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## SELF-CERTIFICATION FOR ENTITY ACCOUNTS

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Subject to the provisions of (i) the Agreement Between the United States of America and the Kingdom of Spain to Improve International Tax Compliance and to Implement the Foreign Account Tax Compliance Act (FATCA), dated on May 14, 2013 (FATCA Agreement); (ii) the Regulation HAP/1136/2014, of June 30, regulating several issues related to the FATCA obligations and approving form 290 (Regulation FATCA); (iii) the Royal Decree 1021/2015, of November 13, regulating the automatic exchange of information of several financial accounts for purposes of mutual assistance (RD 1021/2015); (iv) Regulation HAP/1695/2016, of October 25, approving form 289 (Regulation 1021/2015) and (v) any other regulation entering in force after the fulfillment of this form, the information specified in this Form will be annually exchanged to the relevant authorities of the tax of residence of the client (hereinafter, all the above referred regulations, "automatic exchange regulations").



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See attached glossary with the definitions of the numerical superscript marked concepts.

## SELF-CERTIFICATION FOR ENTITY ACCOUNTS

<b>Name of the entity</b>	
<b>Jurisdiction where the entity was incorporated</b>	
<b>Address of the entity/address of the entity's headquarters</b>	Country: Street: Number: Zip code:                      Municipality: Region or state:
<b>Contact person</b>	
<b>Telephone number</b>	
<b>Fax number</b>	
<b>Entity's purpose</b>	
<b>Tax jurisdiction/s where the entity is resident for tax purposes</b>	<b>Tax identification number</b>
<b>Global Intermediary Identification Number (GIIN), if applicable</b>	

### CLASSIFICATION ( )

<b>Financial Institution<sup>1</sup></b> (MARK ONE IF YOU ARE FINANCIAL INSTITUTION)	
Partner jurisdiction financial institution for purposes of FATCA <sup>2</sup>	<input type="checkbox"/>
Nonparticipating foreign financial institutions for purposes of FATCA <sup>3</sup>	<input type="checkbox"/>
Deemed-compliant foreign financial institutions for purposes of FATCA <sup>4</sup>	<input type="checkbox"/>
Exempt beneficial owner for purposes of FATCA <sup>5</sup>	<input type="checkbox"/>



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Excepted foreign financial institutions for purposes of FATCA <sup>6</sup>	<input type="checkbox"/>
Non-reporting financial institution <sup>7</sup>	<input type="checkbox"/>
Reporting financial institution for purposes of CRS/Directive UE <sup>8</sup>	<input type="checkbox"/>
Investment entity that is not deemed as partner jurisdiction financial institution and that is not managed by another entity that is financial institution for purposes of CRS/Directive UE.	<input type="checkbox"/>
<b>Non Financial Entities (NFE) for purposes of FATCA<sup>9</sup> (MARK ONE IF YOU ARE NOT FINANCIAL INSTITUTION)</b>	
Active non-U.S. non-financial entity (NFFE) for purposes of FATCA <sup>10</sup>	<input type="checkbox"/>
Passive non foreign financial entities (NFFE): NFFE which are not active for purposes of FATCA <sup>11</sup> .	<input type="checkbox"/>
<b>Non-financial entity for purposes of CRS/Directive UE (MARK ONE IF YOU ARE NOT FINANCIAL INSTITUTION)</b>	
Entity listed on a regulated market or linked	<input type="checkbox"/>
Governmental entity or Central Bank	<input type="checkbox"/>
International Organization	<input type="checkbox"/>
Active non-financial entity <sup>12</sup>	<input type="checkbox"/>
Passive non-financial entities <sup>13</sup> .	<input type="checkbox"/>

**IF THE ENTITY IS A PASSIVE NFE OR A PASSIVE NFFE**

<b>Name of the controlling person<sup>14</sup></b>	
<b>Title/s for which the control is exercised (for example, holder or beneficiary)</b>	
<b>Nacionality</b>	
<b>Place and date of birth<sup>a</sup></b>	

