



# Contracts For Difference (“CFD”) Corporate Account Application Form

**CGS-CIMB Futures Sdn Bhd** [199301002937 (257674-P)]

A Trading Participant of Bursa Malaysia Derivatives Berhad

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## INSTRUCTIONS FOR COMPLETION OF CONTRACTS OF DIFFERENCE CORPORATE ACCOUNT APPLICATION FORM

**NOTE : Contracts for Difference (“CFD”) is a speculative derivative product that is highly leveraged and carry significantly greater risk than other investments or products (whether geared or otherwise) such as share trading. They may not be suitable for everyone. You should consider carefully and determine whether CFD is suitable for you, before deciding whether to open a CFD Account with CGS-CIMB Futures Sdn Bhd (“CGS-CIMB Futures”). IN PARTICULAR, IF YOU CONSIDER YOURSELF TO BE A CONSERVATIVE, RISK-AVERSE INVESTOR, THEN CFD IS NOT FOR YOU.**

1. Kindly complete all applicable fields of the CFD Corporate Account Application Form using BLOCK LETTERS and check the relevant boxes with a tick ✓. Any inaccurate or incomplete information provided by you may affect the outcome of our suitability assessment.
2. The completed Application Form must be returned with certified true copies of the following supporting documents:

TYPE OF APPLICANT	DOCUMENTS TO BE SUBMITTED
COMPANY INCORPORATED UNDER COMPANIES ACT 2016	<ol style="list-style-type: none"> <li>a. Certificate of Incorporation or Notice of Registration</li> <li>b. Memorandum and Articles of Association or Constitution (if applicable) (Where the company does not have a Constitution, a written confirmation duly signed by a director that the company does not have a Constitution)</li> <li>c. Board Resolution</li> <li>d. NRIC / Passport of the Directors and Authorised Persons, as per Board Resolution and Shareholders with equity interest of more than 25% (both sides)</li> <li>e. Return giving particulars and changes in Directors, Managers and Secretaries</li> <li>f. Forms of Allotment of Shares</li> <li>g. Notice of Situation of Registered Office and of Office Hours and Particulars of Changes</li> <li>h. Latest Audited Accounts / Financial Statements</li> <li>i. Any other documents that may be required by CGS-CIMB Futures from time to time</li> </ol>
SOCIETY REGISTERED UNDER THE SOCIETIES ACT 1966 OR CO-OPERATIVE SOCIETIES ACT 1993	<ol style="list-style-type: none"> <li>a. Certificate of Registration</li> <li>b. Constitution / By-Laws of the Society</li> <li>c. Board / Committee Resolution</li> <li>d. NRIC / Passport of the Authorised Persons as per Board / Committee Resolution (both sides)</li> <li>e. Latest Audited Accounts / Financial Statements</li> <li>f. Any other documents that may be required by CGS-CIMB Futures from time to time</li> </ol>
CORPORATION INCORPORATED BY AN ACT OF PARLIAMENT OR STATE ENACTMENT	<ol style="list-style-type: none"> <li>a. Copy of the Act / Enactment incorporating the said corporation</li> <li>b. Board / Committee Resolution</li> <li>c. NRIC / Passport of the Authorised Persons as per Board / Committee Resolution (both sides)</li> <li>d. Any other documents that may be required by CGS-CIMB Futures from time to time</li> </ol>

3. The Board/Committee’s Resolution must state:
  - a. authorisation to open CFD trading account with CGS-CIMB Futures;
  - b. authorisation to deal in CFD products offered by CGS-CIMB Futures; and
  - c. name, designation, NRIC/Passport number and specimen signature of persons authorised to operate the account including transactions that they may execute.
4. Common seal or company rubber stamp is required to be affixed onto the Application Form.
5. The applicant is also required to complete the Entity Self-Certification Form and Form W-8BEN-E.
6. Where applicable, please submit Form W-9.
7. Any amendments made must be legible and countersigned by the authorised signatory(ies). Form defaced by erasure or any kind of correction fluid may result in the application being rejected.

## CONTRACTS FOR DIFFERENCE CORPORATE ACCOUNT APPLICATION

### A. CORPORATE DATA

Company Name

Registration No.  Date of Incorporation

Country of Incorporation  Malaysia  Others \_\_\_\_\_

Type of Organisation  Private Company  Public Company  Government Agency  
 Society/Association  Others \_\_\_\_\_

Nature of Business \_\_\_\_\_ Website \_\_\_\_\_

Registered Address (as per registration document)

Business Address (if differs from above)  Postcode

Telephone No.

Ultimate Holding Company (if applicable) \_\_\_\_\_

### B. INVESTOR STATUS

CFD can **ONLY** be traded by sophisticated investors i.e. any entity which falls within any of the categories of investors set out in Part 1 of Schedule 6 and 7 of the Capital Market Service Act 2007 (“CMSA”) as follows:

- We confirm that we are a **High Net Worth Entity** as defined in Part 1 of Schedule 6 and Schedule 7 of CMSA being:
- A company that is registered as a trust company under the Trust Companies Act 1949 and has assets under its management **exceeding** ten million ringgit or its equivalent in foreign currencies.
  - A corporation that is a public company under the Companies Act 2016 which is approved by the Commission to be a trustee under the Act and has assets under its management, **exceeding** ten million ringgit or its equivalent in foreign currencies.
  - A corporation that is carrying on the regulated activity of fund management solely for the benefit of its related corporations and has assets under its management **exceeding** ten million ringgit or its equivalent in foreign currencies.
  - A corporation with total net assets **exceeding** ten million ringgit or its equivalent in foreign currencies based on the last audited accounts.
  - A partnership with total net assets **exceeding** ten million ringgit or its equivalent in foreign currencies.
  - A statutory body established under any laws unless otherwise determined by the Commission.
  - A pension fund approved by the Director General of Inland Revenue under the Income Tax Act 1967.

We confirm that we are an **Accredited Investor** as defined in Part 1 of Schedule 6 and Schedule 7 of CMSA being:

- A licensed person or a registered person.
- A unit trust scheme, private retirement scheme or prescribed investment scheme.
- Bank Negara.
- An exchange holding company, a stock exchange, a derivatives exchange, an approved clearing house, a central depository or a recognized market operator.
- A corporation that is licensed, registered or approved to carry on any regulated activity or capital market services by an authority in Labuan or outside Malaysia which exercises functions corresponding to the functions of the Commission.
- A bank licensee or an insurance licensee as defined under the Labuan Financial Services and Securities Act 2010 [Act 704].
- An Islamic bank licensee or a takaful licensee as defined under the Labuan Islamic Financial Services and Securities Act 2010 [Act 705].
- A closed-end fund approved by the Commission.

**C. FINANCIAL INFORMATION (LATEST AUDITED)**

As At (DD/MM/YYYY)	<input type="text"/>	Total Tangible Assets	<input type="text"/>
Issued/Paid-up Capital	<input type="text"/>	Total Liabilities	<input type="text"/>
Shareholders' Funds	<input type="text"/>	Net Current Assets	<input type="text"/>
Profit After Taxation	<input type="text"/>	Turnover/Sales	<input type="text"/>

**D. SUBSTANTIAL INDIVIDUAL SHAREHOLDERS / BENEFICIAL OWNERS (25% OR MORE)**

	Name	NRIC / Passport No.	Nationality	% of shareholding
1.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

*(Please attach a separate sheet if the space provided is insufficient)*

**E. DETAILS OF MAIN CONTACT PERSONS AUTHORISED TO TRADE AND/OR OPERATE THE ACCOUNT**

	Name	Designation	Contact Number	E-mail Address
1.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
4.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
5.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

*(Please attach a separate sheet if the space provided is insufficient)*

**F. INVESTMENT EXPERIENCE**

1. Have you transacted at least 6 times in any of the following investment or leveraged products in the preceding 3 years? If yes, please tick all which are applicable.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Callable Bull / Bear Contracts | <input type="checkbox"/> Certificates          | <input type="checkbox"/> Contracts for Difference        |
| <input type="checkbox"/> Daily Leveraged Certificates   | <input type="checkbox"/> Exchange Traded Funds | <input type="checkbox"/> Exchange Traded Notes           |
| <input type="checkbox"/> Extended Settlement Contracts  | <input type="checkbox"/> Futures Contracts     | <input type="checkbox"/> Leverage Foreign Exchange       |
| <input type="checkbox"/> Stapled Securities             | <input type="checkbox"/> Structured Products   | <input type="checkbox"/> Structured Warrants and Options |

Name of Broker : \_\_\_\_\_

**No**, we have not transacted a minimum of 6 times in any of the above investment or leveraged products over the preceding 3 years.

2. Have the persons who are authorised to trade CFD undergone any education programs on leverage products in the preceding 3 years?

- Yes                       No

3. Do the persons who are authorised to trade CFD understand the concepts of leverage, nature and risks of margins (or geared) transactions?

- Yes                       No

**G. RISK TOLERANCE AND INVESTMENT OBJECTIVE / PROFILE**

1. In relation to CFD, which of the following describes your investment objectives and risk tolerance?

- Conservative.**  
We are willing to take small amount of risks to achieve returns of up to 5% above bank deposit rates.
- Moderate.**  
We are willing to take moderate risks to achieve returns of 5% to 10% above bank deposit rates.
- Aggressive.**  
We are willing to take high amount of risks to achieve returns of more than 10% above bank deposit rates.

2. What are your sources of funds for investment? Please tick all which are applicable.

- Banking Facilities     Internal Funds     Clients' Funds     Others, please specify \_\_\_\_\_

3. Expected pattern of activities:

Anticipated funds for CFD trading:            RM    \_\_\_\_\_

Anticipated number of transactions per month :    \_\_\_\_\_

**H. RELATED PARTIES / ACCOUNTS**

1. Are any of your directors, shareholders or authorised personnel related to employees / directors / Futures Broker's Representatives of CGS-CIMB Futures?  Yes (Please specify)     No

Name of related employee / director / Futures Broker's Representative	Relationship
_____	_____
_____	_____

2. Does any of your directors, shareholders or their immediate family members have any influence / control over any account maintained with CGS-CIMB Futures?  Yes (Please specify)     No

Name of director / shareholder / family member	Account No.
_____	_____
_____	_____



**K. INSTRUCTION TO RECEIVE STATEMENTS / NOTIFICATIONS VIA E-MAIL**

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Tick      Signature

We hereby request to receive our daily and monthly statements, invoices (which may be incorporated and issued as part of the daily contract statements), margin call notice or any other statements/notifications ("statements/notifications") that may be made available to us by CGS-CIMB Futures via our email address:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

As such, we hereby instruct CGS-CIMB Futures and give our consent for CGS-CIMB Futures to:

1. issue and deliver the statements/notifications in electronic form;
2. deliver the statements/notifications to any or all of our specific email address as advised; and
3. adopt an alternative mode of delivery as may be determined by CGS-CIMB Futures in issuing and delivering the statements/notifications in the event of system failure.

