

# Self-declaration for the determination of tax domicile (Entities)

## Introduction

The **Common Reporting Standard (CRS)** has been in force in the Netherlands since 1 January 2016. On the basis of this international standard, financial institutions, such as BNG, are legally required to determine where their customers are established for tax purposes. In some cases, this also applies to ultimate beneficial owners (UBOs).

BNG is required to share data of clients subject to tax in a CRS country with the Tax Administration. This information can then be exchanged with the tax authorities of the country concerned.

An overview of CRS countries and more information about the regulations can be found on the [Tax Administration page about CRS](#) and on the [OECD CRS page](#).

If reporting is required, BNG will inform you of this.

In order to determine your CRS status, please complete this form truthfully. Providing incorrect or incomplete information may result in incorrect classification and reporting. This form will remain valid until a relevant change occurs in the information contained herein. In that case, please complete a new form within 30 days and submit it to BNG. For more information, please visit [our website](#) or contact your BNG contact person.

## Notes

- If you complete this form on behalf of a subsidiary, please indicate the details of the branch in question 1 and the main establishment details as of question 2.
- Terms that are underlined in the form are explained in the attached glossary.
- Follow the instructions and referrals in the form carefully. You can skip questions that do not apply to your organisation.
- Attach a copy of the passport of the ultimate beneficial owner(s) to Section 4.
- The form must be signed by an authorised signatory representative. For Dutch organisations, this person must be registered with the Chamber of Commerce.

## 1. Organisation basic data (account holder)

**Important:** For Dutch entities, the data in question 1 must correspond with the data in the records of the Chamber of Commerce.

**1a. Company name organisation/subsidiary**  
(official/statutory name)

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**1b. Business address**

Street 

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Building number 

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 Suffix 

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Postcode 

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City/town 

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Country 

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## 2. Organisation's country of residence for tax purposes (account holder)

**Important:** An organisation may be established for tax purposes in several countries, but is established for tax purposes in at least one country.

**2a. Is your organisation established for tax purposes in the Netherlands?**

Yes      No

**2b. Is your organisation established for tax purposes exclusively or in part in a country other than the Netherlands?**

No      Yes, the organisation is established for tax purposes in  
(enter countries other than the Netherlands here)

Country 

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 Tax identification number\* 

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\* **Note:** If the organisation does not have a Tax identification number, state the reason why no identification number is available instead of the number.

→ Continue with 3

### 3. CRS STATUS

**Important:** For this section, please consult the glossary enclosed. The concepts underlined are listed in alphabetical order in the glossary.

#### 3a. Is your organisation one of the following types of financial institution?

Custodial institution or depository institution or dedicated insurance company  
→ Continue with **5**

Professionally managed investment entity in a non-participating jurisdiction  
→ Continue with **4**

Other investment entity  
→ Continue with **5**

None of the above  
→ Continue with **3b**

#### 3b. Is your organisation one of the following?

Central bank or an organisation entirely managed by a central bank  
→ Continue with **5**

Government body or organisation held entirely by a government body  
→ Continue with **5**

International organisation or an organisation held entirely by an international organisation  
→ Continue with **5**

Listed organisation  
→ Continue with **5**

Organisation that is part of a group to which a listed organisation belongs.  
Listed organisation name:

\_\_\_\_\_

→ Continue with **5**

None of the above  
→ Continue with **3c**

**3c. What type of organisation is your organisation?**

*Active non-financial entity*

Active organisation that meets the income test

→ Continue with **5**

Non-profit organisation

→ Continue with **5**

Treasury centre

→ Continue with **5**

A non-financial organisation in bankruptcy or planning to restart

→ Continue with **5**

A non-financial organisation in the start-up phase

→ Continue with **5**

A qualifying holding company (holding)

→ Continue with **5**

*Passive non-financial entity*

None of the above: Passive non-financial entity

→ Continue with **4**

#### 4. Details of the ultimate beneficial owners

Enter the details of the ultimate beneficial owners of your organisation here. We are legally required to pass on information to the Netherlands Tax Administration about ultimate beneficial owners who are tax residents in a CRS country.

