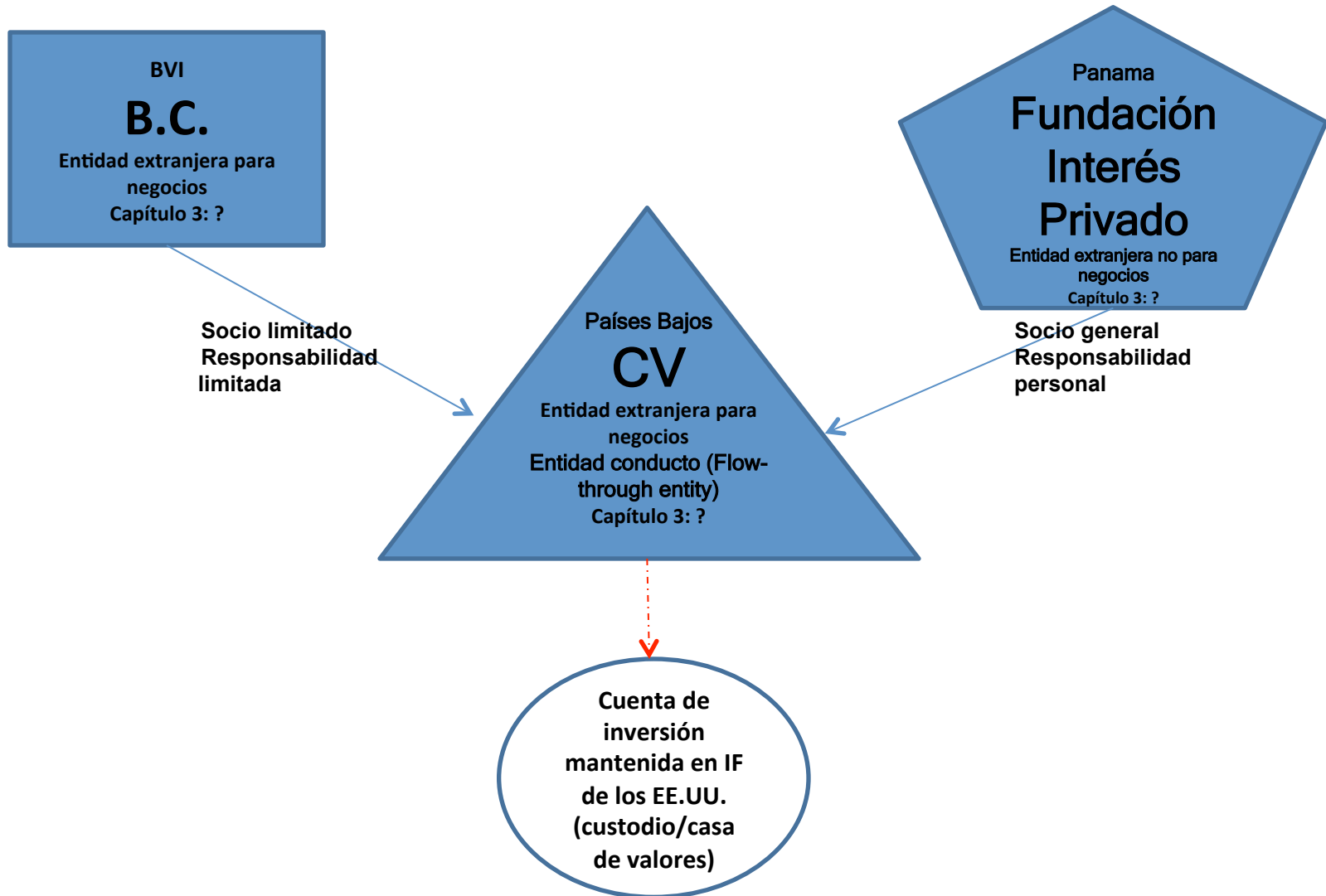


# PANEL: LOS EFECTOS DE FATCA EN LOS SERVICIOS FIDUCIARIOS

COLAFI 2014  
CIUDAD DE PANAMÁ

# ANTES DE FATCA

## W-8



- La CV es por defecto una sociedad de personas (partnership) para fines de Impuesto Federal sobre la Renta en los EE.UU. (IFSR) Por lo tanto, se trata de una entidad extranjera “conducto” y en tal sentido no es beneficiaria de la renta pasiva de fuente estadounidense que perciba. En consecuencia, la CV no debía suministrar a su agente de retención de Estados Unidos una W- 8 BEN sino una W- 8 IMY acompañada de los correspondientes W- 8 BEN de los dos socios en la entidad del ejemplo que también son entidades extranjeras. Estatus Capítulo 3: sociedad (de personas) extranjera no retenedora (nonwithholding foreign partnership) .
- La compañía de BVI es por defecto una entidad comercial extranjera que se trata como una asociación (association), y por lo tanto como una “corporation” para fines del IFSR. Las corporaciones no son entidades conducto sino beneficiarios efectivos. Por lo tanto , la entidad de BVI debía proporcionar un formulario W -8 BEN. Estatus Capítulo 3: sociedad de capital (corporation).
- La FIP no es una entidad comercial. No tiene un fin comercial . En términos generales , un instrumento legal será tratado como un fideicomiso bajo el Código de Rentas Internas, si se puede demostrar que la finalidad del instrumento es conferir a fiduciarios responsabilidad de la protección y conservación de los bienes en favor de los beneficiarios que no pueden compartir el desempeño de esta responsabilidad y no están asociados en una empresa conjunta para la realización de negocios. A los efectos de nuestro ejemplo, el fundador no tiene ningún derecho sobre el corpus aportado a la FIP y tampoco es un beneficiario, no conserva ninguno de los derechos de control en la gestión del FIP y las distribuciones de la FIP son irrevocablemente y discrecionalmente decididas por el Consejo Fundacional en el mejor interés de los beneficiarios; por tanto, en calidad de fiduciario. A los efectos de nuestro ejemplo, esta FIP sería tratada como un fideicomiso complejo (complex trust) en lugar de un fideicomiso simple (simple trust) o fideicomiso en beneficio del fideicomitente (grantor trust). Un fideicomiso complejo es un beneficiario efectivo y debe proporcionar un formulario W -8 BEN. Estatus Capítulo 3: fideicomiso complejo (complex trust)

## Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding

OMB No. 1545-1621

Department of the Treasury  
Internal Revenue Service

▶ **Section references are to the Internal Revenue Code.** ▶ **See separate instructions.**  
▶ **Give this form to the withholding agent or payer. Do not send to the IRS.**

**Do not use this form for:**

**Instead, use Form:**

- A beneficial owner solely claiming foreign status or treaty benefits . . . . . W-8BEN
- A hybrid entity claiming treaty benefits on its own behalf . . . . . W-8BEN
- A person claiming that income is effectively connected with the conduct of a trade or business in the United States . . . . . W-8ECI
- A disregarded entity. Instead, the single foreign owner should use . . . . . W-8BEN or W-8ECI
- 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 the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b). . . . . W-8EXP

### **Part I Identification of Entity**

<b>1</b> Name of individual or organization that is acting as intermediary	<b>2</b> Country of incorporation or organization
--	---

**3** Type of entity—check the appropriate box:

<input type="checkbox"/> Qualified intermediary. Complete Part II. <input type="checkbox"/> Nonqualified intermediary. Complete Part III. <input type="checkbox"/> U.S. branch. Complete Part IV. <input type="checkbox"/> Withholding foreign partnership. Complete Part V.	<input type="checkbox"/> Withholding foreign trust. Complete Part V. <input type="checkbox"/> Nonwithholding foreign partnership. Complete Part VI. <input type="checkbox"/> Nonwithholding foreign simple trust. Complete Part VI. <input type="checkbox"/> Nonwithholding foreign grantor trust. Complete Part VI.
---	---

**4** Permanent residence address (street, apt. or suite no., or rural route). **Do not use P.O. box.**

City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)
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**5** Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)
---	-----------------------------

<b>6</b> U.S. taxpayer identification number (if required, see instructions) ▶ <input type="checkbox"/> SSN or ITIN <input type="checkbox"/> EIN <input type="checkbox"/> QI-EIN	<b>7</b> Foreign tax identifying number, if any (optional)
---	--

**8** Reference number(s) (see instructions)

---

## Part VII Certification

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Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income for which I am providing this form or any withholding agent that can disburse or make payments of the income for which I am providing this form.

**Sign Here**



.....  
Signature of authorized official

.....  
Date (MM-DD-YYYY)

---

Form **W-8IMY** (Rev. 2-2006)

Form **W-8BEN**

(Rev. February 2006)

Department of the Treasury  
Internal Revenue Service

**Certificate of Foreign Status of Beneficial Owner  
for United States Tax Withholding**

▶ **Section references are to the Internal Revenue Code.** ▶ **See separate instructions.**  
▶ **Give this form to the withholding agent or payer. Do not send to the IRS.**

OMB No. 1545-1621

**Do not use this form for:**

- A U.S. citizen or other U.S. person, including a resident alien individual . . . . . W-9
- A person claiming that income is effectively connected with the conduct of a trade or business in the United States . . . . . W-8ECI
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (see instructions for exceptions) . . . . . W-8ECI or 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 that received effectively connected income or that is claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) (see instructions) . . . . . W-8ECI or W-8EXP

**Note:** *These entities should use Form W-8BEN if they are claiming treaty benefits or are providing the form only to claim they are a foreign person exempt from backup withholding.*

- A person acting as an intermediary . . . . . W-8IMY

**Note:** See instructions for additional exceptions.

**Part I Identification of Beneficial Owner** (See instructions.)

<b>1</b> Name of individual or organization that is the beneficial owner	<b>2</b> Country of incorporation or organization
--	---

**3** Type of beneficial owner:

<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Disregarded entity	<input type="checkbox"/> Partnership	<input type="checkbox"/> Simple trust
<input type="checkbox"/> Grantor trust	<input type="checkbox"/> Complex trust	<input type="checkbox"/> Estate	<input type="checkbox"/> Government	<input type="checkbox"/> International organization
<input type="checkbox"/> Central bank of issue	<input type="checkbox"/> Tax-exempt organization	<input type="checkbox"/> Private foundation		

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

City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)
---	-----------------------------

**5** Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)
---	-----------------------------

<b>6</b> U.S. taxpayer identification number, if required (see instructions) <input type="checkbox"/> SSN or ITIN <input type="checkbox"/> EIN	<b>7</b> Foreign tax identifying number, if any (optional)
---	--

**8** Reference number(s) (see instructions)

**Part II Claim of Tax Treaty Benefits** (if applicable)

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

---

## Part IV Certification

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

1 I am the beneficial owner (or am authorized to sign for the beneficial owner) of all the income to which this form relates,

2 The beneficial owner is not a U.S. person,

3 The income to which this form relates is (a) not effectively connected with the conduct of a trade or business in the United States, (b) effectively connected but is not subject to tax under an income tax treaty, or (c) the partner's share of a partnership's effectively connected income, and

