**SELF-CERTIFICATION QUESTIONNAIRE[[1]](#footnote-1)**

**for identification of a client – a legal entity being a financial institution for the purpose of detection of the persons that are subject to the laws of a foreign country on foreign account taxation, including the FATCA Act.[[2]](#footnote-2)**

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|  | Full name of the legal entity |  |
|  | INN (Taxpayer Identification Number)/KIO (Foreign Entity Code) |  |
|  | Is the legal entity a financial institution for the purposes of the FATCA Act[[3]](#footnote-3)? | * **YES, it is** * **NO, it is not**   If the answer is “NO”, it is not required to fill in this Questionnaire and another form is subject to filling-in: Self-Certification Questionnaire for identification of a client – a legal entity for the purpose of detection of the persons that are subject to the laws of a foreign country on foreign account taxation, including the FATCA Act. |
|  | According to the laws of what country the legal entity is established? | * **RF (Russian Federation)** * **US** □ form *W-9 is submitted*   The US employer identification number (EIN) ……….…………………………...……   * Specified US person * US person deemed to be excepted for the purposes of FATCA (not a Specified US person) * **Other. Indicate the country**……….…………………………...……   **If clause 4 contains EIN and form W-9 is submitted, switch to signing of this Questionnaire (it is not required to give answers to the following questions).** |

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|  | Indicate, if the legal entity has a global intermediary identification number with the US Internal Revenue Service (GIIN)? If a legal entity is assigned a global intermediary identification number (GIIN), indicate the FATCA status. | * **YES, a GIIN is available ………………………………………**   *The GIIN number …………………………………………………………*  *Name of the legal entity in English registered at the portal of the US Internal Revenue Service ………………………………………………………………………………………..…………………………………………………*  *Or the GIIN number of the sponsoring entity ………………………………………………………………*  *Indicate the status of registration at the portal of the US Internal Revenue Service for the purposes of FATCA (select one of the options from the list):*   * Financial institution for the purposes of FATCA participating in FATCA application (Participating FFI) * Registered financial institution deemed to be compliant with the FATCA requirements (Registered Deemed Compliant FFI). * Sponsored investment entity and controlled foreign company for the purposes of FATCA (if the said company does not have a GIIN, it is required to specify the sponsoring company’s GIIN – as a rule, it is applicable up to 01 January 2016).   *Name of the sponsoring company (Sponsoring Entity) ……………………………………………*   * Sponsored investment company of closed type (Sponsored, closely held investment vehicles)   *Name of the sponsoring company (Sponsoring Entity) ……………………………………………*   * Other:   Status (according to form W-8) …………………………..……..……………..…..…………….  □ *form W-8 and documents specified in form W-8 for each status to confirm the declared status are submitted* |
| * **NO GIIN**, **but the legal entity is in the course of registration at the portal of the US Internal Revenue Service and receipt of a GIIN and will provide the received GIIN within 90 from the date of filling-in of this Questionnaire**   *Name of the legal entity in English registered at the portal of the US Internal Revenue Service ………………………………………………………………………………………..…………………………………………………*  *Indicate the status of registration at the portal of the US Internal Revenue Service for the purposes of FATCA (select one of the options from the list):*   * Financial institution for the purposes of FATCA participating in FATCA application (Participating FFI) * Registered financial institution deemed to be compliant with the FATCA requirements (Registered Deemed Compliant FFI). |
| * **NO, the legal entity does not need to be registered at the portal of the US Internal Revenue Service for the purposes of FATCA**   *Select one of the statuses:*   * Certified financial institution deemed to be compliant with the FATCA requirements (Certified deemed-compliant FFI). * Exempt beneficial owner * Financial institution documented by the owner (Owner-documented FFI) * Excepted financial institution (Excluded Financial Institution) * *form W-8 and documents specified in form W-8 for each status to confirm the declared status are submitted* |
| * **NO, nothing of the above, the legal entity is a financial institution that does not participate in FATCA application (Non-participating FFI)** |
|  | Contact person data[[4]](#footnote-4) | **Full name Position**  **Contact telephone and fax numbers**  **Email address** |

Signing this Questionnaire, a legal entity — the Client:

