

W-8BEN example for enterprises

Fillable W8-BEN form for enterprises is located here: https://www.lhv.ee/assets/files/forms/W-8BEN-E_form.pdf.

There are two ways to complete the form:

- download the form and fill it out on your PC;
- open and fill out the form in your browser, then save it on your PC using the „Print to PDF“ function.

This commented form is provided only for informational purposes and does not purport to be complete or comprehensive. The sample form and comments herein are based on certain typical scenarios - an Estonian registered limited liability company with majority income deriving from passive investments and with no other significant operational business.

Different circumstances applicable to different customers may entail differences in filling out the form. The commented form is not intended to be relied upon as a legal, tax or any other professional advice. You are encouraged to undertake your own analysis of circumstances applicable to you that may affect your FATCA status. For additional instructions to fill out the form, please see IRS instructions available at <http://www.irs.gov/uac/About-Form-W-8BEN-E>. In the case of additional questions, please contact info@lhv.ee.

The image shows a sample W-8BEN form for enterprises. The form is titled "Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities)". It includes fields for the name of the organization (OU MAASIKAS), its country of incorporation (ESTONIA), and various checkboxes for entity status and FATCA status. Numbered callouts 1 through 4 are placed on the form to highlight key areas:

- 1**: Points to the "Name of organization that is the beneficial owner" field.
- 2**: Points to the "Chapter 3 Status (entity type)" section, specifically the "Disregarded entity" checkbox.
- 3**: Points to the "Chapter 4 Status (FATCA status)" section, specifically the "Nonparticipating FFI" checkbox.
- 4**: Points to the "Account that is not a financial institution" checkbox.

- 1 Provide the full name of the entity who is the beneficial owner.
- 2 Check only one box that suits your entity type.
- 3 Check only one box that applies to your FATCA status. Complete the additional part of this form as indicated next to the status you have checked.
- 4 An Active NFFE is a non-U.S. entity that is not a financial institution* and it meets at least one of the below criteria:
 1. less than 50% of its gross income is passive income and less than 50% of the assets held produce passive income**;
 2. substantially all activities consist of holding participations in, or providing financing and services to, subsidiaries engaged in business other than of financial institution, except investment funds or other investment vehicles whose purpose is to acquire and then hold interests in companies as capital assets for investment purposes;
 3. within 24 months after incorporation 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;
 4. it engages in financing and hedging transactions with, or for, related entities that are not financial institutions and the group is not primarily engaged in a business of a financial institution.

*For FATCA purposes, the following entities are considered as a financial institution:

- a depository institution is an entity that accepts deposits in the ordinary course of banking or similar business;

- a custodial institution is an entity that holds, as a substantial portion of its business, financial assets on behalf of others (i.e. the gross income attributable to such business exceeds 20% of its gross income for the previous 3 year accounting period);
- an investment entity is an entity that provides the services of trading in financial instruments, individual or collective portfolio management or other services relating to investment, administering or managing funds or money to its customers as a business;
- an insurance company.

** Passive income includes dividends, interest, rents, royalties, annuities, and certain other form of passive income.

Please note, that the criteria provided herein is selected based on most common circumstances attributable to LHV's clients, and is not comprehensive. In the case of doubt, or for additional assistance regarding certification of your FATCA status, please contact info@lhv.ee.

Form **W-8BEN-E** (Rev. October 2021) **Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities)** OMB No. 1545-1021

Do NOT use this form for:

- U.S. entity or U.S. citizen or resident
- A foreign individual
- A foreign individual or entity claiming that income is effectively connected with the conduct of trade or business within the United States (unless claiming treaty benefits)
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (unless claiming treaty benefits) (see instructions for exceptions)
- A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming that income is effectively connected U.S. income or that is claiming the applicability of section(s) 1152), 501(c), 892, 895, or 1443(b) (unless claiming treaty benefits) (see instructions for other exceptions)
- Any person acting as an intermediary (including a qualified intermediary acting as a qualified derivative dealer)

Part I Identification of Beneficial Owner

1 Name of organization that is the beneficial owner
OÜ MAASIKAS

2 Country of incorporation or organization
ESTONIA

3 Name of disregarded entity receiving the payment (if applicable, see instructions)

4 Chapter 3 Status (entity type) (Must check one box only):

- Simple trust
- Tax-exempt organization
- Disregarded entity
- Partnership
- Foreign Government - Controlled Entity
- Foreign Government - Integral Part
- Grantor trust
- Central Bank of Issue
- Private foundation
- Estate
- International organization

5 Chapter 4 Status (FATCA status) (See instructions for details and complete the certification below for the entity's applicable status.)