In this regard, we hereby undertake to continue to be bound by the terms and conditions stated in this CFD application form executed by us for our account(s) including any addition or amendments that may be made by CGS-CIMB Futures from time to time.

We also accept and assume the inherent risk associated in receiving the above statements/notifications electronically. We will not make any claims against CGS-CIMB Futures, its directors or officers nor hold CGS-CIMB Futures or them responsible for any matters or liabilities that may arise in relation to this consent but shall instead, be entirely responsible for any liabilities or losses suffered as a result of such mode of delivery.

We further acknowledge and agree that all our liabilities (if any) with CGS-CIMB Futures shall remain unchanged and continuous, and it shall not be affected in any way with the change in the mode of electronic delivery of statements/notifications that may be made available to us by CGS-CIMB Futures.

In the event that we wish to discontinue receiving the statements/notifications in electronic form, we shall provide CGS-CIMB Futures no less than 7 working days from the intended effective date, our written instruction to revoke our instructions with respect to the electronic delivery of statements/notifications and from the effective date, will agree to receive our statements/notifications in hardcopy to the latest available correspondence address maintained in CGS-CIMB Futures' records.

**L. ENTITY SELF-CERTIFICATION FORM**

Under Common Reporting Standard ("CRS"), CGS-CIMB Futures Sdn. Bhd. ("CGS-CIMBF") is required to collect and report certain information to the local tax authority on the status of our clients. Should there be a change in circumstances relating to information, such as the Account Holder's tax status or other mandatory field information that makes this form incorrect or incomplete, please notify and submit to CGS-CIMBF with an updated Self-Certification Form. Kindly consult your tax or legal adviser should you have questions on or in relation to CRS.

**Part 1. Identification of Account Holder**

Please declare your Tax Residency status:

- Malaysian tax resident. Please proceed to complete Part 3, 4 & 5.
  Malaysian and Non-Malaysian tax resident. (If multiple tax residency status) Please proceed to complete Part 2, 3, 4 & 5.
  Non-Malaysian tax resident. Please proceed to complete Part 2, 3, 4 & 5.

**Part 2. Tax Residence Information of Account Holder**

Country/Jurisdiction of Tax Residence	Tax Identification Number (TIN) or equivalent	If TIN or equivalent is unavailable, please state reason (A, B or C)

**Reason A** – The country/jurisdiction where Account Holder is liable to pay tax does not issue TIN to its residents

**Reason B** – The Account Holder is otherwise unable to obtain a TIN or equivalent number

**Reason C** – No TIN is required (note: only select this reason if the authorities of the country of residence for tax purposes do not require the TIN to be disclosed)

For Reason B, please explain reason of Account Holder unable to obtain TIN or equivalent number

1	
2	
3	

**Part 3. Entity Type**

Please tick the applicable type of entity either Financial Institution (“FI”) or Non-Financial Entity (“NFE”).

Financial Institution (“FI”)	
<input type="checkbox"/>	1A) Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution
<input type="checkbox"/>	1B) Other Financial Institution

Non-Financial Entity (“NFE”)	
<input type="checkbox"/>	1C) Active NFE – A corporation that is publicly traded or a related entity of such corporation
<input type="checkbox"/>	The Account Holder is a corporation, the stock of which is regularly traded on _____, which is an established securities market.
<input type="checkbox"/>	The Account Holder is a related entity of _____, a corporation, the stock of which is regularly traded on _____, which is an established securities market.
<input type="checkbox"/>	1D) Active NFE – A Governmental Entity
<input type="checkbox"/>	1E) Active NFE – A Central Bank
<input type="checkbox"/>	1F) Active NFE – An International Organisation
<input type="checkbox"/>	1G) Active NFE (e.g. active business, start-up company, charity or non-profit organization and an entity other than Entity 1C or 1F)
<input type="checkbox"/>	1H) Passive NFE – Not an Active NFE <b>(complete the Controlling Person of Entity in the Annex form)</b>

**Part 4. Controlling Person<sup>i</sup>**

No.	Name	Current Residence Address	Tax Residency	Tax Identification No. (TIN) or equivalent
1.				
2.				
3.				

**Part 5. Declaration**

I understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder’s relationship with CGS-CIMB Futures Sdn. Bhd. (“CGS-CIMBF”) and its related and associated corporations (collectively “CGS-CIMB Group”) setting out how CGS-CIMB Group may use and share the information supplied by me.

I acknowledge that the information contained in this form and information regarding the Account Holder and any Reportable Account(s) may be reported directly or indirectly to any relevant tax authority, including of the country/jurisdiction in which this account(s) is/are maintained and exchanged with tax authorities of another country/jurisdiction or countries/jurisdictions in which the Account Holder may be resident for tax purposes pursuant to agreements between competent authorities to exchange financial account information.

I certify that I am authorized to sign on behalf of the Account Holder in respect of all the account(s) to which this form relates and I declare that all statements made in this declaration are to the best of my knowledge and belief, correct and complete.

If there is a change in circumstances that affects the tax residence of the Account Holder or causes the information contained herein to become incorrect or incomplete, I understand that I am obligated to inform CGS-CIMB Group of the change in circumstances within 30 days of its occurrence and to provide a suitably updated self-certification.

\_\_\_\_\_  
Signature & Name

\_\_\_\_\_  
Designation

\_\_\_\_\_  
Date [DD/MM/YYYY]

<sup>i</sup> Controlling Person to fill the table above and Annex form  
\* Delete whichever is not applicable



**CONTROLLING PERSON SELF-CERTIFICATION FORM (ANNEX FORM)**

*Note: To be completed by each Controlling Person(s), if applicable. Please make another copy of this section if the controlling person is more than 2.*

**Part 1. Identification of Controlling Person(s)**

Controlling Person 1	Controlling Person 2
Full Name:	Full Name:
Current Residence Address:	Current Residence Address:
Postal Code/Zip Code & Country:	Postal Code/Zip Code & Country:
Mailing Address (if different):	Mailing Address (if different):
Postal Code/Zip Code & Country:	Postal Code/Zip Code & Country:
Date of Birth:	Date of Birth:

**Part 2. Tax Residence information**

	Controlling Person 1	Controlling Person 2
<b>Country/Jurisdiction of Tax Residence</b>		
<b>Tax Identification Number (TIN) or equivalent</b>		
<b>If TIN or equivalent is unavailable, please state reason (A, B or C)</b>		

**Reason A** – The country/jurisdiction where Account Holder is liable to pay tax does not issue TIN to its residents

**Reason B** – The Account Holder is otherwise unable to obtain a TIN or equivalent number

**Reason C** – No TIN is required (note: only select this reason if the authorities of the country of residence for tax purposes do not require the TIN to be disclosed)

For Reason B, please explain reason of Account Holder unable to obtain TIN or equivalent number

	Reasons	Controlling Person 1	Controlling Person 2
1			
2			
3			

**Part 3. Type of Controlling Person**

	Controlling Person of a Legal Person	Controlling Person 1	Controlling Person 2
<input type="checkbox"/>	Control by ownership (direct or indirect)		
<input type="checkbox"/>	Control by other means		
<input type="checkbox"/>	Senior managing official		

Controlling Person of a Trust		Controlling Person 1	Controlling Person 2
<input type="checkbox"/>	Settlor		
<input type="checkbox"/>	Trustee		
<input type="checkbox"/>	Protector		
<input type="checkbox"/>	Beneficiary		
<input type="checkbox"/>	Other: Please specify type		

Controlling Person of a Legal Arrangement (Non-Trust)		Controlling Person 1	Controlling Person 2
<input type="checkbox"/>	Settlor-equivalent		
<input type="checkbox"/>	Trustee-equivalent		
<input type="checkbox"/>	Protector-equivalent		
<input type="checkbox"/>	Beneficiary-equivalent		
<input type="checkbox"/>	Other-equivalent: Please specify type		

**Part 4. Declaration**

We understand that the information supplied by us is subject to the terms and conditions governing the Account Holder's relationship with CGS-CIMB Futures Sdn. Bhd. ("CGS-CIMBF") and its related and associated corporations (collectively "CGS-CIMB Group") setting out how CGS-CIMB Group may use and share the information supplied by us.

We acknowledge that the information contained in this declaration and information regarding the Controlling Person and any Reportable Account(s) may be provided directly or indirectly to any relevant tax authority, including of the country/jurisdiction in which this account(s) is/are maintained and exchanged with tax authorities of another country/jurisdiction or countries/jurisdictions in which the Account Holder may be resident for tax purposes pursuant to agreements between competent authorities to exchange financial account information.

We certify that we are the Controlling Person or are authorized to sign for the Controlling Person\*\*, of the account(s) held by the entity Account Holder to which this form relates. We declare that all statements made in this declaration are to the best of our knowledge and belief, correct and complete.

If there is a change in circumstances that affects the tax residence of the Account Holder or causes the information contained herein to become incorrect or incomplete, we understand that we are obligated to inform CGS-CIMB Group of the change in circumstances within 30 days of its occurrence and to provide a suitably updated self-certification.

**Controlling Person 1**

**Controlling Person 2**

\_\_\_\_\_  
Signature, Name & Date

\_\_\_\_\_  
Signature, Name & Date

\_\_\_\_\_  
Passport/ID No.

\_\_\_\_\_  
Passport/ID No.

\_\_\_\_\_  
Passport Expiry Date

\_\_\_\_\_  
Passport Expiry Date

*\*Delete whichever is not applicable*

*\*\* Authorisation on behalf of the Controlling Person must be accompanied with Power of Attorney or equivalent recognized document of the country*

## Definitions of Entity Self-Certification

### 1. ACCOUNT HOLDER

Means the person or legal entity listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. 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. With respect to a jointly held account, each joint holder is treated as an Account Holder.

