please specify): \_\_\_\_\_

<sup>2</sup> CRS definition controlling person: holds or controls 25% or more of the legal entity's shares or voting rights, or holds 25% or more of the legal entity's profits

<sup>3</sup> The Taxpayer ID is the identification number issued by the respective country for tax purposes and for international data exchange. The Taxpayer ID need only be provided if the respective country has already defined such a number for its citizens (e.g. social security number in the USA and Austria; Controlling Persons who are (tax) resident in the EU are referred to the EU website: [https://ec.europa.eu/taxation\\_customs/tin/tinByCountry.html?locale=de](https://ec.europa.eu/taxation_customs/tin/tinByCountry.html?locale=de)).

## 4. Declaration of U.S. Tax Status of the Controlling Person

Please indicate the status of the Controlling Person truthfully. Check the appropriate box(es).

- 1) Are you a U.S. citizen?  Yes  No
- 2) Were you born in the USA (or a U.S. Territory)?  Yes  No
- 3) Are you a resident in the USA within the meaning of U.S. tax law because;
- 3.1) you have a U.S. Green Card (regardless of its expiry date)?  Yes  No
- 3.2) you passed the Substantial Presence Test<sup>4</sup>?  Yes  No
- 3.2.1) If you passed the Substantial Presence Test but have left the U.S during the current calendar year:  
Are you still temporarily or permanently residing in the USA?  Yes  No
- 3.3) of any other reason? (Please state reason)\_\_\_\_\_  Yes  No
- 4) Do you have a current mailing / in-care-of address in the USA?  Yes  No
- 5) Do you have one or more U.S. telephone numbers?  Yes  No
- 6) Do you have a standing instruction to transfer funds to an account maintained in the USA?  Yes  No
- 7) Do you have a power of attorney or signatory authority granted to a person with U.S. mailing or in-care-of address?  Yes  No

I hereby certify that:

- I am NOT a U.S. Person in terms of U.S. tax law
- I AM a U.S. Person in terms of U.S. tax law for U.S. tax purposes and this account is therefore a U.S. Reportable Account.

The Controlling Person undertakes to additionally submit the completed and signed IRS form W-9 to Quantum.  
W-9-Form can be downloaded from [www.irs.gov/pub/irs-pdf/fw9.pdf](http://www.irs.gov/pub/irs-pdf/fw9.pdf)

## 5. Change in Circumstances - Duty to report

The Controlling Person herewith confirms that throughout the term of the contractual relationship with Quantum he shall inform Quantum within 30 days and without further demand of any change in his status in terms of U.S. tax law, or if his country of tax residence changes. If any confirmation on this form should no longer be correct, he undertakes to submit a new form and / or other necessary forms and documents within 90 days of such a change in circumstances. He further confirms that he is aware that the above relationship with Quantum may be terminated if he fails, in the case of a change in circumstances, to fulfill his obligation to submit the necessary documents in order to determine whether the policy (the account in terms of U.S. tax law) is a U.S.-Account or not, and / or in which state he is a tax resident. If and as long as Quantum is aware of a change in circumstances that is reportable within the scope of the FATCA or AEOI regulations, and if the Controlling Person fails to submit such new information, documentation and / or the self-certification to Quantum within due time of Quantum becoming aware of the change in circumstances, the Controlling Person herewith irrevocably agrees that Quantum shall maintain the policy (the account) as a reportable account (e.g. as U.S. Reportable Account) with all the associated reporting obligations.

<sup>4</sup> The Substantial Presence Test is passed if you have stayed in the USA. for at least 31 days in the current year and 183 days in the last 3 years. For more information visit <https://www.irs.gov/taxtopics/tc851>

## 6. Declaration and Signature

I understand that the information supplied in this form is covered by the full provisions of the terms and conditions governing the Account Holder's relationship with the Financial Institution setting out how the Financial Institution may use and share the information supplied by me.

I acknowledge that the Financial Institution may disclose and transfer to its parent companies, and its and their respective branches, subsidiaries, affiliates, representative offices, or third party service providers located anywhere in the world (in or outside the country or jurisdiction in which I reside, in which the Account Holder's relationship with the Financial Institution is maintained, in which the account or transaction is booked, in which information is collected and / or retained or in which the transaction is conducted) the information contained in this form and other information regarding the Controlling Person and any Reportable Account(s) when considered necessary by the Financial Institution for its business purposes or in connection with, to comply with, or to facilitate compliance with, any law, regulation, court order or requirement (including under any code, guideline, standard, policy, circular or notice) of a governmental, regulatory, supervisory, law enforcement, prosecuting, tax or similar authority or industry body in any jurisdiction existing currently or in the future, or for the purposes of ongoing cooperation with such governmental, regulatory and / or statutory authority, or to comply with any agreement or arrangement with such authority or between such authorities in any jurisdiction existing currently or in the future. I consent to and instruct and authorize the Financial Institution to make such disclosures and transfers and expressly waive any protection or right under data protection, confidentiality, or any other applicable law, to the extent necessary for such disclosures and transfers.