4 For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner.

Sign Here



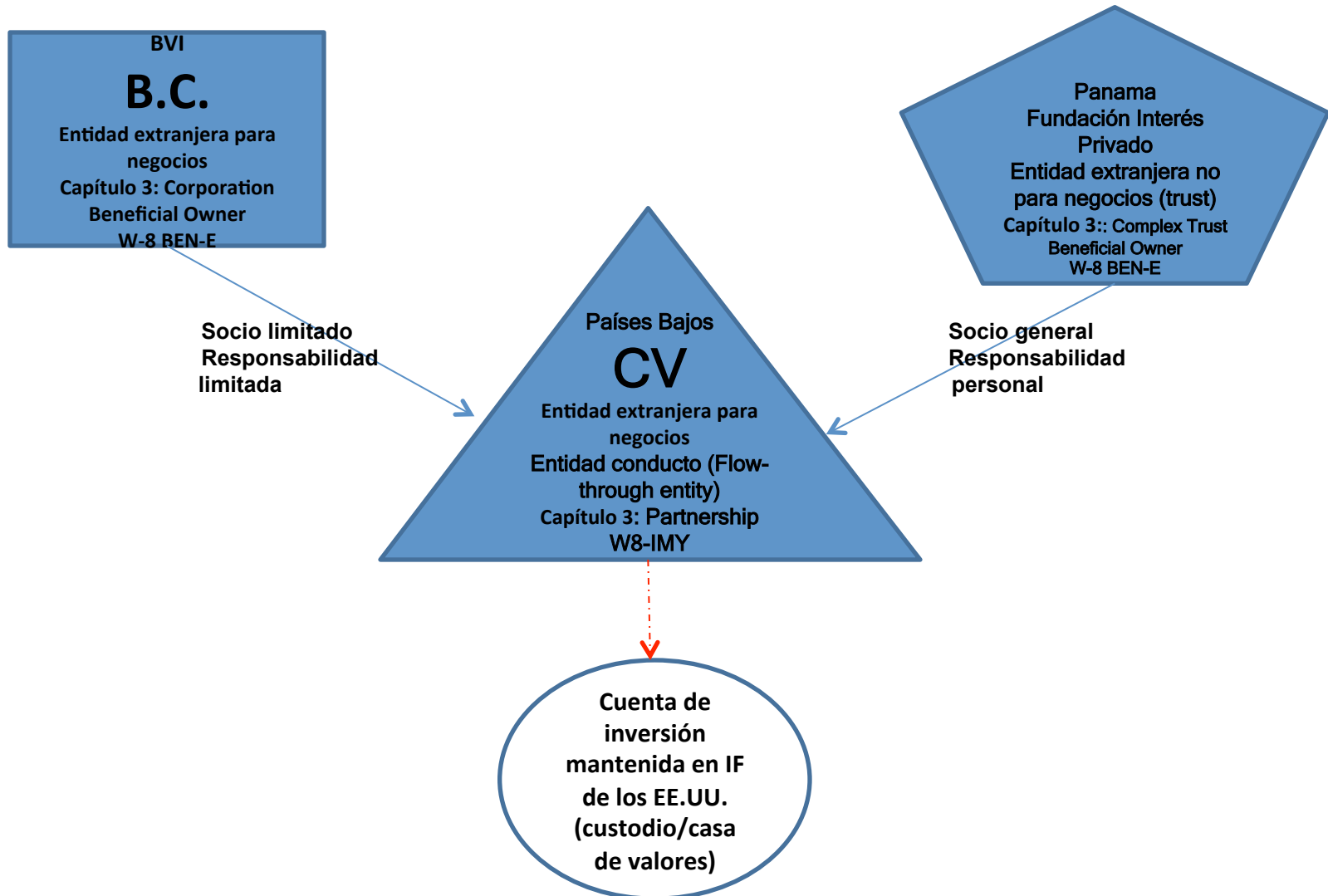
-----  
Signature of beneficial owner (or individual authorized to sign for beneficial owner)

-----  
Date (MM-DD-YYYY)

-----  
Capacity in which acting

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# EN AMBIENTE FATCA

## W-8

# ¿Su entidad es una FFI o una NFFE?

- Para determinar su curso de acción en el cumplimiento con FATCA, primero es necesario clasificar cada entidad [no estadounidense] como FFI o NFFE mediante las definiciones contenidas en la regulación o en el IGA aplicable. Abajo las definiciones de FFI contenidas en los IGAs

## FFI - cualquier entidad:

1. Institución de depósito: acepta depósitos en el curso normal de su negocio bancario o similar
2. Institución de custodia: posee activos financieros por cuenta de terceros. 20% o más de su renta bruta de la entidad
3. Entidad de inversión (EI), (definiciones IGA difieren de FATCA):
  - A. Realiza ciertas actividades financieras en nombre o en favor de un cliente.
  - B. Entidad gestionada por otra que realiza dichas actividades financieras en nombre o en favor de la entidad
4. Compañía de seguros específica: contrato de seguros con valor en efectivo



