

To:  
FIRST INTERNATIONAL BANK OF ISRAEL LTD

Branch \_\_\_\_\_

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

## Declaration of tax residency by a corporation/entity and its classification for FATCA and CRS Purposes

Account Name \_\_\_\_\_ Account No. \_\_\_\_\_ Branch \_\_\_\_\_

(This declaration is to be separately filled out and signed by each account holder).

- This form is intended to determine whether an Account Holder<sup>1</sup> or Controlling Person in an Account Holder which is a Passive Entity, as the case may be, is a U.S. Person and/or is a Resident of a Foreign Country<sup>2</sup>. **In the event such Account Holder or Controlling Person is a U.S. Person and/or a Resident of a Foreign Country, and such Foreign Country is a Reportable Jurisdiction and the Account was classified as a Reportable Account according to Applicable Law, information relating to such Account Holder or Controlling Person shall be delivered to the U.S.A. and/or to such Foreign Country.**
- This form is intended for "Entities" (body of persons, including a corporation, or legal arrangement, including a trust governed by Chapter four-2 in Part D of the Income Tax Ordinance or a legal arrangement which is not a trust as aforesaid).  
For an individual, fill out a Declaration of Tax Residency for FATCA and CRS purposes – individuals form (Form ft10 - Individuals).
- If the Entity is tax resident in the U.S. or incorporated in the U.S. (U.S. Person) – also fill out Form W-9.
- In the case of an Entity which is a local branch of a foreign entity, fill out this form with details pertaining to the said branch.
- An entity that is not a US Person and seeking to operate with securities or financial instruments- also fill out appropriate W-8 form.

And since we are aware that furnishing the details included in this declaration and our signature thereof is a condition for your consent to the opening and/or operation of the account whose number appears above (the "Account"), we hereby declare and confirm as follows:

### Identifying Information

Identification No. of Entity				Country of Incorporation	
Name of Entity	In Hebrew				
	In English				
Address of Entity	In Hebrew	Country:	City:	Street and number:	Zip Code:
	In English	Zip Code	Street and number	State/District City	Country

\*If the Entity is a foreign entity – the name in English as stated in its registration document.

### I. Tax Residency of the Entity

Choose the appropriate alternative and fill out the details required.

- Tax resident in Israel only** – Tax I.D. no. \_\_\_\_\_ -  
The Entity declares and confirms that the Entity is tax resident only in the State of Israel, which is its only country of residency, and it is not deemed a resident for tax purposes of any other country.
- Tax resident in Israel and other country/ies, including the United States-**  
The Entity declares and confirms that the Entity is tax resident in the State of Israel and the following countries, and is deemed a tax resident of no other country:

Country	Local Taxpayer Identification No. (TIN) <sup>3</sup>	If there IS NO TIN – state the reason
(a) Israel		
(b)		
(c)		

<sup>1</sup> An "Account Holder" – with respect to a financial account which is not Cash Value Insurance Contract with a redemption value, an allowance contract or an annuity – anyone registered as the account holder or anyone which the Reporting Israeli Financial Institution identifies as the account holder, and if a person who is not a Financial Institution holds a Financial Account of another person or for the benefit of another person, the other person shall be deemed as the holder of the said account, **or** an individual "Controlling person" who is the controlling person of the Entity which is the account holder.  
"Controlling person" – as defined in Section 135b of the Income Tax Ordinance (New Version), 5721-1961

<sup>2</sup> Resident of a Foreign Country - a resident of a foreign country in accordance to the tax laws of such country, including an Entity which is not deemed as a resident according to the tax laws, if its effective management is located in such foreign country.

<sup>3</sup> TIN (Taxpayer Identification Number) is a taxpayer identification number for tax purposes, i.e., the identification number of the taxpayer at the relevant tax authority. There are countries that do not issue a TIN, but they may issue another identification number which serves as a TIN.

