

To: Bank Massad LTD

Branch \_\_\_\_\_

Date: \_\_\_\_\_

## **Declaration of Tax Residency for FATCA and CRS Purposes – Individuals**

Account Name \_\_\_\_\_ Account No. \_\_\_\_\_ Branch \_\_\_\_\_

(This declaration is to be separately filled out and signed by each account holder)

This form is intended to determine whether an Account Holder or Controlling Person in an Account Holder which is a Passive Entity, as the case may be, is a U.S. Person and/or is a Resident of a Foreign Country. **In the event such Account Holder or Controlling Person is a U.S. Person and/or a Resident of a Foreign Country, and such Foreign Country is a Reportable Jurisdiction and the Account was classified as a Reportable Account according to Applicable Law, information relating to such Account Holder or Controlling Person shall be delivered to the U.S.A. and/or to such Foreign Country.**

and since I am aware that furnishing the details included in this declaration and my signature thereof is a condition for your consent to the opening and/or operation of the account whose number appears above (the "Account"), I hereby declare and confirm as follows:

### **Name of Individual<sup>1</sup>**

In Hebrew:	Date of Birth:
In English: if the ID number is a passport number – the name in English as stated in the passport.	I.D. / Passport No.

### **Residential Address**

In Hebrew:	Country	City	Street	No.	Zip Code	
In English	Zip Code	Street	number	City	State/District	Country

### **1. US status (check the box ✓ as appropriate):**

- ☐ I am not a US Person (I am not a citizen or resident of the United States, including a green card holder).
- ☐ I am a US Person (I am a citizen and/or resident of the United States, including a green card holder).

### **2. Tax residency<sup>2</sup> – (check the box ✓ of the appropriate alternative and fill out the details)**

- ☐ **Tax resident in Israel only** – ID No.: \_\_\_\_\_ I declare that I am tax resident of the State of Israel only, which is my only country of residency, and I am not deemed a resident for tax purposes of any other country.
- ☐ **Tax resident in Israel and in other country/ies** (including the u.s.): I declare that I am tax resident of the State of Israel and of the following countries, and I am deemed a tax resident of no other country:

Country	Local Tax Identification No. (TIN) <sup>3</sup>	If there is no TIN – state the reason
(a) Israel (I.D.)		
(b)		
(c)		

- ☐ **Tax resident in other country/ies** (Including the U.S.): I declare that I am tax resident in the following countries, I am not deemed a tax resident in the State of Israel, and I am deemed a tax resident of no other country:

Country	Local Tax Identification No. (TIN) <sup>3</sup>	If there is no TIN – state the reason
(a)		
(b)		
(c)		

<sup>1</sup> An Individual "Account Holder" – with respect to a financial account which is not Cash Value Insurance Contract with a redemption value, an allowance contract or an annuity – anyone registered as the account holder or anyone which the Reporting Israeli Financial Institution identifies as the account holder, and if a person who is not a Financial Institution holds a Financial Account of another person or for the benefit of another person, the other person shall be deemed as the holder of the said account, or an individual "Controlling Person" who is the Controlling Person of the Entity which is the account holder.

"Controlling Person" – as defined in Section 135b of the Income Tax Ordinance (New Version), 5721-1961

<sup>2</sup> Resident of a Foreign Country - a resident of a foreign country in accordance to the tax laws of such country, or an estate of a deceased which was a resident of a foreign country in such country.

<sup>3</sup> TIN (Taxpayer Identification Number) is a taxpayer identification number for tax purposes, i.e., the identification number of the taxpayer at the relevant tax authority (example: in the State of Israel the identification number of the taxpayer is their I.D. No.). There are countries that do not issue a TIN, but they may


issue another identification number which serves as a TIN, e.g: Social Security Number/ Insurance number/ Personal identification number/ Service code/ Resident registration number.

If you are tax resident in a country that does not issue TINs, please state that in the "TIN" column.

**3. I hereby confirm and declare as follows:**

- A. I have met and will continue to meet all of the reporting duties that apply to me with respect to my income, this account, and any other account in which I am the account holder, as defined above, whether severally or jointly with others (the "**Accounts**"), including reports on the Accounts' information, the income therein, monies transferred from them and monies deposited in them, and I shall do so on the requisite dates, and in accordance with the provisions of any law, including any foreign law governing me, if any.
- B. I have paid and will continue to pay all of the taxes that apply to me in connection with my income and with the Accounts, on the requisite dates and in the requisite amounts in accordance with the provisions of any law governing me, including any foreign law governing me, if any.
- C. I hereby warrant that all of the receipts in the account will originate in the country of tax residency of the Account Holders.  
The aforesaid does not derogate from the Bank's right to refuse to receive any receipts and/or demand references at its discretion with respect of any transaction that takes place in the account.
- D. I am not a tax resident in any other country, excluding the countries set forth in this form above.
- E. All of the information that I have furnished in this form is complete and accurate, and may also be used for any other account in which I am the Account Holder. I hereby undertake to submit to the bank a new form in respect of any change in the details provided in the framework of this document.
- F. I am aware that this form and the information provided herein, may be reported to the tax authorities in Israel and/or abroad. With respect to the reporting duties that are to be met by the Bank, an account in which one of the owners/beneficiaries is a foreign tax resident will be fully regarded as such.
- G. I am aware that furnishing a false declaration might constitute an offense that is subject to the penalties set forth under local and/or

