

## Consent of the Beneficial Owner to the Disclosure of Data to the IRS and the Bank's US Custodian Bank\*

Client No. (CIF No.) in Switzerland

### Client

Name/s, first name/s / Company

(hereinafter referred to as *Client*)

### Beneficial Owner<sup>1</sup>

Name, first name / Company

(hereinafter referred to as *Beneficial Owner*)

The Beneficial Owner has an economic interest in the above-mentioned account relationship number (hereinafter the *Relationship*) and understands that Credit Suisse AG, a bank organized under the laws of Switzerland (hereinafter the *Bank*) is and will be subject to various US tax regulations and agreements, e.g., under the US Foreign Account Tax Compliance Act (FATCA) and the Qualified Intermediary Agreement concluded between the Bank and the United States Internal Revenue Service (hereinafter the *IRS*), requiring the Bank to provide certain information to the IRS, both directly and – in connection with investments in US securities – through the Bank's US custodian bank.

You are requested to carefully read the following and sign at the bottom of this document to indicate your agreement with the following terms:

1. The Beneficial Owner hereby consents to and acknowledges that the Bank reports to the IRS and to the Bank's US custodian bank, if applicable, by any means of communication, including but not limited to electronic data transmission, all information concerning the Relationship, including but not limited to the Client's name and address, beneficial ownership information, a copy of any IRS Form W-9 "Request for Taxpayer Identification Number and Certification" on file and/or some or all of the data contained in the IRS Form W-9, account statements, the amount of assets held with the Bank, the amount of revenues and income and any other information regarding the Relationship which may be requested or required by the IRS (collectively, the *Data*). The Beneficial Owner understands that the IRS and the Bank's US custodian bank, if applicable, may further share the Data with third parties wherever located and whom they deem appropriate, releases the Bank from all liability in connection with the provision of Data to the IRS and the Bank's US custodian bank, if applicable, and assumes responsibility for all consequences and any damages that may arise at any time due to use of the Data by any such third party.
2. By signing this Consent, the Beneficial Owner hereby waives any protection or right under Swiss data protection law and any other applicable law, to the extent necessary for the reporting of any Data as contemplated hereunder. Further, the Beneficial Owner consents to and acknowledges that any Data that the Bank discloses hereunder to the IRS and/or the Bank's US custodian bank, if applicable, will be subject to foreign laws, including but not limited to the laws of the US, and will not be covered by Swiss laws. Foreign laws and regulations may follow different principles of data protection than under Swiss law. It is expressly understood that this Consent will not expire in the event of the Beneficial Owner's incapacity to act, bankruptcy, declaration as a missing person, or his/her death, but will remain in force (Art. 35 of the Swiss Code of Obligations).

\* Note: Information will be disclosed to the Bank's US custodian bank only to the extent US securities are held.

<sup>1</sup> Please sign a separate form for each Beneficial Owner

RM > Client-ID

To be completed by the Bank

Signature and stamp Relationship Manager

09250

Client No. (CIF)

3. The Beneficial Owner accepts and acknowledges that this Consent is a pre-condition for the Relationship to be opened and/or maintained by the Bank.

4. The provisions governing choice of law and jurisdiction in the Bank's General Conditions also apply to this Consent.

Place and date

\_\_\_\_\_  
Signature/s of Beneficial Owner

X

The Client hereby agrees with the content of this Consent and confirms that the above signature/s belong/s to, and is/are the legally binding signature/s of, the Beneficial Owner as indicated above. Section 4 above (applicable law and place of jurisdiction) shall apply accordingly.

Place and date 1

Place and date 2

\_\_\_\_\_  
Signature/s of Client 1

\_\_\_\_\_  
Signature/s of Client 2

X

X

X

X

Place and date 3

Place and date 4

\_\_\_\_\_  
Signature/s of Client 3

\_\_\_\_\_  
Signature/s of Client 4

X

X

X

X

Place and date 5

Place and date 6

\_\_\_\_\_  
Signature/s of Client 5

\_\_\_\_\_  
Signature/s of Client 6

X

X

X

X

**To be completed by the Bank**  
Client No. (CIF)



## For US Accounts

**Bern, March 20, 2015**

### **Information letter attached to the Reporting Swiss Financial Institution's Waiver Request, with regard to the implementation of the Foreign Account Tax Compliance Act (FATCA)**

Dear Sir or Madam,

In accordance with the implementation of the FATCA Agreement your financial services provider is required to disclose information to the US Internal Revenue Service (IRS), particularly concerning US accounts.

In this context and in accordance with Article 3 Paragraph 1 letter b of the FATCA Agreement your financial services provider sent you a declaration of consent to which this letter for the transmission of your account information to the IRS is attached.

By returning the validly signed declaration of consent to your financial services provider, you authorize it to communicate your account information to the IRS directly. This consent is irrevocable for the present calendar year and unless expressly revoked it will extend to each following year automatically.

Please note, that if the financial services provider does not receive your declaration of consent by the mentioned date, or if you do not submit your US TIN by the same date, your account will be considered a "Non-Consenting US Account", unless you provide the financial services provider with proof, in accordance with Annexe I paragraph II.B.4 of the FATCA Agreement, for the rebuttal of the US indication. The financial services provider will be legally obliged to report the quantity of the accounts and the total amount on all "Non-Consenting US Accounts" by the end of January of the following year, without mentioning the identity of the clients concerned.

Based upon this information and in accordance with Article 5 of the FATCA Agreement, the IRS has the possibility to submit a group request for administrative assistance regarding "Non-Consenting US Accounts" to the Swiss competent authority. Such requests are based on Article 26 of the Convention for the Avoidance of Double Taxation (the "Convention") between Switzerland and the United States of America, as was amended through the Protocol of September 23, 2009. Such a request may be made once the amendments have entered into force.

In view of the mentioned information, we would like to inform you below of the procedure under Article 12 of the Federal Act of September 27, 2013 on the application of the FATCA Agreement between Switzerland and the United States of America (FATCA Law) for such group requests:

The receipt of a group request will be published in the Swiss Federal Gazette as well as on our website [www.estv.admin.ch](http://www.estv.admin.ch). At the same time of the publication we will request the financial services provider to provide us with all the relevant documents of all the “Non-Consenting US Accounts“. You have the possibility to request a copy of the documents from the financial services provider at any time, from which it concluded that you qualify as a “US person” and submit counter arguments. Within the set time limit you will also have the opportunity to submit a **statement regarding the transmission of your account information** to the IRS. We will take into account the possible submitted statement when drafting the final decision, which will take place approximately two to three months after receipt of the group request.

The final decision will be published anonymously in the Swiss Federal Gazette as well as on our website. The persons concerned have the possibility to obtain the final decision concerning themselves from the FTA.

The FTA's final decisions can be appealed to the Swiss Federal Administrative Court (FAC) **within 30 days** of the publication. A copy of the appeal must be sent to us at the same time.

If we conclude that an appeal is justified, we will reconsider the final decision and not transmit the information. If, however, we conclude that an appeal is unfounded, we will submit a motion to dismiss to the FAC. The FAC will then decide on the granting of administrative assistance and with it on the transmission of the information. The decision of the FAC is final.

For further information concerning this procedure, please contact us under the following address: Federal Tax Administration FTA, Service for Exchange of Information in Tax Matters SEI, Eigerstrasse 65, CH-3003 Bern, or via e-mail at [sei@estv.admin.ch](mailto:sei@estv.admin.ch).

Yours sincerely,

Service for Exchange of Information in Tax Matters



Alexandre Dumas  
Head SEI