

INSTRUCTIONS

Please read these instructions before completing the CRS Controlling Person Tax Residency Self-Certification Form. References (1, 2, 3, etc.), appearing in the superscripts of certain terms below, pertain to definitions of those terms in the Appendix.

Why should you complete this form?

Regulations based on the Organisation for Economic Co-operation and Development (OECD) Common Reporting Standard (CRS) require Bank AL Habib Limited to collect and report certain information about an account holder's¹ tax residence and their financial accounts with the Bank.

In most cases, tax residence status and the country in which you live would be identical. However, special circumstances may cause you to be resident elsewhere or resident in more than one country at the same time (dual residency). The country/ countries in which you pay income tax constitute your country/ countries of tax residence.

Completing this form will ensure that we hold accurate and up to date information about your tax residency.

If your tax residence is located in a country other than Pakistan, we may be legally obliged to pass on the information in this form and other financial information with respect to your financial account⁷(s) to the Federal Board of Revenue (FBR), and they may exchange this information with tax authorities of another jurisdiction or jurisdictions pursuant to the Multilateral Competent Authority Agreement (MCAA) on Automatic Exchange of Financial Account Information and Chapter XIIA on the Common Reporting Standard in the Income Tax Rules, 2002.

This form will remain valid unless there is a change in circumstances relating to information, such as Controlling Person's tax status or other mandatory field information provided on this form. You are required to notify us within 30 days if there is a change in circumstances that renders this form incorrect or incomplete, and provide an updated self-certification within 30 days of such change in circumstances.

Who should complete this form?

Please fill in this form if you are natural person(s) who exercise control³ over the Account Holder that is a Passive Non-Financial Entity (Passive NFE¹³), or an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution⁹.

Please use a separate form for each Controlling Person.

Do not use this form if you:

- Need to self-certify on behalf of an entity⁶. In that case, you will need a "CRS Entity Tax Residency Self-Certification Form."
- Are an individual account holder, sole trader or sole proprietor, you will need a "CRS Individual/ Proprietorship Tax Residency Self-Certification Form".

Even if you have already provided information in relation to the United States Government's Foreign Account Tax Compliance Act (FATCA), you may still need to provide additional information for the CRS as this is a separate regulation.

A Controlling Person may exercise control

- by virtue of ownership interest of 20% or more**
- by virtue of holding a senior management position in the Controlling Entity**

For more information:

The OECD has developed the rules to be used by all governments participating in the CRS and in the case of Pakistan the text adopted by the FBR can be found on the website: <http://www.fbr.gov.pk/>

Please note, as a financial institution, we are not allowed to give tax advice.

If you have any questions on defining your tax residency status, please visit the OECD website or consult your tax adviser or FBR.

You can find a list of definitions in the Appendix.

PART 1

IDENTIFICATION OF CONTROLLING PERSON

Fields marked with an (*) are mandatory

A Name of New Entity Account Holder:

B Name of Controlling Person:

Title Mr. Mrs. Ms Miss Other

First or Given Name* Middle Name(s)

Family Name/ Surname(s)*

C Current Residence Address

House/ Apt Number, Street*

Town/ City* County/ Province/ State*

Postal Code/ Zip Code* Country*

D Mailing Address

House/ Apt Number, Street

Town/ City County/ Province/ State

Postal Code/ Zip Code Country

E Date of Birth*

Y Y Y Y - M M - D D

F Place of Birth

Town/ City of Birth*

Country of Birth*

G Please enter the legal name of other (Existing) Entity Account Holder(s) at the Bank of which you are a Controlling Person

(In case of more than three entities, please use a separate sheet)

Entity 1 Legal Name: Account No.

Entity 2 Legal Name: Account No.

Entity 3 Legal Name: Account No.

PART 2

COUNTRY/ COUNTRIES OF RESIDENCE FOR TAX PURPOSES AND RELATED TAXPAYER IDENTIFICATION NUMBER OR FUNCTIONAL EQUIVALENT* (TIN/ NTN)¹⁷

Please complete the following table indicating:

- (i) where the Controlling Person is tax resident;
- (ii) the Controlling Person's TIN/ NTN for each country/ jurisdiction indicated; and
- (iii) if the Controlling Person is a tax resident in a country/ jurisdiction that is a Reportable Jurisdiction¹⁵(s) then please also complete **Part 3 "Type of Controlling Person"**.

If the Controlling Person is tax resident in more than three countries please use a separate sheet.

If a TIN/ NTN is unavailable please provide the appropriate reason A, B or C:

Reason A The country where the Controlling Person is liable to pay tax does not issue TIN/ NTNs to its residents

Reason B The Controlling Person is unable to obtain a TIN/ NTN or equivalent tax number (Please explain why you are unable to obtain a TIN/ NTN in **Table 2** if you have selected this reason)

Reason C No TIN/NTN is required. (**Note:** Only select this reason if the authorities of the country of tax residence entered below do not require the TIN/ NTN to be disclosed)

Table 1.

