

## Foreign Account Tax Compliance Act ("FATCA") – Entity Self Certification

Please complete this self-certification form carefully. You may wish to consult your tax, legal and / or professional advisor with regard to any questions you may have in relation to this form, FATCA in general or any US Tax Withholding forms issued by the Internal Revenue Services (IRS).

**Note: Please do not complete this self-certification form if you are an entity listed in Section A. Instead you should complete the relevant IRS forms as listed in the Section A.**

### Section A

Entity Type	Relevant IRS forms to be completed
1. US entity	Form W-9
2. Financial Institution not incorporated in Kuwait	Form W-8BEN-E or Form W-8IMY or Form W-8EXP or Form W-8ECI, as applicable

### Section B

**Please complete in BLOCK LETTERS.**

**Corporate/Entity Legal Name ( must be given in English as per the recent legal documentation of the Corporate/Entity):**

Note: Corporate/Entity Legal Name (must be given in Arabic as well if the legal documents originally in Arabic) الاسم القانوني للشركة/الكيان (يجب ذكر الاسم باللغة العربية كما بالمستندات القانونية المحدثه للشركة/الكيان):

**Commercial Registration Number ( if applicable ): \_\_\_\_\_**

**Standard Industrial Classification Code (SIC) if available: \_\_\_\_\_**

**Resident address for tax purposes (must be given as per the recent legal documentation of the Corporate/Entity):**

**Area:** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Street:** \_\_\_\_\_

**Avenue:** \_\_\_\_\_ **Building:** \_\_\_\_\_ **Floor:** \_\_\_\_\_ **Unit Number:** \_\_\_\_\_

**City:** \_\_\_\_\_

**Country:** \_\_\_\_\_

**Please certify your FATCA entity type based on the categories listed below. Please select only ONE category that is applicable and not put any mark on other categories**

FATCA Entity category	FATCA Status
<b>1. Financial Institution in Kuwait</b> Please provide Global Intermediary Identification Number (GIIN): □ □ □ □ □ □ □ □ . □ □ □ □ □ □ □ □ . □ □ □ □ □ □ □ □	<input type="checkbox"/> Registered Deemed Compliant or Reporting Model 1 FFI
<b>2. Certified deemed compliant entities</b> You are a certified deemed compliant entity as per the Inter-governmental Agreement (IGA) between Kuwait & USA	<input type="checkbox"/> Certified deemed compliant entity
<b>3. Excepted inter-affiliate FFI</b> <ul style="list-style-type: none"> <li>&gt; Is a member of an expanded affiliated group;</li> <li>&gt; Does not maintain financial accounts (other than accounts maintained for related entities);</li> <li>&gt; Does not make US source withholdable payments to any person other than to a related entity that are not limited FFIs or limited branches;</li> <li>&gt; Does not hold an account (other than a depository account in the country in which the entity is operating to pay for expenses) with or receive payments from any withholding agent other than a related entity; and</li> <li>&gt; Has not agreed to report under FATCA requirements or otherwise act as an agent for FATCA purposes</li> </ul>	<input type="checkbox"/> Excepted Inter-affiliate FFI

