

# Definitions for the purposes of OECD CRS status

(The list below is not exhaustive and provides general explanation of the basic terms. XHK Limited is not authorized to provide any tax, legal or other advice. Therefore, in case of any doubts about the residency/relation/status, the respondent is strongly recommended to seek a professional tax advice and/or contact the U.S. Internal Revenue Service ([www.irs.gov](http://www.irs.gov)))

## Active Non-Financial Entity

means any Non-Financial Entity that meets any of the following criteria:

- a. Active by reason of income and assets: less than 50% of the Entity'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 Entity during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b. Publicly traded non-financial entity or its wholly owned entity: the stock of the Entity is regularly traded on an established securities market

# OECD CRS身份的定义

(下表对基本术语作一般性及非全面的解释。XHK有限公司未获授权提供任何税务、法律等方面的咨询。因此,如果客户对其身份有任何疑问,强烈建议其寻求专业税务咨询和/或联系其居住地管辖区内的税务机构。有关OECD(经济合作与发展组织,简称:经合组织)CRS(共同申报准则)的详细资料,请浏览[www.oecd.org](http://www.oecd.org))

## 主动非金融实体

指符合下列条件之一的非金融实体:

- a. 因收入和资产而属于主动:该实体于上一公历年或其他适当申报期内不到50%的总收入属被动收入,以及该实体于上一公历年或其他适当申报期内持有的资产中,少于50%的资产属产生被动收入的资产,或属为产生被动收入而持有的资产;
- b. 公开交易的非财务实体或其全资拥有实体:该实体的股票或该实体的有关连实体的股票,在某具规模证券市场被经常交易;

or the Entity is a related entity of an entity the stock of which is regularly traded on an established securities market;

- c. Governmental Entity or its wholly owned entity: the government, any political subdivision (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of any jurisdiction or of any one or more of the foregoing. This category is comprised of the integral parts, controlled entities, and political subdivisions of a jurisdiction.

- c. 政府实体或其全权拥有的实体：政府、任何政治部门(为免生疑问，包括州、省、县或直辖市)、或任何管辖区或上述一个或多个实体全权拥有的实体。这一类别，由管辖范围内的行政分部、组成部分、受控制实体组成。

For the purpose of this definition:

- an "integral part" of the jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of the jurisdiction;
- the net earnings of the governing authority must be credited to its own account or to other accounts of the jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity;
- a "controlled entity" means an entity which is separate in form from the jurisdiction or which otherwise constitutes a separate juridical entity, provided that:
  - I. the entity is wholly owned and controlled by one or more Governmental entities directly or through one or more controlled entities;
  - II. the entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no

就本定义而言：

- 管辖范围的“组成部分”是指构成管辖范围内、主管当局的任何个人、组织、机构、单位、基金、媒介或其他团体，不论其名称为何；
- 主管当局的净收入，必须记入其本身帐户或管辖范围内的其他帐户，不得有任何有利于任何个人的部分。组成部分不包括任何以私人或个人身份行事的主权、官员或行政人员；
- “受控制实体”是指在形式上，独立于该司法管辖区，或以其他方式构成独立的法人实体，但须符合所有以下条件：
  - I. 由该司法管辖区的一个或多个于一个政府实体，直接地或透过其他受控制实体而全权拥有和控制；
  - II. 该实体的净收益，是记入其本身的帐户，或记入该司法管辖区的其他政府实体的帐户，而没有任何部分是归于任何私人的利益的；

portion of its income inuring to the benefit of any private person; and

III. the entity's assets vest in one or more

Governmental Entities upon dissolution;

- income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a Governmental Entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons;

d. International Organisation or its wholly owned entity: any international organisation or wholly owned agency or instrumentality thereof.

