



January 2015

FATCA, a new law entering into force on July 1st, 2014

Goal and legal framework of FATCA

The Foreign Account Tax Compliance Act (FATCA) is a US law which provides for an annual disclosure to the US Tax authority (IRS - Internal Revenue Service) of accounts held by US taxpayers outside the United States.

This legislative framework applies to « US persons », (US citizens or US residents). FATCA requires Financial Institutions to transmit on a yearly basis to the IRS the following information regarding US persons: the identity of the account holders, the balance of their accounts, and, in the future, their financial income and gross proceeds of the sale or redemption of securities. This reporting also applies to the accounts of US legal or patrimonial entities owned by US taxpayers.

Existing US tax legislation compels US taxpayers to file their tax return irrespective of their place of residence. It should be noted that FATCA will have no impact on the reduced tax rates resulting from international tax treaties for the benefit of eligible clients.

In most cases, FATCA is implemented through Intergovernmental Agreements (IGA's) signed between the USA and their partner countries. These IGAs allow for and make compulsory the collection and transmission of tax and banking information by all Financial Institutions, either to their national tax authorities, which in turn have to transmit them to the IRS, or directly to the IRS, depending on the jurisdiction. Many countries (about 100 as of June 2014) including a majority of European states have opted for the IGA approach; some of these agreements are still in the process of being finalized or ratified.

In countries which are not opting for an Intergovernmental Agreement, FATCA is implemented through a direct agreement between the IRS and each Financial Institution. Non cooperative Financial Institutions will be subject to penalties.

Compliance of BNP Paribas Fortis with FATCA obligations

BNP Paribas is FATCA compliant in all countries where the Group is present, unless precluded by local regulations, in order to best support its customers.

All eligible Group entities and all funds managed by the Group have registered with the IRS and thus have obtained the **status of participating Financial Institution** or equivalent.



The Global Intermediary Identification Number (GIIN) allocated by the IRS to BNP Paribas Fortis SA/NV is 1G159I.00269.ME.056. The identification numbers of its eligible branches are listed in the following appendix (as of June 2014).

Consequences of FATCA for Clients

BNP Paribas Fortis will contact its **clients who are individuals** when their file contains one or several elements indicating they may be within the scope of this legislation. BNP Paribas Fortis will also contact **legal entities** when their FATCA classification needs to be clarified. This includes legal entities with a US ultimate beneficial owner, US corporations as well as non-US Foreign Financial Institutions.

During the on-boarding process, BNP Paribas Fortis will be collecting information allowing for the identification of American residents and citizens (including persons with a dual citizenship) who will have to provide their US Tax Identification Number. Patrimonial entities will have to identify their American ultimate beneficial owners. This allows BNP Paribas to report information about these clients towards the IRS; in turn, these clients will not be subject to the 30% withholding tax levied on US source income.

The first reporting for concerned clients will take place in the spring of 2015 and will contain information related to year 2014. Thereafter, the reporting will be annual.

Our counterparties and clients which are **Financial Institutions** (banks, life insurance companies, mutual funds, etc.) may register as a participating entity with the IRS. This allows them to obtain a Global Intermediary Identification Number (GIIN) from the IRS. It allows Financial Institutions based in countries not covered by an Intergovernmental Agreement to avoid the FATCA withholding tax on US source income from financial products. This registration is also required for identification purposes as part of the Intergovernmental Agreements (IGA countries).

If a Financial Institution is non-participating from a FATCA perspective, BNP Paribas Fortis may have the obligation to levy a 30% withholding tax on payments from US source and will have to report to the IRS the total amount of payments made during the year.

BNP Paribas Fortis may contact some counterparties to incorporate appropriate FATCA clauses in their master agreements, in order to avoid undue application of the penalties specified in the law.



Appendix - BNP PARIBAS FORTIS SA/NV Entity and its Branches eligible to FATCA: list of Statuses & GIINs

COUNTRY	GIIN
BELGIUM	1G159I.00269.ME.056
AUSTRIA	1G159I.00269.BR.040
CAYMAN ISLANDS	1G159I. 00269.BR.136
CZECH REPUBLIC	1G159I. 00269.BR.203
DENMARK	1G159I. 00269.BR.208
FINLAND	1G159I. 00269.BR.246
GERMANY	1G159I. 00269.BR.276
NETHERLANDS	1G159I. 00269.BR.528
NORWAY	1G159I. 00269.BR.578
ROMANIA	1G159I. 00269.BR.642
SPAIN	1G159I. 00269.BR.724
SWEDEN	1G159I. 00269.BR.752



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