FATCA Entity category	FATCA Status	
on behalf of any financial institution, including a related entity		
<p><b>4. Government / Public Sector Entity/Central bank of Issue</b></p> <p>You are any of the following:</p> <ul style="list-style-type: none"> <li>➤ Government Agencies and Ministries</li> <li>➤ Public Sector entities or fully owned by Government</li> <li>➤ Central Bank</li> <li>➤ Foreign Embassies or Trade Representative Offices</li> <li>➤ International Organizations (UN, WHO, World Bank, etc.)</li> </ul> <p><b>Also</b></p> <ul style="list-style-type: none"> <li>➤ You are not engaged in commercial financial activities of a type engaged in by an insurance company, custodial institution, or depository institution</li> <li>➤ The benefit of the entity's income does not inure to any private person</li> </ul>	<input type="checkbox"/>	Government, Central Bank, International Organization or Entity wholly owned by Exempt Beneficial Owner
<p><b>5. Charity/ Non-profit Organization</b></p> <p>You are a Charity/ Non-profit organization established and maintained exclusively for:</p> <ul style="list-style-type: none"> <li>➤ Religious, charitable, scientific, artistic, cultural or educational purposes, or</li> <li>➤ Professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civil league or an organization operated exclusively for promotion of social welfare</li> </ul> <p>The Charity/ Non-profit organization fulfills all the following conditions:</p> <ul style="list-style-type: none"> <li>➤ Has no shareholders or members who have a proprietary or beneficial interest in its income or assets;</li> <li>➤ Its formation documents or the local law do not permit the distribution of any income or assets to or for the benefit of a private person or non-charity entity except for payment as reasonable compensation for services or distribution in accordance with the charity's charitable activities; and</li> <li>➤ Its formation documents or the local law require all of the charity's assets to be distributed to a government entity or other non-profit organization upon the charity's dissolution or liquidation.</li> </ul>	<input type="checkbox"/>	Non-Profit Organization
<p><b>6. Publicly Listed Company and its Related Entity</b></p> <ul style="list-style-type: none"> <li>➤ Your stock is regularly traded on one or more established securities markets, or</li> <li>➤ You are an affiliate (in other words, a member) of an entity the stock of which is regularly traded on an established securities market</li> <li>➤ Please fill the following information: <ul style="list-style-type: none"> <li>➤ Name of the Stock Exchange Market: _____</li> <li>➤ Registration Number: _____</li> </ul> </li> </ul>	<input type="checkbox"/>	Publicly traded NFFE or NFFE affiliate of a publicly traded corporation
<p><b>7. Treasury / Financing Centre of Corporate Groups</b></p> <ul style="list-style-type: none"> <li>➤ You engage in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and</li> <li>➤ The group of such Related Entities is primarily engaged in a business other than that of a Financial Institution, and</li> <li>➤ You do not provide financing or hedging services to any entity that is not a Related Entity</li> </ul>	<input type="checkbox"/>	Excepted Nonfinancial Group Entity
<p><b>8. Start-up Company</b></p> <ul style="list-style-type: none"> <li>➤ Not yet in operations, and have no prior operating history;</li> <li>➤ You are investing capital into assets with the intention to operate a business other than that of a Financial Institution and</li> <li>➤ The date of your incorporation is not more than 24 months prior to the date of this self-certification form</li> </ul>	<input type="checkbox"/>	Excepted Nonfinancial Start-Up Company

FATCA Entity category	FATCA Status
<b>9. Company under liquidation or Bankruptcy</b> <ul style="list-style-type: none"> <li>➢ You have filed a plan of liquidation, filed a plan of reorganization, or filed for bankruptcy on (Please provide date): __ - __ - 20__</li> <li>➢ During the past 5 years you have not been engaged in business as a financial institution or acted as a passive Nonfinancial Foreign Entity (passive NFFE);</li> <li>➢ You are either liquidating or emerging from a reorganization or bankruptcy with the intent to continue or recommence operations as a nonfinancial entity; and</li> <li>➢ You will provide documentary evidence such as a bankruptcy filing or other public documentation that supports your claim if you remain in bankruptcy or liquidation for more than three years.</li> </ul>	<input type="checkbox"/> Excepted Nonfinancial Entity in liquidation
<b>10. Direct Reporting NFFE</b> <ul style="list-style-type: none"> <li>➢ As a Direct Reporting NFFE you are registered with the IRS and are issued a Global Intermediary Identification Number (GIIN).</li> </ul> Please provide Global Intermediary Identification Number (GIIN): <div style="display: flex; gap: 10px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	<input type="checkbox"/> Direct reporting NFFE
<b>11. Active Business Entity</b> <ul style="list-style-type: none"> <li>➢ You derive less than 50% of your gross income (for previous calendar year) from Passive Income such as investments, dividends, interests, rents or royalties, and</li> <li>➢ More than 50% of the weighted average percentage of assets held by you (tested quarterly, using fair market value or book value of assets as reflected in your balance sheet) produce or are held to produce income for these business activities</li> </ul> Must mention your primary line of business as per the recent legal documentation of the Corporate/Entity : _____	<input type="checkbox"/> Active NFFE
<b>12. Passive Investment Entity (with no Controlling Persons who are US persons)</b> <ul style="list-style-type: none"> <li>➢ You derive more than 50% of your gross income (for the previous calendar year) from Passive Income such as investments, dividends, interests, rents or royalties, and</li> <li>➢ You <b>do not</b> have any Controlling Person who is US Person.</li> </ul>	<input type="checkbox"/> Passive NFFE without Controlling Person who is US person
<b>13. Passive Investment Entity (with Controlling Person who are US persons)</b> <ul style="list-style-type: none"> <li>➢ You derive more than 50% of your gross income (for the previous calendar year) from Passive Income such as investments, dividends, interests, rents or royalties, and</li> <li>➢ You have any Controlling Person who is US Person.</li> </ul> You must complete <b>Section C</b> of this form	<input type="checkbox"/> Passive NFFE with Controlling Persons who is US Person
<b>14. Others</b> <ul style="list-style-type: none"> <li>➢ You are none of the above.</li> </ul> Must complete and submit the appropriate US Tax Withholding Form (W9 or W8)	<input type="checkbox"/> Status to be confirmed from US Tax Withholding Form

