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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

SOUTH AFRICAN REVENUE SERVICE

NO. R. 6886 **28 November 2025**

REGULATIONS FOR PURPOSES OF PARAGRAPH *(a)* OF THE DEFINITION OF "INTERNATIONAL TAX STANDARD" IN SECTION 1 OF THE TAX ADMINISTRATION ACT, 2011 (ACT NO. 28 OF 2011), PROMULGATED UNDER SECTION 257 OF THE ACT, SPECIFYING THE CHANGES TO THE OECD STANDARD FOR AUTOMATIC EXCHANGE OF FINANCIAL ACCOUNT INFORMATION IN TAX MATTERS

For purposes of paragraph *(a)* of the definition of **"international tax standard"** in section 1 and under section 257 of the Tax Administration Act, 2011, I, Enoch Godongwana, the Minister of Finance, hereby specify in the Schedule hereto, the changes to the Organisation for Economic Cooperation and Development ("OECD") Standard for Automatic Exchange of Financial Account Information in Tax Matters (hereinafter "the Standard"), which encompasses the "Common Reporting Standard" (hereinafter "the CRS").

These Regulations repeal the Regulations published in Government Gazette No. 43781 of 9 October 2020 and Government Gazette No. 48165 of 3 March 2023 and take effect from 1 March 2026.

E GODONGWANA

MINISTER OF FINANCE

SCHEDULE

OECD STANDARD FOR AUTOMATIC EXCHANGE OF FINANCIAL ACCOUNT INFORMATION IN TAX MATTERS

PREAMBLE

A. These Regulations have effect for and in connection with the implementation of obligations which may arise or arise under—

(1) the following agreements or arrangements, in respect of which these Regulations apply separately except where the context otherwise requires:

(a) the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information ("CRS MCAA") signed by the Competent Authority of South Africa on the 23rd of October 2014, and the Addendum to the CRS MCAA, which gives effect to the revised CRS, signed by the Competent Authority of South Africa on the 26th of November 2024, with the Participating Jurisdictions as updated and published by the OECD from time to time; and

(b) any other multilateral or bilateral agreement or arrangement between South Africa and another jurisdiction, as updated and published by SARS from time to time, which provides for the implementation of the Standard, or

(2) these Regulations in respect of or in connection with obtaining, maintaining and provision to SARS of information regarding a Reportable Jurisdiction Person in any jurisdiction not included under subparagraph A(1) for domestic purposes or subsequent exchange of information when such jurisdiction becomes a jurisdiction included under subparagraph A(1).

B. The OECD developed the Standard to improve international tax compliance. The Standard encompasses the CRS for automatic exchange of information under an agreement or arrangement referred to in paragraph A.

C. These Regulations reflect the changes to the CRS required to enable South Africa to comply with its obligations under an agreement or arrangement referred to in paragraph A in terms of the Standard.

D. South Africa's selection of jurisdictional choices permitted under the CRS and the Commentaries on the CRS does not detract from the fact that these Regulations must be interpreted in accordance with the Commentaries.

E. (1) The term "Commentaries on the CRS" means the Commentaries on the Standard for the Automatic Exchange of Financial Account Information in Tax Matters, released by the OECD in the document titled OECD (2017), *Standard for Automatic Exchange of Financial Account Information in Tax Matters, Second Edition*, OECD Publishing, Paris, and as amended by the OECD in the document titled OECD (2023), *International Standards for Automatic Exchange of Information in Tax Matters: Crypto-Asset Reporting Framework and 2023 update to the Common Reporting Standard*, OECD Publishing, Paris, as supplemented by—

(a) the Implementation Handbook for the Standard for the Automatic Exchange of Financial Account Information in Tax Matters, released by the OECD in the document titled OECD (2018), *Standard for Automatic Exchange of Financial Information in Tax Matters - Implementation Handbook – Second Edition,* OECD, Paris;

(b) the CRS-Related Frequently Asked Questions, released by the OECD in the document titled OECD (July 2025), *CRS-Related Frequently Asked Questions*, OECD, Paris; and

(c) the Model Mandatory Disclosure Rules for CRS Avoidance Arrangements and Opaque Offshore Structures, released by the OECD in the document titled OECD (2018), *Model Mandatory Disclosure Rules for CRS Avoidance Arrangements and Opaque Offshore Structures*, OECD, Paris,

as updated from time to time.

(2) In the event of any conflict between the Commentaries on the CRS and the supplementary material in subparagraph E(1)*(a), (b)* or *(c)*, the former shall prevail.

Section I

General Reporting Requirements

A. Subject to paragraphs C through F, each Reporting Financial Institution must report to SARS the following information with respect to each Reportable Account of such Reporting Financial Institution:

(1) *(a)* the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth (in the case of an individual) or, if paragraph E of this Section applies, the country of birth, of each Reportable Person that is an Account Holder of the account and whether the Account Holder has provided a valid self-certification;

(b) in the case of any Entity that is an Account Holder and that, after application of the due diligence procedures consistent with Sections V, VI and VII, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, jurisdiction(s) of residence and TIN(s) of the Entity and the name, address, jurisdiction(s) of residence, TIN(s) and date, and place of birth or, if paragraph E of this Section applies, the country of birth of each Reportable Person as well as the role(s) by virtue of which each Reportable Person is a Controlling Person of the Entity and whether a valid self-certification has been provided for each Reportable Person; and

(c) whether the account is a joint account, including the number of joint Account Holders.

