

# CERTIFICATION OF TAX RESIDENCY, TREATY STATEMENT AND IDENTIFICATION OF FINANCIAL INSTITUTION

## Part I Identification of client

Name of company				
Tax and company identification number (TIN and CIN)	TIN:		CIN:	
Address of seat or place of management (street, house number, postal code, city) – must be <b>in the country</b> of the tax residency stated in <b>Part II</b> . <b>Do not use a P.O. box or in-care-of address.</b>				
Country (whole name, do not use abbreviation)				

## Part II Certification of tax residency (fill in a country of tax residency)

I certify that the company identified in Part I of this form is a tax resident of . . . . . and is the beneficial owner of all incomes that are credited in favor of the company by Patria Finance and the incomes are taxed in the state.\*

## Part III Treaty statement – claiming tax treaty benefits for American income

**If you do not want to buy American shares and if you do not hold any, do not fill in this Part III.** (If this part is not filled in or expires (3 years validity\*\*), it will not be possible to enter a purchase order for investment instruments issued by American companies, and in the case of payment of American income (e.g. dividends), the full withholding tax will be deducted.)

**Limitation on benefits. For claiming treaty benefits you must meet at least one of conditions specified in the Double Taxation Treaty (DTT) with the USA stated usually in the article "Limitation on benefits" (LOB).**

**Tick only one condition that you fulfill or select that no condition is met (last option):**  
(A brief description of the conditions is given on the next page.)\*\*\*

Company with an item of income that meets active trade or business test	<input type="checkbox"/>
Company that meets the ownership and base erosion test	<input type="checkbox"/>
Non-profit company exempt from taxation with a member condition	<input type="checkbox"/>
Publicly traded company	<input type="checkbox"/>
Company that meets the derivative benefits test (not applicable for CR, SR, ...see notes on the other page)	<input type="checkbox"/>
Company DOES NOT FULFILL any conditions and IS NOT ENTITLED TO BENEFITS from the Double Taxation Treaty	<input type="checkbox"/>

**If the client meets one condition from the list above, fill in here the name of the company** identified in the Part I if you want to use the tax benefits provisions resulting from the tax treaty (e.g. lower withholding tax levy on dividends from American securities).

..... meets all provisions of the tax treaty between the United States and country stated in the Part II of this form, that are necessary to claim a reduced rate of withholding, including any limitation on benefits provisions, and derives the income, within the meaning of section 894\*\*\*\* of the United States Internal Revenue Code, and the regulations there under, as the beneficial owner.

**Part IV Identification of financial institution**

**Is the company identified in part I a financial institution?**  Yes  No  
If Yes, fill in also a form W-8BEN-E.

The term “**financial institution**” means a fiduciary institution (holds financial assets on behalf of others), depository institution, investment entity (performs trading, portfolio management, otherwise invests for or on behalf of a client) or specified insurance company. \*\*\*\*\*

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- ♦ The entity identified in Part I of this form is not a U.S. person,
- ♦ The income to which this form relates is: (a) not effectively connected with the conduct of a trade or business in the United States, (b) effectively connected but is not subject to tax under an income tax treaty, or (c) the partner’s share of a partnership's effectively connected income.
- ♦ For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person which means that the company is not US person and is neither engaged, nor plan to be engaged in a U.S. trade or business that has effectively connected gains from transactions with a broker or barter exchange.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which the company in Part I is the beneficial owner or any withholding agent that can disburse or make payments of the income of which the company in Part I is the beneficial owner. I agree that I will submit a new form within 30 days if any certification on this form becomes incorrect.

**Sign here** \_\_\_\_\_  
Signature of the Client (individual authorized to sign for the Client) Date

**Print Name of the signer/signers:** \_\_\_\_\_

## NOTES AND INFORMATION

\* If the Client identified in Part I is not the beneficial owner of the assets on the brokerage account, please contact our customer service at [patria@patria.cz](mailto:patria@patria.cz) or on the phone (+420) 221 424 240.

\*\* The declaration in Part III of claiming the tax treaty benefits is valid 3 years following the year in which the declaration is signed. If the statement is not renewed in time, after its expiration it will not be possible to enter a purchase order on an investment instrument issued by the American company, and in the case of payment of American income (e.g. dividends), the full withholding tax will be deducted.