<sup>a</sup>If the answer is "United States", Aresbank must treat the client as a U.S. person. Notwithstanding, Aresbank is not required to treat a client as a U.S. person if Aresbank obtains (i) a self-certification that the client is neither a U.S. citizen nor a U.S. resident for tax purposes (which may be on an IRS Form W-8 or other similar agreed form); (ii) copy of the client's Certificate of Loss of Nationality of the United States or a reasonable explanation of the reason the client does not have such a certificate despite renouncing U.S. citizenship; or the reason the client did not obtain U.S. citizenship at birth and (iii) a non-U.S. passport or other government-issued identification evidencing the client's citizenship or nationality in a country other than the United States.



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<b>Address <sup>b</sup></b>	Country: Street: Number: Zip code:                      Municipality: Region or state:
<b>Email address</b>	
<b>Contact person</b>	
<b>Telephone number</b>	
<b>Fax number</b>	
<b>Tax jurisdiction/s where the controlling person is resident for tax purposes</b>	<b>Tax identification number</b>
<b>The controlling person gives standing instructions to transfer funds to an account maintained in (please, state the country)<sup>c</sup></b>	
<b>The controlling person currently has an effective power of attorney or signatory authority granted to a person with address in (please, state the country)<sup>c</sup></b>	
<b>The client has a current mailing or residence address for the retention of correspondence that constitutes the only address identified in relation to the client in (please, state the country)<sup>c</sup></b>	
<b>The client is a U.S. citizen<sup>d</sup></b>	

<sup>b</sup> If the answer is "United States", Aresbank must treat the client as a U.S. person. Notwithstanding, Aresbank is not required to treat a client as a U.S. person if Aresbank obtains (i) a self-certification that the client is neither a U.S. citizen nor a U.S. resident for tax purposes (which may be on an IRS Form W-8 or other similar agreed form) and (ii) a non-U.S. passport or other government-issued identification evidencing the client's citizenship or nationality in a country other than the United States. If the address corresponds to a jurisdiction different from the jurisdiction in which the client is resident for tax purposes, a tax certificate issued by the relevant tax authorities must be provided.

<sup>c</sup> If the answer is "United States", Aresbank must treat the client as a U.S. person. Notwithstanding, Aresbank is not required to treat a client as a U.S. person if Aresbank obtains (i) a self-certification that the client is neither a U.S. citizen nor a U.S. resident for tax purposes (which may be on an IRS Form W-8 or other similar agreed form) and (ii) tax certificate issued by the relevant tax authorities. If the address corresponds to a jurisdiction different from the jurisdiction in which the client is resident for tax purposes, a tax certificate issued by the relevant tax authorities must be provided.

<sup>d</sup> Country where the client is deemed as citizen or has the nationality. A person can be deemed as U.S. citizen if (i) has the U.S. nationality; (ii) a U.S. passport; (iii) is a permanent resident in U.S.; (iv) has a green card; (v) has requested the joint tax statement together with his spouse who has the U.S. nationality or (vi) has been physically present in the United States (U.S.) 31 days during the current year and 183 days during the 3-year period that includes the current year and the 2 years immediately before that without being an individual temporarily present in the U.S. as a foreign government-related individual, a teacher or trainee, a student or a professional athlete.



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The client declares that the information stated at this form is true, accurate and complete. In addition, the client commits to inform Aresbank about any change of circumstances with respect to the information provided, within a 30-day period from the event which justifies such change.

Named as the data controller Aresbank, S.A. located at Paseo de la Castellana No. 257, 28046 - Madrid, informs you that personal data provided will be incorporated into the corresponding process of Aresbank, S.A. As such, you are authorizing the Bank to use automated and physical processing in relation to providing financial services and as a fulfilment of the contractual relationship with the interested party and the legal obligations derived from it. Aresbank has appointed a Data Protection Officer (DPO) who can be contacted by email at [dpo.aresbank@aresbank.es](mailto:dpo.aresbank@aresbank.es).