	Country/ Countries of Tax Residence	TIN/NTN	If no TIN/ NTN available, enter Reason A, B or C
1			
2			
3			

Please explain in the following boxes why you are unable to obtain a TIN/ NTN if you selected **Reason B** above for any country/ countries of tax residence.

Table 2.

	Country/ Countries of Tax Residence	Explanation
1		
2		
3		

PART 3

TYPE OF CONTROLLING PERSON

Please provide the Controlling Person's Status by ticking the appropriate box for each entity in which you are a controlling person⁴

	New Entity Account opened at the Bank	Existing Entity Account Holders at the Bank (as mentioned in Section G of Part 1)		
		Entity 1	Entity 2	Entity 3
Controlling Person of a legal person – control by ownership				
Controlling Person of a legal person – control by other means (Where no person has control of the entity through ownership interests, the Controlling Person(s) of the entity will be the person (or people) who has/ have control of the entity “through other means”. E.g. personal connections to persons that possess ownership, participating in the financing of the entity, historical or contractual associations, or if the entity defaults on certain payments, etc.)				
Controlling Person of a legal person – senior managing official (Where no person has control of the entity through ownership interests, the Reportable Person will be the person who holds the position of senior managing official)				
Controlling Person of a trust ⁵ – settlor (The ‘settlor’ is a person who transfers specific property to the trustee, with the intention that it be applied for the benefit of others)				
Controlling Person of a trust ⁵ – trustee (The ‘trustee’ is a person who holds the legal title to the trust property, and has a duty to administer and deal with the trust property in the interests of the beneficiaries)				
Controlling Person of a trust ⁵ – protector (The ‘protector’ is a person who enforces and monitors the trustee’s actions, such as overseeing investment decisions or authorising a payment to a beneficiary)				
Controlling Person of a trust ⁵ – beneficiary (The ‘beneficiary’ is a person who has the right to receive mandatory, or discretionary distributions)				
Controlling Person of a legal arrangement (non-trust) – settlor-equivalent				
Controlling Person of a legal arrangement (non-trust) – trustee-equivalent				
Controlling Person of a legal arrangement (non-trust) – protector-equivalent				
Controlling Person of a legal arrangement (non-trust) – beneficiary-equivalent				
Controlling Person of a legal arrangement (non-trust) – other-equivalent				

PART 4

DECLARATIONS AND SIGNATURE(S)*

I/ We understand that the information supplied by me/ us is covered by the full provisions of the terms and conditions governing the Account Holder’s relationship with Bank AL Habib Limited setting out how Bank AL Habib Limited may use and share the information supplied by me/ us.

I/ We acknowledge that the information contained in this form and information regarding the Controlling Person and any Reportable Account¹⁴(s) may be reported to the Federal Board of Revenue and exchanged with tax authorities of another country/ jurisdiction or countries/ jurisdictions in which 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/ we am/ are authorized to sign for the Controlling Person (strike-through whichever is not applicable) of the account to which this form relates.

I/ We certify that where I/ we am/ are required to provide information regarding any person or persons to which this form relates that I/ we have, prior to signing this form, notified those persons that I/ we will be providing such information to Bank AL Habib Limited and that such information may be provided to the Federal Board of Revenue and exchanged with tax authorities of another country or countries in which such person(s) may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

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

I/ We undertake to advise Bank AL Habib Limited within 30 days of any change in circumstances which affects the tax residency status of the Controlling Person or causes any of the information contained herein to be rendered incorrect or incomplete, and to provide Bank AL Habib Limited with an appropriately updated self-certification and Declaration within 30 days of such change in circumstances.

Controlling Person / Authorized Signatory 1		Authorized Signatory 2	
Signature*	<input type="text"/>	Signature*	<input type="text"/>
Name*	<input type="text"/>	Name*	<input type="text"/>
Date*	<input type="text"/>	Date*	<input type="text"/>
Note: If you are not the Controlling Person please indicate the capacity in which you are signing the form. If signing under a power of attorney please also attach a certified copy of the power of attorney.			
Capacity*	<input type="text"/>	Capacity*	<input type="text"/>

BRANCH MANAGER / OPERATIONS MANAGER APPROVAL

I declare that the information in this form is consistent with the Entity’s constitutive documents

Name	Designation	Signature with Sig. No.	Date

APPENDIX - SUMMARY DESCRIPTIONS OF SELECTED 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 local (country) guidance. This can be found at the OECD automatic exchange of information portal <http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm>

If you have any questions please contact your tax adviser or FBR.

