

## FATCA DECLARATION AND DETAILS FOR NON-INDIVIDUALS

(PLEASE SEEK ADVICE FROM A TAX PROFESSIONAL ON ANY FATCA ASPECTS)

Investor Name \_\_\_\_\_ PAN 

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Folio / Application No. \_\_\_\_\_

Sole/ First Applicant    
  Second Applicant    
  Third Applicant    
  POA Holder

\*The below information is required for all applicant(s), POA Holder(s). Please tick above box as applicable and submit a separate form(s) for each category

Are you a financial institution (including an FFI) *(Please see definitions in Part 3)*      Yes    No

- If yes, please fill Part 1 of this Form
- If No, you are an NFFE. *(Please see definitions in Part 3)*. Please fill Part 2 of this Form

### Part 1

We are a financial institution <Please provide GIIN>	Yes  GIIN: _____	<b>GIIN not available</b> <input type="checkbox"/> Applied for <input type="checkbox"/> Not required to apply for <input type="checkbox"/> Not obtained
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### Part 2 (please ✓ wherever applicable)

1	<input type="checkbox"/>	Are you a listed company <sup>1</sup> <i>(that is, a company whose shares are regularly traded on a recognized stock exchange)</i>	Yes Name of the stock exchange _____ <i>(please specify any one stock exchange upon which the stock is regularly traded)</i>
2	<input type="checkbox"/>	Are you a related entity <sup>1</sup> of a listed company	Yes Name of the company, the stock of which is regularly traded _____  Name of the stock exchange _____ <i>(please specify any one stock exchange upon which the stock is regularly traded)</i>
3	<input type="checkbox"/>	Are you an active NFFE <sup>1</sup>	<input type="checkbox"/> Yes, Nature of business _____ <input type="checkbox"/> No _____ <i>(If Yes, stop at Q3, if No, answer Q4)</i>
4	<input type="checkbox"/>	Are you a passive NFFE <sup>1</sup> <i>Note: Details of controlling persons provided in the section pertaining to Ultimate Beneficial Owner will be considered for FATCA purposes</i>	Yes, Nature of business _____

**Note:** For terms in italics, please see the Definitions in **Part 3**. <sup>1</sup> Please refer NFFE definition - types of excluded NFFEs

### Declaration

I/We hereby acknowledge and confirm that the information provided above is/are true, correct and complete to the best of my/our knowledge and belief. In case any of the above specified information is found to be false or untrue or misleading or misrepresenting, I/we shall be liable for it. I/We also undertake to keep you informed immediately in writing about any changes/modification to the above information in future and also undertake to provide any other additional information as may be required at your end. I/We hereby authorise you to disclose, share, remit in any form, mode or manner, all / any of the information provided by me/ us, including all changes, updates to such information as and when provided by me/ us to the Mutual Fund, its Sponsor, Asset Management Company, Trustees, their employees, agents / service providers, other SEBI registered intermediaries or any Indian or foreign governmental or statutory or judicial authorities / agencies, the tax / revenue authorities and other investigation agencies without any obligation of advising me/us of the same.

**To be signed by the Authorized Signatories (with company/trust / firm/ entity seal or rubber stamp)**

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Date 

D	D	M	M	Y	Y
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 Place

### Part 3: Definitions

**Foreign Financial Institution (FFI)** - The term FFI means any financial institution that is a:

- Depository institution: Accepts deposits in the ordinary course of banking or similar business.
- Custodial institution As a substantial portion of its business, holds financial assets for the account of others  
(Substantial portion

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 holding financial assets and related financial services equals or exceeds 20 percent of the entity's gross income during the shorter of-

- (1) The three-year period ending on December 31 of the year preceding the year in which the determination is made;
- (2) The period during which the entity has been in existence before the determination is made.)

(Income attributable to holding financial assets and related financial services

Income attributable to holding financial assets and related financial services means custody, account maintenance, and transfer fees; commissions and fees earned from executing and pricing securities transactions; income earned from extending credit to customers with respect to financial assets held in custody by the entity (or acquired through such extension of credit); income earned on the bid-ask spread of financial assets; fees for providing financial advice with respect to financial assets held in (or potentially to be held in) custody by the entity; and fees for clearance and settlement services)

- Investment entity : Conducts a business or operates for or on behalf of a customer for any of the following activities-
  - o Trading in money market instruments, foreign exchange, foreign currency, etc.
  - o Individual or collective portfolio management
  - o Investing, administering or managing funds, money or financial asset on behalf of other persons.
- Insurance company: Entity issuing insurance products i.e. life insurance or cash value products.
- Holding company or treasury company: Is an entity that is a holding company or treasury centre that is a part of an expanded affiliate group that includes a depository, custodial institution, specified insurance company or investment entity

