FATCA Self-Certification Form

(For ENTITIES)

Full legal name of the Entity:

Registered address:

Address of corporate head office (*if different from the above*):

WHY HAVE I / WE RECEIVED THIS FORM?

You have received this form because you are an Entity holding an account with Emirates NBD Capital KSA ("**ENBDC**") in the Kingdom of Saudi Arabia ("**KSA**").

The concept of an 'Entity' covers all legal persons (such as a company, a financial institution or a governmental body) and all legal arrangements (such as a joint enterprise, a trust or a *waqf*). However, it excludes individuals (also known as natural persons).

WHAT MUST I / WE DO WITH THIS FORM?

Please review and respond to **Questions 1 through 11** in the questionnaire below on **pages 2 and 3** of this form. All Entities holding an account with the ENBDC must provide a response to **Questions 1 through 11** in the questionnaire.

Please certify yourself as belonging to one of the classifications of account-holder by ticking **"YES"** in response to **only one** of **Questions 1 through 11** in the questionnaire. In response to every other question in **Questions 1 through 11** in the questionnaire, please tick "**NO**".

In addition, if you tick **"YES"** in response to **Question 11** in the questionnaire, also please review and respond to **Questions 12 and 13** in the questionnaire. Only Entities who tick **"YES"** in response to **Question 11** are required to respond to **Questions 12 and 13**.

Further details about the classifications of account-holder under FATCA are set out in **Appendix 1** to this form. If you do not know, or are unsure of, the classification to which you as an Entity belong, please obtain the advice of a licensed tax advisor in the KSA.

ADDITIONAL INSTRUCTIONS

If you tick "**YES**" in response to **Question 1** or **Question 12** in the questionnaire, please also provide your US Tax Identification Number ("**US TIN**"), as provided to you by the US Internal Revenue Service ("**US IRS**").

If you tick "**YES**" in response to **Question 3, Question 4** or **Question 5** in the questionnaire, please also provide your Global Intermediary Identification Number ("**GIIN**"), as per the list published by the US IRS.

QUESTIONNAIRE

****** PLEASE NOTE THAT THE ENBDC IS NOT PROVIDING TAX ADVICE IN CONNECTION WITH THIS FORM. THE INFORMATION THAT YOU AS AN ACCOUNT-HOLDER PROVIDE TO THE ENBDC IN THIS FORM IS REQUIRED FOR COMPLIANCE WITH GOVERNMENTAL REQUIREMENTS IN THE KINGDOM OF SAUDI ARABIA. ******

		YES	NO
US Entities & US Financial Institutions	1. Are you a **Specified US Person**? **US TIN -**	☐	☐
	2. Are you a **US Person who is <u>not</u> a Specified US Person**?	☐	☐
Non-US Financial Institutions	3. Are you a **KSA Financial Institution** or a **Financial Institution organized in a country with an intergovernmental agreement with the US regarding FATCA**? **GIIN -** X X X X X X . X X X X X . X X . X X X	☐	☐
	4. Are you a **Participating Non-US Financial Institution**? **GIIN -** X X X X X X . X X X X X . X X . X X X	☐	☐
	5. Are you a **Registered Deemed-Compliant Non-US Financial Institution**? **GIIN -** X X X X X X . X X X X X . X X . X X X	☐	☐
	6. Are you a **Certified Deemed-Compliant Non-US Financial Institution**?	☐	☐
	7. Are you a **Non-Participating Non-US Financial Institution**?	☐	☐
Exempt Entities	8. Are you an **Exempt Beneficial Owner**?	☐	☐
Non-US Entities that are <u>not</u> Financial Institutions	9. Are you an **Excepted Non-Financial Non-US Entity**? (This classification is also commonly known as an **Excepted NFFE**)	☐	☐
	10. Are you an **Active Non-Financial Non-US Entity**? (This classification is also commonly known as an **Active NFFE**)	☐	☐
	11. Are you a **Passive Non-Financial Non-US Entity**? (This classification is also commonly known as an **Passive NFFE**)	☐	☐
Passive Non-Financial Non-US Entities (Passive NFFEs)	Only Entities who tick **"YES"** in response to **Question 11** above are required to respond to **Questions 12 and 13** below. 12. Do you have a **US TIN**? **US TIN -**	☐	☐
	13. Please also provide in full the details requested below with respect to any of your owners who are **US Controlling Persons**. A **US Controlling Person** is any individual who is either a US citizen or a resident of the US for tax purposes, who in either case holds **more than a 10%** stake in you by vote or value.		