This category includes any intergovernmental organisation (including a supranational organisation):

- I. that is comprised primarily of governments;
- II. that has in effect a headquarters or substantially similar agreement with the Member State; and

III. the income of which does not inure to the benefit of private persons;

e. Central Bank or its wholly owned entity: an institution that is by law or government sanction the principal authority, other than the government of the jurisdiction itself, issuing instruments intended to circulate as currency. Such an institution may include

III. 若该在实体解散后，其资产将归属该司法管辖区的其他政府实体；

- 如果这些个人是一项政府方案的预定受益者，而方案活动涉及共同福利或与政府某一阶段的行政，为一般公众进行，则其收入就不属于个人的利益。然而，尽管有上述规定，如果收入来自利用一个政府实体从事向私人提供金融服务的商业业务（例如商业银行业务），则该收入被视为适用于私人的利益；

d. 国际组织或其全资实体：任何国际组织或其全资机关或机构。这类组织包括任何政府间组织（包括超国家组织）：

- I. 主要由政府组成；
- II. 与成员国实际上有总部或实质上有类似的协议；且

III. 其所得不涉及个人利益；

e. 中央银行或其全资实体：由法律或政府授权的主要机构（而非管辖权本身的政府），该机构发行拟作为货币流通的金融工具。该机构可包括独立于政府的机构，不论该机构是否全部或部分由该司法管辖区拥有；

an instrumentality that is separate from the government, whether or not owned in whole or in part by the jurisdiction;

- f. Holding non-financial entity, that is a member of a non-financial group: substantially all of the activities of the Entity 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;
  - g. Start-up non-financial entity: the Entity is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the Entity does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the Entity;
  - h. Non-financial entity that is liquidating or emerging from bankruptcy: the Entity was not a Financial Institution in the past 5 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;
  - i. Treasury center that is a member of a non-financial group: the Entity primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial
- f. 控股非财务实体·即非财务集团成员: 该实体的大部分活动包括持有(全部或部分)的已发行股份·或为其提供资金和服务·其中有一个或多个子公司从事非交易和金融机构的业务·除非若该实体以投资基金的形式(或自诩为投资基金)运作·比如私人股本基金、风险投资基金、杠杆收购基金或以何投资工具收购或资助公司后采用资本资产形式·持有该等公司权益作投资用途·才不符合此身份资格;
  - g. 新成立的非金融实体: 该实体尚未运营业务且之前没有运营历史·而是将资本投资于资产·目的是经营金融机构以外的业务·但若实体在初始组织日期之后的24个月之后·该实体不符合此例外;
  - h. 清算或摆脱破产的非金融实体: 该实体在过去5年不是金融机构·当前在清算其资产或重组的过程中·有意继续或重新开始经营金融机构以外的业务;
  - i. 属于非金融团体的财政中心: 该实体主要从事与或代表相关的非金融机构的融资和对冲交易·及不向非相关实体提供融资或对冲服务·只要该等相关实体的团体, 主要从事金融机构以外的业务; 或

Institutions, and does not provide financing or hedging services to any entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or

- j. Non-profit non-financial entity: the Entity meets all of the following requirements:
- 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;
  - it is exempt from income tax in its jurisdiction of residence;
  - it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - the applicable laws of its jurisdiction of residence or its formation documents do not permit any income or assets of the Entity 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 Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and
- j. 非营利性非金融实体: 该实体符合以下所有要求:
- 其设立和运作, 仅在其处所管辖范围内, 完全是为了宗教、慈善、科学、艺术、文化、体育或教育的目的; 或在其处所管辖区成立及经营, 并属专业组织、商业联盟、商会、劳工组织、农业或园艺组织、公民联盟或专为促进社会福利而经营的组织;
  - 豁免在其处所管辖区的所得税;
  - 其股东或成员中, 无人在其收入或资产中拥有所有权或实益权益;
  - 其成立文件或其处所地的适用性法律, 不允许为了收益方(个人或或非慈善实体)而要求或分配该实体的任何收入或资产, 除了按照该实体的慈善活动行事, 或作为提供合理劳务报酬, 或作为代表该实体已购买产业之公平市值的付款;

- the applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the Entity's jurisdiction of residence or any political subdivision.

In determining what is meant by "passive income", reference must be made to each jurisdiction's particular rules. Passive income would generally be considered to include the portion of gross income that consists of:

- dividends;
- interest;
- income equivalent to interest;
- rents and royalties, other than rents and royalties derived in the active conduct of a business conducted, at least in part, by employees of the Non-Financial Entity;
- annuities;
- the excess of gains over losses from the sale or exchange of financial assets that gives rise to the passive income described previously;
- the excess of gains over losses from transactions (including futures, forwards, options, and similar transactions) in any financial assets;
- the excess of foreign currency gains over foreign currency losses;
- net income from swaps; or
- amounts received under Cash Value Insurance Contracts. Notwithstanding the foregoing, passive income will not include, in the case of a Non-Financial Entity that regularly acts as a dealer in financial assets, any income from any transaction entered into in the ordinary course of such dealer's business as such a dealer.