(2) the account number (or functional equivalent in the absence of an account number), the type of account and whether the account is a Preexisting Account or a New Account;

(3) the name and identifying number (if any) of the Reporting Financial Institution;

(4) the account balance or value (including, in the case of a Cash Value Insurance Contract or Annuity Contract, the Cash Value or surrender value) as at the end of the relevant Reporting Period or, if the account was closed during such period, the balance or value as at one day before the closure of the account;

(5) in the case of any Custodial Account:

(a) the total gross amount of interest, the total gross amount of dividends, and the total gross amount of other income generated with respect to the assets held in the account, in each case paid or credited to the account (or with respect to the account) during the Reporting Period; and

(b) the total gross proceeds from the sale or redemption of Financial Assets paid or credited to the account during the Reporting Period with respect to which the Reporting Financial Institution acted as a custodian, broker, nominee, or otherwise as an agent for the Account Holder,

(6) in the case of any Depository Account, the total gross amount of interest paid or credited to the account during the Reporting Period;

(6*bis*) in the case of any Equity Interest held in an Investment Entity that is a legal arrangement, the role(s) by virtue of which the Reportable Person is an Equity Interest holder; and

(7) in the case of any account not described in subparagraph A(5) or (6), the total gross amount paid or credited to the Account Holder with respect to the account during the Reporting Period with respect to which the Reporting Financial Institution is the obligor or debtor, including the aggregate amount of any redemption payments made to the Account Holder during the Reporting Period.

B. The information reported must identify the currency in which each amount is denominated.

C. Notwithstanding subparagraph A(1), with respect to each Reportable Account that is a Pre-existing Account, the TIN or date of birth is not required to be reported if such TIN or date of birth is not in the records of the Reporting Financial Institution and is not otherwise required to be collected by such Reporting Financial Institution under South African domestic law. However, a Reporting Financial Institution is required to use reasonable efforts to obtain the TIN and date of birth with respect to Pre-existing Accounts by the end of the second Reporting Period following the Reporting Period in which Pre-Existing Accounts were identified as Reportable Accounts and whenever it is required to update the information relating to the Preexisting Account pursuant to domestic AML/KYC Procedures.

D. Notwithstanding subparagraph A(1), the TIN is not required to be reported if (i) a TIN is not issued by the relevant Reportable Jurisdiction, or (ii) the domestic law of the relevant Reportable Jurisdiction does not require the collection of the TIN issued by such Reportable Jurisdiction.

E. Notwithstanding subparagraph A(1), the place of birth is not required to be reported unless the Reporting Financial Institution is otherwise required to obtain and report it under domestic law and it is available in the electronically searchable data maintained by the Reporting Financial Institution.

F. Each Reporting Financial Institution must file with SARS a return required by public notice issued under section 26 of the Tax Administration Act for the relevant Reporting Period, containing the information described in paragraph A for that period as well as other relevant material prescribed by the Commissioner for SARS under section 25 of the Act in the return.

G. Notwithstanding subparagraph A(5)*(b)* and unless the Reporting Financial Institution elects otherwise with respect to any clearly identified group of accounts, the gross proceeds from the sale or redemption of a Financial Asset are not required to be reported to the extent that the proceeds from the sale or redemption of such Financial Asset are reported by the Reporting Financial Institution under the Crypto-Asset Reporting Framework.

Section II

General Due Diligence Requirements

A. (1) A Reporting Financial Institution must establish, maintain and document due diligence procedures that are designed to identify reportable accounts, which procedures must identify the jurisdiction in which an account holder or a controlling person is resident for the purposes of any tax imposed by the law of that jurisdiction and apply the due diligence procedures set out in these Regulations.

(2) An account is treated as a Reportable Account beginning as of the date it is identified as such pursuant to the due diligence procedures in Sections II through VII and, unless otherwise provided, information with respect to a

Reportable Account must be reported annually in the period following the Reporting Period to which the information relates.

B. The balance or value of an account is determined as of the last day of the Reporting Period, unless it is not possible or usual to value a specific type of account at that date in which case the value at the normal valuation date for such account that is nearest to the last day of February in that Reporting Period, must be used.

C. Where a balance or value threshold is to be determined as of the last day of the Reporting Period, the relevant balance or value must be determined as of the last day of the reporting period that ends with or within that Reporting Period.

D. Reporting Financial Institutions may use service providers to fulfil the reporting and due diligence obligations imposed on such Reporting Financial Institutions, but these obligations remain the responsibility of the Reporting Financial Institutions.

E. A Reporting Financial Institution may apply the due diligence procedures for—

(1) New Accounts to all Pre-existing Accounts or with respect to any clearly identified group of Pre-existing Accounts, but the rules otherwise applicable to such Pre-existing Accounts continue to apply; and

(2) High Value Accounts to all Lower Value Accounts or with respect to any clearly identified group of Lower Value Accounts.

Section III

Due Diligence for Pre-existing Individual Accounts

The following procedures apply for purposes of identifying Reportable Accounts among Pre-existing Individual Accounts.

A. Accounts Not Required to be Reviewed, Identified, or Reported. A Pre-existing Individual Account that is a Cash Value Insurance Contract or an Annuity Contract is not required to be reviewed, identified or reported, provided the Reporting Financial Institution is effectively prevented by law from selling such Contract to residents of a Reportable Jurisdiction.

B. Lower Value Accounts. The following procedures apply with respect to Lower Value Accounts.

(1) **Residence Address.** If the Reporting Financial Institution has in its records a current residence address for the individual Account Holder based on Documentary Evidence, the Reporting Financial Institution may treat the individual Account Holder as being a resident for tax purposes of the jurisdiction in which the address is located for purposes of determining whether such individual Account Holder is a Reportable Person.