In compliance with the legal obligations applicable to Aresbank, S.A. personal data may be transferred for processing in the context of the fight against financing terrorism and serious forms of organized crime as well as the prevention of money laundering. They may also be submitted to the competent Tax Administrations for the indicated purpose.

The individual can use at any time the right of access, rectification, suppression, opposition, portability and limitation of the treatment by sending a letter, accompanied by a photocopy of the individual's personal identification, Spanish D.N.I., or equivalent document, to the following address: Aresbank, S.A., Paseo de la Castellana nº 257, 28046, Madrid or by email to the following address: [derechoslopd@aresbank.es](mailto:derechoslopd@aresbank.es).

Aresbank, S.A. also informs that your personal data will be blocked when they are no longer necessary for the purpose for which they were collected, with the exception of only the Judges and Tribunals, the Public Prosecutor or the competent Public Administrations, in particular, the data protection authorities for carrying out the possible responsibilities arising from the treatment of the personal data, during the prescription period of these. Once the aforementioned deadline has expired, the Bank will proceed to delete the personal data.

Likewise, personal data may be transferred to third countries for processing due to the duty of collaboration between entities.

Additionally, the individual may submit a claim to the Spanish Agency for Data Protection. It has the necessary information in: [www.agpd.es](http://www.agpd.es).

**Client's Signature**

**Place and date:**

\_\_\_\_\_

*Dated* \_\_\_\_\_

## GLOSSARY

### 1. The term “Financial Institution” means:

- i) “Custodial Institution”: 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 percent of the entity's gross income during the shorter of: (i) 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 (ii) the period during which the entity has been in existence.
- ii) “Depository Institution”: any entity that accepts deposits in the ordinary course of a banking or similar business.
- iii) “Investment Entity” means any entity:
  - a) 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:
    - 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;
    - individual and collective portfolio management; or
    - otherwise investing, administering, or managing funds 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.

An entity is treated as primarily conducting as a business one or more of the activities described in subparagraph (iii)(a), or an entity's gross income is primarily attributable to investing, reinvesting, or trading in financial assets for purposes of subparagraph (iii)(b), if the entity's gross income attributable to the relevant activities equals or exceeds 50% of the entity's gross income during the shorter of:

- the three-year period ending on 31 December of the year preceding the year in which the determination is made; or
  - the period during which the Entity has been in existence.
- iv) “Specified Insurance Company”: 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.

### 2. The term “Partner jurisdiction financial institution for purposes of FATCA” means:

- i) any financial institution resident in a partner jurisdiction, but excluding any branches of such financial institution that are located outside the partner jurisdiction, and
- ii) any branch of a financial institution not resident in the partner jurisdiction, if such branch is located in the partner jurisdiction.

Partner jurisdiction means a jurisdiction that has in effect an agreement with the United States to facilitate the implementation of FATCA.



3. Means any financial institution who is resident in a country which has not entered into a FATCA agreement with U.S. or, if such agreement does not exist, if the financial institution has not entered into a FATCA agreement directly with the IRS.
4. The following categories of institutions are treated as deemed-compliant:
  - Small Financial Institutions with Local Client Base. The requirements to be included in this category are explained in detail in the section II.A.1 of the Anex II of the FATCA Agreement.
  - Certain Collective Investment Vehicles (section II.B of the Anex II of the FATCA Agreement) (a) if all of the interests in the collective investment vehicle are held by or through one or more Financial Institutions that are Participating Financial Institutions, (b) if the information required to be reported by the collective investment vehicle under the FATCA Agreement with respect to interests in the collective investment vehicle is reported by the collective investment vehicle or another Investment Entity,
  - Exempt Products such as, certain Retirement Accounts or Tax favoured products (section III of Anex II of FATCA Agreement).
5. The following categories of institutions are treated as exempt beneficial owner:
  - i) Governmental Entities:
    - Instituto de Crédito Oficial.
    - Consorcio de Compensación de Seguros.
    - Comisión Nacional del Mercado de Valores.
  - ii) Central Bank: Banco de España.
  - iii) Retirement Funds (see FATCA Agreement).
6. The FATCA Agreement refers to the U.S. regulations when defining this category and includes, among others, the start-up companies.
7. According to the Directive 2011/16/UE and the Common Reporting Standard, means any financial entity that is:
  - i) a Governmental Entity, International Organization 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;
  - ii) a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organization or Central Bank; or a Qualified Credit Card Issuer;
  - iii) an Exempt Collective Investment Vehicle; or
  - iv) a trust to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported with respect to all Reportable Accounts of the trust.

