

SELF CERTIFICATION FORM (Entity)



Guaranty Trust Bank Ltd
RC 05331

To: Guaranty Trust Bank Ltd
635, Akin Adesola, Victoria Island, Lagos State, Nigeria

Account number:
(if available)

General Instruction(s)

Please read these instructions before completing the form

The Income Tax (Common Reporting Standard) "CRS" Regulation, 2019 requires Financial Institutions to collect and report certain information on financial accounts of Non-Resident Entity by filling the Self-Certification Form in accordance with the direction of the Organisation of Economic Cooperation and Development (OECD) in which Nigeria is a participating Jurisdiction.

Guaranty Trust Bank Plc has adopted the CRS Regulation and is obligated to collect and report this information about an account holder's tax residence status.

To this end, if your tax residence (or that of the account holder, if you are completing the form on their behalf) is located outside Nigeria, we may be legally obliged to pass on the information in this form and other financial information with respect to your financial accounts to Federal Inland Revenue Services (FIRS) and they may exchange this information with tax authorities of other jurisdiction(s) pursuant to intergovernmental agreements to exchange financial account information.

Please note that this self-certification form is for CRS purposes only and its completion is not a substitute for the completion of any IRS W-9 form, W-8 or FATCA forms that are required for U.S. tax purposes.

There are five (5) parts that "must" be completed (unless not applicable or otherwise). Fields marked with an asterisk (*) are mandatory and must be reported accordingly.

This form will remain valid unless there is a change in circumstances relating to information, such as the account holder's tax status or other mandatory field information, that renders this form invalid. In that case, it is your responsibility to notify Guaranty Trust Bank within 30 days of any such changes and provide an updated self-certification.

As a Financial Institution, we are not allowed to give tax advice; your tax adviser should be able to assist you in answering specific questions on this form; your domestic tax authority can provide guidance regarding how to determine your tax status or visit the OECD AEOI portal for information on a country specific basis at <https://www.oecd.org/>

Identification of Account Holder

(For joint or multiple account holders, complete a separate form for each entity account holder.)

A. Legal Name of Entity/Branch:*

B. Country of Incorporation:*

C. Registered Address: (Please refer to "Registered Address" in appendix of Key Terms for brief description)

Line 1 (e.g. House/Apt/Suite Name, Number, Street, if any):*

Line 2 (e.g. Town/City/Province/County/State):*

Country:*

Postal Code/ZIP Code (if any):

Phone Number(s):*

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

Line 1 (e.g. House/Apt/Suite Name, Number, Street, if any):*

Line 2 (e.g. Town/City/Province/County/State):*

Country:*

Postal Code/ZIP Code (if any):

Entity Type

(Tick as appropriate and provide the relevant information)

| | | |
|-----------------------------------|--------------------------|---|
| Financial Institution | <input type="checkbox"/> | Custodial Institution, Depository Institution or Specified Insurance Company. |
| | <input type="checkbox"/> | Investment Entity, except an investment entity that is managed by another financial institution (e.g. with discretion to manage the entity's assets) and located in a non-participating jurisdiction. |
| Active Non-Financial Entity (NFE) | <input type="checkbox"/> | NFE, the stock of which is regularly traded on _____ which is an established securities market (please specify the name of the Stock Exchange) |
| | <input type="checkbox"/> | Related entity of _____, the stock of which is regularly traded on _____ which is an established securities market (please specify the name of the Corporation and Stock Exchange respectively) |
| | <input type="checkbox"/> | A governmental entity, an international organization, a central bank, or an entity wholly owned by one or more of the foregoing entities. |
| | <input type="checkbox"/> | Active NFE other than the above _____ (please specify) |
| Passive NFE | <input type="checkbox"/> | Investment entity that is managed by another Financial Institution and located in a non-participating jurisdiction |
| | <input type="checkbox"/> | NFE that is not an active NFE |

Controlling Person (For Passive NFE only)

Indicate the names of all controlling person(s) of the account holder in the table below. If no natural person exercises control over an entity which is a legal person, the controlling person will be the individual holding the position of senior managing official. Complete Self-Certification Form – Controlling Person for each controlling person.

| | | | |
|---|--|---|--|
| 1 | | 5 | |
| 2 | | 6 | |
| 3 | | 7 | |
| 4 | | 8 | |

Jurisdiction of Residence and Taxpayer Identification Number or its Functional Equivalent ("TIN")*

Kindly complete the table below indicating (a) the jurisdiction of residence where the account holder is a resident for tax purposes and (b) the account holder's TIN for each jurisdiction. Please note that, this is not restricted to two (2), additional information should be completed on a separate sheet. (See "TIN" in appendix of Key Terms).