- Nonparticipating FFI (including an FFI related to a Reporting IA FFI other than a deemed-compliant FFI, participating FFI, or exempt beneficial owner)
- Participating FFI
- Reporting Model 1 FFI
- Reporting Model 2 FFI
- Registered deemed-compliant FFI (other than a reporting Model 1 FFI, sponsored FFI, or nonreporting IGA FFI covered in Part XII). See instructions.
- Sponsored FFI. Complete Part IV.
- Certified deemed-compliant nonregistering local bank. Complete Part V.
- Certified deemed-compliant FFI with only low-value accounts. Complete Part VI.
- Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part VII.
- Certified deemed-compliant limited life debt investment entity. Complete Part VIII.
- Certain investment entities that do not maintain financial accounts. Complete Part IX.
- Owner-documented FFI. Complete Part X.
- Restricted distributor. Complete Part XI.
- Nonreporting IGA FFI. Complete Part XII.
- Foreign government, government of a U.S. possession, or foreign central bank of issue. Complete Part XIII.
- International organization. Complete Part XIV.
- Exempt retirement plans. Complete Part XV.
- Entity wholly owned by exempt beneficial owners. Complete Part XVI.
- Territory financial institution. Complete Part XVII.
- Excepted nonfinancial group entity. Complete Part XVIII.
- Excepted nonfinancial start-up company. Complete Part XIX.
- Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XX.
- SBI(s) organization. Complete Part XXI.
- Nonprofit organization. Complete Part XXII.
- Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII.
- Excepted territory NFFE. Complete Part XXIV.
- Active NFFE. Complete Part XXV.
- Passive NFFE. Complete Part XXVI.
- Excepted inter-affiliate FFI. Complete Part XXVII.
- Direct reporting NFFE.
- Sponsored direct reporting NFFE. Complete Part XXVIII.
- Account that is not a financial account.

6 Permanent residence address (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address (other than a registered address).
Maasika 6-7

City or town, state or province. Include postal code where appropriate.
10111 Tallinn

Country
ESTONIA

7 Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.

Country

For Paperwork Reduction Act Notice, see separate instructions. Cat. No. 590898 Form **W-8BEN-E** (Rev. 10-2021)

5 A Passive NFFE is a non-US entity that is not a financial institution* and does not classify as an active NFFE (see above). This generally includes entities with mainly passive income (no operational business). Passive income includes dividends, interest, rents, royalties, annuities, and certain other form of passive income.

*For FATCA purposes, the following entities are considered as a financial institution:

- a depository institution is an entity that accepts deposits in the ordinary course of banking or similar business;
- a custodial institution is an entity that holds, as a substantial portion of its business, financial assets on behalf of others (i.e. the gross income attributable to such business exceeds 20% of its gross income for the previous 3 year accounting period);
- an investment entity is an entity that provides the services of trading in financial instruments, individual or collective portfolio management or other services relating to investment, administering or managing funds or money to its customers as a business;
- an insurance company.

6 Provide registered address.

7 Provide only if you are required to obtain GIIN (e.g. reporting Model 1 FFI, direct reporting NFFE, sponsored direct reporting NFFE). Insert "applied for" if your application for GIIN is still in progress. In such case GIIN has to be provided within 90 days.

8 In the case of Estonian entity, insert registry code from the commercial register.

9 Enter the company's country of tax residency and check the applicable tax treaty provision under which you claim the reduced tax rate. If the company is a tax resident of Estonia*, enter „ESTONIA“ in paragraph 14.a, put a checkmark in paragraph 14.b and tick the box „Company that meets the ownership and base erosion test“.