(2) **Electronic Record Search.** If the Reporting Financial Institution does not rely on a current residence address for the individual Account Holder based on Documentary Evidence as set forth in subparagraph B(1), the Reporting Financial Institution must review electronically searchable data maintained by the Reporting Financial Institution for any of the following indicia and apply subparagraphs B(3) to (6):

(a) Identification of the Account Holder as a resident of a Reportable Jurisdiction;

(b) Current mailing or residence address (including a post office box) in a Reportable Jurisdiction;

(c) One or more telephone numbers in a Reportable Jurisdiction and no telephone number in the jurisdiction of the Reporting Financial Institution;

(d) Standing instructions (other than with respect to a Depository Account) to transfer funds to an account maintained in a Reportable Jurisdiction;

(e) Currently effective power of attorney or signatory authority granted to a person with an address in a Reportable Jurisdiction; or

(f) A “hold mail” instruction or “in-care-of” address in a Reportable Jurisdiction if the Reporting Financial Institution does not have any other address on file for the Account Holder.

(3) If none of the indicia listed in subparagraph B(2) are discovered in the electronic search, then no further action is required until there is a change in circumstances that results in one or more indicia being associated with the account, or the account becomes a High Value Account.

(4) If any of the indicia listed in subparagraph B(2)*(a)* through *(e)* are discovered in the electronic search, or if there is a change in circumstances that results in one or more indicia being associated with the account, then the Reporting Financial Institution must treat the Account Holder as a resident for tax purposes of each Reportable Jurisdiction for which an indicium is identified, unless it elects to apply subparagraph B(6) and one of the exceptions in such subparagraph applies with respect to that account.

(5) If a "hold mail" instruction or "in-care-of" address is discovered in the electronic search and no other address and none of the other indicia listed in subparagraph B(2)*(a)* through *(e)* are identified for the Account Holder, the Reporting Financial Institution must, in the order most appropriate to the circumstances, apply the paper record search described in subparagraph C(2), or seek to obtain from the Account Holder a self-certification or Documentary Evidence, to establish the residence(s) for tax purposes of such Account Holder. If the paper search fails to establish an indicium and the attempt to obtain the self-certification or Documentary Evidence is not successful, the Reporting Financial Institution must report the account to SARS as an undocumented account.

(6) Notwithstanding a finding of indicia under subparagraph B(2), a Reporting Financial Institution is not required to treat an Account Holder as a resident of a Reportable Jurisdiction if:

(a) The Account Holder information contains a current mailing or residence address in the Reportable Jurisdiction, one or more telephone numbers in the Reportable Jurisdiction (and no telephone number in the jurisdiction of the Reporting Financial Institution) or standing instructions (with respect to Financial Accounts other than Depository Accounts) to transfer funds to an account maintained in a Reportable Jurisdiction, the Reporting Financial Institution obtains, or has previously reviewed and maintains a record of:

(i) A self-certification from the Account Holder of the jurisdiction(s) of residence of such Account Holder that does not include such Reportable Jurisdiction; and

(ii) Documentary Evidence establishing the Account Holder's non-reportable status.

(b) The Account Holder information contains a currently effective power of attorney or signatory authority granted to a person with an address in the Reportable Jurisdiction, the Reporting Financial Institution obtains, or has previously reviewed and maintains a record of:

(i) A self-certification from the Account Holder of the jurisdiction(s) of residence of such Account Holder that does not include such Reportable Jurisdiction; or

(ii) Documentary Evidence establishing the Account Holder's non-reportable status.

C. Enhanced Review Procedures for High Value Accounts. The following enhanced review procedures apply with respect to High Value Accounts.

(1) **Electronic Record Search.** With respect to High Value Accounts, the Reporting Financial institution must review electronically searchable data maintained by the Reporting Financial Institution for any of the indicia described in subparagraph B(2).

(2) **Paper Record Search.** If the Reporting Financial Institution's electronically searchable databases include fields for, and capture all of the information described in, subparagraph C(3), then a further paper record search is not required. If the electronic databases do not capture all of this information, then with respect to a High Value Account, the Reporting Financial Institution must also review the current customer master file and, to the extent not contained in the current customer master file, the following documents associated with the account and obtained by the Reporting Financial Institution within the last five years for any of the indicia described in subparagraph B(2):

(a) The most recent Documentary Evidence collected with respect to the account;

(b) The most recent account opening contract or documentation;

(c) The most recent documentation obtained by the Reporting Financial Institution pursuant to AML/KYC Procedures or for other regulatory purposes;

(d) Any power of attorney or signature authority forms currently in effect; and

(e) Any standing instructions (other than with respect to a Depository Account) to transfer funds currently in effect.

(3) **Exception to the Extent Databases Contain Sufficient Information.** A Reporting Financial Institution is not required to perform the paper record search described in subparagraph C(2) to the extent the Reporting Financial Institution's electronically searchable information includes the following:

(a) The Account Holder's residence status;

(b) The Account Holder's residence address and mailing address currently on file with the Reporting Financial Institution;

(c) The Account Holder's telephone number(s) currently on file, if any, with the Reporting Financial Institution;

(d) In the case of Financial Accounts other than Depository Accounts, whether there are standing instructions to transfer funds in the account to another account (including an account at another branch of the Reporting Financial Institution or another Financial Institution);

(e) Whether there is a current "in-care-of" address or "hold mail" instruction for the Account Holder; and

(f) Whether there is any power of attorney or signatory authority for the account.

(4) **Relationship Manager Inquiry for Actual Knowledge.** In addition to the electronic and paper record searches described in subparagraphs C(1) and (2), the Reporting Financial Institution must treat as a Reportable Account any High Value Account assigned to a relationship manager (including any Financial Accounts aggregated with that High Value Account) if the relationship manager has actual knowledge that the Account Holder is a Reportable Person.

(5) **Effect of Finding Indicia.**

(a) If none of the indicia listed in subparagraph B(2) are discovered in the enhanced review of High Value Accounts described in paragraph C, and the account is not identified as held by a Reportable Person in subparagraph C(4), then further action is not required until there is a change in circumstances that results in one or more indicia being associated with the account.