**Important:** An ultimate beneficial owner is always a resident for tax purposes in at least one country. If a country does not issue tax identification numbers, state the **place of birth** of the beneficial owner (not the country of birth).

##### Ultimate beneficial owner 1

Initial(s) \_\_\_\_\_ Middle name(s) \_\_\_\_\_

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

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

##### **Physical address**

Street \_\_\_\_\_

Building number \_\_\_\_\_ Suffix \_\_\_\_\_

Postcode \_\_\_\_\_

City/town \_\_\_\_\_

State/province \_\_\_\_\_

Country \_\_\_\_\_

##### ***The ultimate beneficial owner is a resident for tax purposes of:***

Country \_\_\_\_\_ Tax identification number (or place of birth in the absence thereof) \_\_\_\_\_

Enter the letter referring to the ultimate beneficial owner type in the glossary here

\_\_\_\_\_

**Ultimate beneficial owner 2**

Initial(s) \_\_\_\_\_ Middle name(s) \_\_\_\_\_

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

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

**Physical address**

Street \_\_\_\_\_

Building number \_\_\_\_\_ Suffix \_\_\_\_\_

Postcode \_\_\_\_\_

City/town \_\_\_\_\_

State/province \_\_\_\_\_

Country \_\_\_\_\_

***The ultimate beneficial owner is a resident for tax purposes of:***

Country \_\_\_\_\_ Tax identification number (or place  
of birth in the absence thereof) \_\_\_\_\_

Enter the letter referring to the ultimate beneficial owner type in the glossary here

\_\_\_\_\_

**Ultimate beneficial owner 3**

Initial(s) \_\_\_\_\_ Middle name(s) \_\_\_\_\_

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

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

**Physical address**

Street \_\_\_\_\_

Building number \_\_\_\_\_ Suffix \_\_\_\_\_

Postcode \_\_\_\_\_

City/town \_\_\_\_\_

State/province \_\_\_\_\_

Country \_\_\_\_\_

***The ultimate beneficial owner is a resident for tax purposes of:***

Country \_\_\_\_\_ Tax identification number (or place  
of birth in the absence thereof) \_\_\_\_\_

Enter the letter referring to the ultimate beneficial owner type in the glossary here

\_\_\_\_\_

**Ultimate beneficial owner 4**

Initial(s) \_\_\_\_\_ Middle name(s) \_\_\_\_\_

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

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

**Physical address**

Street \_\_\_\_\_

Building number \_\_\_\_\_ Suffix \_\_\_\_\_

Postcode \_\_\_\_\_

City/town \_\_\_\_\_

State/province \_\_\_\_\_

Country \_\_\_\_\_

***The ultimate beneficial owner is a resident for tax purposes of:***

Country \_\_\_\_\_ Tax identification number (or place of birth in the absence thereof) \_\_\_\_\_

Enter the letter referring to the ultimate beneficial owner type in the glossary here

\_\_\_\_\_

If your organisation has more than four ultimate stakeholders, you can make a copy of this page.

## 5. Declaration and signature

As the authorised signatory representative of my organisation, I declare that:

- I have completed this form truthfully;
- I shall notify BNG of any changes to the above information within 30 days;
- the ultimate beneficial owners referred to in section 4 have given me permission to provide their personal information for the purpose of passing it on to the Tax Administration; and
- I have included a copy of the passport of the ultimate beneficial owners mentioned in section 4.

If there is a joint signing authority, have this form signed by at least two of the jointly authorised representatives.

Date \_\_\_\_\_

City/town \_\_\_\_\_

### Authorised signatory representative 1

Initial(s) \_\_\_\_\_

Middle name(s) \_\_\_\_\_

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

Signature \_\_\_\_\_

Position \_\_\_\_\_

**Authorised signatory representative 2**

Initial(s) \_\_\_\_\_ Middle name(s) \_\_\_\_\_

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

Signature \_\_\_\_\_

Position \_\_\_\_\_

**Authorised signatory representative 3**

Initial(s) \_\_\_\_\_ Middle name(s) \_\_\_\_\_

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

Signature \_\_\_\_\_

Position \_\_\_\_\_

You can scan the form and return it by email or you can return it by post.

