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	<b>THE INSTRUCTIONS ON COMPLETING SELF-CERTIFICATION FORM TO CONFIRM ENTITY (CRS ENTITY) TAX RESIDENCY</b>	

Appendix 1A to Order No. 201-IIP dated 10 September 2020

**FOR THE BANK CUSTOMER – ENTITY**

**THE INSTRUCTIONS ON COMPLETING SELF-CERTIFICATION FORM TO CONFIRM ENTITY (CRS ENTITY) TAX RESIDENCY STATUS**

Dear Customer,

We inform you that on 27 December 2019, the First Deputy Prime Minister of the Republic of Kazakhstan – The Minister of Finance of the Republic of Kazakhstan signed Order No. 1429 in accordance with which the rules and deadlines for submitting information to state revenue bodies by second-tier banks and organizations engaged in certain types of banking transactions, custodians, Central Depository, brokers and (or) dealers who have the right to maintain customer accounts as nominee holders of securities, investment portfolio managers, as well as insurance organizations (hereinafter referred to as the Rules) have been developed in accordance with the Convention on Mutual Assistance in Tax Matters, ratified by the Law of the Republic of Kazakhstan dated 26 December 2014 (hereinafter – the Convention), with subparagraph 2) of Article 24 and paragraph 4 of Article 27 of the Code of the Republic of Kazakhstan dated 25 December 2017 “On taxes and other mandatory payments to the budget”.

In order to comply with the requirements of the legislation of the Republic of Kazakhstan, Eurasian Bank JSC (hereinafter referred to as the Bank) developed the Self-Certification Form confirming the Customer’s tax residency.

Please read these instructions before completing the 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, or the CRS.

Under the CRS, the Bank is required to determine whether you are ‘tax resident’ in one of the reportable jurisdictions/countries, which signed the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information.

Completing this form will ensure that the Bank holds accurate and up to date information about your tax residency. We recommend that you notify the Bank if your circumstances change, and any of the information provided in this form becomes incorrect, by contacting and Bank Outlet/Branch, where you will be provided a relevant Self-Certification Form to update.

**Who should complete the tax residency self-certification form (for entities)?**

All the Bank Customers with the Entity status.

If you are a controlling person of an entity, complete a ‘Controlling Person Tax Residency Self-Certification Form’ (CRS-CP).

For joint account holders, a copy of the form should be completed for each account holder.

Even if you have already provided information in relation to the United States Government's Foreign Tax Compliance Act (FATCA), you may still need to provide additional information for the CRS, as this is a requirement of the two separate regulations.

Please tell us in what capacity you are signing in Part 4. Provide copies of documents that confirm your capacity and signature right.

**Where to go for further information?**

If you have any questions about this form or these instructions please contact the Bank Manager at any Bank Outlet/Branch.

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/), <http://www.oecd.org/tax/automatic-exchange/common-reporting-standard/>

If you have any questions on how to define your tax residency status, please visit the OECD website or speak to a professional tax adviser as the Bank is not allowed to give tax advice.

APPENDIX 1. DEFINITIONS

**Note:**

To help you complete the Form, we recommend that you read definitions of some terms used in the Self-Certification Form.

The notions and definitions are provided pursuant to the OECD document <http://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/multilateral-competent-authority-agreement.pdf>

Further details can be found within the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (OECD Common Reporting Standard or the CRS), such information can be found at the link: <http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm>.

**Term**

**CRS 101**

Passive Non-Financial Entity with one or several controlling persons that are reportable jurisdiction persons.

**CRS 102**

Reportable person under the Agreement.

**CRS 103**

Passive Non-Financial Entity that is a reportable entity under the Agreement.

**Active Non-Financial Organization – Active NFE (Non-Financial Entity)**

Non-Financial Entity is an Active NFE, if it meets any of the criteria listed below.

The criteria refer to:

- companies – Active NFE by reason of income and assets;
- public traded (on the securities market) NFEs;
- Governmental Entities, International Organisations, Central Banks or their wholly owned Entities;
- holding NFEs that are members of a nonfinancial group;
- recently created NFEs – start-ups (a company with a short history of operations);
- NFEs that are liquidating or emerging from bankruptcy;

- treasury centers that are members of a nonfinancial group; or non-profit NFEs.

**An Entity is 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;
- c) the NFE is a Governmental Entity, 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 part) of 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 that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund as an investment fund, such as, a private equity fund, venture capital fund, leveraged buyout fund, or any other 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):

- 1) 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;
- 2) it is exempt from income tax in its jurisdiction of residence;
- 3) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- 4) 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

5) 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 organisation or, or escheat to the government of the BFE's jurisdiction of residence or any political subdivision.

**Note:** Certain entities may qualify for Active NFE under FATCA but not Active NFE statuses under the CRS.

**“Account Holder”**

The “Account Holder” is the person listed or identified as the holder of a Financial Institution by the Financial Institution that maintains the account. 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 and 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.