* Represents and warrants to the Bank that on the date of its signing the information specified in this Questionnaire is true, complete and reliable;
* Confirms that the Bank may use this Questionnaire to make a decision on classification of the financial entity according to FATCA and the necessity to withhold taxes according to Section 4 of the US Internal Revenue Code;
* Undertakes to notify the Bank on change of any fact or statement contained in this Questionnaire within 30 days from the date of change thereof;
* For the purposes of compliance with the FATCA requirements gives Public Joint-Stock Company “Bank TRUST” (the “Bank”) located at the address: Russian Federation, Spartakovskaya str., house 5 , building 1, Moscow, 105066, its consent to treatment of the information and data contained in this Questionnaire, personal information and data contained in form W-8/W-9 and other information for the purposes of determination of the FATCA status and to cross-border transfer of the said data to a foreign tax authority, including IRS (the US Internal Revenue Service) and/or foreign withholding agents authorized by a foreign tax authority to withhold foreign taxes and charges, as well as its consent to transfer to the said persons the data on transactions, accounts, deposits, balances of accounts/deposits and information on operations on the accounts.
* Confirms that the Bank does not bear responsibility for withholding by withholding agents from any payments made in favour of the Client of any amounts payable for taxes.

*We additionally inform you that if the Client filling in this Questionnaire is a person established according to the laws of the RF, the substantial owners of more than 90% of shares (interests) in the authorized capital of which are directly or indirectly controlled by the RF and (or) citizens of the RF that do not have apart from nationality of the RF nationality of a foreign country (except for nationality of a member country of the Customs Union) or a residence permit of a foreign country, the personified information contained in this Questionnaire is not subject to cross-border transfer to a foreign tax body, including IRS (the US Internal Revenue Service) and/or foreign withholding agents authorized by a foreign tax body to withhold foreign taxes and charges and data on transactions, accounts, deposits, balances of accounts/deposits and information on operations on the accounts are not subject to transfer to the said persons either.*

*The Bank makes its best efforts to protect confidentiality and prevent disclosure to third parties of the data received at identification of the Client.*

*(Head of the entity/ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Authorized person) (signature) (full name)*

*L.S. \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_\_.*

*(date)*

Appendix No. 1

**Glossary of terms[[5]](#footnote-5) under the FATCA requirements[[6]](#footnote-6)**

| **Term** | **Definition** |
| --- | --- |
| **Newly established non-financial companies — “start-up” companies and companies entering new lines of business (Excepted nonfinancial start-up companies or companies entering a new line of business)** | A foreign company (under FATCA established outside the US), which invests capital in assets for carrying out a new type of activities or entering new lines of business, other than the activities of a financial institution or passive foreign financial entity, is deemed to be a “start-up” company within the following period:   * 24 months from the date of establishment of such a company or * 24 months from the date of the resolution of the board of directors (or another similar resolution) on entering a new line of business, provided that such a company was deemed to be a non-financial entity carrying out economic activities (Active NFFE) during 24 months prior to the date of such a resolution.   This category does not include companies established with participation of (and used as) direct investment funds, venture capital funds, loan funds or other similar investment companies established for an investment purpose to purchase or finance companies and considered to be capital assets purchased for investment purposes. |
| **Global intermediary identification number (GIIN)** | Identification number assigned to an FFI participating in FATCA application or to a registered FFI deemed compliant with the FATCA requirements (including an FFI submitting information according to Model 1 Agreement for the purposes of identification of such an entity by withholding agents).  Besides, some Passive NFFE may register at the portal of the US Internal Revenue Service and receive the status of a Non-Financial Foreign Entity for the purposes of FATCA directly submitting reports to the US IRS (Direct Reporting NFFE) or a Sponsored Non-Financial Foreign Entity for the purposes of FATCA directly submitting reports to the US IRS (Sponsored Direct Reporting NFFE) (in this case registration is performed by the sponsoring entity). All GIINs will appear on the list of FFIs participating in FATCA application of the US Internal Revenue Service. |