**Tax resident in other country/ies-**

The Entity declares and confirms that the Entity is tax resident in the following countries, is not deemed a tax resident in the State of Israel, and is deemed a tax resident of no other country:

Country	Local Taxpayer Identification No. (TIN) <sup>4</sup>	If there IS NO TIN – state the reason
(a)		
(b)		
(c)		

**The Entity has no tax residency.** Please state the place of effective management of the Entity :

\_\_\_\_\_.

Please note: if the tax residency and/or the place of effective management of the Entity is in the United States, please fill out a W9 form.

**II. Classification of the Entity – In selecting the classification I confirm that the Entity meets the specifications of the said classification**

Choose the appropriate alternative and fill out the required details.

<input type="checkbox"/>	<b>Active Non-Financial Entity</b>	<b>Entity that is not a Financial Institution which has an active business .The Entity is active and meets one of the following alternatives:</b>
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Choose one of the appropriate alternatives (including in Annex A attached hereto) and fill out the details required under the alternative chosen.

- 1. Less than 50% of the Entity's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the Entity during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.

**FATCA/CRS Classification for internal use – Code 27: FATCA/CRS**

- 2. The stock of the Entity or a related entity is regularly traded on an established securities market.
  - A. The stock of the Entity is regularly traded on an established securities market. State the name of the securities market on which the Entity's stock is traded \_\_\_\_\_.
  - B. The Entity is a Related Entity of an entity the stock of which is regularly traded on an established securities market. State the name of the entity whose stock is traded \_\_\_\_\_; and the name of the securities market on which the entity's stock is traded \_\_\_\_\_.

**FATCA/CRS Classification for internal use – Code 251: ( 1) Publicly Traded NFFE or Affiliate of a Publicly**

**FATCA/CRS Classification for internal use – Code 252: (2) Publicly Traded NFFE or Affiliate of a Publicly**

- 3. The Entity 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 Entity shall not qualify for this exception after the date that is 24 months after the date of the initial organization of the Entity.

**FATCA/CRS Classification for internal use – Code 21: Excepted Non-financial Start-up Comp Or New Business**

- 4. Other – The Entity meets the terms and conditions of Section \_\_\_\_\_ of Annex A (specify above the number of the appropriate Section in Annex A)

<input type="checkbox"/>	<b>Passive Entity</b>	
<input type="checkbox"/> A.	<b>Passive Entity Without a Controlling Person who is Resident of a Foreign country</b>	The Entity is not a Financial Institution and is not an active entity. All Controlling Persons of the Entity are tax residents of Israel only.  <b>FATCA/CRS Classification for internal use – Code 281 PASSIVE NFFE (1)</b>
<input type="checkbox"/> B.	<b>Passive Entity with a Controlling Person who is Resident of a Foreign Country</b>	The Entity is not a Financial Institution and is not an active entity. The Entity has Controlling Persons who are Tax Residents of a country that is not Israel. The Entity declares that – in Annex B – it has provided all of the Controlling Persons who are tax residents of a foreign country, including residents or citizens of the United States (US Persons), and it attached a Declaration of tax Residency for FATCA and CRS purposes – individuals form (Form FT 10 Individuals) that was signed by each one of them.  <b>FATCA/CRS Classification for internal use – Code 282 PASSIVE NFFE (2)</b>

<input type="checkbox"/>	<b>Financial Institution</b>	The Entity is a Financial Institution (FI) If you ticked this alternative, fill out Annex C.
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<sup>4</sup> TIN (Taxpayer Identification Number) is a taxpayer identification number for tax purposes, i.e., the identification number of the taxpayer at the relevant tax authority. There are countries that do not issue a TIN, but they may issue another identification number which serves as a TIN.