### 2. ACTIVE NFE

Means any Non- Financial Entity that 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 Organisation, 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 organisation 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 reorganising 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 institutions;
- (h) the NFE 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 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 thereof.

### 3. CONTROLLING PERSON

Means the natural persons who exercise control over an entity or any shareholder with interest of more than 25% shares or threshold set by the local authority. In the case of a trust, such term means the settlor, the trustee, the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions, The term 'Controlling Persons' must be interpreted in a manner consistent with the FATF recommendations or by the local regulations governing non-individual entities. If the account is maintained for an entity of which the individual is a Controlling Person, then the 'Controlling Person tax residency Self-Certification' form should be completed instead of this form.

### 4. CUSTODIAL INSTITUTION

Means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. This is where the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.

### 5. DEPOSITORY INSTITUTION

Means any Entity that accepts deposits in the ordinary course of a banking or similar business.

### 6. ENTITY

Means a legal person or a legal arrangement, such as a corporation, partnership, trust or foundation.

### 7. FINANCIAL ACCOUNT

Means an account maintained by a Financial Institution, and includes depository accounts, custodial accounts, equity and debt interest in certain investment entities; cash value insurance contracts and annuity contracts.

### 8. FINANCIAL INSTITUTION

A financial institution generally means an entity that is a depository institution, custodial institution, investment entity, or an insurance company (or holding company of an insurance company) that issues cash value insurance or annuity contracts.

9. INVESTMENT ENTITY

The term "Investment Entity" includes two types of Entities:

- i) an Entity that primarily conducts as a business one or more of the following activities or operations for or on behalf of a client:
  - 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 client.

- ii) "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.

10. NFE

Means any Entity that is not a Financial Institution.

11. PARTICIPATING JURISDICTION

Means a jurisdiction with which an agreement is in place pursuant to which it will provide the information set out in the CRS.

12. PASSIVE NFE

Means any:

- i) NFE that is not an Active NFE;
- ii) Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution; and
- iii) Refers to entities, organisations, companies or special purpose vehicles of private equity funds with non-active trading or business activities. It derives its income from passive assets and more than 50% of the entity's gross income are passive income. Examples of passive income are interests, dividends, royalties and rental income.

13. RELATED ENTITY

An Entity is a Related Entity of another Entity if either Entity controls the other Entity, or the two Entities are under common control. For this purpose control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

14. 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.

15. 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.

16. REPORTABLE PERSON

Means reportable person other than:

- i) a corporation the stock of which is regularly traded on one or more established securities markets;
- ii) any corporation that is a Related Entity of a corporation
- iii) a Governmental Entity;
- iv) an International Organisation;
- v) a Central Bank; or
- vi) a Financial Institution

17. TAX RESIDENT

A Tax Resident/Resident (for tax purposes) is an individual or an entity who is resident under the tax laws of a jurisdiction.

18. TIN

Means Taxpayer Identification Number or functional equivalent in the absence of a Taxpayer Identification Number. Further details of acceptable TINs can be found at: <https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>

DISCLAIMER:

The above are selected definitions to assist you with the completion of this Form. Should you have any questions, please consult your tax or legal adviser on or in relation to CRS.

**M. INVESTMENT IN FOREIGN CURRENCY ASSET BY RESIDENT**

**(This Declaration by Resident is mandatory and must be completed for foreign currency asset under the Foreign Exchange Notices as set out below).**

We hereby declare that for foreign exchange notices purposes:

Tick	Signature

Currently we do NOT have any domestic Ringgit Borrowing/Financing<sup>i</sup>.

Tick	Signature

Currently we have domestic Ringgit Borrowing/Financing and hereby confirm that our total foreign currency asset offshore<sup>ii</sup> and foreign currency asset onshore<sup>iv</sup> including Demand Draft ("DD") /Telegraphic Transfer ("TT") / Dual Currency Investment ("DCI") / Foreign Currency Account ("FCA")/ Foreign Currency ("FC") Fixed Deposit/ FC denominated Structured Investment/ any FC denominated deposits or investments application complies with the following thresholds:

	<b>Applicable Threshold</b>
	<i>For a resident<sup>v</sup> entity</i>
<b>Source of the fund for foreign currency asset including DD/ TT/ DCI/ FCA/ FC Fixed Deposit/ FC denominated Structured Investment/ any FC denominated deposits or investments</b>	Up to RM50 million equivalent <sup>%</sup> per calendar year using funds sourced from the aggregate of : <ul style="list-style-type: none"> <li>▪ conversion of Ringgit into Foreign Currency;</li> <li>▪ Trade FCA;</li> <li>▪ a Borrowing/Financing in Foreign Currency from a Licensed Onshore Bank ("LOB") for purposes other than Direct Investment Abroad<sup>iii</sup>; and</li> <li>▪ swapping of a Ringgit-denominated financial asset in Malaysia for a financial asset in Labuan Entity or outside Malaysia.</li> </ul> % Computed in aggregate based on the Resident Entity and other Resident Entity with Parent- Subsidiary Relationship's investment in Foreign Currency Asset.

Tick	Signature

Currently we have domestic Ringgit Borrowing/Financing and our total foreign currency asset (including DD/TT/ DCI/ FCA/ FC Fixed Deposit/ FC denominated Structured Investment/any FC denominated deposits or investments application) exceeds the above applicable threshold.

We hereby provide you with the relevant approval letter from Bank Negara Malaysia ("**BNM**") to effect the DD/TT/ DCI/ FCA/ FC Fixed Deposit/ FC denominated Structured Investment/ any FC denominated deposits or investments application<sup>#</sup>. We understand that CGS-CIMB Futures Sdn Bhd may decline or delay any foreign currency asset that does not fulfil any conditions set in BNM's approval letter.

We further undertake to seek specific approval from BNM in the event our foreign currency asset offshore exceed the limits set out above and we further undertake to promptly deliver to CGS-CIMB Futures Sdn. Bhd. a copy of the specific approval duly granted to us by BNM.

We further declare that CGS-CIMB Futures Sdn. Bhd. is not responsible to advise the Applicant of:

- Any exchange control or similar restriction which may be imposed by the local laws or regulations in the country in which payment is to be effected and shall not be liable for any loss or delay as a result of the payment being subject to such control and restriction. Applicant is strongly advised to make his own inquiries.
- Any charges which may be imposed by overseas bank and shall not liable if such information cannot be provided.

We make this declaration in full knowledge and awareness of reliance placed by CGS-CIMB Futures Sdn. Bhd. on such declaration as a basis to undertake any foreign currency asset on our behalf.

We undertake to notify CGS-CIMB Futures Sdn. Bhd. immediately in writing of any changes in the declaration given herein.

**Applicant / Authorised Signatory(ies)**

Name:  
 NRIC/Passport No.:  
 Designation:  
 Company Seal / Stamp:  
 Date:

#Acknowledgement Receipt of the BNM's Approval Letter
Officer / Relationship Manager
Date:

### **Definition for Foreign Currency Asset by Resident**

- i. "Domestic Ringgit Borrowing/financing" means:
- (a) any Borrowing/financing in Ringgit obtained by a Resident from another Resident; or
  - (b) any obligation considered or deemed as Domestic Ringgit Borrowing/financing under any of the FE Notices.

Note:

For purposes of determining the Domestic Ringgit Borrowing/financing status of a Resident Entity—

- (a) the Resident Entity is deemed to have a Domestic Ringgit Borrowing/financing when another Resident Entity with Parent-Subsidiary Relationship has a Domestic Ringgit Borrowing/financing; and
  - (b) the following shall not be considered as Domestic Ringgit Borrowing/financing—
    - (i) a Borrowing/financing obtained from another Resident Entity with Parent-Subsidiary Relationship;
    - (ii) a Borrowing/financing obtained from its Direct Shareholder; or
    - (iii) any facility including credit facility or financing facility which is used for Sundry Expenses or Employees' Expenses only.
- "Sundry Expenses" refers to small and infrequent expenses for office supplies (e.g. stationaries), ancillary services (e.g. software and online subscription) and other minor expenses to facilitate daily business operation.
  - "Employees' Expenses" refers to business-related expenses which may include, but not limited to, travel (e.g. lodging and transportation), entertainment, health, insurance, takaful and other employees' expenses, excluding investment.
  - "Borrowing/financing" refers to the definition of "Borrowing/financing" below.

"Borrowing/financing" means

- (a) any utilised or unutilised credit facility or financing facility;
- (b) any utilised or unutilised trade financing facility, including but not limited to, trade guarantee or guarantee for payment of goods;
- (c) redeemable preference share or Islamic redeemable preference share; or
- (d) Corporate Bond or Sukuk.

Notwithstanding the above, the following are excluded from the definition of Borrowing/financing—

- i. a trade credit term extended by a supplier for any goods or services;
- ii. a credit limit that a Licensed Onshore Bank ("LOB") apportions for its client to undertake a Forward Basis transaction, excluding a transaction that involves—
  - (A) exchanging or swapping of Ringgit or Foreign Currency debt for another Foreign Currency debt; or
  - (B) exchanging of Foreign Currency debt for a Ringgit debt;
- iii. a Financial Guarantee or Non-Financial Guarantee;
- iv. an operational leasing facility;
- v. a factoring facility without recourse;
- vi. a credit card or charge card facility obtained by an Individual from a Resident and used for payment for retail goods or services only; or
- vii. a credit facility or financing facility obtained by a Resident Individual from a Resident to purchase one (1) residential property and one (1) vehicle.

Note: For clarity purposes, the transactions in paragraphs (ii)(A) and (ii)(B) shall be considered as Borrowing/financing.

