

# Momentum Collective Investments Namibia Ltd Tax addendum for entities

Investment number	R	U																		
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**Your instruction:**

- 1. This instruction forms part of your investment agreement with us. Refer to the terms of your investment or ask your financial adviser for more information.
- 2. You may not change any part of this self-certification form or its terms. If you correct any information that you have completed, sign next to it.
- 3. The Foreign Account Tax Compliance Act (Fatca) allows for the efficient exchange of information between tax authorities and the United States [US]. We are required to collect tax information from investors to fulfil our Fatca obligations. For other countries' country codes, use our List of country codes form. It is available from your financial adviser or from our website (www.momentum.com.na).
- 4. If you have any questions on how to complete this form, we recommend that you speak to your tax or financial adviser.
- 5. All sections of this self-certification form are mandatory. We can ask for additional information or documents, depending on what was completed.
- 6. The definitions and explanations of terms used in this self-certification form can be found at the end of this document.
- 7. Please return this completed and signed self-certification form to fatca@momentum.co.za.

## 1: Entity details

Name of legal entity

Registration number

Year of registration or incorporation

Country of registration or incorporation  (NA if Namibia)  If not Namibia [NA], specify the country code

Country of business address  (NA if Namibia)  If not Namibia [NA], specify the country code

## 2: Entity tax details

### 2.1 United States of America (US)

Is the entity a US person\* or a resident of the US for tax purposes? Yes  No

If "yes", complete the entity's US tax identification number (TIN)

\* A US person includes amongst others a company, corporation, trust or association organised in the US or under the laws of the US. If you are uncertain if the entity is a US person, consult your tax adviser or financial adviser.

### 2.2 Namibia

Is the entity a Namibian [NA] tax payer? Yes  No

If "yes", complete the entity's tax reference number

### 2.3 Countries other than Namibia and the US

Is the entity a resident for tax purposes in any other country, other than Namibia and the US? Yes  No

If "yes", list the other countries where the entity is a resident for tax purposes, together with any tax reference numbers or tax identification numbers (TINs).

Tax residence (country code)	Tax identification number (TIN)
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

## 3: Non-US investors

If the entity is a US person or a resident of the US for tax purposes, you can complete section 4 below, and leave out section 3.

### 3.1 Foreign financial institution (FFI)

Is the entity a foreign financial institution (FFI)? Yes  No

If "yes", complete the entity's Global Intermediary Identification Number (GIIN).

GIIN  .  .  .

If you are an FFI and you do not have a GIIN number, specify the reason for this by selecting one of the options below:

- 1. Non-participating FFI
- 2. Certified deemed-compliant FFI
- 3. Owner-documented FFI
- 4. Exempt beneficial owner

### 3.2 Non-financial foreign entity (NFFE)

Is the entity a non-financial foreign entity (NFFE)? Yes  No

If the entity is an NFFE, specify whether the NFFE is an active or passive NFFE. Active  Passive

If the entity is a passive NFFE, does the entity have one or more substantial US owners\*? Yes  No

If yes, you must identify each substantial US owner\* and list the substantial US owner's details.

\* A substantial US owner means any specified US person who:

- in the case of an entity other than a trust, holds an interest of more than 25% by means of voting rights or profit share/participation in any arrangement.
- in the case of a trust, is one of the following persons:
  - the settlor or founder
  - trustee,
  - protector (if any)
  - beneficiary
  - other person exercising effective control over the trust

Substantial US owners who are specified US persons need to be reported under Fatca.

How many substantial US owners do you have? [ ] [ ] [ ]

**Important:** If there are more than two substantial US owners, make a copy of this section, complete it and attach it to this form.

#### 3.2.1 Substantial US owner 1

Nature of substantial US owner Individual  Listed company  Unlisted company  Trust

Other entity, please specify

Relationship to entity Shareholder  Member  Trustee  Founder/Settlor   
Protector  Beneficiary  Other

Other entity, please specify

Surname/Name of legal entity

Initials

Full name

Identity or registration number  Year of registration or incorporation

Passport number (non-Namibian residents only)

Country of issue  (US if United States)  If not United States [US], specify the country code\*

Country of birth, registration or incorporation  (US if United States)  If not United States [US], specify the country code\*

Nationality  (US if United States)  If not United States [US], specify the country code\*

Date of birth

Physical address Unit number  Complex

Street number  Street name/Farm

Suburb/District

City/Town

Postal code

Country code  (US if United States)  If not United States [US], specify the country code\*

\* Use the list of country codes for the correct country code.