I acknowledge that the information contained in this form and information regarding the Controlling Person and any Reportable Account(s) may be reported to the tax authorities of the country / jurisdiction in which this account(s) is / are maintained and exchanged with tax authorities of another country / jurisdiction or countries / jurisdictions in which [I / the Controlling Person] may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I certify that I am the Controlling Person, or I am authorised to sign for the Controlling Person, of all the account(s) held by the entity Account Holder to which this form relates.

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

*If signing under a power of attorney please also attach a certified copy of the power of attorney.*

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Capacity: \_\_\_\_\_

If you are not the Controlling Person please indicate the capacity in which you are signing the form.

### Please check if you have attached:

- a valid certified passport copy (to certify passport, ask a professional person like your financial intermediary, bank official, councilor related to you).
- W-9, if you are a U.S. person.

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### Approval by Quantum Leben AG

Signature(s) verified

FATCA/AEOL-relevant data checked for consistency and completeness.

Date, Name, signature of employee: \_\_\_\_\_

Date, Name, signature of Compliance: \_\_\_\_\_

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## Glossary

These explanations merely serve as information and do not constitute any business, legal or tax advice. This information cannot replace individual advice from experts in the concrete case. Nobody may act on the basis of this information without suitable expert advice and a thorough analysis of the concrete situation. We do not accept any liability for decisions made by the user on the basis of this information.

### Any other reason (for residence in the USA. in terms of U.S. tax law) (only FATCA)

*Other reasons* for treatment as a U.S. resident in terms of U.S. tax law may be, for instance, dual residency, a spouse not resident in the USA. who files a joint U.S. tax declaration with a U.S. spouse, or renunciation of U.S. citizenship, or long-term permanent residence in the USA. Please note that ownership of U.S. property or participating interests in or accounts receivable from U.S. enterprises (for instance a U.S. business partnership) as such do not establish U.S. residency.

### Account Holder (FATCA and AEOI)

The term *Account Holder* refers to the person maintained or identified by the Financial Institution at which the account is maintained as the holder of a financial account (in the case of life insurance: as the policyholder or the economic beneficiary of a policy). A person who is not a Financial Institution and maintains a financial account as representative, depository, appointee, signatory, investment advisor or intermediary on behalf or for the account of another person is not considered being the Account Holder within the meaning of AEOI; in this case the other person is the Account Holder. In the context of the bank accounts of trusts, the trust itself and not the trustee is the Account Holder for AEOI purposes.

### Reportable Account

The term *Reportable Account* refers to a financial account, the Account Holders of which are one or more Reportable Persons or a Passive NFE (or a professionally managed Investment Entity that is resident in a non-participating state) controlled by one or more Reportable Persons, if these have been identified as such in application of the AEOI duty of care.

### Person subject to reporting

The term *Reportable Person* refers to a person who is a tax resident in a Reportable State in application of the local regulations, but not (i) a joint-stock corporation, the shares of which are traded regularly on recognized stock exchanges, (ii) a joint-stock corporation that is an affiliated legal entity of a joint-stock corporation as in (i) above, (iii) a state-owned legal entity, (iv) an International Organization, (v) a Central Bank, or (vi) a Financial Institution.

### Reportable State (only AEOI)

The term *Reportable State* refers to a state that has (i) signed an AEOI treaty with the Principality of Liechtenstein that obliges Liechtenstein to disclose information about persons who are tax resident in this state (Reportable Accounts), and (ii) that are included in the following list: <https://www.llv.li/files/stv/int-uebersicht-dba-tiea.pdf>

### State of Tax Residency (only AEOI)

Essentially, a natural person is considered to be tax resident in a state if it pays taxes or is obliged to pay taxes in accordance with the applicable regulations of this state (including international taxation treaties) because of his domicile, residence, or another similar criterion (i.e. full tax liability), and not only because of earnings from sources within this state. Persons who are resident in more than one state can - where applicable - determine their tax residence in accordance with the tie-breaker rules of the applicable double-taxation treaty. ("Main tax residence"?).

### Substantial Presence Test (only FATCA)

To pass the *Substantial Presence Test*, a natural person must have been physically present in the USA. for at least the following periods:

- 31 during the current year, and
- 183 during the three-year period comprising the current year and the two immediately preceding years. In order to meet the 183-day criterion:
  - all the days of your stay in the current year; and
  - one third of the days of your stay in the first year before the current year; and
  - one sixth of the days of your stay in the second year before the current year must be added up.

### TIN (FATCA and AEOI)

The term *TIN* refers to a Taxpayer Identification Number or functionally equivalent number, if a TIN is not available. For tax purposes. For more information about admissible TINs, visit the AEOI portal of the OECD <http://www.oecd.org/tax/automatic-exchange/>.

### U.S. Green Card (only FATCA)

A *U.S. Green Card* is the card for registration of U.S. foreigners as legal residents with permanent residence permit and is issued by the U.S. Citizenship and Immigration Service (USCIS). A natural person who is admitted as a legal resident with permanent residence permit in the USA. at any time during the calendar year is a U.S.-resident foreigner in this calendar year. A natural person is no longer a legal resident with permanent residence permit if the status has been revoked or identified as renounced.

### U.S. Territory (only FATCA)

The term *U.S. Territory* also includes the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico and the American Virgin Islands.