

## ATTACHMENT FOR SWITZERLAND (Rev. July 2020)

1. QI is subject to the following laws and regulations of Switzerland governing the requirements of QI to obtain documentation confirming the identity of QI's account holders.
  - (i) Swiss Federal Act on Combating Money Laundering and Terrorist Financing in the Financial Sector (AMLA), of October 10, 1997,
  - (ii) Agreement on the Swiss banks' code of conduct with regard to the exercise of due diligence (CDB 20), of June 13, 2018 (in force from January 1, 2020),
  - (iii) Swiss Financial Market Supervisory Authority FINMA, Circular 2013/3, Auditing, of December 6, 2012,
  - (iv) Federal Law on Banks and Savings Banks of November 8, 1934 [applicable to banks],
  - (v) Federal Act on Financial Institutions (Financial Institutions Act, FinIA), of June 15, 2018,
  - (vi) Swiss Criminal Code, of December 21, 1937, incl. Articles 251 [forgery of a document] and 305bis/305ter [money laundering and insufficient diligence in financial transactions and right to report],
  - (vii) Swiss Financial Market Supervisory Authority FINMA, Anti Money Laundering Ordinance-FINMA, of June 3, 2015,
  - (viii) Swiss Code of Obligations, of March 30, 1911, incl. chapter on financial statements in accordance with recognized financial reporting standards [keeping and retaining accounting records, Art. 958f],
  - (ix) Swiss Financial Market Supervisory Authority FINMA, Circular 2016/7, Video and online identification of March 3, 2016,
  - (x) Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading (Financial Market Infrastructure Act, FinMIA), of June 19, 2015,
  - (xi) Federal Act on the Swiss Financial Market Supervisory Authority (Financial Market Supervision Act, FINMASA), of June 22, 2007.
  
2. QI represents that the laws identified above are enforced by the following enforcement bodies and QI shall provide the IRS 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) Item 1(i), (iii), (iv), (v), (vii), (viii), (ix), (x), (xi): Swiss Financial Market Supervisory Authority FINMA,
  - (ii) Item 1(ii): Supervisory Board of the Swiss Bankers Association's Due Diligence Convention,
  - (iii) Item 1(vi): Swiss federal and cantonal criminal prosecution authorities.
  
3. QI represents that the following penalties apply to failure to obtain, maintain, and evaluate documentation obtained under the laws and regulations identified in item 1 above.
  - (i) Item 1(i), (iii), (iv), (v), (vii), (viii), (ix), (x), (xi): imprisonment of up to 3 years, fines of up to CHF 540,000, removal of officers, revocation of a licence, liquidation of company, issuance of industry ban, confiscation of illegally gained profits, filing

complaints with the criminal authorities in case of a potential crime/infringement, etc.

(ii) Item 1(ii) (banks and securities dealers): contractual fine of up to CHF 10 million.

(iii) Item 1(vi): imprisonment of up to 5 years and/or fines of up to CHF 1,500,000, and a fine of up to CHF 5 million for companies.

4. 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 Switzerland, may request an amendment to this item 4.

(i) For natural persons:

- a. Passport,
- b. National identity card,
- c. Residency permit for a non-citizen,
- d. Driver's license with photograph, or
- e. In addition to a.-d. above, a certificate of residence issued by an authorized government body.

(ii) For legal persons:

- a. Extract of Register of Commerce,
- b. Certificate of Incorporation, Articles of Association, or other organizational 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 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 or securities association in Switzerland, 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) and (v) 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 in case of natural persons 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) QI may open an account for persons who or which have identified themselves through an institution recognized by the Swiss Accreditation Service of the State Secretariat for Economic Affairs SECO under the authority of the Swiss law on the Electronic Signature of March 18, 2016 ("Bundesgesetz über die elektronische Signatur, ZertES"), 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 such data from the licensed institution may be considered for purposes of the periodic review under Section 10 of this Agreement.