(b) If any of the indicia listed in subparagraph B(2)*(a)* through *(e)* are discovered in the enhanced review of High Value Accounts in paragraph C above, or if there is a subsequent change in circumstances that results in one or more indicia being associated with the account, then the Reporting Financial Institution must treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph B(6) of this Section and one of the exceptions in such subparagraph applies with respect to that account.

(c) If a "hold mail" instruction or "in-care-of" address is discovered in the enhanced review of High Value Accounts in paragraph C above, and no other address and none of the other indicia listed in subparagraphs B(2)*(a)* through *(e)* are identified for the Account Holder, the Reporting Financial Institution must obtain from such Account Holder a self-certification or Documentary Evidence to establish the residence(s) for tax purposes of the Account Holder. If the Reporting Financial Institution cannot obtain such self-certification or Documentary Evidence, it must report the account as an undocumented account to SARS.

(6) If a Pre-existing Individual Account is not a High Value Account as of 29 February 2016, but becomes a High Value Account as of the last day of a subsequent Reporting Period, the Reporting Financial Institution must complete the enhanced review procedures described in paragraph C with respect to such account within the Reporting period following the period in which the account becomes a High Value Account. If based on this review

such account is identified as a Reportable Account, the Reporting Financial Institution must report the required information about such account with respect to the Reporting Period in which it is identified as a Reportable Account and subsequent periods on an annual basis, unless the Account Holder ceases to be a Reportable Person.

(7) Once a Reporting Financial Institution applies the enhanced review procedures described in paragraph C to a High Value Account, the Reporting Financial Institution is not required to re-apply such procedures, other than the relationship manager inquiry described in subparagraph C(4), to the same High Value Account in any subsequent year unless the account is undocumented, in which case the Reporting Financial Institution should re-apply them annually until such account ceases to be undocumented.

(8) If there is a change of circumstances with respect to a High Value Account that results in one or more indicia described in subparagraph B(2) being associated with the account, then the Reporting Financial Institution must treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph B(6) and one of the exceptions in such subparagraph applies with respect to that account.

(9) A Reporting Financial Institution must implement procedures to ensure that a relationship manager identifies any change in circumstances of an account. For example, if a relationship manager is notified that the Account Holder has a new mailing address in a Reportable Jurisdiction, the Reporting Financial Institution is required to treat the new address as a change in circumstances and, if it elects to apply subparagraph B(6), is required to obtain the appropriate documentation from the Account Holder.

D. Review of Pre-existing High Value Individual Accounts must be completed by the last day of February 2017 and the review of Lower Value Pre-existing Individual Accounts by the last day of February 2018.

E. Any Pre-existing Individual Account that has been identified as a Reportable Account under this Section must be treated as a Reportable Account in all subsequent Reporting Periods, unless the Account Holder ceases to be a Reportable Person.

Section IV

Due Diligence for New Individual Accounts

The following procedures apply for purposes of identifying Reportable Accounts among New Individual Accounts.

A. With respect to New Individual Accounts, upon account opening, the Reporting Financial Institution must obtain a self-certification on day one of the account opening or within a period of up to 90 days after day one if the Day Two Process is permitted, which must be part of the account opening documentation, that allows the Reporting Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures. A Day Two Process for obtaining a self-certification or confirming its reasonableness, is permitted only under the circumstances referred to in the definition of such process.

B. (1) If the self-certification establishes that the Account Holder is resident for tax purposes in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account and the self-certification must also include the Account Holder's TIN with respect to such Reportable Jurisdiction (subject to paragraph D of Section I) and date of birth.

(2) If an individual Account Holder is resident for tax purposes in two or more jurisdictions under the domestic laws of such jurisdictions**,** all jurisdictions of residence are to be declared in a self-certification and the Reporting Financial Institution must treat the account as a Reportable Account in respect of each Reportable Jurisdiction.

(3) If an individual Account Holder indicates on a self-certification that he or she does not have a residence for tax purposes, the Reporting Financial

Institution is required to confirm the reasonableness of the self-certification on the basis of other documentation, including any documentation collected pursuant to AML/KYC Procedures that is at its disposal. If the Reporting Financial Institution does not obtain a reasonable explanation as to the reasonableness of the self-certification, the Reporting Financial Institution may not rely on the self-certification and must obtain a new, valid self-certification from the Account Holder.

C. If there is a change of circumstances with respect to a New Individual Account that causes the Reporting Financial Institution to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Financial Institution cannot rely on the original self-certification and must obtain a valid self-certification that establishes the residence(s) for tax purposes of the Account Holder.

Section V

Due Diligence for Pre-existing Entity Accounts

The following procedures apply for purposes of identifying Reportable Accounts among Pre-existing Entity Accounts.

A. Entity Accounts Not Required to Be Reviewed, Identified or Reported. Unless the Reporting Financial Institution elects otherwise, either with respect to all Pre-existing Entity Accounts or, separately, with respect to any clearly identified group of such accounts, a Pre-existing Entity Account with an aggregate account balance or value that does not exceed U.S. $250,000 as of 29 February 2016, is not required to be reviewed, identified, or reported as a Reportable Account until the aggregate account balance or value exceeds U.S. $250,000 as of the last day of any subsequent Reporting Period.

B. Entity Accounts Subject to Review. A Pre-existing Entity Account that has an account balance or value that exceeds U.S. $250,000 as of 29 February 2016, and a Pre-existing Entity Account that does not exceed U.S. $250,000 as of 29 February 2016 but the account balance or value of which exceeds U.S. $250,000 as of the last day of any subsequent Reporting Period, must be reviewed in accordance with the procedures set forth in paragraph D.

C. Entity Accounts With Respect to Which Reporting Is Required. With respect to Pre-existing Entity Accounts described in paragraph B, only accounts that are held by one or more entities that are Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons, shall be treated as Reportable Accounts.