**“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:

1) 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

2) 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.

**“Investment Entity”**

includes two types of Entities:

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

или

- 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.

2) The second type of “Investment Entity” includes “Investment Entity managed by another Financial Institution”, that is any Entity the gross income of which 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 Specified Insurance Company, or the first type of Investment Entity.

**“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 **1)** 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.

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

means any Company, the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets if the Entity is:

- 1) managed by a Financial Institution;  
and  
2) not a Participating Jurisdiction Financial Institution.

**Customer information**

means Personal data, confidential information and/or tax information and/or other information, including, but not limited to, information about payments, invoices and transactions.

**“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.

**“Controlling Person (s)”**

are the natural person (s) who exercise control over an entity. Where that entity is treated as 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 (s) are the settlor (s), the trustee (s), the protector (s) (if any), the beneficiary (-ies) or class (es) of beneficiaries, or any other natural person (s) exercising ultimate effective control over the trust (including through a chain of control or ownership).

Under the CRS the settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary (ies) or class (es) of beneficiaries, are always treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust.

Where the settlor(s) of a trust is an Entity then the CRS requires Financial Institutions to also identify the Controlling Persons of the settlor (s) and when required report them as Controlling Persons of the trust.

In the case of a legal arrangement other than a trust, “Controlling Person(s) means persons in equivalent or similar positions.

**“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 holds the position of senior managing official.

**“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 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:

<http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm>

**“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/jurisdiction 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.

**“Non-Reporting Financial Institution”**

means any Financial Institution that is:

- 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;
- 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;
- an Exempt Collective Investment Vehicle;

or

- 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;
- any other Financial Institution defined in a countries/jurisdictions domestic law as a Non-Reporting Financial Institution.

**“NFE (Non-Financial Entity)”**

is any Entity that is not a Financial Institution.

**“Reportable Jurisdiction”**

is a jurisdiction with which an obligation to provide financial account information is in place.

**“Reportable Person”**

is defined as Reportable Jurisdiction Person, other than:

- a corporation the stock of which is regularly traded on one or more established securities market;
- any corporation that is a Related Entity of a corporation described in sub-item (1);
- a Governmental Entity;
- an International Organisation;
- a Central Bank; or;

а также

- a Financial Institution (except for Investment Entities 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 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.

**“Passive NFE”** under the CRS means any:

- 1) NFE that is not an Active NFE; and
- 2) Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution.

**“Personal data”**

means any information concerning an individual (as well as entities in countries where the law on personal data protection applies to entities), on the basis of which the identity of an individual can be established directly or indirectly, including, but not limited to, name (s), address (s) of residence, contact information, age, date of birth, place of birth, citizenship, personal and marital status, subject to any changes in current legislation.

**“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.

**“Related Person”**

means a natural or legal person, related to the Bank – related persons of the Bank under Article 40 of the Law of RK “On banks and banking in the Republic of Kazakhstan”. Related persons of Bank are:

- 1) an official or an executive employee, managers and permanent members of the committees of the Board of Directors and the relevant body of the Bank, whose powers include making decisions on the alienation of assets, changing the subject of collateral and termination of collateral (except for cases when the debtor repays obligations to the Bank secured by collateral, or the Bank collects collateral), decisions on issuing bank loans and bank guarantees in amounts higher than those established by a regulatory legal act of the authorized body, as well as their spouses and close relatives;
- 2) an individual or legal entity that is a major participant in this Bank, or an official of a major participant in the Bank, as well as their spouses and close relatives;
- 3) a legal entity in which the persons referred to in sub-paragraphs 1) and 2) of this paragraph own ten or more percent of the outstanding shares (excluding preferred and repurchased shares) or shares in the authorized capital or are officials;
- 4) the Bank affiliates;
- 5) an individual or legal entity that meets the criteria of being a related person of the Bank established by a regulatory legal act of the authorized body.

**“Agreement”**

Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information dated 29 October 2014, implemented under Article 6 of the Convention on Mutual Administrative Assistance in Tax Matters.

**“Participating Jurisdiction”**

means a jurisdiction with which an agreement is in place pursuant to which it will provide the information under the CRS.

**“Financial Institution”**

means second-tier banks and organizations that perform certain types of banking transactions, custodians, Central Depository, brokers and (or) dealers who have the right to maintain customer accounts as nominee holders of securities, investment portfolio managers, insurance organizations that operate in the life insurance industry;

**“Participating Jurisdiction Financial Institution”**

means:

- 1) 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
- 2) any branch of a Financial Institution that is not tax resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.


**“FATCA”**

stands for the Foreign Account Tax Compliance provisions, which were enacted into U.S. law.

**“TIN”**

The term “TIN” means Taxpayer Identification Number or a functional equivalent in the absence of a TIN. 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:

<http://www.oecd.org/tax/transparency/automaticexchangeofinformation.htm>.

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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.