

**Attachment for the Republic of Poland (Rev. July 2023)**

**1) The QI is subject to the following laws and regulations of the Republic of Poland governing the requirements of QI to obtain documentation confirming the identity of QI's account holders.**

- (i) The Banking Act (August 29, 1997)
- (ii) The Financial Instruments Trading Act (July 29, 2005)
- (iii) The Counteracting Money Laundering and Terrorist Financing Act (March 01, 2018)
- (iv) Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (July 23, 2014)
- (v) The Law on Foreigners (December 12, 2013)

**2) The QI represents that the laws identified above are enforced by the Following enforcement bodies and QI shall provide IRS with an English translation of any report or other documentation issued by these enforcement bodies that are relevant to QI's functions as a qualified intermediary.**

- (i) The General Inspector of Financial Information
- (ii) The Ministry of Finance
- (iii) The National Bank of Poland
- (iv) The Polish Financial Supervision Authority
- (v) The National Association of Cooperative Savings and Credit Union

**3) The QI represents that the following penalties apply to failure to obtain, maintain, and evaluate documentation obtained under the laws and regulations identified in the item 1 above.**

- (i) in the case of an individual – a fine in an amount of up to PLN 20,868,500,
- (ii) in the case of a legal person or an organizational unit without legal personality, up to the PLN equivalent of EUR 5,000,000 or up to 10% of the turnover reported in the last approved financial statements for a financial year or in the last consolidated financial statements for a financial year-in the case of institutions covered by the consolidated financial statements of a capital group,
- (iii) imprisonment for a period of up to eight years.

**4) The QI shall use the following specific documentary evidence (and also any specific documentation added by an amendment to this item 4 as agreed to by the IRS) to comply with section 5 of this Agreement, provided that the following specific documentary evidence satisfies the requirements of the laws and regulations identified in item 1 above. In the case of a foreign person QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in the Republic of Poland, may request an amendment of this Item 4.**

- (i) For natural persons (individuals):
  - (a) a national identity card, or
  - (b) a passport, or
  - (c) a residence card
- (ii) Natural person conducting a business activity (e.g., as a sole trader):
  - (a) one of the documents listed in paragraph 4(i) above, **and**
  - (b) an extract from the Central Business Register and Information.

- (iii) For legal persons, or a trust or an organizational unit without legal personality:
  - (a) extract from the National Court Register, or
  - (b) extract from equivalent business register indicating the organization form of the entity, its seat and address, or
  - (c) in case of trusts, declaration of trust or equivalent document used to establish a trust.

**5) The QI shall follow the procedures set forth below (and also any procedures added by an amendment to this item 5 as agreed to by the IRS) to confirm the identity of account holders that do not open accounts in person or who provide new documentation for existing accounts other than in person. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking securities association in the Republic of Poland, may request an amendment to this item 5.**

(i) QI shall not open an account by any means other than by establishing in person the identity of a customer through the account holder's own identity documents, except as permitted in (ii), (iii), (iv), (v), and (vi) below.

(ii) QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in item 4 above from another person that is subject to know-your-customer rules that have been approved by the IRS for purposes of qualified intermediary agreements, provided that the laws and regulations listed in item 1 permit QI to rely on the other person to identify the account holder.

(iii) QI may obtain a photocopy of the specific documentary evidence listed in item 4 by mail or otherwise remotely from the account holder or a person acting on behalf of the account holder, provided that the photocopy has been certified as a true and correct copy by a person whose authority to make such certification appears on the photocopy, and provided that the laws and regulations listed in item 1 permit QI to rely on the certified photocopy to identify the account holder.

(iv) (a) QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in item 4 from an affiliate of QI or a correspondent bank of QI, provided that the affiliate or correspondent bank has established in person the identity of the account holder and the laws and regulations listed in item 1 permit QI to rely on documentation provided by that affiliate or correspondent bank to identify the account holder.

(b) For accounts opened prior to January 1, 2001, if QI was not required under its know-your-customer rules to maintain originals or copies of documentation, QI may rely on its account information if it has complied with all other aspects of its know-your-customer rules regarding establishment of an account holder's identity, it has a record that the documentation required under the know-your-customer rules was actually examined by an employee of QI, or an employee of an affiliate of QI or a correspondent bank of QI, in accordance with the know-your-customer rules, and it has no information in its possession that would require QI to treat the documentation as invalid under the rules of section 5.10(B) of this Agreement.

(v) Where an individual is **not physically present**, QI may also open an account pursuant to article 37 of the Act of 1 March 2018 on Counteracting Money Laundering and Terrorist Financing if it confirms the identity of the account holder in a manner consistent with the Act. For example:

- a) QI may open an account for a Polish citizen who meets the two criteria below:
  - A. provided photocopies/scanned copies of at least one piece of documentary evidence set forth in paragraph 4(i) above, and

B. the first payment credited to the account is wired from a regulated financial institution confirming name, surname and address, provided that all data provided while opening an account are consistent with national ID database and national PESEL database, and the account holder is not considered a politically exposed person.

- b) QI may open an account for individuals who have identified themselves with specific documentary evidence set forth in paragraph 4(i) above during a video call with an employee of an online identification service provider based upon the specific documentary evidence set forth in paragraph 4(i) above, provided that the identification process complies with the video identification requirements set forth by the Polish Financial Supervision Authority (PFSA).
  - c) QI may open an account for individuals who have identified themselves with specific documentary evidence set forth in paragraph 4(i) above during a virtual video session where the individual is asked to present an ID, take a selfie and show gestures, provided that the identification process complies with the video identification requirements set forth by the Polish Financial Supervision Authority (PFSA).
  - d) QI may open an account for individuals who have identified themselves by “eID” procedure in a two-factor authentication involving possession of an identity card with an electronic layer and knowledge of a PIN-code, which is established in person in the seat of the municipal authority.
- (vi) QI may identify individuals by using a qualified electronic signature under Article 3 No. 12 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257 of 28 August 2014).