

# Tax Residency Self-Certification for Individuals

(Terms referring to persons apply to women and men equally)

**Based on the global standard for the Automatic Exchange of Information (AEOI) in tax matters, as well as the Foreign Account Tax Compliance Act (FATCA), PostFinance Ltd has the obligation to document the tax residences of its clients.**

Partner number \_\_\_\_\_ Order number \_\_\_\_\_

Last name \_\_\_\_\_

First name \_\_\_\_\_

Nationality \_\_\_\_\_ Date of birth \_\_\_\_\_

## Residence Address

Street, no. \_\_\_\_\_

Postcode \_\_\_\_\_ Location \_\_\_\_\_

Country \_\_\_\_\_

The statements made on this form apply to all business relationships that you maintain individually or together with other persons as the beneficial owner or controlling party in connection with PostFinance Ltd. You hereby certify that you are resident for tax purposes (unlimited tax liability) exclusively in the following country/countries:

### IMPORTANT: at least one country must be ticked.

Switzerland

In case of a tax residency in Switzerland, the tax identification number may be omitted.

Germany

Tax identification number \_\_\_\_\_

Italy

Tax identification number \_\_\_\_\_

France

Tax identification number \_\_\_\_\_

USA

Tax identification number \_\_\_\_\_

others:

Tax identification number \_\_\_\_\_

others:

Tax identification number \_\_\_\_\_

others:

Tax identification number \_\_\_\_\_

In case of questions concerning your tax residency, please contact your tax adviser.



**Important Information on US Tax Residency<sup>1</sup>**


A US tax residency shall be established by all persons who are US nationals, hold a permanent residence permit (e.g. holders of a green card), fulfil the criteria of the “substantial presence” test<sup>2</sup>, were born in the USA or in one of the US territories (Puerto Rico, Guam, American Samoa, Northern Mariana Islands or US Virgin Islands) or for other reasons have their tax residency in the USA (e.g. dual residence, joint tax declaration with a US spouse).

**Change of Circumstances**

For the duration of the contractual relationship with PostFinance Ltd, you undertake to inform PostFinance Ltd on your own initiative and within 30 days regarding any and all changes of circumstances that may affect the statements made on this form.

By signing this form, you certify that the statements you have made on this form are truthful, correct and complete to the best of your knowledge and belief. You confirm in particular that you do **not** have any tax residency in the United States or, otherwise, that you have indicated it above. PostFinance has not provided any legal or tax advice on the evasion of tax laws applicable to you or the assets, as the case may be.

**Deliberately or negligently issuing a false self-certification and failing to report a change of circumstances is punishable under Art. 35 of the Automatic Exchange of Information (AEOI) Act<sup>3</sup>.**

**IMPORTANT: the date and signature are mandatory.** 

Location \_\_\_\_\_

Date \_\_\_\_\_

**Customer should sign within the box**

If you sign as a representative, please indicate your relationship here:

Statutory representative

Legal deputy

other: \_\_\_\_\_

**For internal purposes**

Document amended manually:

Yes

**Enclosures**

- Information concerning the report of customer data as required by Article 14 of the AEOI Act
- Explanations of Terms

<sup>1</sup> If you were born in the USA or have held the US nationality in the past, please submit an official “Certificate of Loss of Nationality”.

<sup>2</sup> Being present in the USA (including on holiday) for 183 days over the last three years and more than 31 days in the current year, beginning with the current year (calculation: days in the current year + 1/3 of days in the last year + 1/6 of days in the next-to-last year).

<sup>3</sup> Federal Act on International Automatic Information Exchange in Tax Matters (SR653.1).



## Information concerning the report of customer data as required by Article 14 of the AEOI Act (AIAG)

### Basic features of the AEOI

The automatic exchange of information is a standard process developed by the OECD to prevent tax evasion. The AEOI Standard stipulates the exchange of data on bank accounts and custody accounts of taxpayers among participating countries. Switzerland is a participating country and PostFinance Ltd. is a reporting Swiss financial institution as defined by the AEOI which has to annually submit reportable accounts of reportable persons to the Federal Tax Administration (FTA). A reportable person is person resident for tax purposes in a country with which Switzerland has agreed AEOI (partner state(s)).

The list of partner states with which Switzerland has signed an agreement on the automatic exchange of information can be viewed under [sif.admin.ch/aeoi](https://sif.admin.ch/aeoi) or [postfinance.ch/aeoi](https://postfinance.ch/aeoi). The list is continually updated by the State Secretariat for International Financial Matters SIF or PostFinance, respectively, when a new agreement is taking effect.

### Information to be exchanged

In case of a tax residence in a partner state, PostFinance is required to submit reportable personal data as well as information regarding an account to the FTA annually<sup>4</sup>. Personal data include the name, address, country of residence for tax purposes, tax identification number and date of birth of the account holder or of the beneficial owner. In addition, the account number, the total gross amount of dividends, interest and other income, the total gross proceeds from the sale or redemption of financial assets, and the aggregate balance or value of the account at the end of each calendar year are reported.