### III. Declaration of the Entity and Signature

The Entity hereby confirms and declares as follows:

- a. The Entity has met and will continue to meet all of the reporting duties that apply to it with respect to its income, the account, and any other account in which it is the account holder, as defined above, whether severally or jointly with others (the "Accounts"), including reports on the Accounts' information, the income therein, monies transferred from them and monies deposited in them, and it shall do so on the requisite dates and in accordance with the provisions of any law, including any foreign law governing the Entity, if any.
- b. The Entity has paid and will continue to pay all of the taxes that apply to it in connection with its income and with the Accounts, on the requisite dates and in the requisite amounts in accordance with the provisions of any law governing it, including any foreign law governing the Entity, if any.
- c. We know that the Bank may refuse to receive any receipts and/or demand references at its discretion, including, without limitation, pursuant to AML laws and the regulations that apply to it in the context of reputation and compliance risks, and particularly risks caused by the cross-border activities of its clients.
- d. The Entity declares and certifies that it is not a tax resident in any other country, excluding the country/ies set forth in this form above.
- e. All of the information furnished in this form, including the appendixes thereto, is complete and accurate, and may also serve as an up-to-date declaration of tax residency of the Entity and its Controlling Persons that are set forth in Annex B, in relation to the other bank Accounts, if any exist. In any event of a change in the details provided in this form, the Entity undertakes to submit a new form.
- f. The Entity is aware that this form and the information provided herein, may be reported to the tax authorities in Israel and/or abroad.  
An account in which one of the owners/beneficiaries is a foreign tax resident, will be fully regarded as such.
- g. The Entity and the persons who are authorized to sign this form on its behalf are aware that furnishing a false declaration might constitute an offense that is subject to the penalties set forth under local and/or foreign law.
- h. The persons signing on behalf of the Entity, whose names are stated below, confirms that they are authorized to sign this form on behalf of the Entity.

The Entity's authorized signatories certify that they are authorized to sign this document on behalf of the Entity:

Named of Authorized Person	Signature	Date
		
		
		
		
		

Stamp of Entity \_\_\_\_\_






#### Trust account

the confirmation of the trustee must also be obtained, as follows:

#### Trustee's confirmation

I the undersigned serve as trustee in the account and hereby confirm that this document has been signed by the beneficiaries and that I do not have any conflicting information with regard to the beneficiaries' status.

In addition, I hereby undertake to furnish the bank with a new form in respect of any change in the details provided in the framework of this document.

Name of the trustee	Signature	Date
		
		
		
		
		

## Annex A – Other Alternatives for the Definition of an Active Entity

Active Entity – below are other alternatives for the definition in Part 1 of the form. Check the appropriate alternative **and state its number** under the "Other" section in Part 1 of the form.

1. The Entity is a government entity, international organization, central bank, or entity wholly owned by one of more of the foregoing.

**FATCA classification for internal use – Code 15 in "SNIFIT": Foreign government, government of a U.S. possession, or foreign central bank of issue**

or

**FATCA classification for internal use – Code 16 in "SNIFIT": International organization**

2. Substantially all of the activities of the Entity 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 business **other than the business of a Financial Institution**, except that an Entity shall 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 instrument whose purpose is to acquire or fund companies and then hold interests of such companies as capital assets for investment purposes.

**FATCA classification for internal use – Code 20 in "SNIFIT": Excepted Non-Financial Group Entity**

3. The Entity 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.

**FATCA classification for internal use – Code 20 in "SNIFIT": Excepted Non-Financial Group Entity**

4. The Entity 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.

**FATCA classification for internal use – Code 22 in "SNIFIT": Excepted Non-Financial Entities in Liquidation or Bankruptcy**

5. The Entity is an association or community interest company which is a public institution as defined in Section 9(2) of the Ordinance.

**FATCA classification for internal use – Code 24 in "SNIFIT": Nonprofit organization**

6. The Entity meets all of the following requirements:
- It is established and operates in its jurisdiction of its residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operates in its jurisdiction of residence and it is a professional organization, business league, chamber of commerce, labor organization, agriculture or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
  - It is exempt from income tax in its jurisdiction of residence;
  - It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - The applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents do not permit any income or assets of the Entity 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 Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and
  - The applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents require that, upon the Entity'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 Entity's jurisdiction of residence or any political subdivision thereof.