D. Review Procedures for Identifying Entity Accounts with Respect toWwhich Reporting is Required. For Pre-existing Entity Accounts described in paragraph B, a Reporting Financial Institution must apply the following review procedures to determine whether the account is held by one or more Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons:

(1) **Determine Whether the Entity Is a Reportable Person.**

(a) Review information maintained for regulatory or customer relationship purposes (including information collected pursuant to AML/KYC Procedures) to determine whether the information indicates that the Account Holder is resident in a Reportable Jurisdiction. For this purpose, information indicating that the Account Holder is resident in a Reportable Jurisdiction includes a place of incorporation or organisation, or an address in a Reportable Jurisdiction.

(b) If the information indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account unless it obtains a self-certification from the Account Holder, or reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person.

(2) **Determine Whether the Entity is a Passive NFE with One or More Controlling Persons Who Are Reportable Persons.** With respect to an Account Holder of a Pre-existing Entity Account (including an Entity that is a Reportable Person), the Reporting Financial Institution must determine whether the Account Holder is a Passive NFE with one or more Controlling Persons who are Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account must be treated as a

Reportable Account. In making these determinations the Reporting Financial Institution must follow the guidance in subparagraphs D(2)*(a)* through *(c)* in the order most appropriate under the circumstances.

(a) **Determining whether the Account Holder is a Passive NFE.** For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Financial Institution must obtain a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in subparagraph A(6)*(b)* of Section VIII that is not a Participating Jurisdiction Financial Institution.

(b) **Determining the Controlling Persons of an Account Holder.** For the purposes of determining the Controlling Persons of an Account Holder, a Reporting Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures consistent with FATF Recommendation 10.

(c) **Determining whether a Controlling Person of a Passive NFE is a Reportable Person.** For the purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may rely on:

(i) Information collected and maintained pursuant to AML/KYC Procedures in the case of a Pre-existing Entity Account held by one or more NFEs with an account balance that does not exceed U.S. $1,000,000; or

(ii) A self-certification from the Account Holder or such Controlling Person of the jurisdiction(s) in which the Controlling Person is resident for tax purposes.

E. Timing of Review and Additional Procedures Applicable to Pre-existing Entity Accounts.

(1) Review of Pre-existing Entity Accounts with an aggregate account balance or value that exceeds U.S. $250,000 as of 29 February 2016 must be completed by the last day of February 2018.

(2) Review of Pre-existing Entity Accounts with an aggregate account balance or value that does not exceed U.S. $250,000 as of 29 February 2016, but exceeds U.S. $250,000 as of the last day of February of a subsequent Reporting Period, must be completed within the Reporting Period following the Reporting Period in which the aggregate account balance or value exceeds U.S. $250,000.

(3) If there is a change of circumstances with respect to a Pre-existing Entity Account that causes the Reporting Financial Institution to know, or have reason to know, that the self-certification or other documentation associated with an account is incorrect or unreliable, the Reporting Financial Institution must re-determine the status of the account in accordance with the procedures set forth in paragraph D.

Section VI

Due Diligence for New Entity Accounts

The following procedures apply for purposes of identifying Reportable Accounts among New Entity Accounts.

A. Review Procedures for Identifying Entity Accounts With Respect to Which Reporting Is Required. For New Entity Accounts, a Reporting Financial Institution must apply the following review procedures to determine whether the account is held by one or more Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons:

(1) **Determine Whether the Entity Is a Reportable Person.**

(a) Obtain a self-certification, which must be part of the account opening documentation on day one of the account opening or after a period of up to 90 days after day one if the Day Two Process is permitted, that allows

the Reporting Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures. A Day Two Process is permitted only under the circumstances referred to in the definition of such process. If the Entity certifies that it has no residence for tax purposes, the Reporting Financial Institution may rely on the address of the principal office of the Entity to determine the residence of the Account Holder.

(b) If the self-certification indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account unless it reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person with respect to such Reportable Jurisdiction. If the Account Holder is subject to tax as a resident in more than one jurisdiction, all jurisdictions of residence are to be declared in a self-certification and the Reporting Financial Institution must treat the account as a Reportable Account in respect of each Reportable Jurisdiction unless it reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person with respect to one or more of the Reportable Jurisdictions.

(2) **Determine Whether the Entity is a Passive NFE with One or More Controlling Persons Who Are Reportable Persons.** With respect to an Account Holder of a New Entity Account (including an Entity that is a Reportable Person), the Reporting Financial Institution must determine whether the Account Holder is a Passive NFE with one or more Controlling Persons who are Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account must be treated as a Reportable Account. In making these determinations the Reporting Financial Institution must follow the guidance in subparagraphs A(2)*(a)* through *(c)* in the order most appropriate under the circumstances.

(a) **Determining whether the Account Holder is a Passive NFE.** For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Financial Institution must rely on a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in subparagraph A(6)*(b)* of Section VIII that is not a Participating Jurisdiction Financial Institution.

(b) **Determining the Controlling Persons of an Account Holder.** For purposes of determining the Controlling Persons of an Account Holder, a Reporting Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures, provided that such procedures are consistent with the 2012 FATF Recommendations. If the Reporting Financial Institution is not legally required to apply AML/KYC Procedures that are consistent with the 2012 FATF Recommendations, it must apply substantially similar procedures for the purpose of determining the Controlling Persons.

(c) **Determining whether a Controlling Person of a Passive NFE is a Reportable Person.** For purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may rely on a self-certification from the Account Holder or such Controlling Person and may require a self-certification from the Account Holder or the Controlling Person for these purposes.

Section VII

Special Due Diligence Rules

The following additional rules apply in implementing the due diligence procedures described above.

A. Reliance on Self-Certifications and Documentary Evidence. A Reporting Financial Institution may not rely on a self-certification or Documentary Evidence if the Reporting Financial Institution knows or has reason to know that the self-certification or Documentary Evidence is incorrect or unreliable.

