

## Entity Tax Residency Self-certification Form Instructions

### **Please read these instructions before completing the form.**

Regulations based on the Organization for Economic Cooperation and Development ("OECD") Common Reporting Standard ("CRS") require Financial Institutions ("FIs") to collect and report certain information about an account holder's tax residence.

Each jurisdiction has its own rules for defining tax residence, and jurisdictions have provided information on how to determine if you are a resident in the jurisdiction on the following website: <http://www.oecd.org/tax/automatic-exchange/>. In general, you will find that tax residence is the country/jurisdiction in which you live. Special circumstances may cause you to be resident elsewhere or resident in more than one country/jurisdiction at the same time (dual residency). If you are a U.S. citizen or tax resident under U.S. law, you should indicate that you are a U.S. tax resident on this form and you also need to fill in an IRS W-9 or W-8 form, as appropriate, or self-certification applicable to Foreign Account Tax Compliance Act (FATCA)

If the account holder's (client) tax residence is located outside the jurisdiction where the Financial Institution maintaining the account is located, we may be legally obliged to pass on the information in this form and other financial information with respect to your financial accounts to the tax authorities in the country where the Financial Institution is located and they may exchange this information with tax authorities of another jurisdiction or jurisdictions pursuant to intergovernmental agreements to exchange financial account information.

### **You can find summaries of defined terms such as an Account Holder (client), and other terms, in the Appendix.**

This form will remain valid unless there is a change in circumstances relating to information, such as the Account Holder's tax status or other mandatory field information that makes the form incorrect or incomplete. In that case you must notify Banco de la Producción S.A. Produbanco and provide an updated self-certification.

This form is intended to request information According to the provisions of the applicable current regulations, in accordance with Resolution No. NAC-DGERCGC23-00000031 from the Servicio de Renta Interna (SRI), which establishes the Rules for the Implementation of the Automatic Exchange of Information and approves the Annex on Financial Accounts of Non-Residents with its respective amendment found in Resolution No. NAC-DGERCGC24-00000031, financial institutions are required to request from the account holder or co-holder a self-certification that authenticates their tax residence. This information can be found at the following link: [www.sri.gob.ec](http://www.sri.gob.ec).

Please complete this form where you need to self-certify on behalf of an entity account holder. **If you are an individual account holder or sole trader or sole proprietor do not complete this form.** Instead please complete an "Individual tax residency self-certification form".

**For joint or multiple account holders please complete a separate form for each account holder (client).**

**Where the Account Holder is a Passive Non-Financial Entity ("NFE"), or an Investment Entity located in a Non-Participating Jurisdiction managed by another Financial Institution,** please provide information on the natural person(s) who exercise control over the Account Holder (individuals referred to as "Controlling Person(s)") by completing a "Controlling Person tax residency self-certification form" for each Controlling Person. This information should be provided by all Investment Entities located in a Non-Participating Jurisdiction managed by another FI.

**If you are filling in this form on behalf of someone else,** you should indicate the capacity in which you have signed in Part 4. For example, you may be the custodian or nominee of an account on behalf of the account holder, or you may be completing the form under a signatory authority or power of attorney.

**As a financial institution, we are not allowed to give tax advice.** Your tax adviser may be able to assist you in answering specific questions on this form. Your domestic tax authority can provide guidance regarding how to determine tax status.

You can also find out more, including a list of jurisdictions that have signed agreements to automatically exchange information, along with details about the information being requested, on the <http://www.oecd.org/tax/automatic-exchange/>.

**Field marked with a \* are mandatory.**

**Entity Tax Residency Self-certification Form**  
(please complete in CAPITAL LETTERS parts 1-3)

**Part 1 – Identification of Account Holder (client)**

<b>A. Legal Name of Entity / Branch: *</b>	
<b>B. Country of incorporation or organization*</b>	
<b>ID Number (TIN or equivalent): *</b>	
<b>C. Current Residence Address:</b> <i>The information provided in this section will be used solely for the purposes of this form.</i>	
Line 1 (e.g. House/Apt/Suite Name, Number, Street): *	
Line 2 (e.g. City/Province/County): *	
State: *	
Country: *	
Postal Code / Zip Code: *	
<b>D. Mailing Address: (please only complete if different to the address shown in Section C)</b> <i>The information provided in this section will be used solely for the purposes of this form.</i>	
Line 1 (e.g. House/Apt/Suite Name, Number, Street):	
Linea 2 (e.g. City/Province/County): *	
State: *	
Country: *	
Postal Code / Zip Code: *	