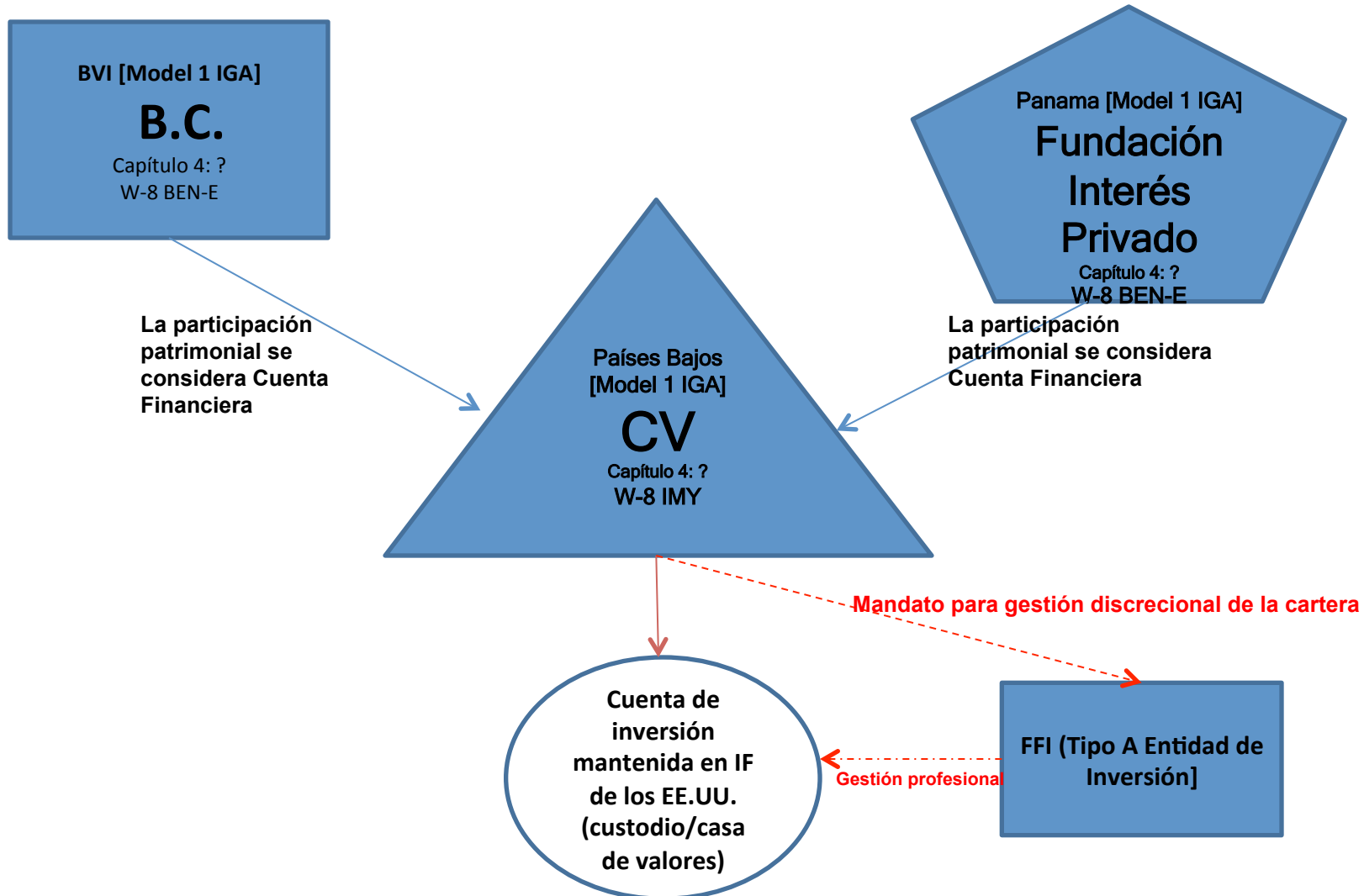
- Alta probabilidad de que “Private Investment Companies (PICs)” queden clasificadas como FFI del tipo entidad de inversión; particularmente aquellas con portafolios de inversión gestionados por firmas gestoras de activos financieros
- La clasificación [FFI o NFFE] debe llevarse a cabo independientemente de que existan inversiones en los Estados Unidos o Personas Estadounidenses en la estructura

# Patrocinio FATCA y alternativas

- Fideicomiso documentado por el fiduciario “Trustee-Documented-Trust” (sólo aplicable en el ambiente de AIGs)
- Patrocinio de entidad de inversión certificada de tenencia cerrada considerada cumplidora “Certified DC closely held Investment Entities”
- Patrocinio de entidad de inversión registrada considerada cumplidora “Sponsored Registered Deemed Compliant Investment Entity”
  
- Clasificación inicial
- Registro de la FFI - si es requerido
- Programa de cumplimiento FATCA
- Ejecución de debida diligencia, identificación y validación
- Reporte anual sobre Personas Estadounidenses
- Retenciones
- Preparación y presentación de formularios W-8

Sin Persona Estadounidense como accionista

Sin Persona Estadounidense como fundador, protector, beneficiario o consejo fundacional



- Bajo el IGA Modelo 1 de los Países Bajos, la CV sería una entidad de inversión, por tanto, una FFI ya que su cartera está gestionada por una tercera entidad que es un asesor de inversiones profesional. Esta CV ( FFI ) podría ser patrocinada por una Sponsoring Entity, en cuyo caso el estatus FATCA o estatus para el capítulo 4 de esta CV sería de Nonreporting IGA FFI porque sería una Sponsored, Closey Held Investment Vehicle bajo el IGA Modelo 1. El GIIN de la entidad patrocinadora (por ejemplo 6ROXNL.00000.SP.591) es el GIIN que la CV patrocinada usaría al llenar su W -8 IMY) .
- Bajo el IGA Modelo 1 de BVI, esta empresa de negocios BVI sería un NFFE pasiva porque no es un NFFE activa. Es decir, más del 50 % (en realidad 100 % ) de los activos de la entidad son activos mantenidos para la producción de ingresos pasivo. Su único activo es la participación en la CV como socio limitado . El estatus FATCA de la entidad o estatus para el capítulo 4 de este BVI sería NFFE pasiva .
- Bajo IGA Modelo 1, la FIP es una entidad. A pesar que la FIP tiene personalidad jurídica, en sustancia es funcionalmente equivalente a un trust. Esta FIP del ejemplo es administrada por una entidad de Panamá que es FFI (professional corporate director) en calidad de fiduciaria tal como haría un professional trustee. La FIP sería una entidad de inversión, por tanto, una FFI ya que es administrado por una entidad cuya actividad consiste en invertir, administrar o gestionar fondos o dinero en nombre de otras personas (professional corporate director). Por lo tanto , esta FIP( FFI ) podría ser patrocinada por dicho professional corporate Director que es un Reporting Model 1 FFI y único miembro del consejo fundacional de la FIP. El estatus FATCA o estatus para el capítulo 4 de esta FIP sería de Nonreporting IGA FFI porque sería una Sponsored, Closey Held Investment Vehicle bajo el IGA Modelo 1. El GIIN de la entidad patrocinadora (por ejemplo 6ROXNL.00000.SP.591) es el GIIN que la FIP patrocinada usaría al llenar su W -8 BEN-E) .

**Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting**

OMB No. 1545-1621

Department of the Treasury  
Internal Revenue Service

▶ Section references are to the Internal Revenue Code.  
▶ Information about Form W-8IMY and its separate instructions is at [www.irs.gov/formw8imy](http://www.irs.gov/formw8imy).  
▶ Give this form to the withholding agent or payer. Do not send to the IRS.

**Do not use this form for:**

- A beneficial owner solely claiming foreign status or treaty benefits . . . . . W-8BEN or W-8BEN-E
- A hybrid entity claiming treaty benefits on its own behalf . . . . . W-8BEN-E
- A foreign person claiming that income is effectively connected with the conduct of a trade or business in the United States . . . . . W-8ECI
- A disregarded entity with a single foreign owner that is the beneficial owner of the income to which this form relates. Instead, the single foreign owner should use . . . . . W-8BEN, W-8ECI, or W-8BEN-E
- 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 the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) . . . . . W-8EXP
- U.S. entity or U.S. citizen or resident . . . . . W-9
- A foreign person documenting themselves for purposes of section 6050W . . . . . W-8BEN, W-8BEN-E, or W-8ECI

**Instead, use Form:**

**Part I Identification of Entity**

1 Name of individual or organization that is acting as intermediary	2 Country of incorporation or organization
3 Name of disregarded entity (if applicable)	

**4 Chapter 3 Status:**

<input type="checkbox"/> Qualified intermediary. Complete Part III. <input type="checkbox"/> Nonqualified intermediary. Complete Part IV. <input type="checkbox"/> Territory financial institution. Complete Part V. <input type="checkbox"/> U.S. branch. Complete Part VI. <input type="checkbox"/> Withholding foreign partnership. Complete Part VII.	<input type="checkbox"/> Withholding foreign trust. Complete Part VII. <input type="checkbox"/> Nonwithholding foreign partnership. Complete Part VIII. <input type="checkbox"/> Nonwithholding foreign simple trust. Complete Part VIII. <input type="checkbox"/> Nonwithholding foreign grantor trust. Complete Part VIII.
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**5 Chapter 4 Status:**

<input type="checkbox"/> Nonparticipating FFI (including a limited FFI or limited branch). Complete Part IX (if applicable). <input type="checkbox"/> Participating FFI. <input type="checkbox"/> Reporting Model 1 FFI. <input type="checkbox"/> Reporting Model 2 FFI. <input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI or sponsored FFI that has not obtained a GIIN). <input type="checkbox"/> Territory financial institution. Complete Part V. <input type="checkbox"/> Sponsored FFI that has not obtained a GIIN (other than a certified deemed-compliant sponsored, closely held investment vehicle). Complete Part X. <input type="checkbox"/> Certified deemed-compliant nonregistering local bank. Complete Part XII. <input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. Complete Part XIII. <input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part XIV. <input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. Complete Part XV.	<input type="checkbox"/> Owner-documented FFI. Complete Part XI. <input type="checkbox"/> Restricted distributor. Complete Part XVI. <input type="checkbox"/> Foreign central bank of issue. Complete Part XVII. <input type="checkbox"/> Nonreporting IGA FFI. Complete Part XVIII. <input type="checkbox"/> Exempt retirement plans. Complete Part XIX. <input type="checkbox"/> Excepted nonfinancial group entity. Complete Part XX. <input type="checkbox"/> Excepted nonfinancial start-up company. Complete Part XXI. <input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XXII. <input type="checkbox"/> Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII. <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"/> Direct reporting NFFE. <input type="checkbox"/> Sponsored direct reporting NFFE. Complete Part XXVII.
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**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
---	---------

**8 U.S. taxpayer identification number, if required ▶**

QI-EIN     
  WP-EIN     
  WT-EIN     
  EIN     
  SSN or ITIN

**9 GIIN (if applicable)**

**10 Reference number(s) (see instructions)**

## Part I Identification of Entity

1 Name of individual or organization that is acting as intermediary

2 Country of incorporation or organization

3 Name of disregarded entity (if applicable)

### 4 Chapter 3 Status:

- |  |  |
|--|--|
| <input type="checkbox"/> Qualified intermediary. Complete Part III.          | <input type="checkbox"/> Withholding foreign trust. Complete Part VII.             |
| <input type="checkbox"/> Nonqualified intermediary. Complete Part IV.        | <input type="checkbox"/> Nonwithholding foreign partnership. Complete Part VIII.   |
| <input type="checkbox"/> Territory financial institution. Complete Part V.   | <input type="checkbox"/> Nonwithholding foreign simple trust. Complete Part VIII.  |
| <input type="checkbox"/> U.S. branch. Complete Part VI.                      | <input type="checkbox"/> Nonwithholding foreign grantor trust. Complete Part VIII. |
| <input type="checkbox"/> Withholding foreign partnership. Complete Part VII. |  |

### 5 Chapter 4 Status:

- |  |  |
|--|--|
| <input type="checkbox"/> Nonparticipating FFI (including a limited FFI or limited branch). Complete Part IX (if applicable).   | <input type="checkbox"/> Owner-documented FFI. Complete Part XI.   |
| <input type="checkbox"/> Participating FFI.  | <input type="checkbox"/> Restricted distributor. Complete Part XVI.  |
| <input type="checkbox"/> Reporting Model 1 FFI.  | <input type="checkbox"/> Foreign central bank of issue. Complete Part XVII.  |
| <input type="checkbox"/> Reporting Model 2 FFI.  | <input type="checkbox"/> Nonreporting IGA FFI. Complete Part XVIII.  |
| <input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI or sponsored FFI that has not obtained a GIIN).                               | <input type="checkbox"/> Exempt retirement plans. Complete Part XIX.   |
| <input type="checkbox"/> Territory financial institution. Complete Part V.   | <input type="checkbox"/> Excepted nonfinancial group entity. Complete Part XX.   |
| <input type="checkbox"/> Sponsored FFI that has not obtained a GIIN (other than a certified deemed-compliant sponsored, closely held investment vehicle). Complete Part X. | <input type="checkbox"/> Excepted nonfinancial start-up company. Complete Part XXI.                                    |
| <input type="checkbox"/> Certified deemed-compliant nonregistering local bank. Complete Part XII.  | <input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XXII.                |
| <input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. Complete Part XIII.  | <input type="checkbox"/> Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII. |
| <input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part XIV.   | <input type="checkbox"/> Excepted territory NFFE. Complete Part XXIV.  |
| <input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. Complete Part XV.   | <input type="checkbox"/> Active NFFE. Complete Part XXV.   |
|  | <input type="checkbox"/> Passive NFFE. Complete Part XXVI.   |
|  | <input type="checkbox"/> Direct reporting NFFE.  |
|  | <input type="checkbox"/> Sponsored direct reporting NFFE. Complete Part XXVII.   |