*To qualify for classification as a tax resident of Estonia, a company must meet the requirements set out in Article 22 of the tax treaty between Estonia and USA. The text of the aforementioned tax treaty can be found on the Internal Revenue Service website: <https://www.irs.gov/pub/irs-trty/estonia.pdf>. In case of questions or concerns, please consult with a tax advisor. LHV Pank cannot give advice with regard to tax residency determination.

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Part I Identification of Beneficial Owner (continued)

8 U.S. taxpayer identification number (TIN), if required

9a GIIN **7**

b Foreign TIN **12345678** **8**

c Check if FTIN not legally required.

10 Reference number(s) (see instructions)

Note: Please complete remainder of the form including signing the form in Part XXX.

Part II Disregarded Entity or Branch Receiving Payment. (Complete only if a disregarded entity with a GIIN or a branch of an FFI in a country other than the FFI's country of residence. See instructions.)

11 Chapter 4 Status (FATCA status) of disregarded entity or branch receiving payment

- Branch treated as nonparticipating FFI
- Participating FFI
- Reporting Model 1 FFI
- Reporting Model 2 FFI
- U.S. Branch

12 Address of disregarded entity or branch (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address (other than a registered address).

City or town, state or province. Include postal code where appropriate.

Country

13 GIIN (if any)

Part III Claim of Tax Treaty Benefits (if applicable). (For chapter 3 purposes only.)

14 I certify that check all that apply:

a The beneficial owner is a resident of **ESTONIA** **9** within the meaning of the income tax treaty between the United States and that country.

b The beneficial owner derives the item (or items) of income for which the treaty benefits are claimed, and, if applicable, meets the requirements of the treaty provision dealing with limitation on benefits. The following are types of limitation on benefits provisions that may be included in an applicable tax treaty (check only one; see instructions):

- Government
- Tax-exempt pension trust or pension fund
- Other tax-exempt organization
- Publicly traded corporation
- Subsidiary of a publicly traded corporation
- Other (specify Article and paragraph):
- Company that meets the ownership and base erosion test
- Company that meets the derivative benefits test
- Company with an item of income that meets active trade or business test
- Favorable discretionary determination by the U.S. competent authority received
- No LOB article in treaty

c The beneficial owner is claiming treaty benefits for U.S. source dividends received from a foreign corporation or interest from a U.S. trade or business of a foreign corporation and meets qualified resident status (see instructions).

15 Special rates and conditions (if applicable—see instructions):
The beneficial owner is claiming the provisions of Article and paragraph _____ of the treaty identified on line 14a above to claim a _____ % rate of withholding on (specify type of income):
Explain the additional conditions in the Article the beneficial owner meets to be eligible for the rate of withholding:

Part IV Sponsored FFI

16 Name of sponsoring entity:

17 Check whichever box applies.

- I certify that the entity identified in Part I:
 - is an investment entity;
 - is not a CL, NFP, or VET; (except to the extent permitted in the withholding foreign partnership agreement), or WT, and
 - has agreed with the entity identified above (that is not a nonparticipating FFI) to act as the sponsoring entity for this entity.
- I certify that the entity identified in Part I:
 - is a controlled foreign corporation as defined in section 957(a);
 - is not a CL, NFP, or VET;
 - is wholly owned, directly or indirectly, by the U.S. financial institution identified above that agrees to act as the sponsoring entity for this entity; and
 - shares a common electronic account system with the sponsoring entity (identified above) that enables the sponsoring entity to identify all account holders and payees of the entity and to access all account and customer information maintained by the entity including, but not limited to, customer identification information, customer documentation, account balance, and all payments made to account holders or payees.