**Non-financial foreign entity (NFFE)** - Foreign entity that is not a financial institution (including a territory NFFE)

Types of NFFEs excluded from FATCA reporting are:

- Publicly traded corporation (listed company)
  - The stock of such corporation is regularly traded on one or more established securities markets
- Related entity of a listed company
  - The entity identified is a member of the same expanded affiliate group as an entity the stock of which is regularly traded on an established securities market;
- Active NFFE : (is any one of the following):
  - Less than 50 percent of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50 percent of the assets held by the NFFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
  - The NFFE is organized in a U.S. Territory and all of the owners of the payee are bona fide residents of that U.S. Territory;
  - The NFFE is a government (other than the U.S. government), a political subdivision of such government (which, for the avoidance of doubt, includes a state, province, county, or municipality), or a public body performing a function of such government or a political subdivision thereof, a government of a U.S. Territory, an international organization, a non-U.S. central bank of issue, or an Entity wholly owned by one or more of the foregoing;
  - Substantially all of the activities of the NFFE 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 NFFE 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;
  - The NFFE 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 NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial organization of the NFFE;

- The NFFE 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;
- The NFFE 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;
- Any NFFE is a 'non for profit' organization which meets all of the following requirements:
  - o 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 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;
  - o It is exempt from income tax in its jurisdiction of residence;
  - o It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - o The applicable laws of the NFFE's jurisdiction of residence or the NFFE's formation documents do not permit any income or assets of the NFFE 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 NFFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFFE has purchased; and
  - o The applicable laws of the NFFE's jurisdiction of residence or the NFFE's formation documents require that, upon the NFFE'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 NFFE's jurisdiction of residence or any political subdivision thereof.

**Other definitions:**

**(i) Expanded affiliated group:**

Expanded affiliated group is defined to mean one or more chains of members connected through ownership (50% or more, by vote or value, as the case may be) by a common parent entity if the common parent entity directly owns stock or other equity interests meeting the requirements in at least one of the other members. Generally, only a corporation shall be treated as the common parent entity of an expanded affiliated group,

**(ii) Passive NFFE:**

The term passive NFFE means any NFFE that is not (i) an Active NFFE (including publicly traded entities or their related entities), or (ii) a withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. Treasury Regulations.

(Note: Foreign persons having controlling interest in a passive NFFE are liable to be reported for tax information compliance purposes)

**(iii) Passive income :**

The term passive income means the portion of gross income that consists of-

- (1) Dividends, including substitute dividend amounts;
- (2) Interest
- (3) 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;
- (4) 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
- (5) Annuities
- (6) The excess of gains over losses from the sale or exchange of property that gives rise to passive income described in this section.
- (7) The excess of gains over losses from transactions (including futures, forwards, and similar transactions) in any commodities, but not including -
  - (i) Any commodity hedging transaction, determined by treating the entity as a controlled foreign corporation; or
  - (ii) Active business gains or losses from the sale of commodities, but only if substantially all the foreign entity's commodities are property
- (8) The excess of foreign currency gains over foreign currency losses
- (9) Net income from notional principal contracts
- (10) Amounts received under cash value insurance contracts
- (11) Amounts earned by an insurance company in connection with its reserves for insurance and annuity contracts

**(iv) Controlling persons**

Controlling persons are 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. 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.

Pursuant to guidelines on identification of Beneficial Ownership issued vide SEBI circular no. CIR/MIRSD/2/2013 dated January 24, 2013, investors (other than Individuals) are required to provide details of Ultimate Beneficial Owner(s) ('UBO'). Accordingly, the Ultimate Beneficial Owner means 'Natural Person', who, whether acting alone or together, or through one or more juridical person, exercises control through ownership or who ultimately has a controlling ownership interest of / entitlements to:

- i. More than 25% of shares or capital or profits of the juridical person, where the juridical person is a company;
- ii. More than 15% of the capital or profits of the juridical person, where the juridical person is a partnership; or
- iii. More than 15% of the property or capital or profits of the juridical person, where the juridical person is an unincorporated association or body of individuals.

In case of a Trust, the settler of the trust, the trustees, the protector, the beneficiaries with 15% or more of interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership is considered as the UBO. The provisions w.r.t. Identification of UBO are not applicable to the investor or the owner of the controlling interest is a company listed on a stock exchange, or is a majority-owned subsidiary of such a company.