**Part 2 – Entity Type (please provide the Account Holder's (client) Status by ticking one of the following boxes)**

1. (a) Financial Institution – Investment Entity

i. An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution (**Note:** if ticking this box please also complete Part 2(2) Controlling Persons of Passive NFEs below)

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ii. Other Investment Entity

☐

(b) Financial Institution – Depository Institution, Custodial Institution or Specified Insurance Company

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If you have ticked (a) or (b) above, please provide, if held, the Account Holder's Global Intermediary Identification Number ("GIIN") obtained for FATCA purposes.

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(c) Active NFE – a corporation the stock of which is regularly traded on an established securities market or a corporation which is a related entity of such a corporation

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If you have ticked (c), please provide the name of the established securities market on which the corporation is regularly traded:

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If you are a Related Entity of a regularly traded corporation, please provide the name of the regularly traded corporation that the Entity in (c) is a Related Entity of:

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(d) Active NFE – a Government Entity or Central Bank

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(e) Active NFE – an International Organization

☐

(f) Active NFE – other than (c)-(e)

☐

(g) Passive NFE (Note: if ticking this box please also complete Part 2(2) Controlling Persons of Passive NFEs below)

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2. Controlling Persons of Passive NFEs - If you have ticked 1(a)(i) or 1(g) above, then you must:

(a) Indicate the name of any Controlling Person(s) of the Account Holder (client)\*:


(b) Complete a "Controlling Person tax residency self-certification form" for each Controlling Person.\*

**Note:** Please see definition of Controlling Person in Appendix. If there are no natural person(s) who exercise control of the Entity then the Controlling Person will be the natural person(s) who hold the position of senior managing official. (See Appendix)

### Part 3 – Country of Residence / Jurisdiction for Tax Purposes and related Taxpayer Identification Number or functional equivalent ("TIN") (See Appendix)

Please complete the following table indicating (i) where the Account Holder (client) is tax resident and (ii) the Account Holder's TIN for each country / jurisdiction indicated.

If the Account Holder (client) is tax resident in more than three countries 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 (Please explain why you are unable to obtain a TIN in the below table if you have selected this reason)

**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 country / jurisdiction)

Country / Jurisdiction of Tax Residence	RFC or TIN (Tax Residency)	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)

**Parte 4 – Declarations and signature: \***

I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder's (client) relationship with Banco de la Producción S.A. Produbanco and in the privacy and personal data processing policies implemented by Produbanco, setting out how it may use and share the information shared by me.

I acknowledge that Banco de la Producción S.A. Produbanco may disclose and transfer to its parent companies, and its and their respective branches, subsidiaries, affiliates, representative offices, or third party service providers located anywhere in the world (on or outside the country or jurisdiction in which I reside, in which my relationship with the Financial Institution is maintained, in which the account or transaction is booked, in which information is collected and/or retained or in which the transaction is conducted) the information contained in this form and other information regarding the Account Holder (client) and any Reportable Account(s) when considered necessary by the Bank for its business purposes or in connection with, to comply with, or to facilitate compliance with, any law, regulation, court order or requirement (including under any code, guideline, standard, policy, circular or notice) of a governmental, regulatory, supervisory, law enforcement, prosecuting, tax or similar authority or industry body in any jurisdiction existing currently or in the future, on for the purposes of ongoing cooperation with such governmental, regulatory and/or statutory authority, or to comply with any agreement or arrangement with such authority or between such authorities in any jurisdiction existing currently or in the future. I consent to and instruct and authorize you to make such disclosures and transfers.

I 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 the account(s), including Ecuador, is/are maintained and exchanged with tax authorities of another country / jurisdiction or countries/ jurisdictions in which the Account Holder (client) may be tax resident pursuant to intergovernmental agreements to exchange financial account information.

I certify that I am the Account Holder [client] (or I am authorized to sign for the Account Holder) of all the account(s) to which this form relates.