# Glossary

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## Active operating company

An operating company that derives 50% or more of its revenue from active activities (as opposed to investments). In this context, a financial institution is not an active operating company.

## Assets

The total assets of an organisation.

## Listed organisation

An organisation is listed on a stock exchange if its shares are regularly traded on an established stock exchange.

## Established stock exchange

An established stock exchange is a stock exchange officially recognised by a government body of the country in which the exchange is established. Such a stock exchange is also under the supervision of this government body. A stock exchange is established if a significant volume of trade is traded annually for share value.

## Shares that are traded regularly

Shares are traded regularly on the stock exchange if there is continuously a significant trading volume in these shares. There is an exception to this: an interest (share, bond, etc.) in a financial institution is not regularly traded if the holder of this interest (other than a financial institution acting as an intermediary) is registered in the books of such a financial institution.

## Central bank

A central bank is an institution which, by law or by government measure, is the main authority which, in addition to the government of the country concerned, issues funds intended to circulate as a currency. Such an institution may also have a body independent of the government of the country concerned,

which may or may not belong to that country in whole or in part.

## Group

A group is the entire collection of affiliated organisations within a group. The organisations are affiliated:

1. if one of the organisations manages the other organisation, or
2. if the organisations are under the same management.

Management is understood to mean:

- a direct or indirect **majority** in the interests of the managed organisation by a natural or legal person in the organisation; and
- a **majority** of the voting rights in the managed organisation held by a natural or legal person within the organisation.

## CRS

CRS is the abbreviation of the Common Reporting Standard. The CRS is a system under which CRS countries exchange data on financial accounts.

## CRS country

A CRS country is a Member State of the European Union and any country outside the European Union that has concluded an agreement with one or more other countries to exchange financial account information.

## Third parties

A natural person or a company that is not part of a group.

## Subsidiary

A subsidiary is an organisation that is directly or indirectly held by the holding company (also

granddaughter and great-granddaughter companies).

## Financial institution

There are four types of financial institutions:

**1. Custodial institution:** an institution that holds financial assets on behalf of third parties as a material part of its business activities. An institution shall hold financial assets on behalf of third parties as a material part of its business when its gross income related to the holding of financial assets and the provision of associated financial services is equal to or greater than 20% of its gross income during (i) the three-year period ending on 31 December (or the last day of the financial year, if different from the calendar year) of the preceding year in which the determination is made; or (ii) the period of existence of the institution, if shorter.

**2. Deposit-taking institution:** an institution that obtains repayable funds in the normal course of its banking business or a comparable business. for example, a bank or a financial leasing company.

**3a. Investment Entity:** an entity, the business of which is primarily to perform for or on behalf of a client one or more of the following activities or transactions:

- trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.), foreign currencies, exchange rate, interest rate and index instruments, transferable securities; or commodity futures trading;
- managing individual assets and collective portfolio management; or
- other forms of investment, administration or management of financial assets or money on behalf of third parties.

**3b. Professionally managed investment entity:** an entity, the gross income of which is primarily attributable to investing,

reinvesting or trading in financial assets, if the entity is managed by a type 1, 2 or 3a financial institution as described above.

**Important:** An entity that functions as (or presents itself as) an investment fund, such as a private equity fund, a venture capital fund, a debt-financed takeover fund, or any other investment fund that has as its object the making of acquisitions or the financing of organisations and then holds the interests for investment purposes, is an investment entity and, therefore, a financial institution.

**4. Dedicated insurance company:** company (or the holding company of an insurance company) that issues, or is obligated to make payments under, a cash value insurance contract or an annuity contract. Are you unsure whether your organisation is a financial institution according to the [CRS](#)? Ask your tax adviser.

## Established for tax purposes

Each organisation has a country of residence for tax purposes for the purposes of the CRS. The law of a country determines the circumstances under which an organisation is established for tax purposes in that country.