- ii. "Foreign Currency Asset Offshore" means –
- (a) a financial asset in Malaysia swapped for a financial asset in a Labuan Entity or outside Malaysia;
  - (b) Foreign Currency Borrowing/financing given to a Non-Resident;
  - (c) working capital arising from the set up of any business arrangement outside Malaysia (including a joint venture project where no Entity is created or established);
  - (d) deposit in a Foreign Currency Account maintained with a Labuan Entity or outside Malaysia excluding reasonable amount of deposit for education, employment or migration outside Malaysia; or

- (e) Foreign Currency-denominated—
  - i. asset (tangible or intangible) offered by a Non-Resident or any person whose residency cannot be determined;
  - ii. asset (tangible or intangible) in or maintained with a Labuan Entity, or outside Malaysia;
  - iii. Financial Instrument or Islamic Financial Instrument (excluding Exchange Rate Derivatives) without Firm Commitment offered on a Specified Exchange under the CMSA outside Malaysia undertaken by a Resident through a Resident futures broker; or
  - iv. Financial Instrument or Islamic Financial Instrument (excluding Exchange Rate Derivatives) without Firm Commitment issued or offered by a Non-Resident.
  
- iii. "Direct Investment Abroad" means –
  - (a) an investment in Foreign Currency Asset Offshore by a Resident resulting in at least 10% equity ownership or control of a Non-Resident Entity outside Malaysia or a Labuan Entity;
  - (b) an inter-company lending by a Resident Entity to a Non-Resident Entity within the Resident Entity's Group where the Non-Resident Entity is outside Malaysia or a Labuan Entity; or
  - (c) a capital expenditure by a Resident investor in an unincorporated Entity outside Malaysia or a project outside Malaysia by an agreement with no establishment created, where the Resident investor—
    - i. contributes capital of at least 10% of the cost of the project;
    - ii. is entitled to at least 10% of profits from the unincorporated Entity or project; or
    - iii. has management control of the unincorporated Entity or project.
  
- iv. "Foreign currency asset onshore" means
  - (a) Foreign Currency-denominated securities or Islamic securities offered in Malaysia by a Resident as approved in writing by the Bank;
  - (b) Foreign Currency-denominated Financial Instrument or Islamic Financial Instrument offered in Malaysia by a Resident as approved in writing by the Bank excluding a derivative or Islamic derivative transaction entered with Firm Commitment;
  - (c) Deposit in Investment FCA with a LOB or an approved Financial Institution as specified in Notice 3; or
  - (d) Any instrument offered by a LOB with Foreign Currency delivery at maturity<sup>2</sup>.

<sup>2</sup> Such as dual-currency investment.
  
- v. "Resident" means –
  - (a) a citizen of Malaysia, excluding a citizen who has obtained permanent resident status in a country or a territory outside Malaysia and is residing outside Malaysia;
  - (b) a non-citizen of Malaysia who has obtained permanent resident status in Malaysia and is ordinarily residing in Malaysia;
  - (c) a body corporate incorporated or established, or registered with or approved by any authority, in Malaysia;
  - (d) an unincorporated body registered with or approved by any authority in Malaysia; or
  - (e) The Government or any state Government.
  
- vi. "Foreign Currency Asset" means Foreign Currency Asset Offshore and Foreign Currency Asset Onshore.

## N. ACKNOWLEDGEMENT OF DISCLOSURE DOCUMENT, PRODUCT HIGHLIGHTS SHEET AND RISK STATEMENT

We hereby acknowledge that we have been provided a copy of the **Disclosure Document** and the **Product Highlights Sheet** which are made available at [www.itradecimb.com.my](http://www.itradecimb.com.my), read and understood the contents therein.

We also hereby acknowledge that we understand the risks associated with trading in CFD, as detailed in the **Risk Statement** below and disclosed in the Disclosure Document and Product Highlights Sheet.

### RISK STATEMENT

This statement does not disclose all the risks and other significant aspects of trading in CFDs. In light of the risks, you should undertake such transactions only if you understand the nature of the contracts (and contractual relationships) into which you are entering and the extent of your exposure to the risks. Trading in CFDs may not be suitable for many members of the public. You should carefully consider whether such trading is appropriate for you in light of your experience, objectives, financial resources and other relevant circumstances.

You should be aware of the following when considering whether to trade in leveraged products:

(1) Effect of leverage or gearing

Transactions in CFD carry a high degree of risk. The amount of initial margin is small relative to the value of the CFD so that the transaction is leveraged or geared. A relatively small market movement will have a proportionately larger impact on the funds you have deposited or will have to deposit; this may work against you as well as for you. You may sustain a total loss of the initial margin funds and any additional funds deposited with the firm to maintain your position. If the market moves against your position or margin levels are increased, you may be called upon to pay substantial additional funds on short notice in order to maintain your position. If you fail to comply with a request for additional funds within the time prescribed, your position may be liquidated at a loss as you will be liable for any resulting deficit in your account.

(2) Risk-reducing orders or strategies

The placing of certain orders (e.g., stop-loss orders, where permitted under local law, or stop-limit orders) which are intended to limit losses to certain amounts may not be effective because market conditions may make it impossible to execute such orders. At times, it is also difficult or impossible to liquidate a position without incurring substantial losses. Strategies using combinations of positions, such as spread and straddle positions may be as risky as taking simple long (buy) or short (sell) positions.

(3) Risk of inadequate margin

Positions are marked-to-market on a daily basis with payment being settled daily to account for the underlying market movements. You must maintain the minimum margin requirement on your open positions at all times. You will be responsible to monitor your margin account balance and may be called upon at short notice to make additional margin deposits. If required margin is not made within the prescribed time, the firm may liquidate any or all of your CFDs positions. This may result in a loss for you, which may be substantial.

(4) Suspension or restriction of trading and pricing relationship

Market conditions (e.g., illiquidity) or the operation of the rules of certain markets (e.g., the suspension of trading in any contract or contract month because of price limits or circuit breakers) may increase the risk of loss by making it difficult or impossible to effect transactions or liquidate or offset positions.

Further, normal pricing relationships between the underlying that is the subject of a CFD transaction and the CFD transaction may not exist. This can occur when, for example, the absence of an underlying reference price may make it difficult to judge fair value.

(5) Deposited cash and property

You should familiarise yourself with the protections accorded to money or other property you deposit for domestic and foreign transactions, particularly in the event of a firm's insolvency or bankruptcy. The extent to which you may recover your money or property may be governed by specific legislation. In some jurisdictions, property which had been specifically identifiable as your own will be pro-rated in the same manner as cash for purposes of distribution in the event of a shortfall.

(6) Commission and other charges

Before you begin to trade, you should obtain a clear explanation of all commission, fees and other charges for which you will be liable. These charges will affect your net profit (if any) or increase your loss.

(7) Transactions in other jurisdictions

Transactions on markets in other jurisdictions, including markets formally linked to a domestic market, may expose you to additional risk. Such markets may be subjected to a rule which may offer different or diminished investor protection. Before you trade, you should enquire about any rules relevant to your particular transactions. Your local regulatory authority will be unable to compel the enforcement of the rules of the regulatory authorities or markets in other jurisdictions where your transactions have been affected. You should ask the firm with which you conduct your transactions for details about type of redress available in both your home jurisdiction and other relevant jurisdictions before you start to trade.



(8) Currency risks

The profit or loss in transactions in foreign currency-denominated contracts will be affected by fluctuations in currency rates where there is a need to convert from the currency denomination of the contract to another currency.

(9) Liquidity and market risks

Adverse market conditions may result in you not being able to affect CFD, liquidate all or part of your CFD, assess a value or your exposure or determine a fair price, as and when you require. The pricing relationships between a derivative and the underlying instrument may not exist in certain circumstances. The absence of an underlying reference price may make it difficult to judge fair value.

It is also important to understand that the fluctuation of the underlying instrument may influence the value of the derivative product and affect your profitability. Sudden market movements, known as gapping may occur, causing a dramatic shift in the price of an underlying instrument. This gapping event can result in a significant profit or loss on your account. Gapping can occur when the underlying instrument/market is open and when it is closed.

(10) Trading facilities

Electronic trading facilities are supported by computer-based component systems for order- routing, execution or registration of trades. As with all facilities and systems, they are vulnerable to temporary disruption or failure. Your ability to recover certain losses may be subject to limits on liability imposed by the system provider or firms. Such limits may vary. You should ask the firm with which you deal for details in this respect.

(11) Electronic trading

Trading on an electronic trading system may differ not only from trading on other electronic trading systems. If you undertake transactions on an electronic trading system, you will be exposed to risks associated with the system including the failure of hardware and software. The result of any system failure may be that your order is either not executed according to your instructions or is not executed at all.

(12) Over-the-counter ("OTC") Transactions

CFD is an OTC transaction or off-exchange transaction. The firm with which you conduct your transaction is acting as your counterparty to the transaction. It may be difficult or impossible to liquidate an existing position, to assess the value, to determine a fair price or to assess the exposure to risk. Thus, these transactions may involve increased risks. OTC transactions may be less regulated or subject to a separate regulatory regime. Before you undertake such transactions, you should familiarise yourself with the applicable rules and attendant risks.

(13) Corporate action processing

You should be aware of all corporate events in regard to the underlying financial instrument of the CFD. It is important to understand the risks of delayed processing due to market condition, differences in time zones or unforeseen circumstances which may result in any acts or omissions.

The treatment you receive during a corporate action may be less favourable than if you owned the underlying instrument. Therefore, the time you have to make decisions could be considerably less, the options available may be more restrictive/less advantageous and may be such that there is no option for you to close the position. Given that corporate action(s) can often be announced at extremely short notice, you may have no opportunity or choice to close positions to avoid such consequences and such corporate action(s), may require you to provide more funds to cover the margin at very short notice.

(14) Shares recall

To enable you to take a short CFD position, the hedge provider may need to borrow the shares of the underlying instrument to conduct a short hedge. Lenders of the shares have the right to recall anytime. In the event of a recall, the shares may have to be returned at short notice and the hedge provider might no longer be able to maintain the short hedge. This may result in the CFD provider closing your short CFD positions immediately or at a short notice.

Regulatory changes prohibiting short selling and share borrowing in specific shares or in the entire underlying market may also result in the CFD provider force closing your short positions in CFD.