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Part VI Certified Deemed-Compliant Nonregistering Local Bank

- 18 I certify that the FFI identified in Part I:
a Operates and is licensed solely as a bank or credit union (or similar cooperative credit organization operated without profit) in its country of incorporation or organization;
b Engages primarily in the business of receiving deposits from and making loans to, with respect to a bank, retail customers unrelated to such bank and, with respect to a credit union or similar cooperative credit organization, members, provided that no member has a greater than 5% interest in such credit union or cooperative credit organization;
c Does not solicit account holders outside its country of organization;
d Has no fixed place of business outside such country for this purpose, a fixed place of business does not include a location that is not advertised to the public and from which the FFI performs solely administrative support functions;
e Has no more than \$175 million in assets on its balance sheet and, if it is a member of an expanded affiliated group, the group has no more than \$500 million in total assets on its consolidated or combined balance sheets; and
f Does not have any member of its expanded affiliated group that is a foreign financial institution, other than a foreign financial institution that is incorporated or organized in the same country as the FFI identified in Part I and that meets the requirements set forth in this part.

Part VII Certified Deemed-Compliant FFI with Only Low-Value Accounts

- 19 I certify that the FFI identified in Part I:
a Is not engaged primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, notional principal contracts, insurance or annuity contracts, or any interest (including a future or forward contract or option) in such security, partnership interest, commodity, notional principal contract, insurance contract or annuity contract;
b Its financial account maintained by the FFI or any member of its expanded affiliated group, if any, has a balance or value in excess of \$50,000 (as determined after applying applicable account aggregation rules); and
c Neither the FFI nor the entire expanded affiliated group, if any, of the FFI, has more than \$50 million in assets on its consolidated or combined balance sheet as of the end of its most recent accounting year.

Part VIII Certified Deemed-Compliant Sponsor, Closely Held Investment Vehicle

- 20 Name of sponsoring entity:
21 I certify that the entity identified in Part I:
a Is an FFI solely because it is an investment entity described in Regulations section 1.1471-5(e)(4);
b Is not a QI, WFI, or WFI;
c Will have all of its management, withholding, and reporting responsibilities (determined as if the FFI were a participating FFI) fulfilled by the sponsoring entity identified on line 20; and
d 20 or fewer individuals own all of the debt and equity interests in the entity (disregarding debt interests owned by U.S. financial institutions, participating FFIs, registered deemed-compliant FFIs, and certified deemed-compliant FFIs and equity interests owned by an entity if that entity owns 100% of the equity interests in the FFI and is itself a sponsored FFI).

Part IX Certified Deemed-Compliant Limited Life Debt Investment Entity

- 22 I certify that the entity identified in Part I:
a Was in existence as of January 17, 2013;
b Issued all classes of debt or equity interests to investors on or before January 17, 2013, pursuant to a trust indenture or similar agreement; and
c Is certified deemed-compliant because it satisfies the requirements to be treated as a limited life debt investment entity (such as the restrictions with respect to its assets and other requirements under Regulations section 1.1471-5(e)(2)(ii)).

Part X Certain Investment Entities that Do Not Maintain Financial Accounts

- 23 I certify that the entity identified in Part I:
a Is a financial institution solely because it is an investment entity described in Regulations section 1.1471-5(e)(4)(A), and
b Does not maintain financial accounts.

Part XI Owner-Documented FFI

Note: This status only applies if the U.S. financial institution, participating FFI, or reporting Model 1 FFI to which this form is given has agreed that it will treat the FFI as an owner-documented FFI (see instructions for eligibility requirements). In addition, the FFI must make the certifications below.

- 24a I certify that the FFI identified in Part I:
a Does not act as an intermediary;
b Does not accept deposits in the ordinary course of a banking or similar business;
c Does not hold, as a substantial portion of its business, financial assets for the account of others;
d Is not an insurance company (or the holding company of an insurance company) that issues or is obligated to make payments with respect to a financial account;
e Is not owned by or in an expanded affiliated group with an entity that accepts deposits in the ordinary course of a banking or similar business, holds, as a substantial portion of its business, financial assets for the account of others, or is an insurance company (or the holding company of an insurance company) that issues or is obligated to make payments with respect to a financial account;
f Does not maintain a financial account for any participating FFI; and
g Does not have any specified U.S. persons that own an equity interest or debt interest (other than a debt interest that is not a financial account or that has a balance or value not exceeding \$50,000) in the FFI other than those identified on the FFI owner reporting statement.