**FATCA classification for internal use – Code 24 in "SNIFIT": Nonprofit organization**

If the Entity does not meet any one of the alternatives specified above, fill out whether the Entity meets either of the alternatives 7-8 below:

If you ticked alternative 7 or 8:

- For FATCA purposes only, an Entity will be deemed as an Active Entity.
- Such an entity will be considered a Passive Entity for CRS purposes. Also fill out the corporate statement on the Controlling Persons in the corporation/Entity, Annex B of this form.**

The Entity declares that it has furnished in Appendix B all the Controlling Persons (as defined in the Appendix) who are Tax Residents in other country/ies, including the United States(US PERSON), and that it has attached a Declaration of Tax Residency for FATCA and CRS purposes – individuals form (Individual FT10 Form) signed by each of them.

7. The Entity is organized in a U.S. Territory and all the owners of the payee are bona fide residents of that U.S. Territory.

**FATCA classification for internal use – Code 26 in "SNIFIT": Excepted Territory NFFE**

8. The Entity is an excepted NFFE as described in the relevant U.S. Treasury regulations.

**FATCA classification for internal use – please contact FATCA team**

## Annex B – Corporate/Entity Statement on Controlling Persons\* for FATCA and CRS Purposes

The following are details of the controlling Persons in the corporation/entity who are Tax Residents in other country/ies, including the United States,

and also attached is a Declaration of Tax Residency for FATCA and CRS purposes – individuals form (Individual FT10 Form) signed by each of them:

<b>Name</b>	In English		<b>Date of Birth</b>		/ /	
<b>Residential Address</b>	In English	Street and number	Zip Code	City	State/District	Country
<b>Country(ies) of Tax Residency</b>		<b>Local Taxpayer Identification No. (TIN)<sup>5</sup></b>		<b>If there IS NO TIN – state the reason</b>		

<b>Name</b>	In English		<b>Date of Birth</b>		/ /	
<b>Residential Address</b>	In English	Street and number	Zip Code	City	State/District	Country
<b>Country(ies) of Tax Residency</b>		<b>Local Taxpayer Identification No. (TIN)<sup>5</sup></b>		<b>If there IS NO TIN – state the reason</b>		

<b>Name</b>	In English		<b>Date of Birth</b>		/ /	
<b>Residential Address</b>	In English	Street and number	Zip Code	City	State/District	Country
<b>Country(ies) of Tax Residency</b>		<b>Local Taxpayer Identification No. (TIN)<sup>5</sup></b>		<b>If there IS NO TIN – state the reason</b>		

<b>Name</b>	In English		<b>Date of Birth</b>		/ /	
<b>Residential Address</b>	In English	Street and number	Zip Code	City	State/District	Country
<b>Country(ies) of Tax Residency</b>		<b>Local Taxpayer Identification No. (TIN)<sup>5</sup></b>		<b>If there IS NO TIN – state the reason</b>		

<b>Name</b>	In English		<b>Date of Birth</b>		/ /	
<b>Residential Address</b>	In English	Street and number	Zip Code	City	State/District	Country
<b>Country(ies) of Tax Residency</b>		<b>Local Taxpayer Identification No. (TIN)<sup>5</sup></b>		<b>If there IS NO TIN – state the reason</b>		

### \*"Controlling Person" -

(1) In a body of persons which is incorporated -

(1.1) an individual with the ability to direct a corporation's activity, alone or together with others or through them, directly or indirectly, including ability deriving from the corporation's articles of association, by virtue of a written or oral contract or

<sup>5</sup> TIN (Taxpayer Identification Number) is a taxpayer identification number for tax purposes, i.e., the identification number of the taxpayer at the relevant tax authority. There are countries that do not issue a TIN, but they may issue another identification number which serves as a TIN.

otherwise, or ability deriving from any other source, excluding ability deriving merely from filling the position of officer of the corporation;