- 该实体的成立文件或该实体的处所管辖区域之适用法律要求, 该实体清算或解散时,其所有资产应分给政府部门或其他非营利组织,或归还该实体所在处所管辖区域政府或任何政府分支机构。

在确定“被动收入”的含义时, 必须参考每个司法管辖区的特定规则。被动收入一般被认为包括总收入的一部分, 包括:

- 股息;
- 利息;
- 相当于利息的收入;
- 租金和特许权使用费, 但非金融机构的雇员, 在从事至少部分业务的主动事务中, 取得的租金和特许权使用费除外;
- 年金;
- 指因出售或交换金融资产而产生的收益超出损失之金额, 这能产生先前提及的被动收入;
- 任何金融资产的交易(包括期货、远期、期权和类似交易)的收益超过损失之金额;
- 外汇收益超过外汇损失的部分;
- 来自掉期之净收入; 或
- 按现金价值保险合同收取的金额。尽管有上述规定, 对于经常作为金融资产交易商的非金融实体, 被动收益不包括该交易商在其业务的正常过程中, 进行任何交易产生的任何收入。

## Broad Participation Retirement Fund

means a fund established to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund:

- a. does not have a single beneficiary with a right to more than 5% of the fund's assets;
- b. is subject to government regulation and provides information reporting to the tax authorities; and
- c. satisfies at least one of the following requirements:
  - I. the fund is generally exempt from tax on investment income, or taxation of such income is deferred or taxed at a reduced rate, due to its status as a retirement or pension plan;
  - II. the fund receives at least 50% of its total contributions (other than transfers of assets from other plans described in definitions of Broad Participation Retirement Fund, Narrow participation retirement fund or Pension fund of a Governmental Entity, International Organization or Central Bank or from retirement and pension accounts described in the definition of Excluded account (as per [OECD CRS definition](#))) from the sponsoring employers;
  - III. distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability, or death (except

## 广泛参与的退休基金

指为退休、伤残或死亡赔偿, 或其任何组上述合而设立的基金, 向属现任雇员或前雇员(或由该等雇员指定的人) 作为的受益人, 提供退休利益、伤残福利或死亡抚恤金, 作为他们提供个人服务的代价, 条件是该基金:

- a. 没有一个单一受益人有权得到该基金超过5%的资产;
- b. 受政府监管·归管并向税务当局作资料申报; 及
- c. 至少符合下列其中一项条件:
  - I. 该基金的投资收入·一般是获豁免缴税·或基于该基金属退休计划或退休金计划·对这类收入的税收延期征收或按一个经调低的税率征收;
  - II. 该基金至少收取的总供款中·至少50%是来自营办雇主 ([根据经合发组织CRS定义豁免除帐户定义所述的广泛参与退休基金·有限参与退休基金或政府实体·国际组织或中央银行或从退休和养恤金帐户作出的资产转让除外](#));
  - III. 仅在关乎退休·残疾或死亡的指明事件发生时·方容许从该基金中分发或提取款项 ([根据经合发组织CRS定义豁免除帐户定义所述的广泛参与退休基金·有限参与退休基金](#)

roll-over distributions to other retirement funds described in definitions of Broad Participation Retirement Fund, Narrow participation retirement fund or Pension fund of a Governmental Entity, International Organization or Central Bank or retirement and pension accounts described in the definition of Excluded account (as per OECD CRS definition)), or penalties apply to distributions or withdrawals made before such specified events; or

- IV. contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed, annually, an amount denominated in Euro that corresponds to USD 50 000.

或政府实体、国际组织或中央银行或从退休和养恤金帐户至退休基金的滚动分发除外)·或有罚则适用于在该类指明事件发生前·进行的分发或提取款项; 或

- IV. 雇员向基金的供款(若干获批准的过期或后期补缴的供款除外)·参照该雇员以劳动赚取的收入而限定·或每年不得超过相当于50·000美元的等值欧元。

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## Custodial Institution

means any Entity that holds, as a substantial portion of its business, financial assets for the account of others. An entity holds financial assets for the account of others as a substantial portion of its business if 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.