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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**Part XXVIII Certification**

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Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income for which I am providing this form or any withholding agent that can disburse or make payments of the amounts for which I am providing this form.

**I agree that I will submit a new form within 30 days if any certification made on this form becomes incorrect.**

**Sign Here**



-----  
Signature of authorized official

-----  
Date (MM-DD-YYYY)

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Form **W-8IMY** (Rev. 4-2014)

# 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.  
► Information about Form W-8BEN-E and its separate instructions is at [www.irs.gov/formw8bene](http://www.irs.gov/formw8bene).  
► Give this form to the withholding agent or payer. Do not send to the IRS.

**Do NOT use this form for:**

- U.S. entity or U.S. citizen or resident . . . . . W-9
- A foreign individual . . . . . W-8BEN (Individual)
- A foreign individual or entity claiming that income is effectively connected with the conduct of trade or business within the U.S. (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) . . . . . W-8ECI or W-8EXP
- Any person acting as an intermediary . . . . . W-8IMY

**Instead use Form:**

**Part I Identification of Beneficial Owner**

<b>1</b> Name of organization that is the beneficial owner	<b>2</b> Country of incorporation or organization
<b>3</b> Name of disregarded entity receiving the payment (if applicable)	

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

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

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) (Must check one box only unless otherwise indicated). (See instructions for details and complete the certification below for the entity's applicable status).

<input type="checkbox"/> Nonparticipating FFI (including a limited FFI or an FFI related to a Reporting IGA FFI other than a registered deemed-compliant FFI or participating FFI).  <input type="checkbox"/> Participating FFI. <input type="checkbox"/> Reporting Model 1 FFI. <input type="checkbox"/> Reporting Model 2 FFI. <input type="checkbox"/> Registered deemed-compliant FFI (other than a reporting Model 1 FFI or sponsored FFI that has not obtained a GIIN). <input type="checkbox"/> Sponsored FFI that has not obtained a GIIN. Complete Part IV. <input type="checkbox"/> Certified deemed-compliant nonregistering local bank. Complete Part V. <input type="checkbox"/> Certified deemed-compliant FFI with only low-value accounts. Complete Part VI. <input type="checkbox"/> Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part VII. <input type="checkbox"/> Certified deemed-compliant limited life debt investment entity. Complete Part VIII. <input type="checkbox"/> Certified deemed-compliant investment advisors and investment managers. Complete Part IX. <input type="checkbox"/> Owner-documented FFI. Complete Part X. <input type="checkbox"/> Restricted distributor. Complete Part XI.	<input type="checkbox"/> Nonreporting IGA FFI (including an FFI treated as a registered deemed-compliant FFI under an applicable Model 2 IGA). Complete Part XII. <input type="checkbox"/> Foreign government, government of a U.S. possession, or foreign central bank of issue. Complete Part XIII. <input type="checkbox"/> International organization. Complete Part XIV. <input type="checkbox"/> Exempt retirement plans. Complete Part XV. <input type="checkbox"/> Entity wholly owned by exempt beneficial owners. Complete Part XVI. <input type="checkbox"/> Territory financial institution. Complete Part XVII. <input type="checkbox"/> Nonfinancial group entity. Complete Part XVIII. <input type="checkbox"/> Excepted nonfinancial start-up company. Complete Part XIX. <input type="checkbox"/> Excepted nonfinancial entity in liquidation or bankruptcy. Complete Part XX. <input type="checkbox"/> 501(c) organization. Complete Part XXI. <input type="checkbox"/> Nonprofit organization. Complete Part XXII. <input type="checkbox"/> Publicly traded NFFE or NFFE affiliate of a publicly traded corporation. Complete Part XXIII. <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.
---	---

**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
---	---------

**7** Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.	Country
---	---------

<b>8</b> U.S. taxpayer identification number (TIN), if required	<b>9a</b> <input type="checkbox"/> GIIN	<b>b</b> <input type="checkbox"/> Foreign TIN	<b>10</b> Reference number(s) (see instructions)
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- 4 Chapter 3 Status (entity type) (Must check one box only):**
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Corporation           | <input type="checkbox"/> Disregarded entity      | <input type="checkbox"/> Partnership   |
| <input type="checkbox"/> Simple trust          | <input type="checkbox"/> Grantor trust           | <input type="checkbox"/> Complex trust |
| <input type="checkbox"/> Estate                | <input type="checkbox"/> Private foundation      | <input type="checkbox"/> Government    |
| <input type="checkbox"/> Central Bank of Issue | <input type="checkbox"/> Tax-exempt 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) (Must check one box only unless otherwise indicated). (See instructions for details and complete the certification below for the entity's applicable status).**

- |   |   |
|---|---|
| <input type="checkbox"/> Nonparticipating FFI (including a limited FFI or an FFI related to a Reporting IGA FFI other than a registered deemed-compliant FFI or participating FFI). | <input type="checkbox"/> Nonreporting IGA FFI (including an FFI treated as a registered deemed-compliant FFI under an applicable Model 2 IGA). 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 or sponsored FFI that has not obtained a GIIN).  | <input type="checkbox"/> Entity wholly owned by exempt beneficial owners. Complete Part XVI.  |
| <input type="checkbox"/> Sponsored FFI that has not obtained a GIIN. 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"/> 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"/> Certified deemed-compliant investment advisors and investment managers. 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.   |

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**Part XXIX Certification**

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Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- The entity identified on line 1 of this form is the beneficial owner of all the income to which this form relates, is using this form to certify its status for chapter 4 purposes, or is a merchant submitting this form for purposes of section 6050W,
- The entity identified on line 1 of this form is not a U.S. person,
- The income to which this form relates is: (a) not effectively connected with the conduct of a trade or business in the United States, (b) effectively connected but is not subject to tax under an income tax treaty, or (c) the partner's share of a partnership's effectively connected income, **and**
- For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which the entity on line 1 is the beneficial owner or any withholding agent that can disburse or make payments of the income of which the entity on line 1 is the beneficial owner.