Part XII Owner-Documented FFI (continued)

- Check box 24b or 24c, whichever applies.
b I certify that the FFI identified in Part I:
a Has provided, or will provide, an FFI owner reporting statement that contains:
(1) The name, address, TIN (if any), chapter or status, and type of documentation provided (if required) of every individual and specified U.S. person that owns a direct or indirect equity interest in the owner-documented FFI (looking through all entities other than specified U.S. persons);
(2) The name, address, TIN (if any), and chapter or status of every individual and specified U.S. person that owns a debt interest in the owner-documented FFI (including any indirect debt interest, which includes debt interests in any entity that directly or indirectly owns the payee or any direct or indirect equity interest in a debt holder of the payee) that constitutes a financial account in excess of \$50,000 (disregarding all such debt interests owned by participating FFIs, registered deemed-compliant FFIs, certified deemed-compliant FFIs, excepted NFFEs, exempt beneficial owners, or U.S. persons other than specified U.S. persons); and
(3) Any additional information the withholding agent requests in order to fulfill its obligations with respect to the entity;
b Has provided, or will provide, valid documentation meeting the requirements of Regulations section 1.1471-3(d)(8)(ii) for each person identified in the FFI owner reporting statement;
c I certify that the FFI identified in Part I has provided, or will provide, an auditor's letter, signed within 4 years of the date of payment, from an independent accounting firm or legal representative with a location in the United States stating that the firm or representative has reviewed the FFI's documentation with respect to all of its owners and debt holders identified in Regulations section 1.1471-3(d)(8)(ii)(A) and that the FFI meets all the requirements to be an owner-documented FFI. The FFI identified in Part I has also provided, or will provide, an FFI owner reporting statement of its owners that are specified U.S. persons and Forms W-9, with applicable waivers.

Check box 24d if applicable (optional, see instructions).

- d I certify that the entity identified on line 1 is a trust that does not have any contingent beneficiaries or designated classes with undivided beneficial interests.

Part XIII Restricted Distributor

- 25a I certify that the entity identified in Part I:
a (All restricted distributors check here.) I certify that the entity identified in Part I is a trust that does not have any contingent beneficiaries or designated classes with respect to which this form is furnished;
b Operates as a distributor with respect to debt or equity interests of the restricted fund with respect to which this form is furnished;
c Provides investment services to at least 30 customers unrelated to each other and less than half of its customers we related to each other;
d Is required to perform AML due diligence procedures under the anti-money laundering laws of its country of organization (which is an FATF-compliant jurisdiction);
e Operates solely in its country of incorporation or organization, has no fixed place of business outside of that country, and has the same country of incorporation or organization as all members of its affiliated group, if any;
f Does not solicit customers outside its country of incorporation or organization;
g Has no more than \$175 million in total assets under management and no more than \$7 million in gross revenue on its income statement for the most recent accounting year;
h Is not a member of an expanded affiliated group that has more than \$500 million in total assets under management or more than \$20 million in gross revenue for its most recent accounting year on a combined or consolidated income statement; and
i Does not distribute any debt or securities of the restricted fund to specified U.S. persons, passive NFFEs with one or more substantial U.S. owners, or nonparticipating FFIs.

Check box 25b or 25c, whichever applies.

I further certify that with respect to all sales of debt or equity interests in the restricted fund with respect to which this form is furnished that are made after December 31, 2011, the entity identified in Part I:

- b Has not been bound by a distribution agreement that contained a general prohibition on the sale of debt or securities to U.S. entities and U.S. resident individuals and is currently bound by a distribution agreement that contains a prohibition of the sale of debt or securities to any specified U.S. person, passive NFFE with one or more substantial U.S. owners, or nonparticipating FFI;
c I am currently bound by a distribution agreement that contains a prohibition on the sale of debt or securities to any specified U.S. person, passive NFFE with one or more substantial U.S. owners, or nonparticipating FFI and, for all sales made prior to the time that such a restriction was included in its distribution agreement, has reviewed all accounts related to such sales in accordance with the procedures identified in Regulations section 1.1471-4(c) applicable to preexisting accounts and has redeemed or redeemed any, or caused the restricted fund to transfer the securities to a distributor that is a participating FFI or reporting Model 1 FFI securities which were sold to specified U.S. persons, passive NFFEs with one or more substantial U.S. owners, or nonparticipating FFIs.