For purposes of FATCA, means any financial institution which is:

- i) Exempt beneficial owner (see footnote 13).
- ii) Deemed compliant (see footnote 12).
- iii) Excepted (see footnote 14).

8. Any partner jurisdiction financial institution which is a non-reporting financial institution. "Partner Jurisdiction" means:
  - i) Other member state of the European Union, any territory included within the scope of the Directive 2011/16/UE, amended by the Directive 2014/107/UE of the European Council, of December 9, as regards mandatory automatic exchange of information in the field of taxation, or any other country or jurisdiction with which



- the European Union has entered into an agreement in order to exchange the information foreseen by the Royal Decree 1021/2015.
- ii) Any other country or jurisdiction applying the Standard for Automatic Exchange of Financial Account Information in Tax Matters (CRS).
  - iii) Any other country or jurisdiction with which Spain has entered into an agreement in order to exchange the information foreseen by the Royal Decree 1021/2015.

“Financial institution of partner jurisdiction” means (i) any Financial Institution resident in a Partner Jurisdiction, but excluding any branches of such Financial Institution that are located outside the Partner Jurisdiction, and (ii) any branch of a Financial Institution not resident in the Partner Jurisdiction, if such branch is located in the Partner Jurisdiction.

9. Any Entity which is not deemed as Financial Entity in the term described in the paragraph 1.

10. Means any NFFE that meets any of the following criteria:

- i) 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;
- ii) The stock of the NFFE is regularly traded on an established securities market or the NFFE is a Related Entity of an Entity the stock of which is traded on an established securities market;
- iii) 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;
- iv) The NFFE is a non-U.S. government, 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;
- v) Substantially all of the activities of the NFFE consist of holding (in whole or in part) the outstanding stock of, and 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 NFFE shall not qualify for this status if the NFFE 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;
- vi) 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;
- vii) 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;
- viii) 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; or
- ix) The NFFE meets all of the following requirements:
  - It is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes;
  - It is exempt from income tax in its country 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 country 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 country 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 country of residence or any political subdivision thereof.

11. "Passive NFFE" means any NFFE that is not (i) an active NFFE or (ii) a withholding foreign partnership or withholding foreign trust pursuant to relevant U.S. Treasury Regulations.

12. The term "Active NFE" means any NFE that meets any of the following criteria:

- i) 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 (for passive income is understood, among others, dividends, interests and canons).
- ii) 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.
- iii) the NFE is a Governmental entity, an International Organization, a Central Bank, or an entity wholly owned by one or more of the foregoing.
- iv) 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.
- v) the NFE 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 NFE does not qualify for this exception after the date that is 24 months after the date of the initial organization of the NFE.
- vi) 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.
- vii) 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
- viii) the NFE meets all of the following requirements:



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- 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.
- 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 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
- 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 thereof.

13. The term "passive NFE" means any NFE that meets any of the following criteria:

- i) An NFE which is not active for purposes of CRS/UE Directive.
- ii) An investment entity which is not a financial institution located of a partner jurisdiction.

14. The term "Controlling Persons" means the natural persons who exercise control over an entity. These terms must be analyzed following the article 4 of Law 10/2010, of April 28, of the prevention of money laundering and terrorist financing and the articles 8 and 9.5 of the Royal Decree 304/2014, of May 5, approving the regulations of the prevention of money laundering and terrorist financing. The term "controlling persons" shall also be interpreted in a manner consistent with similar language set forth in the definition of "controlling persons" in the Financial Action Task Force Recommendations (FATF) which includes, among other, directors.