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**Applicant / Authorised Signatory (ies)**

Name:

NRIC/Passport No.:

Designation:

Company Seal / Stamp

Date:

**O. APPLICANT'S DECLARATION AND AGREEMENT**

By signing the CFD Application Form, we hereby declare/agree/undertake that:

1. We are not insolvent, under any winding up proceedings or placed under any receiver, manager or liquidator.
2. The information given herein, including all documents attached hereto, are true and complete in every respect and do not contain any false or misleading information and we have not wilfully withheld any facts. We shall keep you informed of any change in particulars given in this Application Form.
3. If there is any change in circumstances relating to our status as a sophisticated investor as set out above such that we cease to be a sophisticated investor at any time, we undertake to inform CGS-CIMB Futures within 7 working days of such change in circumstances. If such changes cannot be rectified, we acknowledge and accept that CGS-CIMB Futures has full discretion to refrain from treating us as a sophisticated investor.
4. CGS-CIMB Futures shall have the right to reject the Applicant's application at its sole discretion without any reason whatsoever.
5. We confirm that CGS-CIMB Futures is authorised to verify any information and/or make any checks and/or obtain any information and/or confirmation at any time and from time to time now and /or in the future, with or from any credit reference/reporting agencies, including but not limited to and/or any other agencies and/or from any financial institution and/or any other source(s) that CGS-CIMB Futures may in its sole discretion deem appropriate and to provide such aforesaid party(s) with the required information requested to enable CGS-CIMB Futures to ascertain our status and/or any of its directors, individual shareholders, officers, personnel, individual guarantor, security provider and/or other person, individual, and/or entity related to and/or associated with us as maybe required by CGS-CIMB Futures for the purpose of the consideration of this application and thereafter if this application is approved for the purposes of continued maintenance of the Account; and/or recovery of debts due and payable under the Account; and/or any purpose related to or in connection with the Account applied for; and/or for any other purpose, that is required or permitted by any law, regulations, guidelines and/or relevant regulatory authorities.
6. We are fully aware of and understand the processes, procedures and risks involved in using the services and executing transactions through the Online Services.

"Online Services" shall carry the meaning as defined in the Terms and Conditions for Contracts for Difference.

7. We are fully aware of and understand and agree to comply with the relevant laws, rules and regulations relating to the services provided by CGS-CIMB Futures to us under the Terms and Conditions for Contracts for Difference, Disclosure Document, Product Highlights Sheet and Risk Statement.
8. We shall indemnify CGS-CIMB Futures against any losses, damages, debts, charges, taxes and all other costs and expenses whatsoever incurred, withheld or suffered or which CGS-CIMB Futures may incur or suffer by reason of or in relation to or arising from or in connection with the provision of services by CGS-CIMB Futures to us under the Terms and Conditions for Contracts for Difference, Disclosure Document, Product Highlights Sheet and Risk Statement.
9. Pursuant to paragraph 13.2 of the Terms and Conditions for Contracts for Difference, we acknowledge and agree that CGS-CIMB Futures may retain, for the benefit of CGS-CIMB Futures and without any obligation to account to us, any interest CGS-CIMB Futures receives from our monies deposited in the Client's Account (the "**Client's Monies**"). We further consent to CGS-CIMB Futures withdrawing the Client's Monies and any interest received on the Client's Monies from the Client's Account, to the extent permitted by applicable laws, including but not limited to paying out such interest. CGS-CIMB Futures may in its sole and absolute discretion, taking into account any withholding tax and any administrative expenses incurred by CGS-CIMB Futures in maintaining the Client's Account, pay any interest received on the Client's Monies to us. We agree and acknowledge that any interest paid by CGS-CIMB Futures to us may be less than that received by CGS-CIMB Futures.

We duly verify that this is our written direction allowing CGS-CIMB Futures to do the above.

10. We hereby declare that trading in CFD for our Account is/shall be carried out:

for us as principal;

for and on behalf of another person\*. We agree to furnish to you information and documents of the ultimate owner upon CGS-CIMB Futures' request. We also undertake to furnish the said information promptly, notwithstanding the termination of services by CGS-CIMB Futures. (\* Note: applicable to omnibus/agency account only)

and we make this solemn declaration conscientiously believing the same to be true.

11. In relation to our shareholders or beneficial owners of the company, we the undersigned also:

confirm that the company has no shareholders/beneficial owners or directors which are US persons or residents hold more than 25% direct or indirect shareholding.

confirm that the company's shareholders/beneficial owners or directors which are US persons or residents hold more than 25% direct or indirect shareholding. (Please complete table(s) below, where applicable)

Shareholder / US Director Name	% of Shares Owned <sup>1</sup>	Tax Number

Note: To fill up "US Director" if the person named is a US Director of the Applicant.

Beneficial Owner Name	Passport/ID No.	Passport Expiry Date [DDMMYYYY]	Tax Number

Note: Applicant who is Non US Individual with US Indicia to provide Form W-8BEN. Applicant who is an US individual to provide Form W-9.

We hereby consent for CGS-CIMB Futures and its Affiliates to share our information as above, including information on directors, or shareholders or owners or beneficial owners that are U.S. Persons, with domestic or overseas regulators or tax authorities, where necessary to establish the tax liability of any of the above mentioned parties in any relevant jurisdiction.

In this respect, we confirm that we have obtained the respective consent of directors or shareholders or owners or beneficial owners that are U.S. Persons, for their information to be provided to CGS-CIMB Futures and its Affiliates to share such information with domestic or overseas regulators or tax authorities, where necessary to establish the tax liability of any of the above mentioned parties in any relevant jurisdiction.

We agree and undertake to deliver to CGS-CIMB Futures and its Affiliates additional information, documents and/or forms, which our authorised signatory or director(s) will sign for the purposes of CGS-CIMB Futures and its Affiliates' compliance with any tax laws and regulations.

Where required by domestic or overseas governmental, supervisory or regulatory authorities, we understand and agree that CGS-CIMB Futures and/or its Affiliates may withhold, and pay out, from any of our account(s) such amounts as may be required according to applicable laws, regulations, directives, guidelines and/or agreements with and/or from domestic or overseas governmental, supervisory or regulatory authorities.

"Affiliates" shall carry the meaning as defined in the Terms and Conditions for Contracts for Difference.

We also agree and undertake to notify CGS-CIMB Futures in a timely manner (which in any case, within 30 calendar days), and provide the information if requested by CGS-CIMB Futures, if there is a change in any information which we have provided to CGS-CIMB Futures as above.

**12. Disclosure to third parties for strategic alliances, marketing and promotional purposes:**

We consent to our personal data and/or any of our directors, individual shareholders, officers, personnel, individual guarantor, security provider and/or other person, individual, and/or entity related to and/or associated with us to be collected, used, disclosed and/or processed by CGS-CIMB Futures in accordance with the Terms and Conditions for Contracts for Difference, provided always that disclosure for cross selling purposes shall not be effected if such disclosure is objected by us by writing to CGS-CIMB Futures at the following address (which may be changed by CGS-CIMB Futures from time to time by notice to us): Level 12, Menara Bumiputra-Commerce, No. 11, Jalan Raja Laut, 50350 Kuala Lumpur, Wilayah Persekutuan, Malaysia. (Attention to Client Services Department).

Further, where CGS-CIMB Futures intends to share our information (excluding information relating to our affairs or account) with third parties for strategic alliances, marketing and promotional purposes,

we hereby give our consent to the above disclosure to third parties.

we do not consent to the giving of the above disclosure to third parties.

**13. Personal Data Notice Acknowledgement:**

We agree to notify our individual shareholders, directors, officers, individual guarantors and security providers in writing of the Personal Data Notice issued by Bursa Malaysia Berhad ("**Bursa Malaysia**"), which is available at Bursa Malaysia's website at [www.bursamalaysia.com](http://www.bursamalaysia.com) or has otherwise been made available to us.

14. We also acknowledge that we have received, read and understood the contents of the Terms and Conditions for Contracts for Difference and agree to be bound by them or such additional amendments or terms and conditions as may be made from time to time.

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Signature of Applicant / Authorised Signatory(ies)

Name:

NRIC/Passport No.:

Designation:

Company Seal /Stamp

Date:

**TO BE COMPLETED BY FUTURES BROKER'S REPRESENTATIVE ("FBR")**

- (a) Proposed Gross Exposure Limit :  RM500,000  RM1 million  
 RM3 million  RM5 million
- (b)  Face to face verification  
 Non face to face verification  
Video recording with Applicant date & time : \_\_\_\_\_
- (c) How do you know Applicant / Name of Introducer : \_\_\_\_\_
- (d) No. of years you have known the Applicant : \_\_\_\_\_ Years
- (e) Trading Experience with Applicant : \_\_\_\_\_ Years
- (f) Proposed Commission Rate :  Default rate  Customized rate as attached
- (g) Other relevant information \_\_\_\_\_  
\_\_\_\_\_

**DECLARATION BY FUTURES BROKER'S REPRESENTATIVE ("FBR")**

I hereby:

- confirm that I have explained the contents of the Terms and Conditions for CFD, Disclosure Document, Product Highlights Sheet and Risk Statement to the Applicant.
- confirm that the information given by me above is true and I have not withheld any information which might prejudice this application; where the Applicant is unable to read and understand the provisions (including the rights, covenants, undertakings and obligations of the Applicant) as contained in the application form, I have distinctly, clearly and audibly translated the same for the Applicant into the..... language / dialect which is the language / dialect understood by the Applicant, and the Applicant has appeared to clearly understand the same.
- confirm that I have conducted the suitability assessment on the Applicant.
- request CGS-CIMB Futures to allow the Applicant to open a CFD Account with CGS-CIMB Futures.
- agree to allow the Applicant to use the Online Services to effect CFD transactions and I confirm that the Applicant has the knowledge of the process of entering orders through the Online Services.
- confirm that the signature on the Risk Statement and CFD Application Form is that of the Applicant and I am aware that the Applicant is required to comply with all the terms and conditions accompanying this CFD Application Form which CGS-CIMB Futures may vary from time to time at its absolute discretion.
- undertake to indemnify CGS-CIMB Futures against any losses, damages, debts, charges and all other costs and expenses whatsoever incurred or suffered or which CGS-CIMB Futures may incur or suffer in relation to CGS-CIMB Futures opening the CFD Account of this Applicant and the subsequent operation thereof and in connection with the provision of services by CGS-CIMB Futures to the Applicant (applicable to commissioned FBR only).

