

## INSTRUCTIONS

### CRS Entity 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 (the CRS).

To implement the CRS locally, the Government of India joined the Multilateral Competent Authority Agreement (MCAA) 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 an entity is 'tax resident' (this will usually be where you are liable to pay corporate 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. The same may then be shared with different tax authorities of Countries/Jurisdictions.

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 Entity Self-Certification Form?**

Business banking customers (which includes all businesses, trusts and partnerships except sole traders) should complete this form.

If you are a HSBC Personal Banking customer or a sole trader you must complete 'Individual Self-Certification Form (CRS-I)'. Similarly, if you are a controlling person of a 1) Passive Non-Financial entity OR 2) Investment entity managed by another financial institution, you must complete a 'Controlling Person (CRS-CP) Self-Certification Form, you can find these forms at [www.crs.hsbc.com](http://www.crs.hsbc.com)

For joint accountholders, a copy of the form should be completed for each accountholder.

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.

Please tell us in what capacity you are signing in Part 4. For example, you may be an authorised officer of the business or a trustee.

#### **Where to go for further information?**

If you have any questions about this form or these instructions please visit [www.crs.hsbc.com](http://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/](http://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](http://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.

# Entity Tax Residency Self-Certification Form

CRS - E

Please complete Parts 1–3 in BLOCK CAPITALS

## Part 1

### Identification of Accountholder

#### A. Legal Name of Entity/Branch

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#### B. Place of Incorporation or Organisation

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#### C. Country/Jurisdiction of Incorporation or Organisation

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#### D. Current Address:

House/Apt/Suite/  
Name/Number/Street

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Town, City, Province, State

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Country

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Postal Code/Zip Code

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#### Address type

1. Residential and Business

2. Residential

3. Business

4. Registered Office

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

House/Apt/Suite/  
Name/Number/Street

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Town, City, Province, State

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Country

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Postal Code/Zip Code

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**Part 2**

Entity type please provide the Accountholder's status by ticking one of the following boxes.

**1.**

**a)** Financial Institution –

(i) An Investment Entity managed by another Financial Institution   
 (Note: if ticking this box please also complete Part 2 (2) below)

(ii) Other Investment Entity

**b)** Financial Institution – Depository Institution, Custodial Institution or Specified Insurance Company

If you have ticked **a)** or **b)** above, please provide, if held, the Accountholder's Global Intermediary Identification Number ('GIIN') obtained for FATCA purposes.

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**c)** Active NFE – a corporation the stock of which is regularly traded on an established securities market or a corporation which is a related entity of such a corporation

If you have ticked **c)**, please provide the name of the established securities market on which the corporation is regularly traded:

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If you are a Related Entity of a regularly traded corporation, please provide the name of the regularly traded corporation that the Entity in **c)** is a Related Entity of:

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**d)** Active NFE – a Government Entity or Central Bank

**e)** Active NFE – an International Organisation

**f)** Active NFE – other than **c) – e)** (for example, a start-up NFE or a non-profit NFE)

**g)** Passive NFE (Note: if ticking this box please also complete **Part 2 (b)** below)

**2.**

If you have ticked **1a) (i)** or **1g)** above, then please:

**a)** Indicate the name of any Controlling Person(s) of the Accountholder:

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**b)** Complete 'Controlling Person Tax Residency Self-Certification Form' for each Controlling Person.

**Note:** If there are no natural person(s) who exercise control of the Entity then the Controlling Person will be the natural person(s) who hold the position of senior managing official. (See definition of Controlling Person in Appendix)

**Part 3**

**Country/Jurisdiction 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 Accountholder is tax resident and **(ii)** the Accountholder's TIN for each Country/Jurisdiction indicated.

If the Accountholder is not tax resident in any jurisdiction (e.g. because it is fiscally transparent), please indicate that on line 1 and provide its place of effective management or Country/Jurisdiction in which its principal office is located.

If the Accountholder is tax resident in more than three Countries/Jurisdictions please use a separate sheet.

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

**Reason A** – The Country/Jurisdiction where I am 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/Jurisdiction of tax residence entered below do not require the TIN to be disclosed).

	Country/Jurisdiction of Tax Residence/Country/Jurisdiction 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 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 Accountholder'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 Accountholder and any Reportable Account(s) may be reported to the tax authorities of the Country/Jurisdiction in which this account(s) is/are maintained and exchanged with tax authorities of another Country/Jurisdiction or Countries/Jurisdictions in which the Accountholder may be tax resident pursuant to intergovernmental agreements to exchange financial account information with the Jurisdictions/country(ies) in which this account(s) is/are maintained.

I certify that I am authorised to sign for the Accountholder in respect of all the account(s) to which this form relates.