## Section C

**Controlling persons who are US persons** (Please complete only if you selected FATCA category 13 in Section B.)  
 Please provide details as per the table below for each controlling person who is a US person

Name	Resident Address for Tax Purposes	Date of Birth	U.S. TIN (SSN/EIN)	Percentage of Ownership (%)

## Section D

### Self-Declaration:

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- (1) The entity identified in Section B of this form is the beneficial owner of all the income to which this form relates and is using this form to certify its status for FATCA purposes
- (2) The entity identified in Section B of this form is not a U.S. person

I agree that I will submit a revised form within 30 days if there is any change of circumstances which will necessitate an update to the information provided in this form

Name and designation of Authorized Signatory:	Authorized Signature:	Date (MM-DD-YYYY):
		__ - __ - 20 __

## General Instructions

This form has to be completed by all entities resident in Kuwait for tax purposes that wish to open a relationship with a Financial Institution in Kuwait.

## Purpose of the form

The government of State of Kuwait have signed a Tax information exchange agreement with the Government of United States of America. Under this Inter-Governmental Agreement also referred to as the Model 1 IGA it is required by Financial Institutions in Kuwait to determine the status of entities under the US Foreign Account Tax Compliance Act (FATCA). The entity classification and information provided on this form will be used by the Financial Institution in Kuwait to ascertain if the entity account is reportable under FATCA requirements. This is a self-certification form and has to be completed only by persons who are authorized to sign on behalf of the entity.

## Change in circumstance

If a change in circumstances makes any information on the Form you have submitted incorrect for purposes of FATCA, you must notify the financial institution within 30 days of the change in circumstances and you must file a new Form.

## Expiration of Form

Generally, this self-certification will remain valid for purposes of FATCA for a period starting on the date the form is signed and ending on the last day of the third succeeding calendar year, unless a change in circumstances makes any information on the form incorrect.

## Glossary of terms

All terms used on this form have been explained below. For further understanding please refer to the Inter-governmental Agreement between Government of State of Kuwait and Government of United States of America. *This glossary is for the purpose of general guidance only and for any technical interpretations the original agreement has to be referred.* The Agreement can be found at the link

<http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx>.

For purposes of this agreement and any annexes thereto ("Agreement"), the following terms shall have the meanings set forth below:

