

INSTRUCTIONS

CRS Controlling Persons Self Certification Form

Please read these instructions before completing this form.

Why are we asking you to complete this form?

To help protect the integrity of tax systems, governments around the world are introducing a new information-gathering and reporting requirement for financial institutions. This is known as the Common Reporting Standard (CRS).

To implement the CRS locally, the Government of India joined the Multilateral Competent Authority Agreement (MCCA) on Automatic Exchange of Financial Account Information on 3 June 2015 and notified the Rules under the Income Tax Rules, 1962 to this effect on 7 August 2015.

Under the CRS, we are required to determine where you are 'tax resident' (this will usually be where you are liable to pay income taxes). If you are tax resident outside India we will need to provide this information to Indian Income Tax Authorities, along with information relating to your accounts. This may then be shared between different tax authorities of countries

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

If your circumstances change and any of the information provided in this form becomes incorrect, please let us know immediately and provide an updated self-certification.

Who should complete the CRS Controlling Persons Self Certification Form?

When an account is held with HSBC on behalf of a Passive Entity (for example certain trusts, investment vehicles, investment entity managed by another financial institution etc) we need those individuals identified as having ultimate control of the entity to complete a form. These individuals are termed 'controlling persons'.

If you need to self-certify on behalf of an entity (which includes all businesses, trusts and partnerships) you must complete an 'Entity Self-Certification Form' (CRS-E). Similarly, if you are a personal banking customer or a sole trader, you must complete an 'Individual Self-Certification Form' (CRS-I). You can find these forms at www.crs.hsbc.com.

For joint or multiple controlling persons each individual will need to complete a copy of the 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 requirement under the local regulation.

If you are completing this form on behalf of a controlling person, please ensure that you let them know that you have done so and tell us in what capacity you are signing in Part 4. For example you may be a representative of the entity, OR completing the form under a power of attorney.

Where to go for further information?

If you have any questions about this form or these instructions please visit www.crs.hsbc.com OR contact your HSBC Relationship Manager.

The 'Organisation for Economic Co-operation and Development' (OECD) has developed the rules to be used by all governments participating in the CRS and these can be found on the OECD's 'Automatic Exchange of Information' (AEOI) website, www.oecd.org/tax/automatic-exchange/. The relevant rules under the Income Tax Rules, 1962 can be found on the Income Tax Department website, www.incometaxindia.gov.in.

If you have any questions on how to define your tax residency status, please visit the OECD website or speak to your tax advisor as we are not allowed to give tax advice.

You can find a list of definitions in the Appendix.

Controlling Person Tax Residency Self-Certification Form

CRS-CP

Please complete Parts 1-3 in BLOCK CAPITALS

Part 1

Identification of Account Holder

A. Name of Controlling Person:

Family Name or Surname(s)	<input type="text"/>				
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Other <input type="text"/>
First or Given Name(s)	<input type="text"/>				
Middle Name(s)	<input type="text"/>				
(ii) Father's name	<input type="text"/>				
(iii) Spouse's name (if applicable)	<input type="text"/>				

B. Current Residence Address:

House/Apt/Suite/ Name/Number/Street	<input type="text"/>		
Town, City, Province, State	<input type="text"/>		
Country	<input type="text"/>	Postal Code/Zip Code	<input type="text"/>

Is this address Residential and Business (Y/N): _____

C. Mailing Address: (please only complete if different from the address shown in Section D above)

House/Apt/Suite/ Name/Number/Street	<input type="text"/>		
Town, City, Province, State	<input type="text"/>		
Country	<input type="text"/>	Postal Code/Zip Code	<input type="text"/>

Address type

1. Residential and Business
2. Residential
3. Business
4. Registered Office

D. Date of birth

<input type="text"/>							
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

E. Place of birth

Town or city of birth	<input type="text"/>
Country of birth	<input type="text"/>

F. Gender (M/F/Others) _____

G. Aadhaar Number [Unique identification number issued by 'Unique Identification Authority of India' (UIDAI)]

H. Please enter the legal name of the relevant entity Account Holder(s)
of which you are a Controlling Person

Legal name
of **Entity 1**

--

Legal name
of **Entity 2**

--

Legal name
of **Entity 3**

--

Part 2
Country of Residence for Tax Purposes and related Taxpayer Identification Number or functional equivalent ('TIN') (see Appendix)