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/Jurisdiction in which the account(s) is/are maintained and exchanged with tax authorities of another Country/Jurisdiction or Countries/Jurisdictions 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 Bank within 30 days of any change in circumstances which affects the tax residency status of the Accountholder identified in Part 1 of this form or causes the information contained herein to become incorrect (including any changes to the information on controlling persons identified in Part 2 question 2a), and to provide the Bank 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
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**Note:** Please indicate the capacity in which you are signing the form (for example 'Authorised Officer'). 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.

**'Accountholder'** The 'Accountholder' is the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. This is regardless of whether such person is a flow-through Entity. 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 Accountholder, 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 Accountholder, rather than the partners in the partnership.

A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account, and such other person is treated as holding the account.

**'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 Organisations, 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 centres 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 recognised 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 Organisation, 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 organisation 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 reorganising 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 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 organization, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.

**Note:** Certain entities (such as US Territory NFFEs) may qualify for Active NFFE status under FATCA but not Active NFE status under the CRS.

**'Controlling Persons'** are the natural person(s) who exercise 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.

**'Custodial Institution'** means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. This is where 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 31 December (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.

**'Depository Institution'** means any Entity that accepts deposits in the ordinary course of a banking or similar business.

**'Entity'** means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation. This term covers any person other than an individual (i.e. a natural person).

**'FATCA'** FATCA stands for the Foreign Account Tax Compliance provisions, which were enacted into US law as part of the Hiring Incentives to Restore Employment (HIRE) Act on 18 March 2010. FATCA creates a new information reporting and withholding regime for payments made to certain non-US financial institutions and other non-US entities.

**'Financial Institution'** means a 'Custodial Institution', a 'Depository Institution', an 'Investment Entity', or a 'Specified Insurance Company'. Please see the relevant domestic guidance and the CRS for further classification definitions that apply to Financial Institutions.

**'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 percent 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 organisation 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 reorganising 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

**'NFE'** is any Entity that is not a Financial Institution.

**'Non-Reporting Financial Institution'** means any Financial Institution that is:

- (a) a Governmental entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a specified insurance company, custodial institution, or depository institution;
- (b) a Treaty Qualified Retirement Fund; a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; or a Pension Fund of a Governmental entity, International Organisation or Central Bank;
- (c) a non-public fund of the armed forces, Employees' State Insurance Fund, a gratuity fund or a provident fund;
- (d) an entity that is an Indian financial institution only because it is an investment entity, provided that each direct holder of an equity interest in the entity is a financial institution referred to in sub-clauses (a) to (c), and each direct holder of a debt interest in such entity is either a depository institution (with respect to a loan made to such entity) or a financial institution referred to in sub-clauses (a) to (c);
- (e) a qualified credit card issuer;
- (f) an investment entity established in India that is a financial institution only because it,
  - (i) renders investment advice to, and acts on behalf of; or
  - (ii) manages portfolios for, and acts on behalf of; or
  - (iii) executes trades on behalf of,

a customer for the purposes of investing, managing, or administering funds or securities deposited in the name of the customer with a financial institution other than a non-participating financial institution;

- (g) an exempt collective investment vehicle;
- (h) a trust established under any law for the time being in force to the extent that the trustee of the trust is a reporting financial institution and reports all information required to be reported under rule 114G with respect to all reportable accounts of the trust;
- (i) a financial institution with a local client base;
- (j) a local bank;
- (k) a financial institution with only low-value accounts;
- (l) sponsored investment entity and controlled foreign corporation, in case of any US reportable account; or
- (m) sponsored closely held investment vehicle, in case of any US reportable account.

**'Reporting Financial Institution'** means:

- (a) a financial institution (other than a non-reporting financial institution) which is resident in India, but excludes any branch of such institution, that is located outside India; and
- (b) any branch, of a financial institution (other than a non-reporting financial institution) which is not resident in India, if that branch is located in India.

**'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.

**'Related Entity'** - 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% of the vote and value in an Entity.

**'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 organisation;
- (v) a Central Bank; or
- (vi) a financial institution,

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

Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to determine their residence for tax purposes.

**'Resident for tax purposes'** Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of his domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for determining their residence for tax purposes. An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. A trust is treated as resident where one or more of its trustees is resident. For additional information on tax residence, please talk to your tax adviser or see the following link: [\[OECD AEOI Portal\]](#).

**'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.

**'TIN'** (including 'functional equivalent') The term 'TIN' means Taxpayer Identification Number assigned to a person in the Country/Jurisdiction 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 utilise some other high integrity number with an equivalent level of identification (a 'functional equivalent'). Examples of that type of number include, for Entities, a Business/Company registration code/number.