foreign law.

Name	Signature	Date
		

**Please note:**

The Bank does not give advice on tax matters in Israel and/or overseas. For help in filling out the form, insofar as required, including with respect to the determination of your tax residency, it is recommended that you contact an authorized tax advisor or your local tax authority.

This document is not a substitute for compliance with the disclosure and reporting duties pursuant to any law.

**Trust account**

the confirmation of the trustee must also be obtained, as follows:

**Trustee's confirmation**

I the undersigned serve as trustee in the account and hereby confirm that this document has been signed by the beneficiaries and that I do not have any conflicting information with regard to the beneficiaries' status.

In addition, I hereby undertake to furnish the bank with a new form in respect of any change in the details provided in the framework of this document.

Name of the trustee	Signature	Date
		

## Annex A – Definitions

### "Controlling Person "-

1. In a body of persons which is incorporated –
  - 1.1. an individual with the ability to direct a corporation's activity, alone or together with others or through them, directly or indirectly, including ability deriving from the corporation's articles of association, by virtue of a written or oral contract or otherwise, or ability deriving from any other source, excluding ability deriving merely from filling the position of officer of the corporation;
  - 1.2. without derogating from the generality of paragraph (1.1), an individual shall be deemed to control a corporation if he holds 25% or more of a certain type of means of control, and there is no other person holding means of control of the same type in a percentage that exceeds his holdings percentage; in such regard, "holding" - including holding together with others, within the meaning thereof in the Securities Law, 5728-1968;
  - 1.3. without derogating from the generality of paragraphs (1.1) and (1.2), in the case of a corporation in which there is no individual as aforesaid, the chairman of the company's board of directors, the holder of a parallel office and the CEO shall be deemed to control a corporation, and if there aren't any - the officer who has effective control of the corporation.
2. In a body of persons which is not incorporated - as provided in paragraph (1), *mutatis mutandis*.
3. **In a trusteeship** governed by the provisions of Chapter Four-2, Part D of the Income Tax Ordinance (the "**Ordinance**") - the creator, trustee, trusteeship protector or beneficiary as defined in section 75C of the Ordinance, and if any of the aforesaid is not an individual - the individual who have controlling thereof as provided in paragraphs (1) or (2) as the case may be;
4. In a legal arrangement that is not a trusteeship as aforesaid in paragraph (3) - an individual in the legal arrangement is similar to that of any of those mentioned in paragraph (3).

### "Means of control"

In a corporation - any one of the following:

1. The right to appoint authorized signatories in the corporation's name, who have the ability to direct, through the signatory right, the corporation's activity, save for a right of appointment granted to the board of directors or to the general meeting of a company or to parallel organs of another corporation;
2. The right to vote at the general meeting of a company or a corresponding body of another corporation;
3. The right to appoint directors of a company or parallel officers of another corporation, or the CEO of the corporation;
4. The right to participate in the corporation's profits;
5. The right to a share of the balance of the corporation's assets after the payment of its debts, on its liquidation.

### **"holding" and "acquisition", in respect of securities, voting power and the like –**

whether alone or with others, directly or indirectly, through a trustee, a trust company or a nominee company or in any other manner; in the case of holding or acquisition by a company – also by its subsidiary or by a company associated with it by implication; and in the case of holding or acquisition by an individual – the individual and his relatives who live with him or whose livelihoods depend on each other are deemed one person;

### **"holding or acquiring securities together with others" –**

the holding or acquisition of securities in cooperation between two or more persons according to a written or verbal agreement; without derogating from the generality of the aforesaid, the following shall prima facie be deemed to be holding or acquiring securities jointly:

- (1) a body corporate that acquires securities (in this definition: body corporate) together with a party with an interest in it or with its associated company;
- (2) a person whose business is the holding or trading of securities on behalf of others, together with his client or with his relative who does not live with him, the livelihood of the one not depending on the other, for whom he holds and manages securities under a power of attorney, which gives him discretion in the use of the right to vote.