\_\_\_\_\_  
FBR's Signature  
Name :

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

**Client Services Department**

Reviewed by : \_\_\_\_\_ Date : \_\_\_\_\_

Approved by : \_\_\_\_\_ Date : \_\_\_\_\_

Remarks : \_\_\_\_\_  
\_\_\_\_\_

**Account Opening : -**

Client Code : \_\_\_\_\_ Date : \_\_\_\_\_

Approved by : \_\_\_\_\_ Date : \_\_\_\_\_

Keyed in by : \_\_\_\_\_ Date : \_\_\_\_\_

Reviewed by : \_\_\_\_\_ Date : \_\_\_\_\_

**Online Services : -**

User ID : \_\_\_\_\_

Updated by : \_\_\_\_\_ Date : \_\_\_\_\_

Checked by : \_\_\_\_\_ Date : \_\_\_\_\_

Remarks : \_\_\_\_\_  
\_\_\_\_\_

**Credit Management Department**

Reviewed by : \_\_\_\_\_ Date : \_\_\_\_\_

Recommended Gross Exposure Limit : RM \_\_\_\_\_

Recommended by : \_\_\_\_\_ Date : \_\_\_\_\_

Approved Gross Exposure Limit : RM \_\_\_\_\_

Approved by : \_\_\_\_\_ Date : \_\_\_\_\_

Risk Profile :  Low  Medium  High. Approved by: \_\_\_\_\_

Remarks : \_\_\_\_\_  
\_\_\_\_\_

**Compliance**

Reviewed by : \_\_\_\_\_ Date : \_\_\_\_\_

### Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities)

▶ For use by entities. Individuals must use Form W-8BEN. ▶ Section references are to the Internal Revenue Code.  
▶ Go to [www.irs.gov/FormW8BENE](http://www.irs.gov/FormW8BENE) for instructions and the latest information.  
▶ Give this form to the withholding agent or payer. Do not send to the IRS.

**Do NOT use this form for:**

**Instead use Form:**

- U.S. entity or U.S. citizen or resident . . . . . W-9
- A foreign individual . . . . . W-8BEN (Individual) or Form 8233
- A foreign individual or entity claiming that income is effectively connected with the conduct of trade or business within the United States (unless claiming treaty benefits) . . . . . W-8ECI
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (unless claiming treaty benefits) (see instructions for exceptions) . . . W-8IMY
- A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming that income is effectively connected U.S. income or that is claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) (unless claiming treaty benefits) (see instructions for other exceptions) . . . . . W-8ECI or W-8EXP
- Any person acting as an intermediary (including a qualified intermediary acting as a qualified derivatives dealer) . . . . . W-8IMY

#### Part I Identification of Beneficial Owner

1 Name of organization that is the beneficial owner	2 Country of incorporation or organization
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3 Name of disregarded entity receiving the payment (if applicable, see instructions)

4 Chapter 3 Status (entity type) (Must check one box only):

<input type="checkbox"/> Simple trust	<input type="checkbox"/> Tax-exempt organization	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
<input type="checkbox"/> Central Bank of Issue	<input type="checkbox"/> Private foundation	<input type="checkbox"/> Complex trust	<input type="checkbox"/> Foreign Government - Controlled Entity
<input type="checkbox"/> Grantor trust	<input type="checkbox"/> Disregarded entity	<input type="checkbox"/> Estate	<input type="checkbox"/> Foreign Government - Integral Part
	<input type="checkbox"/> International organization		

If you entered disregarded entity, partnership, simple trust, or grantor trust above, is the entity a hybrid making a treaty claim? If "Yes," complete Part III.  Yes  No

5 Chapter 4 Status (FATCA status) (See instructions for details and complete the certification below for the entity's applicable status.)

<input type="checkbox"/> Nonparticipating FFI (including an FFI related to a Reporting IGA FFI other than a deemed-compliant FFI, participating FFI, or exempt beneficial owner).	<input type="checkbox"/> Nonreporting IGA FFI. Complete Part XII.
<input type="checkbox"/> Participating FFI.	<input type="checkbox"/> Foreign government, government of a U.S. possession, or foreign central bank of issue. Complete Part XIII.
<input type="checkbox"/> Reporting Model 1 FFI.	<input type="checkbox"/> International organization. Complete Part XIV.
<input type="checkbox"/> Reporting Model 2 FFI.	<input type="checkbox"/> Exempt retirement plans. Complete Part XV.
<input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI, sponsored FFI, or nonreporting IGA FFI covered in Part XII). See instructions.	<input type="checkbox"/> Entity wholly owned by exempt beneficial owners. Complete Part XVI.
<input type="checkbox"/> Sponsored FFI. Complete Part IV.	<input type="checkbox"/> Territory financial institution. Complete Part XVII.
<input type="checkbox"/> Certified deemed-compliant nonregistering local bank. Complete Part V.	<input type="checkbox"/> Excepted nonfinancial group entity. Complete Part XVIII.
<input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. Complete Part VI.	<input type="checkbox"/> Excepted nonfinancial start-up company. Complete Part XIX.
<input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part VII.	<input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XX.
<input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. Complete Part VIII.	<input type="checkbox"/> 501(c) organization. Complete Part XXI.
<input type="checkbox"/> Certain investment entities that do not maintain financial accounts. Complete Part IX.	<input type="checkbox"/> Nonprofit organization. Complete Part XXII.
<input type="checkbox"/> Owner-documented FFI. Complete Part X.	<input type="checkbox"/> Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII.
<input type="checkbox"/> Restricted distributor. Complete Part XI.	<input type="checkbox"/> Excepted territory NFFE. Complete Part XXIV.
	<input type="checkbox"/> Active NFFE. Complete Part XXV.
	<input type="checkbox"/> Passive NFFE. Complete Part XXVI.
	<input type="checkbox"/> Excepted inter-affiliate FFI. Complete Part XXVII.
	<input type="checkbox"/> Direct reporting NFFE.
	<input type="checkbox"/> Sponsored direct reporting NFFE. Complete Part XXVIII.
	<input type="checkbox"/> Account that is not a financial account.

6 Permanent residence address (street, apt. or suite no., or rural route). **Do not use a P.O. box or in-care-of address** (other than a registered address).

City or town, state or province. Include postal code where appropriate.	Country
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7 Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.	Country
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**Part I Identification of Beneficial Owner** (continued)

**8** U.S. taxpayer identification number (TIN), if required \_\_\_\_\_

<b>9a</b> GIIN _____	<b>b</b> Foreign TIN _____	<b>c</b> Check if FTIN not legally required. <input type="checkbox"/>
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**10** Reference number(s) (see instructions) \_\_\_\_\_

**Note:** Please complete remainder of the form including signing the form in Part XXX.

**Part II Disregarded Entity or Branch Receiving Payment.** (Complete only if a disregarded entity with a GIIN or a branch of an FFI in a country other than the FFI's country of residence. See instructions.)

**11** Chapter 4 Status (FATCA status) of disregarded entity or branch receiving payment

Branch treated as nonparticipating FFI.       Reporting Model 1 FFI.       U.S. Branch.

Participating FFI.       Reporting Model 2 FFI.

**12** Address of disregarded entity or branch (street, apt. or suite no., or rural route). **Do not use a P.O. box or in-care-of address** (other than a registered address). \_\_\_\_\_

City or town, state or province. Include postal code where appropriate. \_\_\_\_\_

Country \_\_\_\_\_

**13** GIIN (if any) \_\_\_\_\_

**Part III Claim of Tax Treaty Benefits** (if applicable). (For chapter 3 purposes only.)

**14** I certify that (check all that apply):

**a**  The beneficial owner is a resident of \_\_\_\_\_ within the meaning of the income tax treaty between the United States and that country.

**b**  The beneficial owner derives the item (or items) of income for which the treaty benefits are claimed, and, if applicable, meets the requirements of the treaty provision dealing with limitation on benefits. The following are types of limitation on benefits provisions that may be included in an applicable tax treaty (check only one; see instructions):

<input type="checkbox"/> Government	<input type="checkbox"/> Company that meets the ownership and base erosion test
<input type="checkbox"/> Tax-exempt pension trust or pension fund	<input type="checkbox"/> Company that meets the derivative benefits test
<input type="checkbox"/> Other tax-exempt organization	<input type="checkbox"/> Company with an item of income that meets active trade or business test
<input type="checkbox"/> Publicly traded corporation	<input type="checkbox"/> Favorable discretionary determination by the U.S. competent authority received
<input type="checkbox"/> Subsidiary of a publicly traded corporation	<input type="checkbox"/> No LOB article in treaty
	<input type="checkbox"/> Other (specify Article and paragraph): _____

**c**  The beneficial owner is claiming treaty benefits for U.S. source dividends received from a foreign corporation or interest from a U.S. trade or business of a foreign corporation and meets qualified resident status (see instructions).

**15** **Special rates and conditions** (if applicable—see instructions):  
 The beneficial owner is claiming the provisions of Article and paragraph \_\_\_\_\_ of the treaty identified on line 14a above to claim a \_\_\_\_\_ % rate of withholding on (specify type of income): \_\_\_\_\_  
 Explain the additional conditions in the Article the beneficial owner meets to be eligible for the rate of withholding: \_\_\_\_\_

**Part IV Sponsored FFI**

**16** Name of sponsoring entity: \_\_\_\_\_

**17** **Check whichever box applies.**

I certify that the entity identified in Part I:

- Is an investment entity;
- Is not a QI, WP (except to the extent permitted in the withholding foreign partnership agreement), or WT; **and**
- Has agreed with the entity identified above (that is not a nonparticipating FFI) to act as the sponsoring entity for this entity.

I certify that the entity identified in Part I:

- Is a controlled foreign corporation as defined in section 957(a);
- Is not a QI, WP, or WT;
- Is wholly owned, directly or indirectly, by the U.S. financial institution identified above that agrees to act as the sponsoring entity for this entity; **and**
- Shares a common electronic account system with the sponsoring entity (identified above) that enables the sponsoring entity to identify all account holders and payees of the entity and to access all account and customer information maintained by the entity including, but not limited to, customer identification information, customer documentation, account balance, and all payments made to account holders or payees.

