



Self-Certification Form for an Entity Account Holder

Tonga Development Bank, PO Box 126, Nuku'alofa, Tonga

Tonga Development Bank (TDB) is required to identify if an Entity is 'a tax resident' in any countries (other than Tonga). If an Entity is a tax resident in another country, or has one or more controlling person(s) that are a tax resident in another country, TDB may be legally obliged to report that information, along with information relating to the Entity's account(s) with us, to Revenue & Customs in Tonga who may share that information with tax authorities in the relevant country. Each country has its own rules for defining tax residence.

Providing the information requested in this certificate will ensure that we hold accurate and up to date information about your tax residency. If there are joint or multiple account holders each individual will need to provide this information on a separate certificate. The information will remain valid unless there is a change resulting in the information captured in this certificate becoming incorrect or incomplete. In that case you will need to notify us and provide an updated self-certification. A summary of defined terms explaining the requested information is in section 6 of this form.

1. Account Holder

<p>Tonga Development Access Number</p> <input type="text"/>	<p>Current Business Address</p> <input type="text"/>				
<p>Legal Name of Entity / Branch</p> <input type="text"/>	<p>Suburb</p> <input type="text"/>				
<p>Country of Incorporation or Organisation</p> <input type="text"/>	<table border="1"> <tr> <td>Town/City</td> <td>Postcode</td> </tr> <tr> <td colspan="2">Country</td> </tr> </table>	Town/City	Postcode	Country	
Town/City	Postcode				
Country					
	<p>Mailing Address (if different from above)</p> <input type="text"/>				
	<p>Suburb</p> <input type="text"/>				
	<table border="1"> <tr> <td>Town/City</td> <td>Postcode</td> </tr> <tr> <td colspan="2">Country</td> </tr> </table>	Town/City	Postcode	Country	
Town/City	Postcode				
Country					

2. Tax Residency (Please complete for all countries other than Tonga)

Is the Entity account holder a tax resident in another country (other than Tonga)?

No, if no go to Section 3

Yes, if yes for each country please provide the Entity account holder's Tax Identification Number (TIN). If unable to provide a TIN please select the reason that is applicable to the Entity account holder's situation in that country.

Country of Tax Residence	Tax Identification Number (TIN) or functional equivalent	Reason A	Reason B	Reason C*
1		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Reason A

The country did not issue the Entity a TIN

Reason B

The country does not require the collection of TINs under domestic law

Reason C

I am unable to provide the Entity's TIN due to other reasons

*Please explain in the following boxes why the Entity is unable to obtain a TIN if you selected Reason C above

If the Account Holder is a tax resident in more than 3 countries please complete an additional Self Certification for an Entity Account Holder form to capture the additional countries



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5. Declaration and Signature

I confirm that all of the information in this certificate is true and correct. I will notify TDB immediately if there is any change in any information given in this certificate including any change in circumstances which affects the tax residency status of the Entity identified above in this certificate. For an Entity that is a trust, this will include notifying TDB when any payment to a discretionary beneficiary or a member of a class beneficiary is paid, or when a beneficiary intends to exercise vested rights. I will provide to TDB any additional information or suitably updated self certification(s) promptly following such change in circumstances.

I also authorise TDB to deal with the personal information in this certificate in accordance with the TDB General Terms and Conditions (in the same way as if I/we are an account holder or customer of TDB), available online at www.tdb.to and at a local TDB Branch.

I have read and understood those terms and conditions and in particular acknowledge that:

- TDB can collect personal information about me/us for the purposes described in those terms and conditions, from any person who can provide TDB with that information.
- When TDB and/or its third party suppliers collect personal information about me/us, I/we authorise disclosure of that information between TDB and its third party suppliers, for the purpose of assisting TDB to procure and administer the provision of services to me/us.
- The information contained in this certificate and any account(s) may be reported to the Revenue & Customs which may exchange such information with tax authorities of another country/jurisdiction or countries/jurisdictions in which the Entity or I/we may be tax resident pursuant to agreements to exchange financial account information.

I certify that I am authorised to sign for the Account Holder of all the account(s) to which this certificate relates.

Please Sign

Print Name

Capacity

Date

D	D	M	M	Y	Y	Y	Y
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NOTE: If signing under a power of attorney please attach a certificate of non-revocation and a certified copy of the power of attorney.





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6. Summary Description of Selected Defined Terms

NOTE

These are selected key definitions provided to assist you with the completion of this form.

Account Holder - The term 'Account Holder' means the person listed or identified as the holder of a Financial Account. A person, other than a Financial Institution, holding a Financial Account for the benefit of another person as an agent, a custodian, a nominee, a signatory, an investment advisor, an intermediary, or as a legal guardian, is not treated as the Account Holder. In these circumstances that other person is the Account Holder. For example in the case of a parent/child relationship where the parent is acting as a legal guardian, the child is regarded as the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

Controlling Person - The term 'Controlling Person' means the natural persons who exercise control over an Entity.

