

Attachment for Germany (Rev. May 2019)

1. QI is subject to the following laws and regulations of Germany governing the requirements of QI to obtain documentation confirming the identity of QI's account holders.

- (i) German Tax Code (Abgabenordnung, Section 154AO).
- (ii) German Money Laundering Act of 2017 (Gesetz ueber das Aufspueren von Gewinnen aus schweren Straftaten - Geldwäschegesetz, as amended in 2018).
- (iii) Guidelines of the Federal Banking Supervisory Office concerning measures to be taken by credit institutions to combat and prevent money laundering.
- (iv) General Business conditions developed by the German Banking industry and approved by German Federal regulators.

2. QI represents that the laws identified above are enforced by the following enforcement bodies and QI shall provide the Internal Revenue Service with an English translation of any reports or other documentation issued by these enforcement bodies that are relevant to QI's functions as a qualified intermediary.

- (i) German Federal banking Supervisory Office.
- (ii) Federal Ministry of Finance and local German Ministries of Finance.

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

- (i) A breach by the bank or its customer of Section 154AO is subject to criminal prosecution (provided the conditions for negligent or fraudulent tax evasion have been fulfilled) in accordance with the administrative regulations governing the application of the German Tax Code (Anwendungserlass zur Abgabenordnung).
- (ii) The German Tax Code provides for a range of penalties in the form of fines ranging from EUR 5,000 up to EUR 50,000 and terms of imprisonment not exceeding ten years.
- (iii) Customers acting under false names face administrative penalties (fines) and face having their accounts blocked. In such situations, the bank is assumed to have committed the criminal offence of aiding and abetting tax evasion and is liable for the tax that the customer intended to evade.
- (iv) A bank's failure to inquire as to a customer's identification under Section 8 of the Money Laundering Act or the failure to establish the correct identity and address of a customer is an administrative offense, punishable by fines. In such cases, employees of the bank are also subject to imprisonment of up to ten years in accordance with Section 261 of the German Penal Code.

4. QI shall use the following specific documentary evidence (and any specific documentation added by an amendment to this Item 4 as agreed to by the Internal Revenue Service) to comply with Section 5 of this Agreement provided that the 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 banking or securities association in Germany may request an amendment of this Item 4:

(i) For natural persons:

- (a) National Identity Card; or
- (b) Passport.
- (c) Birth certificate for individuals under the age of 18.
- (d) driver's license
- (e) child passport
- (f) electronic identification (short "eID")

(ii) For legal persons:

- (a) For legal persons organized in Germany, extracts from public registers (commercial register, register of associations, register of foundations);
- (b) For legal persons organized outside Germany, certified copies of the legal person's charter documents.

5. 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 Internal Revenue Service) 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 or securities association in Germany 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), (vi) and (vii) 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 Internal Revenue Service 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 the Agreement.

(v) QI may open an account for natural persons who have identified themselves before an employee of the German Postal Service based upon the specific documentary evidence listed in Item 4(a) above, provided that the QI receives, prior to the establishment of the account, a declaration from the Post Office employee that he/she has identified the person based upon the appropriate documentary evidence, which declaration shall include the name, address and relevant data from the documentary evidence furnished by the person to the employee.

(vi) QI may open an account for natural persons residing outside of Germany who have identified themselves before an employee of i) the German Embassy in that foreign country or ii) an agency of the Federal government of the foreign country, based upon the specific documentary evidence listed in Item 4(a) above, provided that the QI receives, prior to the establishment of the account, a declaration from the respective employee that he/she has identified the person based upon the appropriate documentary evidence, which declaration shall include the name, address and relevant data from the documentary evidence furnished by the person to the employee.

(vii) QI may open an account for persons who or which have identified themselves before an institution licensed by the German Regulating Agency ("Regulierungsbehörde") under the authority of the German Signature Act of 1997 (Signaturgesetz), for the purpose of securing a digital signature and digital signature code, based upon the specific documentary evidence listed in Item 4 above, provided that the QI receives, prior to the establishment of the account, the customer's personal digital code and verifies the data from the documentary evidence furnished by the customer to the licensed institution and provided that the QI and its external auditor may access such data from the licensed institution for purposes of the external auditor's audit under Section 10 of this Agreement.

(viii) QI may open an account for natural persons who have identified themselves during a video call with an employee of an online identification service provider based upon the specific documentary evidence set forth in paragraph 4(a) above, provided that:

- (a) The identification process complies with the video identification requirements set forth by the German Federal Financial Supervisory Authority (BaFin).
- (b) QI must be able to access and provide on request a copy of the identity document provided for compliance purposes and the documents must be available for review within 30 days.

(ix) QI may open an account for natural persons who have identified themselves by "eID"-procedure in a two-factor-proceeding involving possession of identity card and knowledge of a PIN, provided that:

- (a) The identification process complies with the German AML-rules or eIDAS requirements enforced by the German Federal Financial Supervisory Authority (BaFin) and the permission to receive eID card information has been granted, and
- (b) QI must be able to access and provide on request a protocol of the information contained in the identity document provided for compliance purposes and the information must be available for review within 30 days.