**I agree that I will submit a new form within 30 days if any certification on this form becomes incorrect.**

**Sign Here**



-----  
Signature of individual authorized to sign for beneficial owner

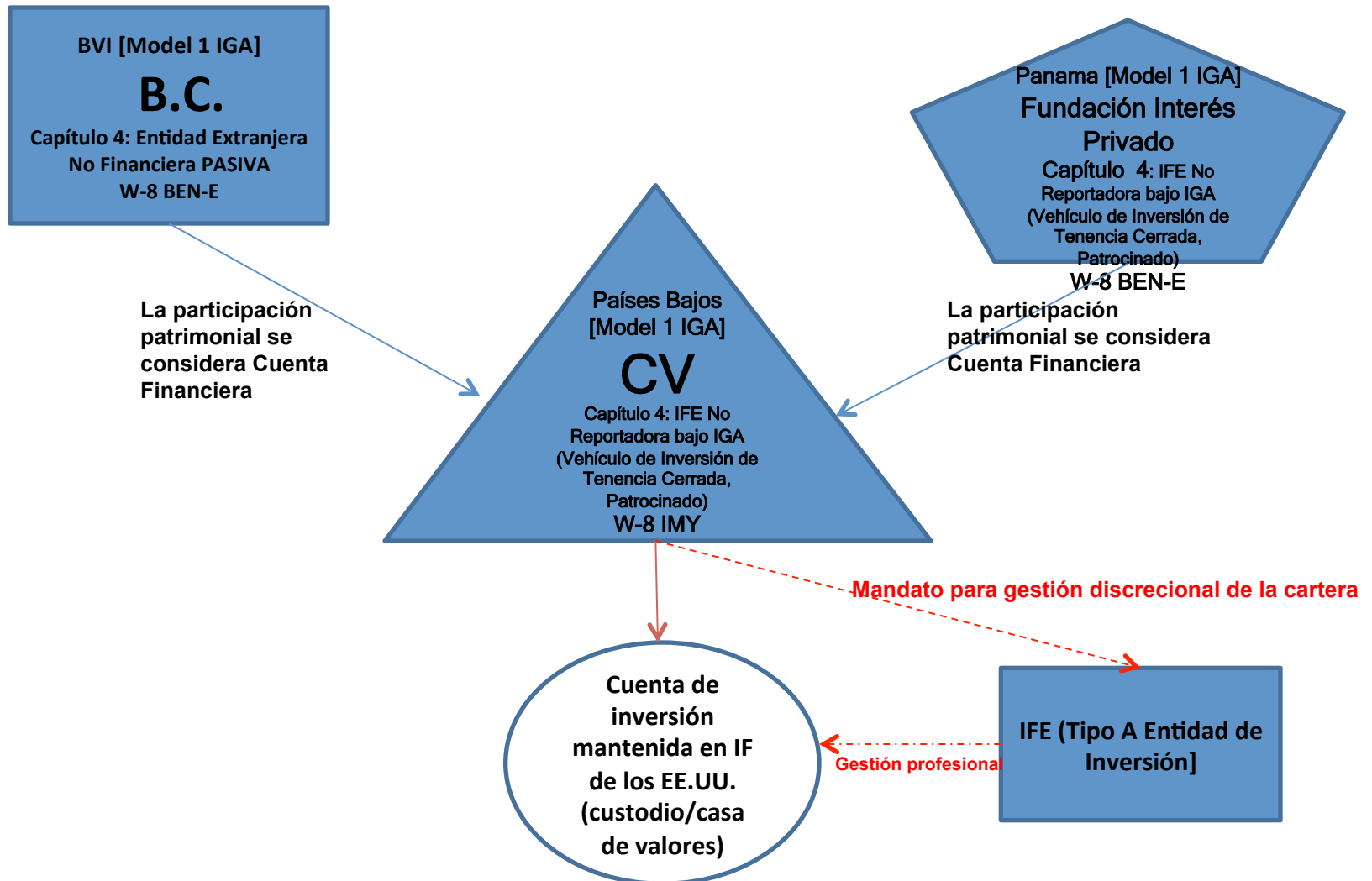
-----  
Print Name

-----  
Date (MM-DD-YYYY)

**I certify that I have the capacity to sign for the entity identified on line 1 of this form.**

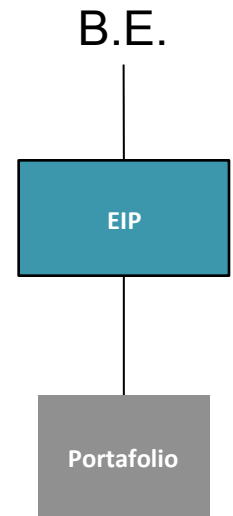
Sin Persona Estadounidense como accionista

Sin Persona Estadounidense como fundador, protector, beneficiario o consejo fundacional