### *When is an organisation established for tax purposes in the Netherlands?*

An organisation is established for tax purposes in the Netherlands if its place of effective management is in the Netherlands. In addition, an organisation established under Dutch law is deemed to be established for tax purposes in the Netherlands, unless its place of effective management is in a country with which the Netherlands has concluded a tax treaty.

The main facts and circumstances that determine the place of effective management are as follows:

- the place where the most important policy decisions are taken;
- the place where the members of the management board work and meet; and
- the place where the records are kept and the financial statements are drawn up.

The following facts and circumstances may also indicate the place of effective management:

- the place where the shareholders live and meet;
- the place where the organisation is registered;
- the place where the organisation was set up.

#### ***When is an organisation established for tax purposes in another country?***

You can find out which criteria a country applies for assessing its place of residence for tax purposes in the law of that country.

There are various facts and circumstances on the basis of which a country believes that an organisation is sufficiently connected to that country to be liable for tax for its total profit. You can find the facts and circumstances on the website [www.oecd.org](http://www.oecd.org) using the search term 'tax residency rules'.

#### ***Where are transparent entities established for tax purposes for the purposes of the CRS?***

A transparent entity, such as a general partnership or a private limited partnership, does not have its own place of business for tax purposes. However, for the purposes of the CRS, the place of residence for tax purposes is deemed to be where the activities of the transparent entity are effectively managed. If it is not possible to determine precisely where the actual management is located, the address of the main office of the transparent entity may be decisive. N.B. The tax location for the application of the CRS may be different from that for the application of the income tax.

#### ***Subsidiaries of organisations***

A subsidiary is established for tax purposes in the country where the organisation of which the subsidiary is a member is established for tax purposes. Not in the country where the subsidiary is located.

Are you unsure where your organisation is based for tax purposes? If so, consult your tax adviser.

#### **Tax identification number**

The number under which a taxpayer is registered in the administration of the local tax authorities. You can check which number you need to use with the local authorities or by visiting the website [www.oecd.org](http://www.oecd.org) using the search term 'Taxpayer identification number'.

#### **Tax resident**

Every natural person has a country of residence for tax purposes for the purposes of the CRS. The law of a country determines under which circumstances a natural person is resident for tax purposes in that country.

#### ***When is a natural person resident for tax purposes in the Netherlands?***

Under Dutch law, a natural person is a resident of the Netherlands for tax purposes if their permanent residence or place of residence is in the Netherlands. The main facts and circumstances that determine whether a natural person has their permanent residence or residence in the Netherlands are as follows:

- the person spends most time at a Dutch address;
- the person's partner and family live in the Netherlands;
- the person works in the Netherlands;
- the person is insured in the Netherlands;
- the person has a Dutch general practitioner;
- the person is a member of one or more Dutch associations;
- the children of the person receive their education in the Netherlands.

These circumstances should be considered in a coherent manner. In general, a natural person only has one country of residence for tax purposes.

***When is a natural person resident for tax purposes in another country?***

In general, the place of tax residence is where the natural person has their permanent place of residence or abode. However, there are countries that have different rules. You can check this with the local authorities or by visiting the website [www.oecd.org](http://www.oecd.org) using the search term 'tax residency rules'.

**If in doubt as to whether you are a resident of a country for tax purposes, you should consult a tax adviser.**

## Holding

A holding company is a company that serves as a (central) holding or management company for underlying companies in the group. It manages the shares of the organisations that fall within the group.

An organisation is not a holding company if it operates as a:

- private equity fund;
- venture capital fund, or
- debt-financed takeover fund and/or
- any other investment fund that:
  - is intended to make acquisitions or finance organisations; and
  - then holds the interests for investment purposes.

## International organisation

International organisation means any international organisation or any agency or body thereof which belongs to it fully. This category includes any intergovernmental

organisation (and also a supranational organisation) (1) consisting mainly of governments, (2) which actually has a headquarters agreement or similar agreement with a country and (3) the income of which does not benefit private individuals.