No.	Name of US Controlling	Address of US Controlling	Percentage Ownership held by	US TIN of US Controlling Person

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	Person	Person	US Controlling Person												
1			%												
2			%												
3			%												
4			%												
5			%												

I/We hereby certify the information that I/we have provided in this form is true, correct and complete. I/We confirm that under no circumstances shall the ENBDC, its employees or its contractors be liable for any direct, indirect, incidental, special, punitive or consequential damages that may result in any way from their reliance on the information that I/we have provided. I/We confirm that I/we have completed and provided this form willingly without advice or help from the ENBDC. I/We understand that providing false information, withholding relevant information or responding in a misleading way may result in rejection of my/our application and/or other appropriate action taken against me/us.

Name:_____ Name: _____

SIGNATURE	SIGNATURE
Capacity of Signatory (i.e. account-holder or power of attorney)	Capacity of Signatory (i.e. account-holder or power of attorney)

Date:

D	D	M	M	Y	Y	Y	Y

(To be completed by the ENBDC RM)

Customer CIF Number:

N	N	N	N	N	N	N	N	N	N	N	N	N	N

ABDCEF ENBDC RM/CSR

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ENBDC RM signature:

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APPENDIX 1

FATCA ENTITY CLASSIFICATIONS

FATCA Entity Classifications	
US Entities & US Financial Institutions	**1. Specified US Person** This classification covers a privately-owned US corporation; a US partnership; a US trust; an individual who is a US citizen; an individual who is not a US citizen but who is resident in the US for tax purposes; *or* the estate of either of the above-mentioned category of individual. ***Example:*** *A privately-owned US corporation operating in the KSA pursuant to a license from the KSA Government, or the KSA branch of a privately-owned US corporation licensed in the KSA by the Saudi Arabian General Investment Authority (SAGIA).* **2. US Person who is not a Specified US Person** This classification covers the US itself; any State or Territory of the US; the US Government; any wholly-owned agency of the US Government; a US bank; a US corporation whose stock is regularly traded on an established stock exchange; or a US regulated investment company.
Non-US Financial Institutions	**3. KSA Financial Institution or Financial Institution organized in a country with an intergovernmental agreement with the US regarding FATCA** **4. Participating Non-US Financial Institution** This classification is also known as a **Participating Foreign Financial Institution** or **PFFI**. This classification covers a non-US financial institution that is organized in a country which has not entered into an intergovernmental agreement with the US regarding FATCA, but where the financial institution itself has entered into an agreement with the US IRS regarding FATCA. **5. Deemed-Compliant Non-US Financial Institution** This classification is also known as a **Deemed-Compliant Foreign Financial Institution** or **Deemed-Compliant FFI**. This classification covers a non-US financial institution that is organized in a country which has not entered into an intergovernmental agreement with the US regarding FATCA, but where: *(i)* the financial institution has registered itself with the US IRS to declare its status; *or* (ii) the financial institution is not required to register with the US IRS and has certified itself accordingly. The type of non-US financial institution described at item (i) above is a **Registered Deemed-Compliant Non-US Financial Institution** (also known as a **Registered Deemed-Compliant Foreign Financial Institution** or **Registered Deemed-Compliant FFI**). The type of non-US financial institution described at item (ii) above is a **Certified Deemed-Compliant Non-US Financial Institution** (also known as a **Certified Deemed-Compliant Foreign Financial Institution** or **Certified Deemed-Compliant FFI**).