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| **Taxpayer identification number, TIN** | Identification number used for US tax purposes assigned to US persons. There are the following types of identification numbers among the US TINs:   * Social Security Number (SSN); * Employer Identification Number (EIN); * Individual Taxpayer Identification Number (ITIN); * The US Adoption Taxpayer Identification Number (ATIN). |
| **Foreign entities for the purposes of FATCA deemed to be non-financial group members (Excepted nonfinancial group entities)** | This group includes non-financial holding companies, hedge and financial centres (including captive finance companies) of non-financial groups, except for investment funds subject to the following conditions:  A foreign entity (under FATCA established outside the US) is deemed to be a *non-financial group member* subject to the following conditions:   1. The entity does not accept deposits, does not conduct banking or similar activities, is not a depositary (unless such activities are conducted only for the members of the expanded affiliated group to which it belongs) 2. The entity is a holding company, financial centre, captive finance company and receives considerable part of income from such activities 3. The entity is not established with participation of (and is not treated as) direct investment funds, venture capital funds, loan funds or other similar investment companies established for the investment purpose to purchase or finance companies and considered to be capital assets purchased for investment purposes. The company is not deemed to be established or used for an investment purpose if it existed at least six months prior to its acquisition and regularly conducted activities with the absence of other factors proving the contrary.   An expanded affiliated group (ownership and control of more than 50%) is deemed to be a non-financial group if:   1. During the three-year period (but no longer than the period of existence of the expanded affiliated group) preceding the year in which the status of the group is determined: (i) “passive” income amounts no more than to 25% of the gross income of the group (except for income received by the members of the group being newly established companies or companies in liquidation or bankruptcy deemed to be excepted for the purposes of FATCA and income from intergroup transactions between members of the group); (ii) no more than 5% of the gross income of the group may be received from members of the group being FFIs (except for income from specific types of transactions between members of the group or income received by certified financial institutions deemed to be compliant with the FATCA requirements (Certified deemed-compliant FFI) and (iii) value of assets of the group used to receive “passive” income is no more than 25% of the market value of all assets of the group (excluding the assets owned by members of the group being newly established companies or companies in liquidation or bankruptcy deemed to be excepted for the purposes of FATCA and assets received as a result of intergroup transactions), and 2. All FFIs being members of a group must be acknowledged as either financial institutions participating in FATCA application (Participating FFI) or financial institutions deemed to be compliant with the FATCA requirements (Deemed-compliant FFI). |
| **Excepted non-financial entity (Excepted NFFE)** | Excepted non-financial entities (Excepted NFFE) are the following:   * Excepted non-financial entities for the purposes of FATCA (NFFE), which have the status of a qualified intermediary or the status of a foreign partnership or trust for the purposes of FATCA, deemed to be withholding agents (Qualified Intermediary, Withholding foreign partnership, Withholding foreign trust) * Any company the shares of which are regularly traded on one or more established securities markets (Publicly Traded Corporation) * Any company being a member of an expanded affiliated group including an entity the shares of which are regularly traded on one or more established securities markets (Certain affiliated entities related to a publicly traded corporation) * Certain territory entities being entities directly or indirectly wholly owned by bona fide residents of the US territory * Non-financial entity conducting economic activities (Active NFFE) — less than 50 percent of gross income of the company for the preceding taxable year (i.e., the preceding calendar year or tax period equal to a year) is passive income (dividends, interest, royalty etc.) and less than 50 percent of the weighted average percentage of assets held by the company are assets that produce passive income or were purchased by the company for production of passive income * Excepted non-financial US entities. This category includes holding, treasury and dependent financial companies being non-financial group members; newly established non-financial “start-up” companies and companies entering new lines of business; entities in liquidation or bankruptcy; non-profit organizations |
| **Companies the shares of which are regularly traded on an established securities market** | * One or more classes of shares of the corporation that, in the aggregate, represent more than 50 percent of all classes of shares entitled to vote are listed on an established securities market during a year * Trades in each such class of shares are effected, other than in de minimis quantities, on at least 60 days during the previous calendar year and the aggregate number of shares in each class that are traded on the exchange during the said year makes at least 10 percent of the aggregate number of shares in that class. |