**I declare that all statements made in this declaration are, to the best of my knowledge and belief, correct and complete.**

I undertake to advise Banco de la Producción S.A. Produbanco within 30 days of any change in circumstances which affects the tax residency status of the individual identified in Part 1 of this form or causes the information

contained herein to become incorrect or incomplete, and to provide the Bank that maintains the account with a suitably updated self-certification and Declaration within 30 days of such change in circumstances.

Signature: *	
Print name: *	
Date (DD/MM/YYYY): *	

**Note:** If you are not the Account Holder [client] please indicate the capacity in which you are signing the form. If signing under a power of attorney please also attached a certified copy of the power of attorney.

Capacity: *	
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## Appendix – Summary Descriptions of Selected Defined Terms

**Note:** These are selected summaries of defined terms provided to assist you with the completion of this form. Further details can be found with the OECD Common Reporting Standard for Automatic Exchange of Financial Account information (the "CRS"), the associated Commentary to the CRS, and domestic guidance. This can be found at the following link: <http://www.oecd.org/tax/automatic-exchange/>.

If you have any questions then please contact your tax adviser or tax authority.

**"Account Holder"** The term "Account Holder" means the person listed or identified as the holder of a Financial Account ( which includes the term "client"). 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.

**"Active NFE"** 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 Organizations, 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 centers that are members of a non-financial group; or
- Non-profit NFEs.

An entity will be classified as an 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 Organization, 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 organization 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 reorganizing 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 organization, business league, chamber of commerce, labor organization, agricultural or horticultural organization, civic league or an organization 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 organization, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision.

**"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 (e.g. 10%)) 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 or persons 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 who exercises control over an entity. Where that entity is treated as a Passive NFE then a Financial Institution must determine whether such Controlling Persons are Reportable Persons. This definition corresponds to the term "beneficial owner" as described in the Financial Action Task Force Recommendations.

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, and any other natural person(s) exercising ultimate effective control over the trust (including through a chain of control or ownership). The settlor(s), the trustee(s), the protector(s) (if any), and the 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.

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, such term means persons in equivalent or similar positions.

**"Entity"** The term "Entity" means a legal person or a legal arrangement, such as a corporation, organization, partnership, trust or foundation.

**“Financial Account”** A Financial Account is an account maintained by a Financial Institution and includes: Depository Accounts, Custodial Accounts, and Equity and debt interest in certain investment Entities, Cash Value Insurance Contracts, and Annuity Contracts.

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

- a) 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.
  - Such activities or operations do not include rendering non-binding investment advice to a customer.
- b) The second type of “Investment Entity” (“Investment Entity managed by another Financial Institution”) 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 Custodial Institution, a Specified Insurance Company, or the first type of Investment Entity.

**“Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution”** The term “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 if the Entity is (i) managed by a Financial Institution and (ii) not resident in, or a branch located in, a Participating Jurisdiction.

**“Participating Jurisdictions”** A Participating Jurisdiction means a jurisdiction with which an agreement is in place pursuant to which it will provide the information required on the automatic exchange of financial account information set out in the Common Reporting Standard and that is identified in a published list.

**“Participating Jurisdiction Financial Institution”** The term “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.

**“Passive NFE”** Under the CRS a “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.

**“Reportable Account”** The term "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 Jurisdiction”** A Reportable Jurisdiction is a jurisdiction with which an obligation to provide financial account information is in place and that is identified in a published list.

**“Reportable Person”** A Reportable Person is defined as an individual who is a tax resident in a Reportable Jurisdiction under the tax laws of that jurisdiction. Dual resident individuals may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for purposes of determining their residence for tax purposes.

**“TIN” or “RFC”** (including "functional equivalent") The term "TIN" means Tax Payer 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/automatic-exchange/>.

Some jurisdictions do not issue a TIN. However, these jurisdictions often utilize 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.

"Tax Residence" The determination of a person's Tax Residence is based on the tax legislation of the relevant jurisdictions. The national tax laws of the relevant jurisdictions establish the conditions under which a person should be treated as a tax resident and, consequently, be fully subject to tax obligations. In general, a person should be treated as a tax resident in any jurisdiction where they are subject to taxation due to their domicile, residence, place of management or incorporation, or other similar criteria, and not only from sources within that jurisdiction.