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## 托管机构

指符合以下说明的实体·为他人持有财务资产·作为该实体的业务中占相当大部分:该实体基于持有财务资产及相关财务服务的总收入·\在以下期间(两者中以较短者为准)相当于或超过的总收入的20%——

- I. 在断定某实体是否托管机构的年份之前的公曆年·截至12月31日(或非公历年会计期的最后一日)为止的之前3年期间; 或
- II. 该实体存在的期间。



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## Depository Institution

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

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## 存款机构

指在银行或类似机构的正常业务过程中，接受存款的任何实体。

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## Exempt Collective Vehicle

means an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are held by or through individuals or entities that are not reportable persons under the OECD CRS, except a Passive Non-Financial Entity with controlling persons who are reportable persons under the OECD CRS. An Investment Entity that is regulated as a collective investment vehicle does not fail to qualify as such, solely because the collective investment vehicle has issued physical shares in bearer form, provided that:

- a. the collective investment vehicle has not issued, and does not issue, any physical shares in bearer form after 31 December 2015;
- b. the collective investment vehicle retires all such shares upon surrender;
- c. the collective investment vehicle performs the due diligence procedures in accordance with the OECD CRS and reports any information required to be reported with respect to any such shares when such shares are presented for redemption or other payment; and
- d. the collective investment vehicle has redeemed or immobilised all such shares prior to 1 January 2018.

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## 豁免集体投资工具

指该投资实体，是受规管的集体投资工具，该集体投资工具的所有权益——均由不属经合组织CRS申报对象的个人或实体持有，或透过不属经合组织CRS申报对象的个人或实体持有除非该等权益是，由被动非财务实体持有，或透过被动非财务实体持有；而及该被动非财务实体的控权人，属经合组织CRS申报对象，投资实体作为受规管的集体投资工具，如符合以下条件，则不会纯粹因为其曾发行以持有人形式的实物股份，而失去上述资格——

- a. 该集体投资实体在2015年12月31日以后，不会发行（亦不曾发行）以持有人形式持有的实物股份；
- b. 该集体投资实体在持有人放弃该等股份后，废除所有该等股份；
- c. 该集体投资实体应按经合组织CRS所指的尽职审查规定，并在该等股份交付赎回或作其他支付款时，就该等股份，按规定申报的资料；及
- d. 该集体投资实体在2018年1月1日之前，已将所有该等股份赎回或冻结。

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## Financial Institution

means:

- a Custodial Institution,
- a Depository Institution,
- an Investment Entity, or
- a Specified Insurance Company.

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## Holding Company or Treasury Centre of a Financial Group

means an Investment Entity, that is a holding company or a treasury center that is a part of a group of related entities (that are Financial Institutions), and that is:

- a company (a holding company), whose primary activity consists of the holding, directly or indirectly, of all or part of the outstanding stocks of one or more related entities, or
- an entity (a treasury center), whose primary activity consists of entering into hedging and financing transactions with or for related entities, or
- a holding company or a treasury center that is formed in connection with or used by a collective investment scheme, mutual fund, exchange traded fund, private equity fund, hedge fund, venture capital fund, leveraged buyout fund, or any similar investment vehicle that is established with the aim of investing, reinvesting, or trading in financial assets.

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## 金融机构

是指：

- 托管机构·
- 储蓄机构·
- 投资实体·或
- 指明保险公司·

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## 金融集团的控股公司或财务中心

指隶属于一组相关实体(即金融机构)的控股公司或财政中心的投资实体·即：

- 符合以下条件的公司(控股公司): 其主要活动包括直接或间接持有有一个或多个相关实体的全部或部分已发行股票; 或
- 符合以下条件的实体(财政中心): 其主要活动包括与相关实体或·为相关实体进行对冲和融资交易; 或
- 符合以下条件的控股公司或财政中心: 其成立与集体投资计划·共同基金·交易所交易基金·私人股本基金·对冲基金·风险投资基金·杠杆收购基金或任何类似投资相关或被其使用·成立的目的是作为其投资·再投资或交易的金融资产·

## Investment Entity

means any Entity, which primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- I. 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;
- II. individual and collective portfolio management; or
- III. otherwise investing, administering, or managing financial assets or money on behalf of other persons.

An Entity is treated as primarily conducting the above business, if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of:

- the three-year period ending on 31 December of the year preceding the year in which the determination is made; or
- the period during which the entity has been in existence.