**Part V Certified Deemed-Compliant Nonregistering Local Bank**18  I certify that the FFI identified in Part I:

- Operates and is licensed solely as a bank or credit union (or similar cooperative credit organization operated without profit) in its country of incorporation or organization;
- Engages primarily in the business of receiving deposits from and making loans to, with respect to a bank, retail customers unrelated to such bank and, with respect to a credit union or similar cooperative credit organization, members, provided that no member has a greater than 5% interest in such credit union or cooperative credit organization;
- Does not solicit account holders outside its country of organization;
- Has no fixed place of business outside such country (for this purpose, a fixed place of business does not include a location that is not advertised to the public and from which the FFI performs solely administrative support functions);
- Has no more than \$175 million in assets on its balance sheet and, if it is a member of an expanded affiliated group, the group has no more than \$500 million in total assets on its consolidated or combined balance sheets; **and**
- Does not have any member of its expanded affiliated group that is a foreign financial institution, other than a foreign financial institution that is incorporated or organized in the same country as the FFI identified in Part I and that meets the requirements set forth in this part.

**Part VI Certified Deemed-Compliant FFI with Only Low-Value Accounts**19  I certify that the FFI identified in Part I:

- Is not engaged primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, notional principal contracts, insurance or annuity contracts, or any interest (including a futures or forward contract or option) in such security, partnership interest, commodity, notional principal contract, insurance contract or annuity contract;
- No financial account maintained by the FFI or any member of its expanded affiliated group, if any, has a balance or value in excess of \$50,000 (as determined after applying applicable account aggregation rules); **and**
- Neither the FFI nor the entire expanded affiliated group, if any, of the FFI, have more than \$50 million in assets on its consolidated or combined balance sheet as of the end of its most recent accounting year.

**Part VII Certified Deemed-Compliant Sponsored, Closely Held Investment Vehicle**

20 Name of sponsoring entity: \_\_\_\_\_

21  I certify that the entity identified in Part I:

- Is an FFI solely because it is an investment entity described in Regulations section 1.1471-5(e)(4);
- Is not a QI, WP, or WT;
- Will have all of its due diligence, withholding, and reporting responsibilities (determined as if the FFI were a participating FFI) fulfilled by the sponsoring entity identified on line 20; **and**
- 20 or fewer individuals own all of the debt and equity interests in the entity (disregarding debt interests owned by U.S. financial institutions, participating FFIs, registered deemed-compliant FFIs, and certified deemed-compliant FFIs and equity interests owned by an entity if that entity owns 100% of the equity interests in the FFI and is itself a sponsored FFI).

**Part VIII Certified Deemed-Compliant Limited Life Debt Investment Entity**22  I certify that the entity identified in Part I:

- Was in existence as of January 17, 2013;
- Issued all classes of its debt or equity interests to investors on or before January 17, 2013, pursuant to a trust indenture or similar agreement; **and**
- Is certified deemed-compliant because it satisfies the requirements to be treated as a limited life debt investment entity (such as the restrictions with respect to its assets and other requirements under Regulations section 1.1471-5(f)(2)(iv)).

**Part IX Certain Investment Entities that Do Not Maintain Financial Accounts**23  I certify that the entity identified in Part I:

- Is a financial institution solely because it is an investment entity described in Regulations section 1.1471-5(e)(4)(i)(A), **and**
- Does not maintain financial accounts.

**Part X Owner-Documented FFI**

**Note:** This status only applies if the U.S. financial institution, participating FFI, or reporting Model 1 FFI to which this form is given has agreed that it will treat the FFI as an owner-documented FFI (see instructions for eligibility requirements). In addition, the FFI must make the certifications below.

24a  (All owner-documented FFIs check here) I certify that the FFI identified in Part I:

- Does not act as an intermediary;
- Does not accept deposits in the ordinary course of a banking or similar business;
- Does not hold, as a substantial portion of its business, financial assets for the account of others;
- Is not an insurance company (or the holding company of an insurance company) that issues or is obligated to make payments with respect to a financial account;
- Is not owned by or in an expanded affiliated group with an entity that accepts deposits in the ordinary course of a banking or similar business, holds, as a substantial portion of its business, financial assets for the account of others, or is an insurance company (or the holding company of an insurance company) that issues or is obligated to make payments with respect to a financial account;
- Does not maintain a financial account for any nonparticipating FFI; **and**
- Does not have any specified U.S. persons that own an equity interest or debt interest (other than a debt interest that is not a financial account or that has a balance or value not exceeding \$50,000) in the FFI other than those identified on the FFI owner reporting statement.



**Part X Owner-Documented FFI (continued)****Check box 24b or 24c, whichever applies.**

- b**  I certify that the FFI identified in Part I:
- Has provided, or will provide, an FFI owner reporting statement that contains:
    - (i) The name, address, TIN (if any), chapter 4 status, and type of documentation provided (if required) of every individual and specified U.S. person that owns a direct or indirect equity interest in the owner-documented FFI (looking through all entities other than specified U.S. persons);
    - (ii) The name, address, TIN (if any), and chapter 4 status of every individual and specified U.S. person that owns a debt interest in the owner-documented FFI (including any indirect debt interest, which includes debt interests in any entity that directly or indirectly owns the payee or any direct or indirect equity interest in a debt holder of the payee) that constitutes a financial account in excess of \$50,000 (disregarding all such debt interests owned by participating FFIs, registered deemed-compliant FFIs, certified deemed-compliant FFIs, excepted NFFEs, exempt beneficial owners, or U.S. persons other than specified U.S. persons); **and**
    - (iii) Any additional information the withholding agent requests in order to fulfill its obligations with respect to the entity.
  - Has provided, or will provide, valid documentation meeting the requirements of Regulations section 1.1471-3(d)(6)(iii) for each person identified in the FFI owner reporting statement.
- c**  I certify that the FFI identified in Part I has provided, or will provide, an auditor's letter, signed within 4 years of the date of payment, from an independent accounting firm or legal representative with a location in the United States stating that the firm or representative has reviewed the FFI's documentation with respect to all of its owners and debt holders identified in Regulations section 1.1471-3(d)(6)(iv)(A)(2), and that the FFI meets all the requirements to be an owner-documented FFI. The FFI identified in Part I has also provided, or will provide, an FFI owner reporting statement of its owners that are specified U.S. persons and Form(s) W-9, with applicable waivers.

**Check box 24d if applicable** (optional, see instructions).

- d**  I certify that the entity identified on line 1 is a trust that does not have any contingent beneficiaries or designated classes with unidentified beneficiaries.

**Part XI Restricted Distributor**

- 25a**  (All restricted distributors check here) I certify that the entity identified in Part I:
- Operates as a distributor with respect to debt or equity interests of the restricted fund with respect to which this form is furnished;
  - Provides investment services to at least 30 customers unrelated to each other and less than half of its customers are related to each other;
  - Is required to perform AML due diligence procedures under the anti-money laundering laws of its country of organization (which is an FATF-compliant jurisdiction);
  - Operates solely in its country of incorporation or organization, has no fixed place of business outside of that country, and has the same country of incorporation or organization as all members of its affiliated group, if any;
  - Does not solicit customers outside its country of incorporation or organization;
  - Has no more than \$175 million in total assets under management and no more than \$7 million in gross revenue on its income statement for the most recent accounting year;
  - Is not a member of an expanded affiliated group that has more than \$500 million in total assets under management or more than \$20 million in gross revenue for its most recent accounting year on a combined or consolidated income statement; **and**
  - Does not distribute any debt or securities of the restricted fund to specified U.S. persons, passive NFFEs with one or more substantial U.S. owners, or nonparticipating FFIs.

**Check box 25b or 25c, whichever applies.**

I further certify that with respect to all sales of debt or equity interests in the restricted fund with respect to which this form is furnished that are made after December 31, 2011, the entity identified in Part I:

- b**  Has been bound by a distribution agreement that contained a general prohibition on the sale of debt or securities to U.S. entities and U.S. resident individuals and is currently bound by a distribution agreement that contains a prohibition of the sale of debt or securities to any specified U.S. person, passive NFFE with one or more substantial U.S. owners, or nonparticipating FFI.
- c**  Is currently bound by a distribution agreement that contains a prohibition on the sale of debt or securities to any specified U.S. person, passive NFFE with one or more substantial U.S. owners, or nonparticipating FFI and, for all sales made prior to the time that such a restriction was included in its distribution agreement, has reviewed all accounts related to such sales in accordance with the procedures identified in Regulations section 1.1471-4(c) applicable to preexisting accounts and has redeemed or retired any, or caused the restricted fund to transfer the securities to a distributor that is a participating FFI or reporting Model 1 FFI securities which were sold to specified U.S. persons, passive NFFEs with one or more substantial U.S. owners, or nonparticipating FFIs.

**Part XII Nonreporting IGA FFI**

- 26**  I certify that the entity identified in Part I:
- Meets the requirements to be considered a nonreporting financial institution pursuant to an applicable IGA between the United States and \_\_\_\_\_ . The applicable IGA is a  Model 1 IGA or a  Model 2 IGA; and is treated as a \_\_\_\_\_ under the provisions of the applicable IGA or Treasury regulations (if applicable, see instructions);
  - If you are a trustee documented trust or a sponsored entity, provide the name of the trustee or sponsor \_\_\_\_\_ .  
The trustee is:  U.S.  Foreign

**Part XIII Foreign Government, Government of a U.S. Possession, or Foreign Central Bank of Issue**

- 27**  I certify that the entity identified in Part I is the beneficial owner of the payment, and is not engaged in commercial financial activities of a type engaged in by an insurance company, custodial institution, or depository institution with respect to the payments, accounts, or obligations for which this form is submitted (except as permitted in Regulations section 1.1471-6(h)(2)).

**Part XIV International Organization**

**Check box 28a or 28b, whichever applies.**

- 28a**  I certify that the entity identified in Part I is an international organization described in section 7701(a)(18).
- b**  I certify that the entity identified in Part I:
- Is comprised primarily of foreign governments;
  - Is recognized as an intergovernmental or supranational organization under a foreign law similar to the International Organizations Immunities Act or that has in effect a headquarters agreement with a foreign government;
  - The benefit of the entity's income does not inure to any private person; **and**
  - Is the beneficial owner of the payment and is not engaged in commercial financial activities of a type engaged in by an insurance company, custodial institution, or depository institution with respect to the payments, accounts, or obligations for which this form is submitted (except as permitted in Regulations section 1.1471-6(h)(2)).