\*\*\* In order to benefit from a more favorable rate of withholding tax imposed on e.g. dividends, the company must meet at least one condition specified in the article usually called LIMITATION ON BENEFITS (LOB) in the relevant DTT concluded by the state of residence of the Client and the USA. In general, these terms match in different DTT, but they can differ, for example, in %, or there may not be listed all conditions in the particular DTT, and therefore only some of the conditions can be met.

The list of all DTT concluded by the USA with individual countries is available in English on the [irs.gov](http://irs.gov) website, or possibly Ministry of Finance of each state has own list of DTT in the appropriate language.

The following list is for informational purposes only and the Client must check by himself or on the basis of information from his tax advisor whether a given condition is in the relevant DTT and whether the condition is met in relation to the Client.

**Company with an item of income that meets active trade or business test** - in accordance with the provisions contained in the Agreement between the Czech Republic and the United States of America commonly known as the Foreign Account Tax Compliance Act (FATCA) or in annex 1 to the Act No. 164/2013 Coll. is considered to be an **ACTIVE company** for which **less than 50% of gross income for the previous calendar year is a passive type of income and less than 50% of the company's assets held in the previous calendar year is the type of asset generating a passive income.** (Passive income includes dividends; interest; rent and royalties, if they do not arise from the conduct of active business; rent; income from interest or currency swaps and forwards; income from trading with currencies; proceeds from the sale of assets which generate passive income.) In the case of newly established companies, these ratios are estimated according to the company's business plans and, if the estimation differs based on the real figures, a new statement will be prepared.

**Company that meets the ownership and base erosion test** - this condition is not included in the DTT between USA and Switzerland.

For example, the DTT concluded between the Czech Republic and the USA contains in Article 17 the Limitation on Benefits a statement that the condition is fulfilled **if more than 50% of the actual share in the company is owned, directly or indirectly, by persons entitled to the benefits under this DTT**, i.e. by the following tax residents in the Czech Republic: an individual, local authority, publicly traded company, non-profit-exempt companies **and not more than 50% of the gross income of such person is used directly or indirectly, to meet liabilities (including liabilities for interest or royalties) to persons who are not entitled to benefits under this DTT**, i.e. non-residents of the Czech Republic and possibly a Czech companies not fulfilling the conditions of this DTT.

**Non-profit company exempt from taxation with a member condition** - the member condition means that more than 50% of the actual recipients, members or participants are entitled to benefits under the double taxation treaty under which the company is governed.

**Company that meets the derivative benefits test** - this condition is not included in the DTT between the Czech Republic and the USA. This condition occurs only in the following DTT between the USA and: Canada, Iceland, Ireland, Jamaica, Luxembourg, Mexico, Switzerland and the United Kingdom.

We recommend to discuss the fulfillment of this condition with your tax advisor. In simple terms, the condition could be met if **95% of the company own seven or fewer persons "equivalent beneficiaries"** who are tax residents of states belonging to the EU, NAFTA or EEA countries and have identical DTT benefits and meet for example the ownership test **and less than 50% of gross income is paid to persons who are not tax residents of the EU, NAFTA or EEA countries.**

\*\*\*\* § 894 contains other conditions for claiming the tax treaty benefits,

- ♦ A company does not have a permanent establishment in the United States at any time during the taxable year.
- ♦ A company is not fiscally transparent entity – v.o.s., k.s., LLP, KG (more details contains the section 26 § 894 of the United States Internal Revenue Code).

If a company is a fiscally transparent entity, then the declaration for claiming the tax treaty benefits must be provided by each partner of the company by himself and not on behalf of the company, i.e. for example that a partner (natural person) of v.o.s. completes the W-8BEN form and a partner (legal person) of v.o.s completes this statement.

\*\*\*\*\* **The financial institution** should be assigned by a Global intermediary identifier number (GIIN), which is obtained after registering on the [irs.gov](https://www.irs.gov) website and is required to disclose it using the W-8BEN-E form, which we will send to you or it is available [here](#) or on websites of the IRS (<https://www.irs.gov/forms-pubs/about-form-w-8-ben-e>). Further information can be found in the Agreement between the Czech Republic and the United States of America commonly known as the Foreign Account Tax Compliance Act (FATCA) or in Chapter 4 paragraph A (Section 1471-1474) of the Code of the United States of America or in annex No. 1 to Act No. 164/2013 Coll.