## Managed Investment Company

means an Investment Entity, the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets, and if the

## 投资实体

指主要业务為代表客戶，從事一項或多項以下活動或為了操作：——

- I. 買賣貨幣市場工具（支票、匯票、存款證以及衍生工具等）；外匯；兌換、息率及指數工具；可轉讓證券；或商品期貨交易；
- II. 個人及集體投資組合管理；或
- III. 以其他方式，代表其他人投資、處理或管理財務資產或金錢。

該實體被視為主要经营上述業務的條件是：若該實體可歸屬於有關活動的總收入，相等於或超過該實體在以下期間（兩者中以較短為準）總收入的50%——

- 在斷定某實體是否投資實體的年份之前的、截至12月31日為止的3年期間；或
- 該實體存在的期間。

## 受管理的投資公司

指符合以下條件的投資實體——其總收入主要屬於投資、再投資或金融資產交易，且該實體由另一以下實體管理：

Entity is managed by another entity that is:

- a Depository Institution,
  - a Custodial Institution,
  - a Specified Insurance Company, or
  - an Investment Entity, which:
- 儲蓄機構,
  - 托管機構,
  - 指定保險公司, 或
  - 投資實體, 其中:

primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- I. 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;
- II. individual and collective portfolio management; or
- III. otherwise investing, administering, or managing financial assets or money on behalf of other persons.

An Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of:

- the three-year period ending on 31 December of the year preceding the year in which the determination is made; or
- the period during which the Entity has been in existence.

主要業務為代表客戶, 從事一項或多項以下活動或了操作: —

- I. 買賣——貨幣市場工具(支票、匯票、存款證、衍生工具等); 外匯; 兌換、息率及指數工具; 可轉讓證券; 商品期貨;
- II. 個人和集體投資組合管理; 或
- III. 代表他人投資、處理或管理財務資產或金錢。

實體的總收入主要基於財務資產的投資、再投資或買賣, 如果該實體的有關活動的總收入, 在以下較短期間內, 相等於或超過該實體總收入的50%:

- 在斷定某實體是否投資實體的年份之前的、截至12月31日為止之前的3年期間; 或
- 該實體存在的期間。

## Narrow participation retirement fund

means a fund established to provide retirement, disability, or death benefits to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that:

- a. the fund has fewer than 50 participants;
- b. the fund is sponsored by one or more employers that are not Investment Entities or Passive Non-Financial Entities;
- c. the employee and employer contributions to the fund (other than transfers of assets from retirement and pension accounts described in the definition of Excluded account (as per OECD CRS definition)) are limited by reference to earned income and compensation of the employee, respectively;
- d. participants that are not residents of the EU in which the fund is established are not entitled to more than 20% of the fund's assets; and
- e. the fund is subject to government regulation and provides information reporting to the tax authorities.

## Non-Financial Entity

means an Entity, that is not a Financial Institution.

## 有限参与退休基金

设立该基金的目的，是为了向属一名或多名雇主的现任或前雇员(或该等雇员所指定的人)的受益人，提供退休利益、伤残福利或死亡抚恤金，作为提供服务的代价，及该基金——

- a. 有不足50名参加者；
- b. 是由一名或多名雇主营办，而该等雇主既不属于投资实体，亦不属于被动非财务实体；及
- c. 有关雇员和雇主对基金的供款(根据经合发组织CRS定义，豁除帐户定义所述的退休和养老金帐户作出的资产转让除外)，参照该雇员赚取的收入及补偿而限定；
- d. 并非该基金设立所在的欧盟成员国的税务居民的参与者，无权取得该基金20%以上的资产；及
- e. 该基金受政府规管，并向税务当局作资料申报。

## 非金融实体

指非金融机构的实体。

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## OECD CRS

means the Common Reporting Standard, developed by the Organization for Economic Co-operation and Development (OECD) and setting common rules for participating jurisdictions for obtaining information from their financial institutions on financial accounts and automatically exchange of that information with other participating jurisdictions on an annual basis.

The OECD CRS is based on the FATCA principles and its aim is to combat tax evasion.

The OECD CRS sets out the financial account information to be exchanged, the financial institutions required to report, the different types of accounts and taxpayers covered, as well as common due diligence procedures to be followed by financial institutions of the participating jurisdictions.

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## OECD CRS Status

means classification of the Client pursuant to the requirements of the OECD CRS in order to determine whether Client's accounts to be reported to tax authorities pursuant to the Applicable Regulations.