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

Reason A – The jurisdiction where the account holder is a resident for tax purposes does not issue TIN to its residents.

Reason B – The account holder is unable to obtain a TIN. Please provide the reason why TIN could not be obtained.

Reason C – TIN is not required (i.e. the authorities of the jurisdiction of residence do not require the TIN to be disclosed.)

| S/N | Country/Jurisdiction of Tax Residence | TIN | If no TIN available, Please input Reason A, B or C | Explain the reason for not being able to obtain a TIN (Reason B only) |
|-----|---------------------------------------|-----|--|---|
| 1 | | | | |
| 2 | | | | |

Declaration and Signature

I declare that all statements supplied by me are, to the best of my knowledge and belief, correct and complete.

I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing my account holding relationship with Guaranty Trust Bank Plc (the Bank) which sets out how the Bank may use and share the information supplied by me.

I acknowledge that the information contained in this form regarding me and my Account(s) with the Bank may be provided 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 may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I undertake to notify the Bank of any change in circumstances which affects my tax residency status or causes the information contained herein to become incorrect, and to provide the Bank with a suitably updated Self-Certification Form within 30 days of such change in circumstances.

I agree to the above declarations and certify that I am the Account Holder (or authorized to sign for the Account Holder) of all the account(s) to which this form relates.

Name: _____ Capacity*: _____

Signature: _____ Date:

| | |
|------|--|
| | |
| Date | |

| | |
|-------|--|
| | |
| Month | |

| | | | |
|------|--|--|--|
| | | | |
| Year | | | |

* Indicate the capacity in which you are signing "Account Holder or Authorized"; if signing under a power of attorney, attach a certified copy of the power of attorney

Warning

It is an offence under section 10 (3) of the Income Tax (CRS) Regulations, 2019 ("the Regulation") for any person, in making a Self-Certification, to make false statement(s), false report or false declaration or give any false information or omission in respect of any information required to be included on an Information Return under Section 5 of the Regulation. FIRS will impose an administrative penalty of ₦5,000,000.00 on any offender and such person may also be liable to other penalties as prescribed by the Regulation.

Appendix – Brief Description of Key Terms

"Account Holder"

The "Account Holder" 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 Account Holder, 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 Account Holder, 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.

"Participating Jurisdiction"

A Participating Jurisdiction means a jurisdiction with which an agreement is in place pursuant to which it will provide the information required on the automatic exchange of financial account information set out in the Common Reporting Standard and that is identified in a published list: <https://www.oecd.org/tax/transparency/AEOI-commitments.pdf>

"Participating Jurisdiction Financial Institution"

The term "Participating Jurisdiction Financial Institution" means i) any Financial Institution that is tax resident in a Participating Jurisdiction but excludes any branch of that Financial Institution that is located outside of that jurisdiction, and (ii) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction but located in such Participating Jurisdiction.

"Financial Institution"

The term "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.

“Depository Institution”

The term “Depository Institution” means any Entity that accepts deposits in the ordinary course of a banking or similar business.

“Reportable Person”

A “Reportable Person” is defined as a “Reportable Jurisdiction Person”, 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 described in clause (i); iii) a Governmental Entity; iv) an International Organisation; v) a Central Bank; or vi) a Financial Institution (except for an Investment Entity described in Sub Paragraph A(6) b) of the CRS that are not Participating Jurisdiction Financial Institutions. Instead, such Investment Entities are treated as Passive NFE’s.)