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	6. Non-Participating Non-US Financial Institution This classification is also known as a **Non-Participating Foreign Financial Institution** or **Non-Participating FFI**. This classification covers a non-US financial institution that is organized in a country which has not entered into an intergovernmental agreement with the US regarding FATCA, where the non-US financial institution itself is not (i) a Participating Non-US Financial Institution, (ii) a Registered Deemed-Compliant Non-US Financial Institution, or (iii) a Certified Deemed-Compliant Non-US Financial Institution.
Exempt Entities	**7. Exempt Beneficial Owner** This classification covers a governmental entity (other than a US governmental entity); an international organization; a central bank (other than the US Federal Reserve); a non-US retirement fund; *or* a non-US investment entity that is wholly-owned by any of the above.
Excepted NFFE	**8. Excepted Non-Financial Non-US Entity** This classification is also known as an **Excepted Non-Financial Foreign Entity** or **Excepted NFFE**. This classification covers an entity that meets the following criteria: (i) it is not a US entity; (ii) it is not a financial institution; and (iii) it is classified as an 'Excepted NFFE' under US Treasury Regulations.
Active NFFE	**9. Active Non-Financial Non-US Entity** This classification is also known as an **Active Non-Financial Foreign Entity** or **Active NFFE**. This classification covers an entity that meets the following criteria: (i) it is not a US entity; (ii) it is not a financial institution; and (iii) it meets any one of the following further criteria: (1) It holds less than 50% of its assets in shares, properties, bonds or similar investment assets, and it derives less than 50% of its gross income from the distribution of dividends, rental income, interest or other investment income; or (2) It is a listed company whose stock is regularly traded on an established securities market, or it is related to an entity whose stock is regularly traded on an established securities market; or (3) It is organized in a US Territory, and all of its owners are *bona fide* residents of that US Territory; or *(4)* It is a government (other than the US Government); a government of a US Territory; an international organization; a central bank of issue (other than of the US); *or* an entity wholly owned by one or more of the above; *or*

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	(5) Its activities consist substantially of holding shares of, or providing financing to, subsidiaries that engage in trades or businesses other than the business of a financial institution; *and* it does not function (or hold itself out as) an investment fund; *or* *(6)* It is in its set-up phase (with no prior operating history), is investing capital into assets with the intention of operating a business other than the business of a financial institution, *and* less than twenty-four (24) months have passed since it was initially organized; *or* *(7)* It was not a financial institution in the past five (5) 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; *or* *(8)* It engages primarily in financing and hedging transactions with or for related entities that are not financial institutions, and it does not provide financing or hedging services to any entity to which it is not related; *or* (9) It meets all of the following criteria: (i) It is established in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes; *or* it is a professional organization, chamber of commerce or labor organization; and (ii) It is exempt from income tax in its country of residence; and (iii) It has no shareholders who have a proprietary or beneficial interest in its income or assets; and (iv) The laws of its country of residence or its formation documents do not permit: *(a)* any of its income or assets to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of its charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which it has purchased; *and* (b) upon its liquidation or dissolution, all of its assets be distributed to a governmental entity or other non-profit organization, or escheat to the government of its country of residence or any political subdivision thereof.
Passive NFFE	**10. Passive Non-Financial Non-US Entity** This classification is also known as a **Passive Non-Financial Foreign Entity** or **Passive NFFE**. This classification covers an entity that meets the following criteria: (i) it is not a US entity; (ii) it is not a financial institution; and (iii) it does not meet the criteria to be either an Excepted NFFE or an Active NFFE.

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[*OPTIONAL*]

APPENDIX 2

QUESTIONNAIRE REGARDING

ACTIVE NON-FINANCIAL NON-US ENTITIES (ACTIVE NFFEs)

If you are a non-US entity that is not a financial institution, you may find the following questionnaire useful in establishing whether or not you are an **Active Non-Financial Non-US Entity** (as opposed to an **Excepted Non-Financial Non-US Entity** or a **Passive Non-Financial Non-US Entity**).

The classification of **Active Non-Financial Non-US Entity** is also commonly known as an **Active Non-Financial Foreign Entity** or **Active NFFE**.

An **Active Non-Financial Non-US Entity** is non-US entity which (i) is not a financial institution, and (ii) meets **any** of the following criteria:

1) Was the percentage of your gross income in the previous calendar year [(or such other accounting period as may be agreed in the Inter-Governmental Agreement between the KSA and the US)] derived from passive income **less than 50%**?