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## Passive Non-Financial Entity

means any Non-Financial Entity that does not meet any of the criteria of the definition of an Active Non-Financial Entity.

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## 经合组织CRS身份

指由经济合作及发展组织（经合组织）制订的共同申报标准，并为参与司法管辖区订定共同规则，以便从其金融机构取得有关金融帐户的资料，并每年自动与其他参加的司法管辖区交换该等资料。

经合组织CRS基于FATCA原则，其目标是打击逃税。

经合组织CRS列出了拟交换的金融账户信息、须申报的金融机构、涉及的不同类型账户和纳税人，以及参加的司法管辖区的金融机构应遵循的共同尽职调查程序。

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## 经合组织CRS

指根据经合组织 CRS的要求，对客户进行分类，旨在确定客户的帐户，是否按照适用的规例向税务机关申报。

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## 被动非金融实体（亦称被动非财务实体）

指不符合主动非金融实体（主动非财务实体）定义中相关准则的任何非金融实体。

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## Pension fund of a Governmental Entity, International Organization or Central Bank

means a fund established by a Governmental Entity, International Organisation or Central Bank to provide retirement, disability, or death benefits to beneficiaries or participants who are current or former employees (or persons designated by such employees), or who are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the Governmental Entity, International Organisation or Central Bank.

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## Qualified credit card issuer

means a Financial Institution satisfying the following requirements:

- a. the Financial Institution is a Financial Institution solely because it is an issuer of credit cards that accepts deposits only when a customer makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the customer; and
- b. beginning on or before 1 January 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of an amount denominated in Euro that corresponds to USD 50 000, or to ensure that any customer overpayment in excess of that amount is refunded to the customer within 60 days. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

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## 政府实体·国际组织或中央银行的退休基金

指由政府实体、国际组织或中央银行而设立的基金，旨在向属现任雇员或前雇员(或由该等雇员指定的人)的受益人或参与加者，或并非其现任雇员或前雇员的受益人或参与加者，提供退休利益、伤残福利或死亡抚恤金。如该等利益的提供，是作为他们向政府机构、国际组织或中央银行提供个人服务的代价。

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## 合资格信用卡发行人

指符合下列条件的财务机构：

- a. 该实体仅基于以下原因构成财务机构：该实体是信用卡发行人，仅在客户就信用卡缴付的款项。超过到期须付结余的情况下才接受存款，而多付的款项没有立即退回该客户；并且
- b. 自2016年1月1日起或之前，该财务机构已开始实施政策和程序，旨在防止客户多付超过5万美元等值的欧元金额，或确保任何客户超过该金额的多付款项，将在60天内退还给客户。为此目的，客户的超额付款不是指有争议的费用范围内的贷方结余，而是包括因商品退货而产生的贷方结余。

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## Specified Investment Company

means an Entity, that is dedicated to the investment, management or administration of the wealth of a limited number of shareholders or of related shareholders and is managed by a Financial Institution that is duly registered and is obliged to report financial accounts under the OECD CRS in the applicable jurisdiction. It is presumed, that the Entity does not:

- a. operate or present itself as an investment fund in the market, and
- b. raise capital in the market offered to the public.

As a consequence to the above, 'limited number of shareholders' shall be taken to mean not more than 3 shareholders and in the case of a shareholder which is an entity, then such entity must not be owned by more than 3 individuals, with each shareholder having not less than 25% of the entity's share capital. The word 'related' shall be taken to mean an individual and his/her spouse, descendants and ascendants in the direct line and their relative spouses, as well as the brothers and sisters of such individual, but in all cases, shall not be more than 7 individual shareholders.

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## Specified Insurance Company

any Entity that is an insurance company (or the holding company of an insurance company) which issues, or is obligated to make payments with respect to Cash Value Insurance Contract (an insurance contract, other than an indemnity

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## 指定投资公司

指符合以下条件的实体：致力于对有限数量的股东或相关股东的财富。从事投资、管理或行政事宜，且是由正式注册的金融机构管理，并在适用的司法管辖区，根据经合组织CRS规定，有义务申报金融账户。据推定，该实体没有：