1. **“Account Holder”** The Account Holder is the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. Thus, for example, if a trust or an estate is listed as the holder or owner of a Financial Account, the trust or estate is the Account Holder, rather than the trustee or the trust’s owners or beneficiaries. Similarly, if a partnership is listed as the holder or owner of a Financial Account, the partnership is the Account Holder, rather than the partners in the partnership.
2. **“Active NFE”** An entity will be classified as an Active NFE if it meets any of the following criteria:
 - a) **Active NFEs by reason of income and assets:** Less than 50% of the NFE’s gross income for the preceding calendar year is passive income, and less than 50% of the assets held by the NFE during the preceding calendar year are assets that produce or are held for the production of passive income.

Partnerships, private limited companies, public unlisted companies, single member companies, clubs, societies, associations, foundations and trusts may fall in this category of Active NFEs if less than 50% of their gross income is passive income, and less than 50% of their assets produce or are held for the production of passive income.
 - b) **Publicly traded NFEs:** 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 Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing.
 - d) **Holding NFEs that are members of a nonfinancial group:** 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) **Start-up NFEs:** 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) **NFEs that are liquidating or emerging from bankruptcy:** The NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue; or recommence operations in a business other than that of a Financial Institution.
 - g) **Treasury centres that are members of a nonfinancial group:** 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) **Non-profit NFEs:** The NFE must meet **ALL** of the following requirements to be classified as 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 organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation 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 organisation, or revert to the government of the NFE's jurisdiction of residence or any political subdivision.

Partnerships, private limited companies, public unlisted companies, single member companies, clubs, societies, associations, foundations and trusts that meet all the above-mentioned requirements may be classified as Non-profit NFEs.

Note: Certain entities may qualify for Active NFFE status under FATCA but not Active NFE status under the CRS.

3. **“Control”** over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest of 20% or more in the Entity. Where control of the Entity is exercised by another Entity, the controlling Person of the Entity account holder is deemed to be the natural person who holds the position of senior managing official in the Controlling Entity.
4. **“Controlling Person”** This is a natural person who exercises control over an entity. Where that entity is treated as a Passive Non-Financial Entity (“NFE”) then a Financial Institution must determine whether such Controlling Persons are Reportable Persons¹⁶. The term “Controlling Persons” must be interpreted in a manner consistent with the Financial Action Task Force Recommendations.
5. **“Controlling Persons of a Trust”** means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiaries, must always be treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust.

Where the settlor(s) of a trust is an Entity then the CRS requires Financial Institutions to also identify the Controlling Persons of the settlor(s) and when required report them as Controlling Persons of the trust.

In the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions.

6. **“Entity”** The term “Entity” means a legal person or a legal arrangement, such as a corporation, organization, partnership, trust or foundation.
7. **“Financial Account”** A Financial Account is an account maintained by a Financial Institution and includes: depository accounts; custodial accounts; equity and debt interest in certain investment entities; cash value insurance contracts; and annuity contracts.
8. **“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:
 - a) 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;
 - b) Individual and collective portfolio management; or
 - c) Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.
 - (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 Investment Entity described in sub-clause (i).

An Entity is treated as primarily conducting as a business one or more of the activities described in sub-clause (i), or an Entity's gross income is primarily attributable to investing, reinvesting or trading in Financial Assets for purposes of sub-clause (ii), if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.

The term "Investment Entity" does not include the following since these are classified as Active NFEs:

- a) Holding NFEs that are members of a nonfinancial group
- b) Start-up NFEs
- c) NFEs that are liquidating or emerging from bankruptcy
- d) Treasury centres that are members of a nonfinancial group

9. **"Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution"** is 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 Institution¹².
10. **"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 type defined in sub-clause (i) of Investment Entity, if any of the managing Entities is such another Entity.

11. **"Participating Jurisdiction"** A Participating Jurisdiction means a jurisdiction with which an agreement is in place pursuant to which it will provide the information set out in the CRS and that is identified in a published list to be made available of FBR's web portal.
12. **"Participating Jurisdiction Financial Institution"** The term "Participating Jurisdiction Financial Institution" means (i) any Financial Institution that is resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside of that jurisdiction, and (ii) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.
13. **"Passive NFE"** Under the CRS a "Passive NFE" means any: (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.
14. **"Reportable Account"** Means an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person.
15. **"Reportable Jurisdiction"** Means all jurisdictions other than Pakistan and the United States of America.
16. **"Reportable Person"** Means a Person, other than:
 - a) A corporation the stock of which is regularly traded on one or more established securities markets;
 - b) Any corporation that is a Related Entity of a corporation described in clause (a);
 - c) A Governmental Entity;
 - d) An International Organization;
 - e) A Central Bank; or
 - f) A Financial Institution (except for an Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution. Instead, such Investment Entities are treated as Passive NFE's.)
17. **"TIN (including "functional equivalent")"** the term "TIN" means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. Some jurisdictions do not issue a TIN. However, these jurisdictions often utilize some other high integrity number with an equivalent level of identification (a "functional equivalent"). Examples of that type of number include, for individuals, a social security/ insurance number, citizen/ personal identification/ service code/ number, and resident registration number.