Please complete the following table indicating:

- (i) where the Controlling Person is tax resident;
- (ii) the Controlling Person's TIN for each country indicated; and,
- (iii) if the Controlling Person is a tax resident in a country outside India 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 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 TINs to its residents.
- Reason B –** The Account Holder is otherwise unable to obtain a TIN or equivalent number
 (Please explain why you are unable to obtain a TIN in the below table if you have selected this reason).
- Reason C –** No TIN is required. (**Note.** Only select this reason if the authorities of the country of tax residence entered below do not require the TIN to be disclosed).

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

Please explain in the following boxes why you are unable to obtain a TIN, if you selected **Reason B** above.

1	
2	
3	

Part 3

Type of Controlling Person

(Please only complete this section if you are a tax resident outside of India)

Please provide the Controlling Person's Status by ticking the appropriate box.		Entity 1	Entity 2	Entity 3
a	Controlling Person of a legal person – control by ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b	Controlling Person of a legal person – control by other means	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c	Controlling Person of a legal person – senior managing official	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d	Controlling Person of a trust – settlor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e	Controlling Person of a trust – trustee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f	Controlling Person of a trust – protector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g	Controlling Person of a trust – beneficiary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h	Controlling Person of a trust – other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i	Controlling Person of a legal arrangement (non-trust) – settlor-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j	Controlling Person of a legal arrangement (non-trust) – trustee-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k	Controlling Person of a legal arrangement (non-trust) – protector-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l	Controlling Person of a legal arrangement (non-trust) – beneficiary-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m	Controlling Person of a legal arrangement (non-trust) – other-equivalent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 4 Declarations and Signature

I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder's relationship with The Hongkong and Shanghai Banking Corporation Limited (the Bank), setting out how the Bank may use and share the information supplied by me.

I acknowledge that the information contained in this form and information regarding the Controlling Person and any Reportable Account(s) may be reported to the tax authorities of the country in which this account(s) is/are maintained and exchanged with tax authorities of another country or countries in which (I/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 am authorized to sign for the Controlling Person, of all the account(s) held by the entity Account Holder to which this form relates and where I am not the Controlling Person.

I certify that where I have provided information regarding any other person (such as a Controlling Person or other Reportable Person to which this form relates) that I will, within 30 days of signing this form, notify those persons that I have provided such information to HSBC and that such information may be provided to the tax authorities of the country in which the account(s) is/are maintained and exchanged with tax authorities of another country or countries in which the person may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

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

I undertake to advise The Hongkong and Shanghai Banking Corporation Limited within 30 days of any change in circumstances which affects the tax residency status of the individual identified in Part 1 of this form or causes the information contained herein to become incorrect, and to provide HSBC with a suitably updated self-certification and declaration within 90 days of such change in circumstances.

Signature:

Print name:

Date

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

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:

Appendix – Definitions

Note: These are selected definitions 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 domestic guidance. This can be found at the following link [\[OECD\]](#).

If you have any questions then please contact your tax adviser or domestic tax authority.

‘Account Holder’ The term ‘Account Holder’ means the person listed or identified as the holder of a Financial Account by the financial institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit of another person as an agent, a custodian, a nominee, a signatory, an investment advisor, an intermediary, or as a legal guardian, is not treated as the Account Holder. In these circumstances that other person is the Account Holder. For example in the case of a parent/child relationship where the parent is acting as a legal guardian, the child is regarded as the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

‘Active NFE’ An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- active NFEs by reason of income and assets;
- publicly traded NFEs;
- Governmental Entities, International Organizations, Central Banks, or their wholly owned Entities;
- holding NFEs that are members of a non-financial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centers that are members of a non-financial group; or
- non-profit NFEs

An entity will be classified as Active NFE if it meets any of the following criteria:

- a)** less than 50% of the NFE’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 NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b)** 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; for the purpose of this sub-clause, an established securities market means an exchange that is recognized and supervised by a Governmental authority in which the securities market is located and that has a meaningful annual value of shares traded on the exchange;
- c)** the NFE is a Governmental Entity, an International Organization, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- d)** 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)** 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)** the NFE 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;
- g)** 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)** the NFE meets all of the following requirements (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 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;
 - (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 organization, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.