Part XII Nonreporting IGA FFI

- 26 I certify that the entity identified in Part I:
a Meets the requirements to be considered a nonreporting financial institution pursuant to an applicable IGA between the United States and the applicable IGA country. The applicable IGA is a Model 1 IGA or a Model 2 IGA, and under the provisions of the applicable IGA or Treasury regulations (if applicable, see instructions);
b If you are a trustee, depositor, or a sponsored entity, provide the name of the trustee or sponsor. The trustee is: I, U.S. Foreign.

Part XIII Foreign Government, Government of a U.S. Possession, or Foreign Central Bank of Issue

- 27 I certify that the entity identified in Part I:
a Is a foreign government, government of a U.S. possession, or foreign central bank of issue;
b Is a type engaged in by an insurance company, custodial institution, or depository institution with respect to the payments, accounts, or obligations for which this form is submitted (except as permitted in Regulations section 1.1471-6(h)(2)).

Part XIV International Organization

- Check box 28a or 28b, whichever applies.
28a I certify that the entity identified in Part I is an international organization described in section 7701(a)(18).
b I certify that the entity identified in Part I:
a Is comprised primarily of foreign governments;
b Is recognized as an intergovernmental or supranational organization under a foreign law similar to the International Organizations Immunities Act or that has in effect a headquarters agreement with a foreign government;
c The benefit of the entity's income does not inure to any private person; and
d Is the beneficial owner of the payment and is not engaged in commercial financial activities of a type engaged in by an insurance company, custodial institution, or depository institution with respect to the payments, accounts, or obligations for which this form is submitted (except as permitted in Regulations section 1.1471-6(h)(2)).

Part XV Exempt Retirement Plans

- Check box 29a, b, c, d, e, or f, whichever applies.
29a I certify that the entity identified in Part I:
a Is established in a country with which the United States has an income tax treaty in force (see Part III if claiming treaty benefits);
b Is operated principally to administer or provide pension or retirement benefits; and
c Is entitled to treaty benefits on income that the fund derives from U.S. sources (or would be entitled to benefits if it derived any such income) as a resident of the other country which satisfies any applicable limitation on benefits requirement.
b I certify that the entity identified in Part I:
a Is organized for the provision of retirement, disability, or death benefits (or any combination thereof) to beneficiaries that are former employees of one or more employers in consideration for services rendered;
b No single beneficiary has a right to more than 5% of the FFI's assets;
c Is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which the fund is established or operated; and
d (i) Is generally exempt from tax on investment income under the laws of the country in which it is established or operates due to its status as a retirement or pension plan;
(ii) Receives at least 50% of its total contributions from sponsoring employers (disregarding transfers of assets from other plans described in this part, retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or accounts described in Regulations section 1.1471-5(d)(2)(A) (referring to retirement and pension accounts), to retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or to other retirement funds described in this part; or in an applicable Model 1 or Model 2 IGA; or
(iii) Limits contributions by employees to the fund by reference to earned income of the employee or may not exceed \$50,000 annually.
c I certify that the entity identified in Part I:
a Is organized for the provision of retirement, disability, or death benefits (or any combination thereof) to beneficiaries that are former employees of one or more employers in consideration for services rendered;
b Has fewer than 50 participants;
c Is sponsored by one or more employers each of which is not an investment entity or passive NFFE;
d Employee and employer contributions to the fund (disregarding transfers of assets from other plans described in this part, retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or accounts described in Regulations section 1.1471-5(d)(2)(A)) are limited by reference to earned income and compensation of the employee, respectively;
e Participants that are not residents of the country in which the fund is established or operated are not entitled to more than 20% of the fund's assets; and
f Is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which the fund is established or operates.