## Qualifying holding company

A holding company in which almost all the activities of the entity consist of (wholly or partially) holding the issued shares of, or providing financing and services to, one or more subsidiaries carrying out active activities.

A qualifying holding company shall also be deemed to exist if, during the previous calendar year or other relevant reporting period in addition to the above holding activities:

- less than 50% of the entity's other gross income consists of passive income; and
- less than 50% of the assets of the entity consist of assets that generate or are held for the purpose of generating passive income.

**Important:** Please disregard the equity interests and the receivables from the active operating companies.

## Non-financial organisation in the start-up phase

An organisation that meets **all** of the following requirements:

- The organisation has been established in the past 24 months;
- The organisation does not currently perform any activities;
- The organisation has not performed any activities in the past;
- The organisation invests money in assets with the intention of carrying out activities other than those of a financial institution.

**Important:** You must complete this form again and submit it to BNG no later than 24 months after it was established.

### Non-profit organisation

- An organisation is a non-profit organisation if it has only a religious, charitable, scientific, artistic, cultural, sporting and/ or educational purpose, or if
- an organisation is incorporated in the jurisdiction in which it is established and carries out activities here and, in doing so, it is a professional organisation, guild, chamber of commerce, trade union, agricultural or horticultural organisation, civic party or any other organisation that pursues a social welfare only.

A non-profit organisation also meets all the following conditions:

- The organisation is exempt from corporate income tax in the country of establishment.
- The organisation does not have any ultimate beneficial owners who have an ownership interest in the organisation, or who have other interests in the organisation's income or assets.
- The legislation of the country of establishment or the articles of association of the organisation state that beneficiaries (individuals or organisations) do not receive any income or assets, with the exception of income or assets for:
  - charitable purposes;
  - reasonable compensation for services rendered, or
  - acquisition of assets for the organisation at fair value.
- The legislation of the country of establishment or the articles of association of the organisation state that all assets go to the government or another non-profit organisation if the organisation is liquidated or dissolved.

According to the Dutch tax authorities, is your organisation a public benefit organisation (ANBI) or a social interest organisation (SBBi)? Then the organisation is also non-profit.

Are you unsure whether your organisation is a non-profit organisation? Ask your tax adviser.

### Organisation

Any person or legal form other than a natural person. Think of a Private Company (BV), a Public Limited Company (NV), or a partnership such as a General Partnership (VOF). In this context, a trust also applies as an organisation.

### Organisation that meets the income test

An organisation that meets the following characteristics:

- less than 50% of the organisation's gross income in the past year was passive income; and
- less than 50% of the assets of the organisation are produced or held for the production of passive income.

**Important:** the test of whether an asset (asset) is held for the generation of passive income does not require that it has actually generated passive income in the past year. The asset must be of the type that produces or could produce passive income.

### Organisation in bankruptcy or that is planning to make a restart

An organisation in bankruptcy or that plans to make a restart and that does not qualify as a financial institution, and that has not been or plans to become a financial institution in the last five years.

## Government body

A government body is the government of a country or other jurisdiction, a political division of a country or other jurisdiction (including a state, province, district or municipality) or an agency or authority of a country or other jurisdiction or of one or more of the preceding organisations that belong fully to it (these are also government bodies). This category consists of the integral parts, organisations under control, and the statutory parts of a state or other jurisdiction.

## Passive income

Passive income is the part of the gross income that consists, for example, of:

- dividends and dividend replacement payments;
- interest and income comparable to interest;
- certain royalties;
- annuities;
- income from swap contracts;
- rental income from real estate that requires little or no activity to obtain this income.

The above list is not exhaustive. You can find the full overview of passive income at [www.oecd.org](http://www.oecd.org) by searching for 'passive income'.

**Important:** rentals of property and royalties that are not the result of active work carried out at least in part by employees of the entity generally qualify as passive income.

Do you have any doubts about whether your organisation's income is passive? Please consult your tax adviser.

## Investment entity managed professionally in a non-participating jurisdiction

A professionally managed investment entity in a non-participating jurisdiction is a type 3b financial institution (see definition) that is not tax resident in a CRS country.