- (1.2) without derogating from the generality of paragraph (1.1), an individual shall be deemed to control a corporation if he holds 25% or more of a certain type of means of control, and there is no other person holding means of control of the same type in a percentage that exceeds his holdings percentage; in such regard, "holding" - including holding together with others, within the meaning thereof in the Securities Law, 5728-1968;
- (1.3) without derogating from the generality of paragraphs (1.1) and (1.2), in the case of a corporation in which there is no individual as aforesaid, the chairman of the company's board of directors, the holder of a parallel office and the CEO shall be deemed to control a corporation, and if there aren't any - the officer who has effective control of the corporation.
- (2) In a body of persons which is not incorporated - as provided in paragraph (1), *mutatis mutandis*.
- (3) **In a trusteeship** governed by the provisions of Chapter Four-2, Part D of the Income Tax Ordinance (the "**Ordinance**") - the creator, trustee, trusteeship protector or beneficiary as defined in section 75C of the Ordinance, and if any of the aforesaid is not an individual - the individual who have controlling thereof as provided in paragraphs (1) or (2) as the case may be;
- (4) In a legal arrangement that is not a trusteeship as aforesaid in paragraph (3) - an individual in the legal arrangement is similar to that of any of those mentioned in paragraph (3).

#### **"Means of control"**

In a corporation - any one of the following:

- (1) The right to appoint authorized signatories in the corporation's name, who have the ability to direct, through the signatory right, the corporation's activity, save for a right of appointment granted to the board of directors or to the general meeting of a company or to parallel organs of another corporation;
- (2) The right to vote at the general meeting of a company or a corresponding body of another corporation;
- (3) The right to appoint directors of a company or parallel officers of another corporation, or the CEO of the corporation;
- (4) The right to participate in the corporation's profits;
- (5) The right to a share of the balance of the corporation's assets after the payment of its debts, on its liquidation.

#### **"holding" and "acquisition", in respect of securities, voting power and the like** –

whether alone or with others, directly or indirectly, through a trustee, a trust company or a nominee company or in any other manner; in the case of holding or acquisition by a company – also by its subsidiary or by a company associated with it by implication; and in the case of holding or acquisition by an individual – the individual and his relatives who live with him or whose livelihoods depend on each other are deemed one person;

#### **"holding or acquiring securities together with others"** –

the holding or acquisition of securities in cooperation between two or more persons according to a written or verbal agreement; without derogating from the generality of the aforesaid, the following shall prima facie be deemed to be holding or acquiring securities jointly:

- (1) a body corporate that acquires securities (in this definition: body corporate) together with a party with an interest in it or with its associated company;
- (2) a person whose business is the holding or trading of securities on behalf of others, together with his client or with his relative who does not live with him, the livelihood of the one not depending on the other, for whom he holds and manages securities under a power of attorney, which gives him discretion in the use of the right to vote.



- The entity is a Certified Deemed Compliant FFI  
Specify \_\_\_\_\_

**FATCA classification for internal use – Codes 07-11 in "SNIFIT", as the case may be: Certified Deemed Compliant FFI**

- The entity is a Non- Participating FFI

**FATCA classification for internal use – please contact FATCA team**

- The entity is an Excepted FFI

**FATCA classification for internal use – Codes 20,23,29 in "SNIFIT", as the case may be: Excepted FFI**

- The entity is an Owner Documented FFI

**FATCA classification for internal use – please contact FATCA team**

- If the entity does not meet any of the definitions above, **attach an appropriate Form W-8.**

\* A "Financial Institution" is a Custodial Institution, a Depository Institution, an Investment Entity or a specified insurance company.

A "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: (1) 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 (2) the period during which the entity has been in existence.

"A depository institution" means any entity that accepts deposits in the ordinary course of a banking or similar business.

"An 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:

(1) Trading in money market instruments (checks, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading.

(2) Individual and collective portfolio management; or

(3) Otherwise investing, administering or managing funds or money on behalf of other persons. .

A "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.

### **Please note:**

**The Bank does not give advice on tax matters in Israel and/or overseas, and it does not express any opinion regarding the significance of the answers given to any question or with respect to any statement in this form.,**

**For help in filling out the form, insofar as required , including with respect to the determination of the Entity's tax residency, it is recommended that you contact an authorized tax advisor or your local tax authority .**

**This document is not a substitute for compliance with the disclosure and reporting duties pursuant to any law.**