Investment number R U

Is your postal address the same as your home or business address?

Yes  No

If "no", complete your postal address

Postal address

City/Town

Postal code

Country code

(US if United States)

If not United States [US], specify the country code  
Use the list of country codes for the correct country code.

Tax residence (country code)

Tax identification number (TIN)

Use the list of country codes for the correct country code.

Signed at

Date

**Signature of substantial US owner 1**

**Other signature (if required)**

### 3.2.2 Substantial US owner 2

Nature of substantial US owner

Individual  Listed company  Unlisted company  Trust

Other entity, please specify

Relationship to entity

Shareholder  Member  Trustee  Founder/Settlor   
Protector  Beneficiary  Other

Other entity, please specify

Surname/Name of legal entity

Initials

Full name

Identity or registration number

Year of registration or incorporation

Passport number

(non-Namibian residents only)

Country of issue

(US if United States)

If not United States [US], specify the country code\*

Country of birth, registration or incorporation

(US if United States)

If not United States [US], specify the country code\*

Nationality

(US if United States)

If not United States [US], specify the country code\*

Date of birth

Physical address

Unit number

Complex

Street number

Street name/Farm

Suburb/District

City/Town

Postal code

Country code

(US if United States)

If not United States [US], specify the country code\*

\* Use the list of country codes for the correct country code.

Investment number R U

Is your postal address the same as your home or business address?

Yes  No

If "no", complete your postal address

Postal address

City/Town

Postal code

Country code

(US if United States)

If not United States [US], specify the country code  
Use the list of country codes for the correct country code.

Tax residence (country code)

Tax identification number (TIN)

Use the list of country codes for the correct country code.

Signed at

Date

**Signature of  
substantial US owner 2**

**Other signature (if required)**

#### 4: Entity's declaration

Under penalties of perjury, I certify the following:

- I confirm that I have read and understood the relevant minimum disclosure documents.
- I understand this self-certification form.
- The information I have given is to the best of my knowledge true, correct and complete. I have completed all the details on this self-certification form.
- I further certify that I am using this form to document the entity that is an owner or account holder of a foreign financial institution. The entity is the beneficial owner of the account/income.
- I will not hold you responsible for any loss for a self-certification form that you received that was unclear, not correct or where all information was not completed.
- I hereby confirm and warrant that the entity holds no other citizenships and residencies for tax purposes, other than those disclosed above. If the entity's disclosed status changes, I will inform you in writing of any change of this status within 30 days of the change taking place.
- I authorise that this form can be given to any withholding agent that has control, receipt, or custody of the income of which the entity is the beneficial owner or any withholding agent that can disburse or make payments of the income of which the entity is the beneficial owner.
- I am authorised to sign this form on behalf of the entity who is the beneficial owner of the account/income.

Name and surname of signatory

Capacity of signatory

Signed at

Date

**Authorised signatory**

**Other signature if required**

# Fatca self-certification for entities

## Definitions and explanations

### Foreign person

A foreign person includes a foreign corporation, foreign partnership, foreign trust, foreign estate and any other person that is not a US person. It also includes a foreign branch or office of a US financial institution or US clearing organisation if the foreign branch is a qualified intermediary (QI). Generally, a payment to a US branch of a foreign person is a payment to a foreign person.

### Financial institution

The term financial institution means a custodial institution, a depository institution, an investment entity or a specified insurance company.

### Foreign financial institution (FFI)

An FFI generally means a foreign entity that is a financial institution outside the US.

### Participating FFI

A participating FFI is an FFI (including a reporting Model 2 FFI covered by an FFI agreement) that has agreed to comply with the terms of an FFI agreement.