## RETOS:

- Asesores financieros y administradores de inversiones con portafolios de una EIPs, Fideicomisos, Fondos, etc y sus combinaciones
- Muchos portafolios pueden derivar ingreso pasivo de fuente estadounidense
- Entidades clasificadas como FFI debido a mandatos discretionales a los asesores financieros para gestionar el portafolio
- Las entidades necesitan apoyo para cumplimiento con FATCA, ya sea como FFI o NFFE
- Las firmas de asesoramiento financiero no están especializadas en el cumplimiento con FATCA y GATCA
- El beneficiario efectivo se rehusa a que su entidad se registre como FFI y que su nombre conste en el registro
- Las estructuras podrían no ser cumplidoras a nivel del beneficiario efectivo

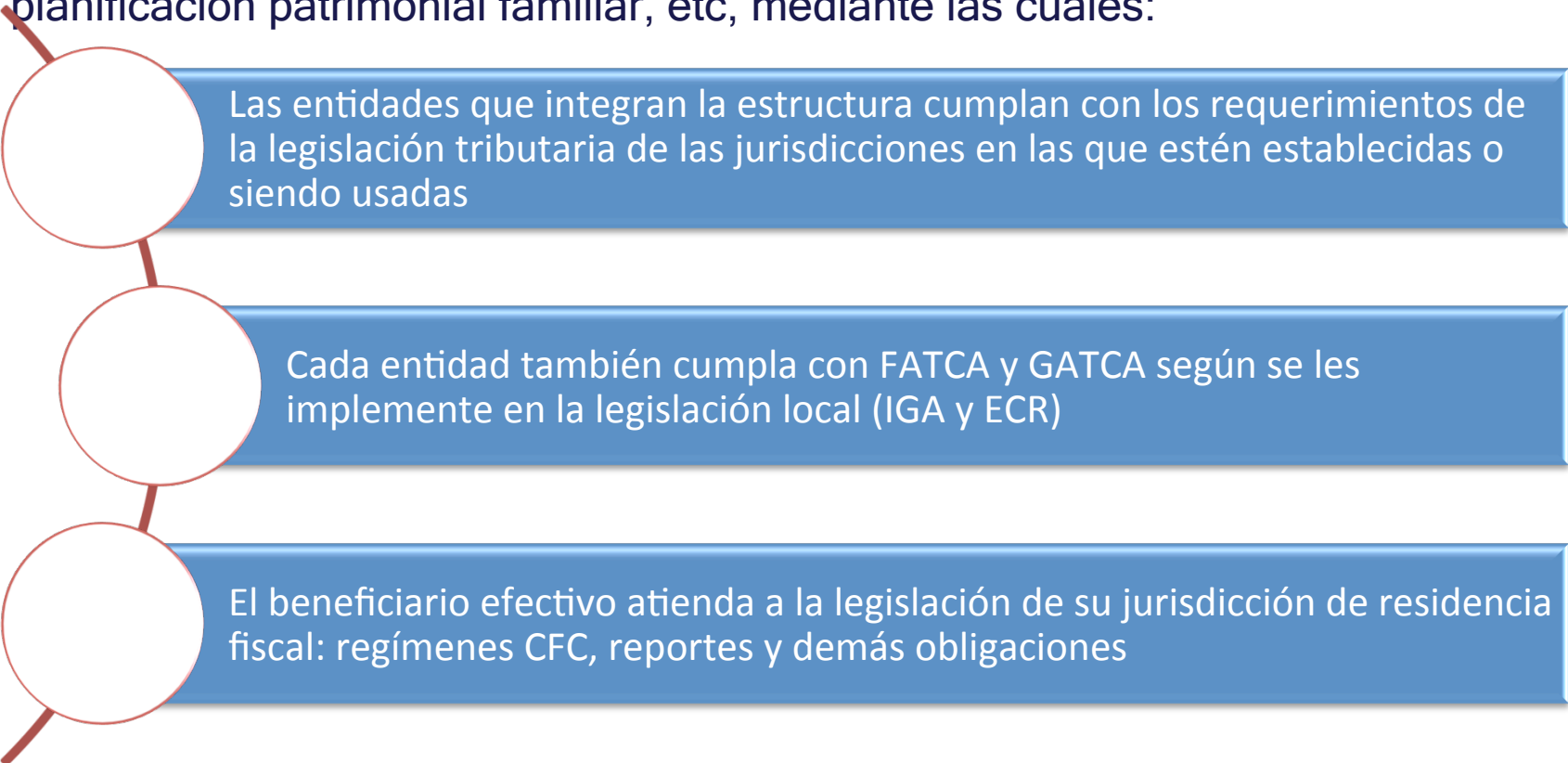


# BAJO EL AMBIENTE GATCA

# Estructuras cumplidoras a tres niveles

¿Cómo anticiparse al impacto sobre los clientes privados?

→ Estructuras que provean protección de activos, diferimiento de impuesto, planificación patrimonial familiar, etc, mediante las cuales:



Las entidades que integran la estructura cumplan con los requerimientos de la legislación tributaria de las jurisdicciones en las que estén establecidas o siendo usadas

Cada entidad también cumpla con FATCA y GATCA según se les implemente en la legislación local (IGA y ECR)

El beneficiario efectivo atienda a la legislación de su jurisdicción de residencia fiscal: regímenes CFC, reportes y demás obligaciones

→ Estos requerimientos son distintos en cada jurisdicción



Este material tiene propósitos informativos exclusivamente y no constituye asesoramiento tributario, legal o profesional de índole alguna. El contenido no crea una relación de cliente y proveedor entre el receptor y el presentador.

Los receptores no deberían actuar en función de la información aquí contenida sin obtener previamente asesoramiento legal, tributario y/o profesional tomando en cuenta las circunstancias y hechos particulares del caso.

La información se entrega “TAL CUAL ES” y el presentador no otorga garantías expresas o implícitas acerca de la suficiencia, precisión o vigencia de la información. El uso de esta información es a riesgo y responsabilidad del receptor.

**JOSÉ ANDRÉS ROMERO ANGRISANO, LL.M. TEP**  
REGISTERED TRUST AND ESTATE PRACTITIONER



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