- a. 在市场上或以投资基金的形式营运及出现；及
- b. 在向公众开放的市场上筹集资金。

因此，“有限数量的股东”，指不超过3名股东且在一股东为一个实体，此类实体的所有者不得超过3个人，并且每个股东都拥有不少于25%的实体股本。“相关”一词，系指个人及其配偶、直系长辈或后代及其配偶，以及该个人的兄弟姐妹，但在任何情况下，均不得超过7名个人股东。

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## 指定保险公司

一个实体为一家保险公司(或保险公司的控股公司)；该实体发出现金价值保险合同或有责任就有关合同支付款项(具有现金价值的保险合同，不包括两家保险公司之间的赔偿再保险合同)或年金合同(指发出者同意，在全部或部分的参照



reinsurance contract between two insurance companies, that has a cash value) or an Annuity Contract (a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals).

An “insurance company” is an entity:

- I. that is regulated as an insurance business under the laws, regulations, or practices of any jurisdiction in which the entity does business;
- II. the gross income of which (for example, gross premiums and gross investment income) arising from insurance, reinsurance, and Annuity Contracts for the immediately preceding calendar year exceeds 50% of total gross income for such year; or
- III. the aggregate value of the assets of which associated with insurance, reinsurance, and Annuity Contracts at any time during the immediately preceding calendar year exceeds 50% of total assets at any time during such year.

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## Tax residency

means residence for tax purposes.

The OECD CRS does not set a standard definition, because different jurisdictions apply different rules to determining a tax residency.

Generally, a person is considered to be a resident for income tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax on

一位或多位个人预期寿命所厘定一段期间限, 支付款项的合同)

“保险公司”作为实体指：

- I. 经营保险业务, 并受其经营实体所在的司法管辖区的法律、法规或惯例的监管；
- II. 在前一历年中, 该实体源自保险、再保险及年金合同的总收入(例如, 毛保费和投资总收入)超过该公历年其总收入的50%；或
- III. 在前一历年中, 该实体涉及保险、再保险及年金合同的资产的总价值, 占其在该公历年中任何时间的总资产价值, 超过50%。

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## 税务居住地

指因税务目的而居留的处所。

经济合作与发展组织的CRS没有设定一个标准的定义, 因为不同的司法管辖区, 适用不同的规则来确定税务居住权。

一般而言, 如果某人根据其司法管辖区的法律(包括税收协定), 由于其住所、居住地和就业实体及其管理或注册的地点, 或根据任何其他类似性质的标准以及来自该司法管辖区的原因, 就

worldwide income therein by reason of domicile, residence, and entities, additionally, by reason of their place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction.

Usually, a person has one jurisdiction of residence. However, there might be situations where a person qualifies as a tax resident under the tax residence rules of more than one jurisdiction, and therefore is a tax resident in more than one jurisdiction. For the purposes of the OECD CRS, the person must disclose all its tax residencies. It is imperative to note that the mere right to reside in a given jurisdiction (on permanent or temporary basis) or the fact of holding citizenship of a given jurisdiction does not automatically mean that the person shall be considered a tax resident in such a jurisdiction or that, upon obtaining residency or citizenship, the tax residency is extinguished in the former jurisdiction(s) of tax residence.

For detailed information on tax residency rules in different jurisdictions please visit a web page of the OECD (<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>).

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## Trustee-documented trust

means a trust that is a Financial Institution (e.g. because it is an Investment Entity), the trustee of which is a Financial Institution that reports all information required to be reported pursuant the OECD CRS with respect to all accounts of the trust.

其在全球的收入缴纳或应缴纳所得税, 则该人被视为该管辖区缴纳所得税的居民。

通常, 一个人只有一个居住地管辖区。但是, 也可能存在这样一种情况, 即一个人符合多个管辖区的税务规则, 因此是多个管辖区的税务居民。为施行经合组织CRS, 该人士必须披露其所有税务居住地。必须注意的是, 仅仅对驻留在一个既定管辖区(永久或临时), 或在既定管辖区持有公民身份, 并不意味着此人应自动被视为该管辖区的税务居民。在获得居留权或公民身份后, 其在原税务居所管辖区的税务居住地会被废止

有关不同司法管辖区, 税务居住地规则的详细信息, 请访问经合组织的网页(<https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>)。

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## 由受托人申报的信托

指某信托是一家财务机构(例如, 因为它是一个投资实体), 且该信托的受托人作为申报财务机构, 根据经合组织CRS之规定, 应申报就该信托的所有须申报帐户的信息。

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