A*bis*. Temporary lack of Self-Certification. In exceptional circumstances where a self-certification cannot be obtained by a Reporting Financial Institution in respect of a New Account in time to meet its due diligence and reporting obligations with respect to the reporting period during which the account was opened, the Reporting Financial Institution must apply the due diligence procedures for Preexisting Accounts, until such self-certification is obtained and validated, except for purposes of subparagraph A(2) of Section I where such accounts should be reported upon as New Accounts.

B. Alternative Procedures for Financial Accounts Held by Individual Beneficiaries of a Cash Value Insurance Contract or an Annuity Contract and for a Group Cash Value Insurance Contract or Group Annuity Contract.

(1) A Reporting Financial Institution may presume that an individual beneficiary (other than the owner) of a Cash Value Insurance Contract or an Annuity Contract receiving a death benefit is not a Reportable Person and may treat such Financial Account as other than a Reportable Account unless the Reporting Financial Institution has actual knowledge, or reason to know, that the beneficiary is a Reportable Person. A Reporting Financial Institution has reason to know that a beneficiary of a Cash Value Insurance Contract or an Annuity Contract is a Reportable Person if the information collected by the Reporting Financial Institution and associated with the beneficiary contains indicia as described in paragraph B of Section III. If a Reporting Financial Institution has actual knowledge, or reason to know, that the beneficiary is a

Reportable Person, the Reporting Financial Institution must follow the procedures in paragraph B of Section III.

(2) With respect to a Group Cash Value Insurance Contract or Group Annuity Contract that is issued to an employer and individual employees, a Reporting Financial Institution may treat such contract as a Financial Account that is not a Reportable Account until the date on which an amount is payable to an employee, certificate holder or beneficiary, if the Financial Account that is a member's interest in a Group Cash Value Insurance Contract or Group Annuity Contract meets the following conditions:

(a) the Group Cash Value Insurance Contract or Group Annuity Contract is issued to an employer and covers twenty-five or more employees or certificate holders;

(b) the employees or certificate holders are entitled to receive any contract value related to their interest and to name beneficiaries for the benefit payable upon the employee's or certificate holder's death; and

(c) the aggregate amount payable to any employee or certificate holder or beneficiary does not exceed an amount denominated in South African Rand that corresponds to U.S. $1,000,000.

C. Account Balance Aggregation and Currency Rules.

(1) **Aggregation of Individual Accounts.** For purposes of determining the aggregate balance or value of Financial Accounts held by an individual, a Reporting Financial Institution is required to aggregate all Financial Accounts maintained by the Reporting Financial Institution, or by a Related Entity, but only to the extent that the Reporting Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

(2) **Aggregation of Entity Accounts.** For purposes of determining the aggregate balance or value of Financial Accounts held by an Entity, a Reporting Financial Institution is required to take into account all Financial Accounts that are

maintained by the Reporting Financial Institution, or by a Related Entity, but only to the extent that the Reporting Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

(3) **Special Aggregation Rule Applicable to Relationship Managers.** For purposes of determining the aggregate balance or value of Financial Accounts held by a person to determine whether a Financial Account is a High Value Account, a Reporting Financial Institution is also required, in the case of any Financial Accounts that a relationship manager knows, or has reason to know, are directly or indirectly owned, controlled, or established (other than in a fiduciary capacity) by the same person, to aggregate all such accounts.

(4) **Amounts Read to Include Equivalent in Other Currencies.**

(a) All dollar amounts are in U.S. dollars and, in determining an amount, account balance or value of an account denominated in a currency other than U.S. dollars for the purposes of these Regulations, the Financial Institution must translate the relevant U.S. dollar amount into the other currency by reference to the spot rate of exchange on the date for which the Reporting Financial Institution is determining the amount in the other currency.

(b) For purposes of determining if an account is a High Value Account or a Lower Value Account, a Reporting Financial Institution may apply the translated U.S. dollar amount or, if the account is denominated in South African Rand, the equivalent amount in Rand translated at an exchange rate of 15 Rand to one U.S. dollar.

(c) For other purposes in these Regulations, a Reporting Financial Institution may apply the U.S. dollars amount or, if the account is denominated in South African Rand, the equivalent amount in Rand translated at an exchange rate of 18 Rand to one U.S. dollar or such

other rate as the Minister of Finance may prescribe by notice in the *Gazette*.

Section VIII

Defined Terms

Any term or expression contained in these Regulations to which a meaning has been assigned in the Tax Administration Act, the MCAA or any other relevant multilateral or bilateral agreement or arrangement, has the meaning so assigned, unless the term or expression is defined in these Regulations or the context indicates otherwise, and the following terms have the meanings set forth below.

A. Reporting Financial Institution

(1) The term **"Reporting Financial Institution"** means any South African Financial Institution that is not a Non-Reporting Financial Institution. The term **"South African Financial Institution"** means: (i) any Financial Institution that is resident in South Africa, but excludes any branch of that Financial Institution that is located outside of South Africa; and (ii) any branch of a Financial Institution that is not resident in South Africa, if that branch is located in South Africa.

(2) The term **"Participating Jurisdiction Financial Institution"** means (i) any Financial Institution that is resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside such Participating Jurisdiction, and (ii) any branch of a Financial Institution that is not resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

(3) The term **"Financial Institution"** means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

(4) The term **"Custodial Institution"** means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. An Entity holds Financial Assets for the account of others as a substantial portion of its business if the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20 per

cent of the Entity's gross income during the shorter of: (i) the three-year period that ends on the last day of February prior to the Reporting Period in which the determination is being made; or (ii) the period during which the Entity has been in existence. Income attributable to related financial services also includes commissions and fees from holding, transferring and exchanging of Relevant Crypto-Assets held in custody.