| **US person being an individual** | The term “US person” means a US citizen or tax resident. The concept of tax residence provided for by the US laws is complicated, consequently, it may be misinterpreted. If you doubt if you have the status of a US tax resident, we recommend you to consult a professional tax adviser.  According to the general rule you may be acknowledged as a US tax resident if:  1) You are born in the US; OR  2) You are a US citizen or you have a US Green Card; OR  3) You meet the criterion of substantial presence. You meet the said criterion if you are physically present in the US at least on:  i. 31 days during the current year, and  ii. 183 days during the three-year period, which consists of the current year and the two years directly preceding the current year, calculated as follows:  1. All days when you were in the US during the current year; AND  2. 1/3 days when you were in the US during the first year preceding the current year; AND  3. 1/6 days when you were in the US during the second year preceding the current year. |
| **US person being a legal entity** | The term “US person” means:   * a US legal entity or tax resident; * US branches of foreign legal entities; * American partnership; * American corporation; * Any property (with several exceptions) managed by a US person and * Any trust if (i) the American court may have primary control over activities of the trust and (ii) one or several US persons are entitled to control all important decisions of the trust; * The US government (including government agencies and entities); * Any US State or the District of Columbia (including their agencies and entities). |
| **US person deemed to be excepted for the purposes of FATCA (Not a Specified U.S. Person)** | A legal entity deemed to be excepted for the purposes of FATCA (“Not a Specified U.S. Person”). This notion includes the following types of entities:   * Any entity the shares of which are regularly traded on one or more established securities markets; * Any affiliated person of an entity the shares of which are regularly traded on an established securities markets; * Any entity exempt from taxation under section 501(a) of the US Internal Revenue Code (non-profit organization) or an individual retirement plan as defined in section 7701(a)(37) of the US Internal Revenue Code; * The US government or any agency or entity fully belonging to it; * Any US State, the District of Columbia, any US territory, any political unit managed by the above US subdivisions or any agency or entity fully belonging to the above US subdivisions; * Any bank as defined in section 581 of the US Internal Revenue Code; * Any trust fund investing in immovable property as defined in section 856 of the US Internal Revenue Code; * Any regulated investment company as defined in section 851 of the US Internal Revenue Code or any entity registered with the US Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-64); * Any common trust fund as defined in section 584(а) of the US Internal Revenue Code; * Any trust fund that is exempt from tax under section 664(c) of the US Internal Revenue Code or is described in section 4947(a)(1) of the US Internal Revenue Code; * Any entity established under the US laws, which has the status of a dealer in securities, commodities, or derivatives; * Any entity, which has the status of a broker; * Any trusts exempt from tax under the plan specified in sections 403(b) and 457(g). |
| **Non-profit organizations** | Any foreign entity (under FATCA established outside the US) established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural or educational purposes if such an entity:   1. Is exempt from income tax in its country of residence; 2. Has no shareholders or members who receive income from its activities or assets; 3. Neither the formation documents nor the laws of the country of residence permit any income of the entity to be distributed or paid to individuals or non-charitable legal entities other than pursuant to the conduct of its charitable activities, as payment for services rendered or the use/purchase of assets, provided that such expenses represent fair market value; and 4. Upon liquidation or dissolution under the formation documents and the laws of the country of residence all assets of the entity will be distributed to the government, governmental organization, other entities fully belonging to the government or other entities that correspond to the definition of a non-profit organization or will escheat to the country or any political subdivision thereof. |
| **Specified US person** | Any US person not covered by the definition of a “US person deemed to be excepted for the purposes of FATCA (Not a Specified U.S. Person)”. |
| **Established securities market** | The term “established securities market” for the purposes of FATCA means:   * Any foreign securities exchange that is officially recognized, sanctioned, or supervised by a foreign governmental authority of the country of location (under FATCA not the US), of the securities market and has the annual value of shares traded on the exchange (or a predecessor exchange) exceeding 1 billion US dollars during each of the three calendar years immediately preceding the calendar year in which the determination is being made; * Any national securities exchange that is registered under section 6 of the Securities Exchange Act of 1934 (15 USC 78F) with the Securities and Exchange Commission; * Any exchange designated under a Limitation on Benefits article of an income tax treaty with the US that is in force; or * Any other exchange that the Secretary of State may designate in published guidance. |
