

ATTACHMENT FOR MALTA

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

- (i) Prevention of Money Laundering Regulations, 1994
- (ii) Prevention of Money Laundering – Guidance Notes for Investment Services and Life Assurance Business
- (iii) Prevention of Money Laundering – Guidance Notes for Credit and Financial Institutions

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) Malta Financial Services Centre (MFSC)
- (ii) Financial Intelligence and Analysis Unit (FIU)
- (iii) Malta Police and Attorney General (for criminal prosecutions)

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) Fine of a maximum of Lm20,000 (approx. USD45,000) or imprisonment for maximum of 2 years or both
- (ii) Any other administrative penalties falling under the Banking, Investment Services and Insurance regulations, that may be imposed by the MFSA.

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 Form W-8 in accordance with section 5 of this agreement. Either QI, or a banking or securities association in Malta, may request an amendment to this item 4.

(i) For natural persons:

(a) Non-residents of Malta:

- (1) Passport,
- (2) National Identity Card

(b) Residents of Malta:

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- (1) Passport,
- (2) Maltese Identity Card

(ii) For legal persons:

(a) For partnerships: a copy of the certificate of registration, a copy of the partnership agreement and any evidence of the appointment and powers of the current partners, or certified copies of extracts therefrom covering the appointment and powers of the partners.

(b) For corporations: a copy of the certificate of incorporation and the memorandum and articles of association, or certified copies of extracts therefrom covering the appointment and powers of the directors.

(c) For trusts: either a copy of the trust deed and evidence of the appointment and powers of trustees, or certified copies therefrom covering the appointment and powers of the trustees.

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 accordance with section 5 of this Agreement, QI may use a Form W-8 for identification purposed. Either QI, or a banking and securities organization in Malta, 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) and (iv) 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.

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- (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 of QI, 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.