Part XVI Exempt Retirement Plans (continued)

- d I certify that the entity identified in Part I is formed pursuant to a person plan that would meet the requirements of section 401(a) other than the requirement that the plan be funded by a trust created or organized in the United States.
e I certify that the entity identified in Part I is established exclusively to earn income for the benefit of one or more retirement funds described in this part or in an applicable Model 1 or Model 2 IGA, or accounts described in Regulations section 1.1471-5(d)(2)(A) (referring to retirement and pension accounts), or retirement and pension accounts described in an applicable Model 1 or Model 2 IGA.
f I certify that the entity identified in Part I:
a Is established and sponsored by a foreign government, international organization, central bank of issue, or government of a U.S. possession (each as defined in Regulations section 1.1471-5) or an exempt beneficial owner described in an applicable Model 1 or Model 2 IGA;
b Each direct holder of an equity interest in the investment entity is either a depository institution (with respect to a loan made to such entity) or an exempt beneficial owner described in Regulations section 1.1471-5 or an applicable Model 1 or Model 2 IGA;
c Has provided an owner reporting statement that contains the name, address, TIN (if any), chapter or status, and a description of the type of documentation provided to the withholding agent for every person that owns a debt interest constituting a financial account or direct equity interest in the entity; and
d Has provided documentation establishing that every owner of the entity is an entity described in Regulations section 1.1471-5(b), (c), (d), (e) (f) and/or (g) without regard to whether such owners are beneficial owners.

Part XVII Entity Wholly Owned by Exempt Beneficial Owners

- 30 I certify that the entity identified in Part I:
a Is an FFI solely because it is an investment entity;
b Each direct holder of an equity interest in the investment entity is an exempt beneficial owner described in Regulations section 1.1471-5 or in an applicable Model 1 or Model 2 IGA;
c Each direct holder of a debt interest in the investment entity is either a depository institution (with respect to a loan made to such entity) or an exempt beneficial owner described in Regulations section 1.1471-5 or an applicable Model 1 or Model 2 IGA;
d Has provided an owner reporting statement that contains the name, address, TIN (if any), chapter or status, and a description of the type of documentation provided to the withholding agent for every person that owns a debt interest constituting a financial account or direct equity interest in the entity; and
e Has provided documentation establishing that every owner of the entity is an entity described in Regulations section 1.1471-5(b), (c), (d), (e) (f) and/or (g) without regard to whether such owners are beneficial owners.

Part XVIII Territory Financial Institution

- 31 I certify that the entity identified in Part I is a financial institution (other than an investment entity) that is incorporated or organized under the laws of a possession of the United States.

Part XIX Excepted Nonfinancial Group Entity

- 32 I certify that the entity identified in Part I:
a Is a holding company, treasury center, or captive finance company and substantially all of the entity's activities are functions described in Regulations section 1.1471-5(d)(5)(C) through (E);
b Is a member of a nonfinancial group described in Regulations section 1.1471-5(d)(5)(B);
c Is not a depository or custodial institution (other than for members of the entity's expanded affiliated group); and
d Does not function (or hold itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle with an investment strategy to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes.

Part XX Excepted Nonfinancial Start-Up Company

- 33 I certify that the entity identified in Part I:
a Was formed on or, in the case of a new line of business, the date of board resolution approving the new line of business, (date) must be less than 24 months prior to date of payment;
b Is not yet operating a business and has no prior operating history or is investing capital in assets with the intent to operate a new line of business other than that of a financial institution or passive NFFE;
c Is investing capital into assets, with the intent to operate a business other than that of a financial institution; and
d Does not function (or hold 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.

Part XXI Excepted Nonfinancial Entity in Liquidation or Bankruptcy

- 34 I certify that the entity identified in Part I:
a Filed a plan of liquidation, filed a plan of reorganization, or filed for bankruptcy on
b During the past 5 years has not been engaged in business as a bankruptcy filer or a financial institution or acted as a passive NFFE;
c Is either liquidating or emerging from a reorganization or bankruptcy with the intent to continue or reconstitute operations as a nonfinancial entity; and
d Has, or will provide, documentary evidence such as a bankruptcy filer or other public documentation that supports its claim if it remains in bankruptcy or liquidation for more than 3 years.