Answer: **YES** ☐ **NO** ☐

Was the percentage of the assets held by you in the previous calendar year (or such other accounting period as may be agreed in the Inter-Governmental Agreement between the KSA and the US) generating (or held for the generation of) passive income **less than 50%**?

Answer: **YES** ☐ **NO** ☐

If the answer to **both** of the above questions is **"YES"**, then it is possible that you are an **Active NFFE**.

2) Are you a listed company or are you related to a listed company, in either case which is listed and regularly traded on an established securities market?

Answer: **YES** ☐ **NO** ☐

If the answer to the above question is **"YES"**, then it is possible that you are an **Active NFFE**.

3) Are you incorporated or organized in a US Territory and are all of your owners *bona fide* residents of that US Territory?

Answer: **YES** ☐ **NO** ☐

If the answer to the above question is **"YES"**, then it is possible that you are an **Active NFFE**.

4) Are you any one of the following types of entity?

a) A non-US government; ***OR***

b) A political subdivision of a non-US government (such as a state, province, county or municipality); ***OR***

c) A public body performing a function of a non-US government; ***OR***

d) A government of a US territory; ***OR***

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e) An international organization; ***OR***

f) A non-US central bank of issue? ***OR***

g) An entity that is wholly owned by one of the entities listed above?

Answer: **YES** ☐ **NO** ☐

If the answer to the above question is **"YES"**, then it is possible that you are an **Active NFFE**.

5) Do your activities consist substantially of your holding in whole or in part the outstanding stock of, or provide financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a financial institution?

Answer: **YES** ☐ **NO** ☐

If the answer to the above question is **"YES"**, then it is possible that you are an **Active NFFE**.

IMPORTANT: You will not, however, qualify for this status if you function (or hold yourself 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.

6) Are you in the set-up phase, with no prior operating history?

Answer: **YES** ☐ **NO** ☐

If "**YES**", are you investing capital into assets with the intention of operating a business other than that of Financial institution?

Answer: **YES** ☐ **NO** ☐

If "**YES**", have less than twenty-four (24) months passed since the date of initial organization of your entity?

Answer: **YES** ☐ **NO** ☐

If the answer to **all** of the above question is **"YES"**, then it is possible that you are an **Active NFFE**.

7) Are you in the process of liquidation or re-organization with the intent to continue or recommence operations in a business other than that of a financial institution?

Answer: **YES** ☐ **NO** ☐

If **"YES"**, please also confirm that you have not operated as a financial institution in the past five (5) years.

Answer: **YES** ☐ **NO** ☐

If the answer to **both** of the above questions is **"YES"**, then it is possible that you are an **Active NFFE**.

8) Do you engage primarily in financing and hedging transactions with, or for, related entities that are not financial institutions?

Answer: **YES** ☐ **NO** ☐

If **"YES"**, please also confirm that the group of related entities is primarily engaged in a business other than that of a financial institution?

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Answer: **YES** ☐ **NO** ☐

If **"YES"**, please also confirm that you do not provide financing or hedging services to any entity that is not a related entity?

Answer: **YES** ☐ **NO** ☐

If the answer to **all** of the above questions is **"YES"**, then it is possible that you are an **Active NFFE**.

9) Do you meet **all** of the following conditions?

a) ***EITHER***:

i) You are established and operated in your jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; ***OR***

ii) You are 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) ***AND***, in addition to the foregoing:

i) You are exempt from income tax in your jurisdiction of residence; ***AND***

ii) None of your shareholders or members have a proprietary or beneficial interest in your income or assets; ***AND***

iii) You are not permitted under the laws of your jurisdiction of residence or your formation documents to distribute any of your income or assets to, or to apply them for the benefit of, a private person or non-charitable entity (other than pursuant to the conduct of the your charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which you have purchased); ***AND***

iv) Your formation documents or jurisdiction of residence require that, upon your liquidation or dissolution, all of your assets (i) be distributed to a governmental entity or other non-profit organization, or (ii) escheat to the government of the your jurisdiction of residence or any political subdivision thereof.

Answer: **YES** ☐ **NO** ☐

If the answer to the above question is **"YES"**, then it is possible that you are an **Active NFFE**.

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