“Reportable Jurisdiction Person”

A Reportable Jurisdiction Person is an Entity that is tax resident in a Reportable Jurisdiction(s) under the tax laws of such jurisdiction(s) - by reference to local laws in the country where the Entity is established, incorporated or managed. 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. As such if an Entity certifies that it has no residence for tax purposes it should complete the form stating the address of its principal office. Dual resident Entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to determine their residence for tax purposes.

“Reportable Jurisdiction”

A Reportable Jurisdiction is a jurisdiction with which an obligation to provide financial account information is in place and that is identified in a published list: <https://www.firs.gov.ng/SiteApplication/Home/Home.aspx>

“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.

“Registered Address”

The term “Registered Address” means the Incorporation Address of the Entity.

“Resident for Tax Purposes”

Each jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine whether an entity is tax resident in the jurisdiction on the OECD automatic exchange of information portal. 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. For additional information on tax residence, please talk to your tax adviser or see the OECD automatic exchange of information portal.

“Non-Financial Entity (NFE)”

An “NFE” is any Entity that is not a Financial Institution.

“Active NFE”

An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to: a) active NFEs by reason of income and assets; b) publicly traded NFEs; c) Governmental Entities, International Organisations, Central Banks, or their wholly owned Entities; d) Holding NFEs that are members of a non-financial group; e) Start-up NFEs; f) NFEs that are liquidating or emerging from bankruptcy; g) Treasury centres that are members of a non-financial group; or h) Non-profit NFEs.

“Passive NFE”

Under the CRS a “Passive NFE” means any NFE that is not an Active NFE. An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution is also treated as a Passive NFE for purposes of the CRS

“Control”

“Control” over an Entity is generally exercised by the natural person(s) who ultimately has a controlling ownership interest (typically on the basis of a certain percentage (e.g. 25%)) in the Entity. Where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity will be the natural person(s) who exercises control of the Entity through other means. Where no natural person(s) is/are identified as exercising control of the Entity through ownership interests, then under the CRS the Reportable Person is deemed to be the natural person who hold the position of senior managing official.

“Controlling Person(s)”

“Controlling Persons” are the natural person(s) who exercise control over an entity. 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. This definition corresponds to the term “beneficial owner” described in Recommendation 10 and the Interpretative Note on Recommendation 10 of the Financial Action Task Force Recommendations (as adopted in February 2012).

“Entity”

The term “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).

“Investment Entity”

The term “Investment Entity” includes two types of Entities:

- an Entity that primarily conducts as a business one or more of the following activities or operations for or

on behalf of a customer: for example a) 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; b) Individual and collective portfolio management; or c) Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons. Such activities or operations do not include rendering non-binding investment advice to a customer.

- The second type of “Investment Entity” (“Investment Entity managed by another Financial Institution”) is any Entity whose gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets where the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

“Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution”

The term “Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution” means any Entity whose gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets if the Entity is (i) managed by a Financial Institution and (ii) not a Participating Jurisdiction Financial Institution.

“Investment Entity managed by another Financial Institution”

An Entity is “managed by” another Entity if the managing Entity performs, either directly or through another service provider on behalf of the managed Entity, any of the activities or operations described in clause (i) above in the definition of ‘Investment Entity’. An Entity only manages another Entity if it has discretionary authority to manage the other Entity’s assets (either in whole or part). Where an Entity is managed by a mix of Financial Institutions, NFEs or Individuals, the Entity is considered to be managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity, if any of the managing Entities is such another Entity.

“Non-Reporting Financial Institution”

A Non-Reporting Financial Institution” means any non-Financial Institution that is: i) 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; ii) a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer; iii) an Exempt Collective Investment Vehicle; iv) a Trustee-Documented Trust: a trust where 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; or v) any other defined in a countries domestic law as a Non-Reporting Financial Institution.

“Custodial Institution”

The term “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.

“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.

“Specified Insurance Company”

The term “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.

“FATCA”

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

“TIN” (including “functional equivalent”)

The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN.. Further details of acceptable TINs can be found at the OECD AEOI portal: <https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>. 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.

Note: These are selected definition of key terms to aid you with the completion of this form. Further details can be found in the Income Tax (CRS) Implementation and Compliance Guidelines 2019, the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the CRS”), the associated Commentaries to the CRS as found at the OECD automatic exchange of information portal.