- a. The term **"United States"** means the United States of America, including the States thereof, but does not include the US Territories. Any reference to a "State" of the United States includes the District of Columbia.
- b. The term **"US Territory"** means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, or the US Virgin Islands.
- c. The term **"IRS"** means the US Internal Revenue Service.
- d. The term **"Kuwait"** means State of Kuwait, including the Government of State of Kuwait.
- e. The term **"Partner Jurisdiction"** means a jurisdiction that has in effect an agreement with the United States to facilitate the implementation of FATCA. The IRS shall publish a list identifying all Partner Jurisdictions.
- f. The term **"Competent Authority"** means:
  - i. in the case of the United States, the Secretary of the Treasury or his delegate; and
  - ii. in the case of Kuwait, Ministry of Finance
- g. The term **"Financial Institution"** means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.
- h. The term **"Financial Institution in Kuwait"** means (i) any Financial Institution resident in/ organized under the laws of Kuwait, but excluding any branch of such Financial Institution that is located outside Kuwait, and (ii) any branch of a Financial Institution not resident in/ organized under the laws of Kuwait, if such branch is located in Kuwait.
- i. The term **"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% 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.
- j. The term **"Depository Institution"** means any Entity that accepts deposits in the ordinary course of a banking or similar business.
- k. The term **"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:
  - i. 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;
  - ii. individual and collective portfolio management; or
  - iii. otherwise investing, administering, or managing funds or money on behalf of other persons.
  - iv. This subparagraph 1(j) shall be interpreted in a manner consistent with similar language set forth in the definition of "financial institution" in the Financial Action Task Force Recommendations.
- l. 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.
- m. The term **"Insurance Contract"** means a contract (other than an Annuity Contract) under which the issuer agrees to pay an amount upon the occurrence of a specified contingency involving mortality, morbidity, accident, liability, or property risk.
- n. The term **"Annuity Contract"** means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction in which the contract was issued, and under which the issuer agrees to make payments for a term of years.
- o. The term **"Cash Value Insurance Contract"** means an Insurance Contract (other than an indemnity reinsurance contract between two insurance companies) that has a Cash Value greater than \$50,000.
- p. The term **"Cash Value"** means the greater of (i) the amount that the policyholder is entitled to receive upon surrender or termination of the contract (determined without reduction for any surrender charge or policy loan), and (ii) the amount the policyholder can borrow under or with regard to the contract. Notwithstanding the foregoing, the term "Cash Value" does not include an amount payable under an Insurance Contract as:
  - i. a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;
  - ii. a refund to the policyholder of a previously paid premium under an Insurance Contract (other than under a life insurance contract) due to policy cancellation or termination, decrease in risk exposure during the effective period of the Insurance Contract, or arising from a redetermination of the premium due to correction of posting or other similar error; or
  - iii. a policyholder dividend based upon the underwriting experience of the contract or group involved.

- q. The term “**US Person**” means a US 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 US 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. This subparagraph 1(aa) shall be interpreted in accordance with the US Internal Revenue Code.
- r. The term “**Entity**” means a legal person or a legal arrangement such as a trust.
- s. The term “**US Source Withholdable Payment**” means any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States. Notwithstanding the foregoing, a US Source Withholdable Payment does not include any payment that is not treated as a withholdable payment in relevant US Treasury Regulations.
- t. 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, [FATCA Partner] 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 US Internal Revenue Code.
- u. The term “**US TIN**” means a US federal taxpayer identifying number.
- v. The term “**Controlling Persons**” means the natural persons who exercise control over an Entity. In the case of a trust, such term means the settlor, the trustees, the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term “Controlling Persons” shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations.
- w. The term “**Passive Income**” means portion of gross income that consists of any of the following:
- i. Dividends, including substitute dividend amounts;
  - ii. Interest;
  - iii. Income equivalent to interest, including substitute interest and amounts received from or with respect to a pool of insurance contracts if the amounts received depend in whole or part upon the performance of the pool;
  - iv. 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;
  - v. Annuities;
  - vi. The excess of gains over losses from the sale or exchange of property that gives rise to passive income;
  - vii. The excess of gains over losses from transactions (including futures, forwards, and similar transactions) in any commodities unless used for hedging or active business;
  - viii. Foreign currency gains;
  - ix. Net income from notional principal contracts;
  - x. Amounts received under cash value insurance contracts;
  - xi. Amounts earned by an insurance company in connection with its reserves for insurance and annuity contracts.
2. Any term not otherwise defined here shall, unless the context otherwise requires or the Competent Authorities agree to a common meaning (as permitted by domestic law), have the meaning that it has at that time under the law of the Party applying this Agreement, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.