### Non-participating FFI

A non-participating FFI means an FFI that is not a participating FFI, deemed-compliant FFI, or exempt beneficial owner.

### Deemed-compliant FFI

A deemed-compliant FFI is an FFI that is exempt from withholding without entering into an IRS agreement. There are generally three types:

- a) Registered deemed-compliant FFI: This is an FFI that registers with the IRS to declare its status. Includes certain local banks, non-reporting members of participating FFI groups, qualified collective investment vehicles, restricted funds, and FFIs that comply with Fatca requirements under an agreement between the US and a foreign government.
- b) Certified deemed-compliant FFI and owner-documented FFI: These are FFIs that are not required to register with the IRS and certify their status by providing a withholding agent with a valid Form W-8. It includes non-registered local banks, retirement plans, non-profit organisations and FFIs with only low-value accounts.

### Non-financial foreign entity (NFFE)

An NFFE is a foreign entity that is not a financial institution and is excluded from the definition of an FFI.

### Passive NFFE

A passive NFFE means any NFFE that is not (a) an active NFFE, or (b) a withholding foreign partnership or withholding foreign trust pursuant to relevant US Treasury regulations.

### Active NFFE

An active NFFE means any NFFE that meets any of the following criteria:

- a) Less than 50% of the NFFE's gross income for the previous calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFFE during the previous 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 NFFE is regularly traded on an established securities market or the NFFE is a related entity of an entity where the stock is regularly traded on an established securities market.
- c) The NFFE is organised in a US territory and all the owners of the payee are bona fide residents of that US territory.
- d) The NFFE is a government (other than the US government), a political subdivision of such a government (including a state, province, county or municipality), or a public body performing a function of such government or a political subdivision thereof, a government of a US territory, an international organisation, a non-US central bank of issue, or an entity wholly owned by one or more of these.

- e) Substantially all of the activities of the NFFE 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. An NFFE will not qualify for this status if the NFFE 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.
- f) The NFFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a financial institution, provided that the NFFE will not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFFE.
- g) The NFFE 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 restart operations in a business other than that of a financial institution.
- h) The NFFE 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.
- i) The NFFE is an excepted NFFE as described in relevant US Treasury regulations.
- j) The NFFE meets all of the following requirements:
  - 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 NFFE's jurisdiction of residence or the NFFE's formation documents don't allow any income or assets of the NFFE to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than conducting the NFFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFFE has purchased.
  - v. The applicable laws of the NFFE's jurisdiction of residence or the NFFE's formation documents require that, on the NFFE'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 NFFE's jurisdiction of residence or any political subdivision thereof.

### Passive income

Passive income includes dividends, interest, rent\*, annuities, royalties as well as gross proceeds from the sale or disposition of assets of a type that produce dividends and interest. Passive income excludes income effectively connected with a trade or business.

*\*Rent can be excluded from the definition of passive income provided it is part of an active business conducted by the employees of the entity.*

### Substantial US owner

A substantial US owner means any specified US person who:

- in the case of an entity other than a trust, holds an interest of more than 25% by means of voting rights or profit share/participation in any arrangement; or

## Fatca self-certification for entities continued

- in the case of a trust, is one of the following persons:
  - the settlor or founder,
  - trustee,
  - protector (if any),
  - beneficiary, or
  - other person exercising effective control over the trust.

Substantial US owners who are specified US persons need to be reported under Fatca.

### **Specified US person**

A US citizen, resident or green-card holder, corporation, partnership, estate and trust formed or incorporated under US law, other than:

- a US corporation of which the stock is regularly traded on an established securities market;
- a US company forming part of the same group of companies as a listed corporation;
- any US bank under US laws;
- any state, the District of Columbia, any US territory, any political subdivision of any of these or any wholly owned agency or instrumentality of these;
- any US real estate investment trust;
- any US common trust fund, US securities brokers and US securities dealers;
- any US organisation exempt from tax under section 501(a) or a US individual retirement plan; and
- certain US retirement trusts.

The listed excluded entities are seen as US persons, but not specified US persons, which means that global FFIs will not be required to perform any reporting or withholding on them.

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## Contact details

### **Client contact centre**

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