

Tax Declaration for Foreign Account Tax Compliance Act (FATCA) and Common Reporting Standard (CRS) Self-Certification Form

FATCA:

The Foreign Account Tax Compliance Act (FATCA) is a U.S. law and regulation to improve tax compliance on U.S. Persons, their foreign financial assets and offshore accounts. Under FATCA, U.S. taxpayers with specified foreign financial assets that exceed certain thresholds must report those assets to the IRS. FATCA comes into effect on 1 July 2014.

FATCA also requires foreign financial institutions to report directly to the IRS information about financial accounts held by U.S. taxpayers, or held by foreign entities in which U.S. taxpayers hold a substantial ownership interest.

FATCA definitions of "U.S. persons" includes a citizen or permanent resident of the United States or U.S. territories (e.g. U.S. Green Card holder or someone who meets the requirements to be considered a resident under the 'substantial presence test'); U.S. corporations, partnerships, estates and trusts, as well as, any other person that is not a foreign (i.e., non-U.S.) person (as defined under U.S. federal tax law).

CRS:

The Common Reporting Standard (CRS) is an internationally-agreed standard introduced by the Organisation for Economic Co-operation and Development (OECD) for the automatic exchange of financial information between participating countries / jurisdictions. Under the CRS rules, Muamalat Invest Sdn Bhd is required to collect information on the tax residence of its customers. The CRS is effective in Malaysia from 1 July 2017.

I/We understand that the information supplied by me/us is covered by the full provisions of the terms and conditions governing the Account Holder's relationship with Muamalat Invest Sdn Bhd setting out how Muamalat Invest Sdn Bhd may use and share the information supplied by me/us.

I/We acknowledge that the information contained in this form and information regarding the Account Holder and any Reportable Account(s) may be provided to the tax authorities of the country/jurisdiction in which this account(s) is/are maintained and exchanged with tax authorities of another country/jurisdiction or countries/jurisdictions in which the Account Holder may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I/We certify that I/we am/are the Account Holder (or am authorised to sign for the Account Holder) of all the account(s) to which this form relates.

This form must be completed by customer in **BLOCK LETTERS**.

Name :

Nationality/Country of Birth/ :

Country of Incorporation :

NRIC No. / Registration No. :

Residency/Alternate Nationality :

Registered Address :

.....

Mailing Address :

(please complete only if different from registered address shown above)

Please check “✓” Yes or No for each of the following questions:

PART A: FATCA

For Individual:

1. Are you a U.S. Resident? (Including a current work permit) YES ☐ NO ☐ IF YES, TAX NUMBER:
2. Are you a U.S. Citizen or a Citizen of a U.S. Territory? YES ☐ NO ☐ IF YES, TAX NUMBER:
3. Do you hold a U.S. Permanent Resident Card (Green Card)? YES ☐ NO ☐ IF YES, TAX NUMBER:

For Company:

1. Is your company / partnership created / organized / incorporated in the United States or under the law of the United States or of any state, or the District of Columbia? YES ☐ NO ☐ IF YES, TAX NUMBER:
2. Is the shareholder of your company is a US person? YES ☐ NO ☐ IF YES, TAX NUMBER:
3. An estate (other than a foreign estate) YES ☐ NO ☐ IF YES, TAX NUMBER:
4. A domestic trust YES ☐ NO ☐ IF YES, TAX NUMBER:

PART B (1): CRS – Entity Type

1. Tick one of the appropriate boxes and provide the relevant information.

Financial Institution (eg. banks, custodians, certain insurance companies, fund management companies)	<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 Please provide, if held, the Account Holder's Global Intermediary Identification Number ("GIIN") obtained for FATCA purposes. <div style="border: 1px solid black; height: 30px; width: 100%;"></div>								
Active Non-Financial Entity ("NFE")	<input type="checkbox"/> NFE whose stock is regularly traded on _____ (name of the stock exchange and the jurisdiction), which is an established securities market (e.g. Bursa Malaysia) <input type="checkbox"/> Related entity of _____ (name of the company), whose stock is regularly traded on _____ (name of the stock exchange and the jurisdiction), which is an established securities market <input type="checkbox"/> NFE is 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 refer to the Appendix for definition)								
Passive Non-Financial Entity ("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 <i>Note: Please provide the details of Controlling Persons in the table below if you qualify as a Passive NFE. Please consult your tax advisor or refer to the Appendix for the definition of Controlling Person.</i> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No</th> <th style="width: 90%;">Name</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td></td> </tr> <tr> <td style="text-align: center;">2</td> <td></td> </tr> <tr> <td style="text-align: center;">3</td> <td></td> </tr> </tbody> </table> <p>Complete a "Tax Declaration for Foreign Account Tax Compliance Act (FATCA) and Common Reporting Standard (CRS) Self-Certification Form" for each Controlling Person.</p>	No	Name	1		2		3	
No	Name								
1									
2									
3									

2. Is the Account Holder ONLY a Malaysian tax resident?

☐ YES (please proceed to Part C)

☐ NO (please complete the rest of the form)

PART B (2): CRS - Country/Jurisdiction of Residence for Tax Purposes and related Taxpayer Identification Number or equivalent number ("TIN")

If the Account Holder is tax resident in more than three countries/jurisdictions, please use a separate sheet. If a TIN is unavailable, please provide the appropriate reason A, B or C where indicated below:

Reason A - The country/jurisdiction where the Account Holder is resident does not issue TINs to its residents

Reason B - The Account Holder is otherwise unable to obtain a TIN or equivalent number

Reason C - No TIN is required. (Note: Only select this reason if the domestic law of the relevant jurisdiction does not require the collection of the TIN issued by such jurisdiction)

No.	Country / Jurisdiction of tax residence	TIN	If no TIN available enter Reason A, B or C
1.			
2.			
3.			