### Use of information

The information exchanged may only be made available to tax authorities of a partner jurisdiction and may only be used for tax purposes.

### Rights of reportable persons

Under the AEOI Act and the Federal Act on Data Protection (FADP), reportable persons have the following rights:

#### 1. Vis-à-vis PostFinance

Reportable persons are entitled to the full extent of legal protection offered by the FADP vis-à-vis PostFinance. In particular, they have the right to request what information has been collected about them and will be reported to the FTA.

PostFinance must provide reportable persons with a copy of its report to the FTA on request. In this regard, it must be noted that the information that is collected and reported about reportable persons may differ from their tax-relevant information. Moreover, reportable persons are also entitled to request that incorrect data in PostFinance systems be corrected.

#### 2. Vis-à-vis the FTA

A reportable person's only right vis-à-vis the FTA is the right to access information and to request that incorrect data resulting from errors in the exchange process be corrected.

If the exchange of information would result in disadvantages for a reportable person that are not permissible due to a lack of constitutional guarantees, a reportable person's rights are set out in Article 25a of the Federal Act on Administrative Procedure.

A reportable person does not have the right to access FTA records. This means that he or she does not have the right to block the disclosure of personal details vis-à-vis the FTA. In addition, a reportable person is not entitled to have the legality of forwarding information outside Switzerland reviewed or to block any illegal forwarding and/or to demand the destruction of data processed without a sufficient legal basis.

<sup>4</sup> If you do not provide a tax residence, PostFinance is obliged to determine a tax residence based on indications, and this may result in a report to the FTA, as the case may be.



## Explanations of terms

### Automatic Exchange of Information (AEOI)

The purpose of the AEOI is to make tax avoidance impossible. Under the AEOI, data relating to bank and custody accounts is exchanged between tax authorities internationally. In order to secure the exchange of information, financial institutions are obliged to transfer client data to their national authorities, if an agreement has been concluded between the individual states. The AEOI exchange of information concerns all of the natural and legal persons having their tax residence in a state with which Switzerland has signed an AEOI agreement.

### Reportable account

A reportable account is a financial account (e.g. account, custody account) whose holders (contractual partners) are one or more reportable persons. In addition, an account is considered reportable if one or more reportable persons control a passive non-financial entity.

### Reportable person

A reportable person is a natural person or an entity resident for tax purposes in a reportable country.

### Reportable country / participating country

- A reportable country is a country that has signed an agreement with Switzerland on the automatic exchange of information on financial accounts
- A participating country is a country that has committed to the AEOI but has NOT signed an agreement with Switzerland on the automatic exchange of information on financial accounts.

### Account holder

The account holder is the contractual partner of an account and/or a custody account. In case of a joint account relationship, each joint owner is considered an account holder. The account holder has to declare the assets and revenues to his/her tax authority.

### Foreign Account Tax Compliance Act (FATCA)

The FATCA is a US law applicable to all non-US domiciled financial institutions. These financial institutions have the obligation to report the data of their US clients to the US tax authority (IRS). As a financial institution, PostFinance Ltd complies with FATCA provisions.

### Tax residence

Tax residence is determined according to country-specific regulations on unlimited tax liability. The connecting factors for unlimited tax liability vary according to state, whereby the following connecting factors are common:

1. Permanent residence under civil law
2. Centre of life interests
3. Habitual residence, or
4. Citizenship

If a person qualifies as having unlimited tax liability in more than one state under the national regulations, then if applicable the double taxation agreement (DTA) between the two states is to be used to determine the tax residence. What is known as the "tie-breaker" rules (cascade evaluation) are applied in such cases to determine in which state a person is tax resident. If there is no DTA between the two states which ascribes tax residence to either state, the person is deemed, for purposes of the automatic exchange of information relating to financial accounts, to be resident in both states.

**PostFinance Ltd offers no tax advice. If you have any questions regarding your tax residence please contact your tax adviser.**

### Tax identification number

The identification number of a taxpayer which is issued by the state of residence. If you have any questions regarding your tax identification number please contact your tax authority.

### Controlling person

A natural person, who exercises control over a company (whether through direct interests or indirectly) is deemed to be a dominant person.

### Certificate of Loss of Nationality

If US citizenship is renounced, the US authority issues a corresponding certificate on the renunciation.

### US territory

The term US territory includes, inter alia, the Commonwealth of Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, American Samoa and the US Virgin Islands.

### US Green Card

A US Green Card is the card issued by the US Citizenship and Immigration Service for the purposes of registering aliens as legal residents with permanent residence in the US. A natural person who was admitted in the US at any time of the calendar year as a legal resident, with permission for permanent residence, is deemed to be a resident alien during that year.

### You will find additional information at:

[www.postfinance.ch/aeoi](http://www.postfinance.ch/aeoi)

[www.postfinance.ch/fatca](http://www.postfinance.ch/fatca)