(5) The term **"Depository Institution"** means any Entity that:

(a) accepts deposits in the ordinary course of a banking or similar business; or

(b) holds Specified Electronic Money Products or Central Bank Digital Currencies for the benefit of customers.

(6) The term **"Investment Entity"** means any Entity:

(a) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

(i) trading in money market instruments (such as cheques, bills, certificates of deposit, derivatives); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;

(ii) individual and collective portfolio management; or

(iii) otherwise investing, administering, or managing Financial Assets, money, or Relevant Crypto-Assets on behalf of other persons; or

(b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets or Relevant Crypto-Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in subparagraph A(6)*(a)*.

An Entity is treated as primarily conducting as a business one or more of the activities described in subparagraph A(6)*(a)*, or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets or Relevant Crypto-Assets for purposes of subparagraph A(6)*(b)*, if the Entity's gross income attributable to the relevant activities equals or exceeds 50 per

cent of the Entity's gross income during the shorter of: (i) the three-year period ending on the last day of February of the Reporting Period preceding the period in which the determination is made; or (ii) the Reporting Period during which the Entity has been in existence. For the purposes of subparagraph A(6)*(a)*(iii), the term "otherwise investing, administering, or managing Financial Assets, money, or Relevant Crypto-Assets on behalf of other persons" does not include the provision of services effectuating Exchange Transactions for or on behalf of customers. The term "Investment Entity" does not include an Entity that is an Active NFE because that Entity meets any of the criteria in subparagraphs D(9)*(d)* through *(g)*.

Subparagraph A(6) shall be interpreted in a manner consistent with similar language set forth in the definition of "financial institution" in the Financial Action Task Force Recommendations.

(7) The term **"Financial Asset"** includes a security (for example, a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest, commodity, swap (for example, interest rate swaps, currency swaps, basis swaps, interest rate caps, interest rate floors, commodity swaps, equity swaps, equity index swaps, and similar agreements), Insurance Contract or Annuity Contract, or any interest (including a futures or forward contract or option) in a security, Relevant Crypto-Assets, partnership interest, commodity, swap, Insurance Contract, or Annuity Contract. The term "Financial Asset" does not include a non-debt, direct interest in real property.

(8) The term **"Specified Insurance Company"** means any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

(9) The term **"Specified Electronic Money Product"** means any product that is:

(a) a digital representation of a single Fiat Currency;

(b) issued on receipt of funds for the purpose of making payment transactions;

(c) represented by a claim on the issuer denominated in the same Fiat Currency;

(d) accepted in payment by a natural or legal person other than the issuer; and

(e) by virtue of regulatory requirements to which the issuer is subject, redeemable at any time and at par value for the same Fiat Currency upon request of the holder of the product.

The term "Specified Electronic Money Product" does not include a product created for the sole purpose of facilitating the transfer of funds from a customer to another person pursuant to instructions of the customer. A product is not created for the sole purpose of facilitating the transfer of funds if, in the ordinary course of business of the transferring Entity, either the funds connected with such product are held longer than 60 days after receipt of instructions to facilitate the transfer, or, if no instructions are received, the funds connected with such product are held longer than 60 days after receipt of the funds.

10. The term **"Central Bank Digital Currency"** means any digital Fiat Currency issued by a Central Bank.

11. The term **"Fiat Currency"** means the official currency of a jurisdiction, issued by a jurisdiction or by a jurisdiction's designated Central Bank or monetary authority, as represented by physical banknotes or coins or by money in different digital forms, including bank reserves and Central Bank Digital Currencies. The term also includes commercial bank money and electronic money products (including Specified Electronic Money Products).

12. The term **"Crypto-Asset"** means a digital representation of value that relies on a cryptographically secured distributed ledger or a similar technology to validate and secure transactions where the ownership of, or right to, such value can be traded or transferred to other individuals or Entities in a digital manner and that includes:

(a) a cryptographic token that represents claims or rights of membership against an individual or Entity, rights to property or other absolute or

relative rights and that can be digitally exchanged for Fiat Currencies or other Crypto-Assets; and

(b) both fungible and non-fungible tokens that can be traded or transferred to other individuals or Entities in a digital manner.

13. The term **"Relevant Crypto-Asset"** means any Crypto-Asset that is not a Central Bank Digital Currency, a Specified Electronic Money Product or any Crypto-Asset for which the Reporting Crypto-Asset Service Provider has adequately determined that it cannot be used for payment or investment purposes.

14. The term **"Exchange Transaction"** means any:

(a) exchange between Relevant Crypto-Assets and Fiat Currencies; and

(b) exchange between one or more forms of Relevant Crypto-Assets.

B. Non-Reporting Financial Institution

(1) The term **"Non-Reporting Financial Institution"** means any Financial Institution that is:

(a) a Governmental Entity, International Organisation or Central Bank, other than:

(i) with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution; or

(ii) with respect to the activity of maintaining Central Bank Digital Currencies for Account Holders which are not Financial Institutions, Governmental Entities, International Organisations or Central Banks.

(b) a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;

(c) any other Entity that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the Entities described in subparagraphs B(1)*(a)* and *(b)*, and is included in the list of Non-Reporting Financial Institutions referred to in Annex I to these Regulations as a Non-Reporting Financial Institution, provided that the status of such Entity as a Non-Reporting Financial Institution does not frustrate the purposes of the Common Reporting Standard;

(d) an Exempt Collective Investment Vehicle; or

(e) a trust established under the laws of a Reportable Jurisdiction or South Africa to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported pursuant to Section I with respect to all Reportable Accounts of the trust.

(2) The term **"Governmental Entity"** means the government of a jurisdiction, any political subdivision of a jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a jurisdiction or of any one or more of the foregoing (each, a "Governmental Entity"). This category is comprised of the integral parts, controlled entities, and political subdivisions of a jurisdiction.