**Part XV Exempt Retirement Plans**

**Check box 29a, b, c, d, e, or f, whichever applies.**

- 29a**  I certify that the entity identified in Part I:
- Is established in a country with which the United States has an income tax treaty in force (see Part III if claiming treaty benefits);
  - Is operated principally to administer or provide pension or retirement benefits; **and**
  - Is entitled to treaty benefits on income that the fund derives from U.S. sources (or would be entitled to benefits if it derived any such income) as a resident of the other country which satisfies any applicable limitation on benefits requirement.
- b**  I certify that the entity identified in Part I:
- Is organized for the provision of retirement, disability, or death benefits (or any combination thereof) to beneficiaries that are former employees of one or more employers in consideration for services rendered;
  - No single beneficiary has a right to more than 5% of the FFI's assets;
  - Is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which the fund is established or operated; **and**
    - (i) Is generally exempt from tax on investment income under the laws of the country in which it is established or operates due to its status as a retirement or pension plan;
    - (ii) Receives at least 50% of its total contributions from sponsoring employers (disregarding transfers of assets from other plans described in this part, retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, other retirement funds described in an applicable Model 1 or Model 2 IGA, or accounts described in Regulations section 1.1471-5(b)(2)(i)(A));
    - (iii) Either does not permit or penalizes distributions or withdrawals made before the occurrence of specified events related to retirement, disability, or death (except rollover distributions to accounts described in Regulations section 1.1471-5(b)(2)(i)(A) (referring to retirement and pension accounts), to retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or to other retirement funds described in this part or in an applicable Model 1 or Model 2 IGA); **or**
    - (iv) Limits contributions by employees to the fund by reference to earned income of the employee or may not exceed \$50,000 annually.
- c**  I certify that the entity identified in Part I:
- Is organized for the provision of retirement, disability, or death benefits (or any combination thereof) to beneficiaries that are former employees of one or more employers in consideration for services rendered;
  - Has fewer than 50 participants;
  - Is sponsored by one or more employers each of which is not an investment entity or passive NFFE;
  - Employee and employer contributions to the fund (disregarding transfers of assets from other plans described in this part, retirement and pension accounts described in an applicable Model 1 or Model 2 IGA, or accounts described in Regulations section 1.1471-5(b)(2)(i)(A)) are limited by reference to earned income and compensation of the employee, respectively;
  - Participants that are not residents of the country in which the fund is established or operated are not entitled to more than 20% of the fund's assets; **and**
  - Is subject to government regulation and provides annual information reporting about its beneficiaries to the relevant tax authorities in the country in which the fund is established or operates.

**Part XV Exempt Retirement Plans** *(continued)*

- d  I certify that the entity identified in Part I is formed pursuant to a pension plan that would meet the requirements of section 401(a), other than the requirement that the plan be funded by a trust created or organized in the United States.
- e  I certify that the entity identified in Part I is established exclusively to earn income for the benefit of one or more retirement funds described in this part or in an applicable Model 1 or Model 2 IGA, or accounts described in Regulations section 1.1471-5(b)(2)(i)(A) (referring to retirement and pension accounts), or retirement and pension accounts described in an applicable Model 1 or Model 2 IGA.
- f  I certify that the entity identified in Part I:
- Is established and sponsored by a foreign government, international organization, central bank of issue, or government of a U.S. possession (each as defined in Regulations section 1.1471-6) or an exempt beneficial owner described in an applicable Model 1 or Model 2 IGA to provide retirement, disability, or death benefits to beneficiaries or participants that are current or former employees of the sponsor (or persons designated by such employees); **or**
  - Is established and sponsored by a foreign government, international organization, central bank of issue, or government of a U.S. possession (each as defined in Regulations section 1.1471-6) or an exempt beneficial owner described in an applicable Model 1 or Model 2 IGA to provide retirement, disability, or death benefits to beneficiaries or participants that are not current or former employees of such sponsor, but are in consideration of personal services performed for the sponsor.

**Part XVI Entity Wholly Owned by Exempt Beneficial Owners**

- 30  I certify that the entity identified in Part I:
- Is an FFI solely because it is an investment entity;
  - Each direct holder of an equity interest in the investment entity is an exempt beneficial owner described in Regulations section 1.1471-6 or in an applicable Model 1 or Model 2 IGA;
  - Each direct holder of a debt interest in the investment entity is either a depository institution (with respect to a loan made to such entity) or an exempt beneficial owner described in Regulations section 1.1471-6 or an applicable Model 1 or Model 2 IGA.
  - Has provided an owner reporting statement that contains the name, address, TIN (if any), chapter 4 status, and a description of the type of documentation provided to the withholding agent for every person that owns a debt interest constituting a financial account or direct equity interest in the entity; **and**
  - Has provided documentation establishing that every owner of the entity is an entity described in Regulations section 1.1471-6(b), (c), (d), (e), (f) and/or (g) without regard to whether such owners are beneficial owners.

**Part XVII Territory Financial Institution**

- 31  I certify that the entity identified in Part I is a financial institution (other than an investment entity) that is incorporated or organized under the laws of a possession of the United States.

**Part XVIII Excepted Nonfinancial Group Entity**

- 32  I certify that the entity identified in Part I:
- Is a holding company, treasury center, or captive finance company and substantially all of the entity's activities are functions described in Regulations section 1.1471-5(e)(5)(i)(C) through (E);
  - Is a member of a nonfinancial group described in Regulations section 1.1471-5(e)(5)(i)(B);
  - Is not a depository or custodial institution (other than for members of the entity's expanded affiliated group); **and**
  - Does not function (or hold itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle with an investment strategy to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes.

**Part XIX Excepted Nonfinancial Start-Up Company**

- 33  I certify that the entity identified in Part I:
- Was formed on (or, in the case of a new line of business, the date of board resolution approving the new line of business) \_\_\_\_\_ (date must be less than 24 months prior to date of payment);
  - Is not yet operating a business and has no prior operating history or is investing capital in assets with the intent to operate a new line of business other than that of a financial institution or passive NFFE;
  - Is investing capital into assets with the intent to operate a business other than that of a financial institution; **and**
  - Does not function (or hold 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.

**Part XX Excepted Nonfinancial Entity in Liquidation or Bankruptcy**

- 34  I certify that the entity identified in Part I:
- Filed a plan of liquidation, filed a plan of reorganization, or filed for bankruptcy on \_\_\_\_\_;
  - During the past 5 years has not been engaged in business as a financial institution or acted as a passive NFFE;
  - Is either liquidating or emerging from a reorganization or bankruptcy with the intent to continue or recommence operations as a nonfinancial entity; **and**
  - Has, or will provide, documentary evidence such as a bankruptcy filing or other public documentation that supports its claim if it remains in bankruptcy or liquidation for more than 3 years.

**Part XXI 501(c) Organization**

35  I certify that the entity identified in Part I is a 501(c) organization that:

- Has been issued a determination letter from the IRS that is currently in effect concluding that the payee is a section 501(c) organization that is dated \_\_\_\_\_; **or**
- Has provided a copy of an opinion from U.S. counsel certifying that the payee is a section 501(c) organization (without regard to whether the payee is a foreign private foundation).

**Part XXII Nonprofit Organization**

36  I certify that the entity identified in Part I is a nonprofit organization that meets the following requirements.

- The entity is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural or educational purposes;
- The entity is exempt from income tax in its country of residence;
- The entity has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- Neither the applicable laws of the entity's country of residence nor the entity's formation documents permit any income or assets of the entity to be distributed to, or applied for the benefit of, a private person or noncharitable entity other than pursuant to the conduct of the entity's charitable activities or as payment of reasonable compensation for services rendered or payment representing the fair market value of property which the entity has purchased; **and**
- The applicable laws of the entity's country of residence or the entity's formation documents require that, upon the entity's liquidation or dissolution, all of its assets be distributed to an entity that is a foreign government, an integral part of a foreign government, a controlled entity of a foreign government, or another organization that is described in this part or escheats to the government of the entity's country of residence or any political subdivision thereof.

**Part XXIII Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation**

Check box 37a or 37b, whichever applies.

37a  I certify that:

- The entity identified in Part I is a foreign corporation that is not a financial institution; **and**
- The stock of such corporation is regularly traded on one or more established securities markets, including \_\_\_\_\_ (name one securities exchange upon which the stock is regularly traded).

b  I certify that:

- The entity identified in Part I is a foreign corporation that is not a financial institution;
- The entity identified in Part I is a member of the same expanded affiliated group as an entity the stock of which is regularly traded on an established securities market;
- The name of the entity, the stock of which is regularly traded on an established securities market, is \_\_\_\_\_; **and**
- The name of the securities market on which the stock is regularly traded is \_\_\_\_\_.

**Part XXIV Excepted Territory NFFE**

38  I certify that:

- The entity identified in Part I is an entity that is organized in a possession of the United States;
- The entity identified in Part I:
  - (i) Does not accept deposits in the ordinary course of a banking or similar business;
  - (ii) Does not hold, as a substantial portion of its business, financial assets for the account of others; **or**
  - (iii) Is not an insurance company (or the holding company of an insurance company) that issues or is obligated to make payments with respect to a financial account; **and**
- All of the owners of the entity identified in Part I are bona fide residents of the possession in which the NFFE is organized or incorporated.

**Part XXV Active NFFE**

39  I certify that:

- The entity identified in Part I is a foreign entity that is not a financial institution;
- Less than 50% of such entity's gross income for the preceding calendar year is passive income; **and**
- Less than 50% of the assets held by such entity are assets that produce or are held for the production of passive income (calculated as a weighted average of the percentage of passive assets measured quarterly) (see instructions for the definition of passive income).

**Part XXVI Passive NFFE**

40a  I certify that the entity identified in Part I is a foreign entity that is not a financial institution (other than an investment entity organized in a possession of the United States) and is not certifying its status as a publicly traded NFFE (or affiliate), excepted territory NFFE, active NFFE, direct reporting NFFE, or sponsored direct reporting NFFE.

Check box 40b or 40c, whichever applies.

- b  I further certify that the entity identified in Part I has no substantial U.S. owners (or, if applicable, no controlling U.S. persons); **or**
- c  I further certify that the entity identified in Part I has provided the name, address, and TIN of each substantial U.S. owner (or, if applicable, controlling U.S. person) of the NFFE in Part XXIX.