For companies, partnerships, associations, body corporate and any other legal persons, Controlling Person(s) means: (i) the natural person(s) who ultimately has a controlling ownership interest (generally more than 25%) in the Entity; (ii) where no natural person(s) exercise control through ownership interest, the natural person(s) who exercise control of the Entity through other means; (iii) where no natural person(s) is identified as exercising control of the Entity through other means, the natural person(s) who are senior managing official(s) of the Entity.

For trusts, Controlling Persons means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). The settlor(s), trustee(s), protector(s) (if any), beneficiary(ies) or class(es) of beneficiaries must always be treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust. However, a discretionary beneficiary (that does not otherwise control a trust) should only be treated as a Controlling Person if they have received a distribution from the trust and a class beneficiary (that does not otherwise control a trust) should only be treated as a Controlling Person if they have received a distribution from the trust or intends to exercise vested rights. The trust or trustee should inform TDB if they make a distribution to such a beneficiary or when a beneficiary intends to exercise rights.

Where a person connected to the trust (for example, the settlor, trustee, protector (if any), beneficiary(ies)) is an Entity then you must also identify who the Controlling Persons of that connected Entity are. TDB may be required to report them as Controlling Persons of the trust.

For legal arrangements similar to a trust, Controlling Persons means persons in equivalent or similar positions to persons connected to a trust.

CRS - To help protect the integrity of tax systems, governments around the world are introducing a new information gathering and reporting requirement for financial institutions. This is known as the Common Reporting Standard (the CRS).

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).



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Entity Status - If an Entity is not a Financial Institution it will (by default) be a Non-Financial Entity (NFE). There are two categories of NFEs: Active NFEs and Passive NFEs. An NFE that is not an Active NFE will (by default) be a Passive NFE;

•• **Financial Institution - Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution** means any Entity where the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets where the Entity is;

- I. managed by a Financial Institution and;
- II. not a Participating Jurisdiction Financial Institution.

See the definition of Investment Entity below for further information.

•• **Financial Institution - Investment Entity - Other** category is intended to pick up any Investment Entity that is not a "Financial Institution - Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution"

•• **Financial Institution - Other** category is intended to pick up Custodial Institutions, Depository Institutions, and Specified Insurance Companies which are not Investment Entities.

- I. 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 March (or the final day of an 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 means any Entity that accepts deposits in the ordinary course of a banking or similar business.
- III. 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.

•• **Non-Financial Entity (NFE)** - an "NFE" is any Entity that is not a Financial Institution

I. An NFE is an Active NFE if it meets any of the criteria listed below. In summary, those criteria refer to:

- active NFEs by reason of income and assets;
- publicly traded NFEs;
- Governmental Entities, International Organisations, Central Banks, or their wholly owned Entities;
- holding NFEs that are members of a nonfinancial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centres that are members of a nonfinancial group; or
- non-profit NFEs.

II. **Active NFE** - an Entity will be classified as Active NFE if it meets any of the following criteria:

- a. less than 50% of the NFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b. the shares (or stock) of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the share of which is regularly traded on an established securities market;
- c. the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- d. substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding share of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- e. the NFE is not yet operating a business and has no prior operating history, (a "start-up NFE") but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- f. the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- g. the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or
- h. the NFE meets all of the following requirements (a "non-profit NFE") :
 - 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;
 - 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 organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.

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

III. Passive NFE – where the NFE is not an Active NFE. An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution (see above) is also treated as a Passive NFE.

Investment Entity – the term “Investment Entity” comprises two types of Entities:

- I. Where an Entity primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
 - 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 or operations for or on behalf of a customer.
- II. The second type of “Investment Entity” (“Investment Entity managed by another Financial Institution”) is any Entity where 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 Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

An Entity is treated as primarily conducting as a business one or more of the activities described in paragraph I above, or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for purposes of paragraph II above, 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: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the Entity has been in existence.

Participating Jurisdiction - means a country/jurisdiction with which an agreement is in place pursuant to which it will provide the information set out in the CRS and that is identified in a published list.

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, if that branch is located in such Participating Jurisdiction.

Tax resident/residence –Each country/jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine whether an Entity is tax resident on the OECD website <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency>. Generally, an Entity will be resident for tax purposes in a jurisdiction if, under the local laws, it pays or should be paying tax therein by reason of its 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. For additional information on tax residence, please talk to your tax adviser or see the OECD automatic exchange of information website.

TIN (including 'functional equivalent') - 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 country to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of that country.

Further details of acceptable TINs can be found at the following link: <https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>.

Some countries do not issue a TIN. However, these countries often utilise some other high integrity number with an equivalent level of identification (a 'functional equivalent'). Examples of that type of number include, for individuals, a social security/insurance number, citizen/personal identification/service code/number, and resident registration number.