'Controlling Persons' This is a natural person who exercises control over an entity and includes a beneficial owner as determined under sub-rule (3) of rule 9 of the Prevention of Money-laundering (Maintenance of Records) Rules, 2005.

In determining the beneficial owner, the procedure specified in the following circular as amended from time to time shall be applied, namely:

- (i) DBOD.AML.BC. No.71/14.01.001/2012-13, issued on 18 January 2013 by the Reserve Bank of India; or
- (ii) CIR/MIRSD/2/2013, issued on 24 January 2013 by the Securities and Exchange Board of India; or
- (iii) IRDA/SDD/GDL/CIR/019/02/2013, issued on 4 February 2013 by the Insurance Regulatory and Development Authority.

Where that entity is treated as a Passive Non-Financial Entity ('Passive NFE') then a Financial Institution is required to determine whether or not these Controlling Persons are Reportable Persons. In the case of a trust, the controlling person 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, the said expression means the person in equivalent or similar position.

'Entity' The term 'Entity' means a legal person or a legal arrangement, such as a corporation, organization, partnership, trust or foundation.

'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.

'Investment Entity' 'Investment Entity' means any entity,

- (A) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer, namely:
 - (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; or
 - (ii) individual and collective portfolio management; or
 - (iii) otherwise investing, administering, or managing financial assets or money on behalf of other persons; or
- (B) the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets, if the entity is managed by another entity that is a depository institution, a custodial institution, a specified insurance company, or an investment entity mentioned in sub-clause (A) of this clause.

Explanation 1. An entity is treated as primarily conducting as a business one or more of the activities described in sub-clause (A) of this clause, or an entity's gross income is primarily attributable to investing, reinvesting, or trading in financial assets for purposes of sub-clause (B) of this clause, if the entity's gross income attributable to the relevant activities equals or exceeds fifty per cent of the gross income of the entity during the shorter of the three-year period ending on 31 March of the year preceding the year in which the determination is made or the period during which the entity has been in existence.

Explanation 2. The term 'Investment Entity' shall not include an entity that is an active non-financial entity merely because it meets any of the criteria below:

- (i) 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 businesses other than the business of a financial institution: **Provided** that an entity shall not qualify for this status if it functions 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; or
- (ii) 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 twenty four months after the date of the initial organization of the entity; or
- (iii) the entity was not a financial institution in the past five years, and is in the process of liquidating its assets or is reorganizing with intent to continue or recommence operations in a business other than that of a financial institution; or
- (iv) the entity primarily engages in financing and hedging transactions with, or for, related entities which are not financial institutions, and does not provide financing or hedging services to any entity which 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

'Passive NFE' 'Passive Non-Financial Entity' means,

- (i) any non-financial entity which is not an active non-financial entity; or
- (ii) an investment entity the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets, if the entity is managed by another entity that is a depository institution, a custodial institution, a specified insurance company, or an investment entity mentioned in sub-clause (A) of the investment entity definition mentioned above; or
- (iii) a withholding foreign partnership or withholding foreign trust;

'Reportable Account' The term '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. (Relevant extract for CRS).

'Reportable Person'

A 'Reportable Person' means one or more persons other than,

- (i) a corporation, the stock of which is regularly traded on one or more established securities markets;
- (ii) any corporation that is a related entity of a corporation mentioned in item (i);
- (iii) a Governmental entity;
- (iv) an International organization;
- (v) a Central bank; or
- (vi) a financial institution,

that is a resident of any country or territory outside India (except the United States of America) under the tax laws of such country or territory or an estate of a decedent who was a resident of any country or territory outside India (except the United States of America) under the tax laws of such country or territory; (Relevant extract for CRS).

'TIN' (including 'functional equivalent') The term 'TIN' means Taxpayer Identification Number assigned to a person in the country or territory in which he is resident for tax purposes and includes a functional equivalent in case no such number is assigned. A TIN is a unique combination of letters or numbers assigned by a jurisdiction to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found at the following link [\[OECD Portal\]](#).

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.