| **Principal type of activities** | It is recognised that the entity carries out the principal type of activities if the aggregate income from the said type of activities is equal to or exceeds 50 percent of the gross income of the entity within the lesser of the following periods:   * Three-year period ending on 31 December (or on the last day of the accounting period, if it does not coincide with the calendar year) of the previous year, in which the calculation is being made; or * Period of existence of the entity. |
| **Passive non-financial entity (Passive Non-financial Foreign Entity, Passive NFFE)** | A passive non-financial entity (under FATCA established outside the US) is a non-financial entity, which does not belong to the category of excepted non-financial entities. |
| **Passive income** | Passive Income consists of the following income:   1. Dividends, including substitute dividend income; 2. Interest, including income equivalent to interest or received from a pool of insurance contracts if such income depends on the performance of such contracts; 3. Rents and royalties (other than income received from active involvement of employees of the company); 4. Annuity income; 5. Gains from sale or exchange of assets that gives rise to the above types of passive income; 6. Gains from transactions in commodities, including transactions in futures, forwards, and other similar transactions; 7. Gains from foreign exchange transactions; 8. Net income from transactions in non-deliverable swaps (notional principal contracts); 9. Amounts of money received under cash (monetary) value life insurance contracts; 10. Amounts of money received by an insurance company in connection with investment of reserves for insurance and annuity contracts.   Exceptions (income not covered by the definition of passive income):   1. Income received or accrued from a related person that covers such expenses with income received from active (operational) activities; 2. Income of a company if the company regularly acts as a dealer in property that gives rise to passive income or forwards, options and other financial instruments (including swaps) |
| **Related party** | A company is a related party with respect to another company, partnership, trust etc., if one company controls the other company or both companies are under common control. For the purposes of this definition, control means direct or indirect ownership of a more than 50% interest in the company (the ownership interest is determined by vote or value). |
| **Substantial owner being a US person (Substantial US Owner)** | * With regard to a legal entity, any US person owning directly or indirectly at least 10% of shares of such a corporation (by vote or value). * With regard to a foreign partnership (i.e. under FATCA established outside the US), any US person owning directly or indirectly more than 10% of the aggregate part of profit or capital of such a partnership. * With regard to a trust, any US person deemed to be the owner of a part of such a fund (according to the US tax laws) and any US person directly or indirectly owning a beneficial participatory interest of more than 10% in such a trust fund. * Indirect ownership. If a legal entity belongs directly or indirectly to another legal entity, partnership or trust (except for a financial institution for the purposes of the FATCA Act participating in application of FATCA, financial institution deemed to be complying with FATCA requirements (except for foreign financial institutions documented by the owner), US financial institution, US person deemed to be excepted for the purposes of FATCA, exempt beneficial owner or excepted US non-financial entity), the first mentioned legal entity will belong to shareholders of the relevant legal entity — shareholders, partners, beneficiaries of the trust. * Ownership through an option. If a US person directly or indirectly owns or holds an option to acquire shares of a foreign corporation, interest income or interest in a foreign partnership, interest in a foreign trust, for the purposes of FATCA such a person is considered to be a substantial owner of an interest in the fixed assets of such a foreign entity. The above is also relevant for ownership of an option to acquire an option to acquire ownership rights or a series of options. * Determination of proportionate ownership interest. Determination of ownership interest in a foreign corporation, partnership or trust is based on all the relevant facts and circumstances. All circumstances, which may artificially decreases the interest of an owner being a US person in such a foreign entity will be disregarded at determination of the ownership interest in a foreign corporation, partnership or trust. * At determination whether a US person is a substantial owner of a foreign entity, the interest must be aggregated with any ownership interest in the foreign entity owned directly or indirectly by related persons. For the purposes of this calculation related persons are spouses, parents, grandmothers and grandfathers, children, grandchildren and spouses of the above mentioned.   With regard to an FFI documented by the owner, a US person is the owner with any participatory interest (the 10 percent threshold is not applicable).  A substantial owner for the purposes of FATCA may be an individual or a legal entity. |
| **Financial institution,**  **which does not participate in application of FATCA (Non-participating Foreign Financial Institution, NPFFI)** | A financial institution for the purposes of the FATCA Act (under FATCA established outside the US), which is neither an FFI participating in application of FATCA nor an FFI deemed to be compliant with the FATCA requirements, nor a beneficiary exempt from tax. |