## Authorised signatory

An authorised signatory representative may issue a signed declaration or enter into a contract on behalf of the organisation. Someone who is authorised to sign is determined by the legal form of the organisation and who has obtained permission to do so within the organisation. If your organisation is registered with the Chamber of Commerce, the authorised signatory is also registered there. You will find these in an extract from the Chamber of Commerce.

## Treasury center

An organisation that is primarily engaged in financing and conducting hedging transactions with or for other organisations of the group to which it belongs and that are not financial institutions does not provide these services to organisations outside the group, while the group to which it belongs does not primarily engage in the activities of financial institutions.

## Ultimate beneficial owner

An ultimate beneficial owner is a natural person who:

- holds an interest of more than 25% in the capital of the organisation;
- can exercise more than 25% of the voting rights at the general meeting of the organisation;
- can exercise effective control in the organisation;
- is a beneficiary of 25% or more of the assets of the organisation, or
- has special control over 25% or more of the assets of the organisation.

If, on the basis of the above, at least one natural person cannot be identified as the ultimate beneficial owner, then the ultimate beneficial owner(s) is/are the natural person(s) belonging to senior management. For more information, see the FATF Guidance.

***Is the organisation a partnership?***

An ultimate beneficial owner is a natural person who:

- is entitled to a share in the community of more than 25% upon dissolution of the partnership;
- is entitled to a share in the profits of the partnership of more than 25%;
- can actually exercise control over the partnership; or
- can exercise more than 25% of the votes if a majority of the votes is determined in the following agreements:
  - in the case of decision-making that applies when the agreement underlying the partnership is amended; or
  - in decision-making that applies in the execution of that agreement other than by acts of management.

The above description of an ultimate beneficial owner is mostly derived from Article 3, fourth paragraph, part b Dutch Anti-Money Laundering and Terrorist Financing Act (Wwft). The Wwft can be found at [www.wetten.overheid.nl](http://www.wetten.overheid.nl). The expression 'ultimate beneficial owner' is explained in a manner that is compatible with the [recommendations 10 and 25 of the Financial Action Task Force](#) adopted in February 2012.

***Is the organisation a trust?***

In the case of a trust, the beneficial owners are the settlor(s) of a trust, the trustees, any protector(s), the beneficiary(ies) or class(es) of beneficiaries and any other natural persons who have ultimate effective control over the trust.

**Ultimate beneficial owner type**

There are different types of interests that allow a natural person to qualify as an ultimate beneficial owner based on the above definition. Below you will find an overview of the different types for completing this form:

- A. Ultimate beneficial owner of legal entities such as foundations and legal arrangements similar to trusts, the natural person or persons holding equivalent or similar positions, respectively, as the trustee of a trust (e.g. the director of a foundation),
- B. Ultimate beneficial owner of legal entities such as foundations and legal constructions similar to trusts, the natural person or persons holding equivalent or similar positions – as the protector of a trust, if any,
- C. Ultimate beneficial owner of legal entities such as foundations and legal arrangements similar to trusts, the natural person or persons holding equivalent or similar positions, respectively – as the beneficiary(ies) of a trust,
- D. Ultimate beneficial owner of legal entities such as foundations and legal arrangements similar to trusts, the natural person or persons holding equivalent or similar positions, respectively – as the founder of a trust,
- E. Ultimate beneficial owner of legal entities such as foundations and legal constructions similar to trusts, through other forms of control,
- F. Ultimate beneficial owner of a company-law entity by ownership,
- G. Ultimate beneficial owner of a corporate entity by the natural person or person belonging to senior management,
- H. Ultimate beneficial owner of a corporate entity through other forms of control,
- I. Ultimate beneficial owner of a trust – trustee
- J. Ultimate beneficial owner of a trust – any protector,
- K. Ultimate beneficial owner of a trust – the beneficiaries,
- L. Ultimate beneficial owner of a trust – founder of a trust,
- M. Ultimate beneficial owner of a trust – other.



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