Please explain in the following boxes why you are unable to obtain a TIN if you selected Reason B above

1.	
2.	
3.	

PART C - Declarations and Signatures

I/We hereby confirm the information provided above is to my/our best knowledge, true, accurate and complete. Subject to the applicable laws, I/We hereby consent for Muamalat Invest Sdn Bhd, its parent or ultimate holding company to share my/our information with domestic or overseas regulators or tax authorities where necessary to establish my/our tax liability in any/the relevant jurisdiction.

Where required by domestic or overseas regulators or tax authorities, I/we also understand and agree that Muamalat Invest Sdn Bhd may be required to obtain additional documents and/or forms, which I/we will sign, if I/we am/are subject to the relevant jurisdiction's requirements.

Where required by domestic or overseas regulators or tax authorities, I/we understand and agree that Muamalat Invest Sdn Bhd may withhold, and payout, from my account(s) such amounts as may be required according to applicable laws, regulations, guidelines and/or agreements with regulators or authorities and directives.

I/We also agree and undertake to notify Muamalat Invest Sdn Bhd (within 30 calendar days), or provide the information if requested by Muamalat Invest Sdn Bhd, if there is a change in any information which I/we have provided to Muamalat Invest Sdn Bhd.

For and on behalf of the Account Holder

Name:
ID No:
Designation:
Date:

Signature
ID No:
Designation:
Date:

Note: Please indicate the designation/capacity in which you are signing the form. If signing under a valid power of attorney, please also attach a certified copy of the valid power of attorney.

U.S. INDICIA

- | | | |
|--|--|--|
| <input type="checkbox"/> U.S. CITIZEN/RESIDENT | <input type="checkbox"/> U.S. ADDRESS | <input type="checkbox"/> POWER OF ATTORNEY /AUTHORISED SIGNATORIES |
| <input type="checkbox"/> U.S. BIRTH PLACE / COMP. INCORP. | <input type="checkbox"/> U.S. PHONE NO.(+1) | <input type="checkbox"/> HOLD MAIL/'IN-CARE-OF' ADDRESS |
| <input type="checkbox"/> STANDING INSTRUCTION TO U.S. ACCT | <input type="checkbox"/> RECALCITRANT PERSON | |

Attended By**Verified By**

(Name Stamp & Signature)

Date:

(Name Stamp & Signature)

Date:

Note: If the customer is categorized as **US PERSON**, please proceed to fill up **FORM IRS W-9** (refer to **Appendix III – CIRCULAR: 14/06/OTH/18 - COMPLIANCE TOWARDS REQUIREMENTS UNDER FOREIGN ACCOUNT TAX COMPLIANCE ACT 2010 (FATCA)**).

APPENDIX – SUMMARY DESCRIPTIONS OF SELECTED DEFINED TERMS

Note: These are summaries of selected defined terms provided to assist you with the completion of this form. Should you have any questions, please contact your tax adviser, domestic tax authority and/or visit the OECD's CRS website at <http://www.oecd.org/tax/automatic-exchange/common-reporting-standard/>

"Account Holder" means 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.

"Active Non-Financial Entity (Active NFE)"

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 non-financial group;
- start-up NFEs;
- NFEs that are liquidating or emerging from bankruptcy;
- treasury centres that are members of a non-financial group; or
- non-profit NFEs.

A NFE 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 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, 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 stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- 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”) :
 - i) 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;
 - ii) it is exempt from income tax in its jurisdiction of residence;
 - iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
 - iv) 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
 - v) 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.

“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 in the Entity as set by the local authority). 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, the Controlling Person of the Entity is deemed to be the natural person who holds 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 such 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.

“Entity” means a legal person or 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).

“Financial Account” means an account maintained by a Financial Institution and includes: Depository Accounts; Custodial Accounts; Equity and debt interest in certain Investment Entities; Cash Value Insurance Contracts; and Annuity Contracts.

“Financial Institution” means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

“Investment Entity”

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

- (i) an Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:
 - Trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
 - Individual and collective portfolio management; or
 - Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.

(ii) 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 Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

“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.

“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.

“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.

“Reportable Person”

A “Reportable Person” is 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 as described above that are not Participating Jurisdiction Financial Institutions and are managed by another Financial Institution. Instead, such Investment Entities are treated as Passive NFEs.)

“TIN” (including “functional equivalent”) 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 for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found at <http://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 individuals, a social security/insurance number, citizen/personal identification/service code/number, and resident registration number.

WARNING: *It is an offence under section 113A of the Income Tax Act 1967 if any person, in making a self-certification, makes or gives any incorrect information in a material particular on behalf of himself or another person. A person who commits the offence is liable on conviction to a fine not less than RM20,000 and not more than RM100,000 or to imprisonment for a term not exceeding 6 months or to both.*