

**ATTACHMENT FOR AUSTRIA (Rev. March 2018)**

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

- (i) Austrian Financial Market Anti-Money Laundering Act (Finanzmarkt-Geldwäschegesetz)
- (ii) Regulation of the Financial Market Authority (FMA) on video-based online identification of customers (Verordnung der FMA über die videogestützte Online-Identifikation von Kunden, Online-Identifikationsverordnung)
- (iii) Austrian Criminal Code sections 165, 278 and 278d.
- (iv) General Business Conditions of the Credit Institutions, Business Conditions for Escrow Accounts of Attorneys, Business Conditions for Escrow Accounts of Notaries, Business Conditions for Escrow Accounts of Accountants, Business Conditions for Escrow Accounts of Real Estate Brokers and Real Estate Administrators, Business Conditions for Escrow Accounts of Chartered Civil Engineers.

**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) Federal Ministry of Finance
- (ii) Austrian Financial Market Authority
- (iii) Competent courts

**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.**

Under the Austrian Financial Market Anti-Money Laundering Act, financial penalties and revocation of license; under the Austrian Criminal Code imprisonment.

**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 Austria, may request an amendment of this item 4.**

(i) For natural persons:

- (a) A passport, or
- (b) A driver's license, or
- (c) An Austrian national identity card issued by a government authority, or

- (d) A national identity card of a member state of the European Union, or
- (e) A residence title card.

(ii) For legal persons:

- (a) Copies of extracts from public registers, or
- (b) Written extract from trustworthy, privately managed registers and databases, or
- (c) Copies of the certificate of incorporation, articles of association, or other organizational documents (if legal person is not registered)

**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 Austria, 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) QI may open an account for natural persons residing outside of Austria who have identified themselves before an employee of i) the Austrian Embassy in that foreign country or ii) an agency of the Federal government of that foreign country, based on the specific documentary evidence listed in item 4 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 on 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 or legal persons who have been identified by a third party according to section 13 et seq Austrian Financial Market Anti-Money Laundering Act.

(vii) QI shall comply with the following due diligence obligations pursuant to Article 6 para 4 Austrian Financial Market Anti-Money Laundering Act:

"The personal presentation of the official photo identification document as defined in para 2 may be replaced by safeguards for business relationships or transactions without face-to-face contacts. The obliged entity must in any case know the name, date of birth and address of the customer, or in the case of legal persons the company name and place of incorporation. The following security measures shall be permissible:

1. The presentation in a video-based electronic procedure of the official photo identification document (online identification),

2. A statutorily prescribed procedure, which ensures that the same information would be made available as would be if an official photo identification document were presented (electronic ID card),

3. The submission of a legally binding declaration by the customer in the form of a qualified electronic signature in accordance with point 12 of Article 3 of Regulation (EU) No 910/2014 or the delivery of a legally binding declaration by the obliged entity via registered mail to the customer's address given as the place of residence or place of incorporation, if in addition

- (a) in the case of legal persons the place of incorporation is also the place of the central administration, which shall be confirmed by the customer by means of a written declaration;

- (b) a copy of the official photo identification document of the customer or the customer's legal representative, or in the case of legal persons of the body authorised to represent it has been supplied prior to the conclusion of the contract, provided that the legal transaction has not been concluded electronically using a qualified electronic signature, and

- (c) for customers with a place of incorporation or place of residence in a third country, a written declaration by another credit institution with which the customer has a permanent business relationship is provided, stipulating that the

identity of the customer has been determined and verified in accordance with this federal act, and that the permanent business relationship is still maintained. If the credit institution providing the confirmation has its place of incorporation in a third country, then this third country must fulfil the requirements pursuant to Article 13 par. 4. In lieu of identification and confirmation by a credit institution, identification and written confirmation by the Austrian representation in the third country in question or by a recognised certification authority is also permissible;

or

4. the first payment during transactions is settled through an account opened in the customer's name with a credit institution as specified in Article 13 and copies of customer documents are available, on the basis of which the information provided by the customer or the natural person authorised to represent the customer may be verified in a credible manner. In lieu of such copies, a written declaration from the credit institution through which the first payment is intended to be made shall be sufficient for determining and verifying the identity of the customer as defined in this federal act or Directive (EU) 2015/849.

The FMA shall determine by means of a Regulation with the consent of the Federal Minister of Finance, which measures shall be necessary for online identification to mitigate the increased risk, and in doing so shall in particular define the requirements in relation to security of data, security against forgeries as well as for those persons that will conduct the online identification process."