| **Financial institution for the purposes of the FATCA Act (Foreign Financial Institution, FFI)** | Any legal entity, which is not a legal entity established or organized under the US laws and carrying out the following types of activities:   * A depositary (performs accounting and storage of financial assets of third parties as a considerable part of its activities and the aggregate income of the entity related to accounting and storage of financial assets of third parties and related financial services is equal or exceeds 20 percent of the gross income of the entity for the lesser of the following periods: * Three-year period ending on 31 December (or on the last day of the accounting period, if it does not coincide with the calendar year) of the previous year, in which the calculation is being made; or * Period of existence of the entity). * An entity, which accepts (attracts to contributions, deposits) money from individuals and legal entities in the ordinary course of banking or other similar activities; * An investment entity being one of the following entities: * As the principal type of activities it carries out one or more types of activities for and on behalf of its clients, such as: * Trade in money market instruments (cheques, bills of exchange, deposit certificates, derivative financial instruments etc.), foreign exchange, currency, interest and index instruments, marketable securities or commodity futures; * Trust management of third party property (management company); * Other investment, administration or management of funds, money or financial assets on behalf of other persons;   It this case it is recognised that the entity carries out the principal type of activities if the aggregate income from the said type of activities is equal to or exceeds 50 percent of the gross income of the entity within the lesser of the following periods:   * Three-year period ending on 31 December (or on the last day of the accounting period, if it does not coincide with the calendar year) of the previous year, in which the calculation is being made; or * Period of existence of the entity. * The main part of the gross income of the entity is related to investment, reinvestment or trading in financial assets and the entity is managed by an entity, which directly or through third parties conducts one of the three types of activities specified in the above clause on behalf of the managed entity. * The entity is (or declares that it is) a collective investment fund, mutual investment fund, exchange-traded fund, direct investment fund, hedge fund, venture fund or another similar investment fund established for implementation of an investment, reinvestment or financial assets trading strategy. * An insurance organization or holding company of an insurance company, which makes money payments under contracts for endowment life insurance in case of death, life up to a certain age or date or occurrence of another event or life insurance contracts with regular insurance payouts (rents, annuities). * A holding company or treasury centre, which: * Belongs to an expanded affiliated group including a financial institution entitled to accept money from clients, depositary, specified insurance company or investment company; or * Is established or used by a collective investment fund, mutual investment fund, exchange-traded fund, direct investment fund, hedge fund, venture fund or another similar investment fund established for implementation of an investment, reinvestment or financial assets trading strategy.   Or is deemed to be a financial institution according to the provisions of the Agreement under Models 1 or 2. If a legal entity is registered within the jurisdiction, which is a signatory of the Agreement under Model 1 or under Model 2, such a legal entity is governed by the definition of a “foreign financial institution” provided for by the relevant Agreement.  In this case the territorial financial institution (organized according to the laws of the US territories, which is not an investment entity, which is not an entity accepting money to deposits, depositary or specified insurance company) does not belong to the category of foreign financial institutions. |
| **US financial institution (US FI)** | A US financial institution means:  (1) a financial institution being a US tax resident except for branches of such financial institutions located outside the US territory, and  (2) any branch of a foreign financial institution, if such a branch is located in the US territory. |

1. If you have any questions concerning the meaning of the terms contained in this Questionnaire, we recommend you to address your tax adviser for explanations. [↑](#footnote-ref-1)
2. While answering the questions take a close look at the definitions of the terms contained in the Glossary (Appendix No. 1 to this Questionnaire) [↑](#footnote-ref-2)
3. FATCA is the US Foreign Account Tax Compliance Act. [↑](#footnote-ref-3)
4. The field is not subject to filling-in. [↑](#footnote-ref-4)
5. If you have any questions concerning the meaning of the terms contained in this Glossary, we recommend you to address your tax adviser for explanations. Comments on the US taxation contained in this document are not intended to be used for avoidance of penalties provided for by the US Internal Revenue Code or the requirements of state or local tax authorities. It does not **contain consultations on application of the FATCA Act**. [↑](#footnote-ref-5)
6. FATCA (Foreign Account Tax Compliance Act) is the US Foreign Account Tax Compliance Act. [↑](#footnote-ref-6)