(a) An "integral part" of a jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a jurisdiction. The net earnings of the governing authority must be credited to its own account or to other accounts of the jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.

(b) A "controlled entity" means an Entity that is separate in form from the jurisdiction or that otherwise constitutes a separate juridical entity, provided that:

(i) The Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities;

(ii) The Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person; and

(iii) The Entity's assets vest in one or more Governmental Entities upon dissolution.

(c) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a governmental entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

(3) The term **"International Organisation"** means any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation (including a supranational organisation) (i) that is comprised primarily of governments; (ii) that has in effect a headquarters or substantially similar agreement with the jurisdiction; and (iii) the income of which does not inure to the benefit of private persons.

(4) The term **"Central Bank"** means a bank that is by law or government sanction the principal authority, other than the government of the jurisdiction itself, issuing instruments intended to circulate as currency. Such a bank may include an instrumentality that is separate from the government of the jurisdiction, whether or not owned in whole or in part by the jurisdiction.

(5) The term **"Broad Participation Retirement Fund"** means a fund established to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund:

(a) Does not have a single beneficiary with a right to more than five per cent of the fund's assets;

(b) Is subject to government regulation and provides information reporting to the tax authorities; and

(c) Satisfies at least one of the following requirements:

(i) The fund is generally exempt from tax on investment income, or taxation of such income is deferred or taxed at a reduced rate, due to its status as a retirement or pension plan;

(ii) The fund receives at least 50 per cent of its total contributions (other than transfers of assets from other plans described in subparagraphs B(5) through (7) or from retirement and pension accounts described in subparagraph C(17)*(a)*) from the sponsoring employers;

(iii) Distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability, or death (except rollover distributions to other retirement funds described in subparagraphs B(5) through (7) or retirement and pension accounts described in subparagraph C(17)*(a)*), or penalties apply to distributions or withdrawals made before such specified events; or

(iv) Contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed U.S. $50,000 annually, applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation.

(6) The term **"Narrow Participation Retirement Fund"** means a fund established to provide retirement, disability, or death benefits to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that:

(a) The fund has fewer than 50 participants;

(b) The fund is sponsored by one or more employers that are not Investment Entities or Passive NFEs;

(c) The employee and employer contributions to the fund (other than transfers of assets from retirement and pension accounts described in subparagraph C(17)*(a)*) are limited by reference to earned income and compensation of the employee, respectively;

(d) Participants that are not residents of the jurisdiction in which the fund is established are not entitled to more than 20 per cent of the fund's assets; and

(e) The fund is subject to government regulation and provides information reporting to the tax authorities.

(7) The term **"Pension Fund of a Governmental Entity, International Organisation or Central Bank"** means a fund established by a Governmental Entity, International Organisation or Central Bank to provide retirement, disability, or death benefits to beneficiaries or participants that are current or former employees (or persons designated by such employees), or that are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the Governmental Entity, International Organisation or Central Bank.

(8) The term **"Qualified Credit Card Issuer"** means a Financial Institution satisfying the following requirements:

(a) The Financial Institution is a Financial Institution solely because it is an issuer of credit cards that accepts deposits only when a customer makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the customer; and

(b) Beginning on or before 1 May 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of U.S. $50,000, or to ensure that any customer overpayment in excess of U.S. $50,000 is refunded to the customer within 60 days, in each case applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation. For this purpose, a customer overpayment does not refer to credit balances to

the extent of disputed charges but does include credit balances resulting from merchandise returns.

(9) The term **"Exempt Collective Investment Vehicle"** means an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are held by or through one or more Entities described in subparagraph B(1), or individuals or Entities that are not Reportable Persons, except a Passive NFE with Controlling Persons who are Reportable Persons.

C. Financial Account

(1) The term **"Financial Account"** means an account maintained by a Financial Institution, and includes a Depository Account, a Custodial Account and—

(a) in the case of an Investment Entity, any equity or debt interest in the Financial Institution. Notwithstanding the foregoing, the term "Financial Account" does not include any equity or debt interest in an Entity that is an Investment Entity solely because it (i) renders investment advice to, and acts on behalf of, or (ii) manages portfolios for, and acts on behalf of, a customer for the purpose of investing, managing, or administering Financial Assets deposited in the name of the customer with a Financial Institution other than such Entity;

(b) in the case of a Financial Institution not described in subparagraph C(1)*(a)*, any equity or debt interest in the Financial Institution, if the class of interests was established with the purpose of avoiding reporting in accordance with Section I; and

(c) any Cash Value Insurance Contract and any Annuity Contract issued or maintained by a Financial Institution, other than a non-investment linked, non-transferable immediate life annuity that is issued to an individual and monetises a pension or disability benefit provided under an account that is an Excluded Account.

The term "Financial Account" does not include any account that is an Excluded Account.

(2) The term **"Depository Account"** includes any commercial, checking, savings, time, or thrift account, or an account that is evidenced by a certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar instrument maintained by a Depository Institution. A Depository Account also includes:

(a) an amount held by an insurance company pursuant to a guaranteed investment contract or similar agreement to pay or credit interest therein;

(b) an account or notional account that represents all Specified Electronic Money Products held for the benefit of a customer; and

(c) an account that holds one or more Central Bank Digital Currencies for the benefit of a customer.

(3) The term **"Custodial Account"** means an account (other than an Insurance Contract or Annuity Contract) that holds one or more Financial Assets for the benefit of another person and includes an arrangement to safe keep or administer the instrument enabling control over one or more Financial Assets issued in the form of a Crypto-Asset for the benefit of another person is also a Custodial Account, to the extent that the Entity has the ability to manage, trade or transfer to third parties the underlying Financial Assets on the person's behalf.

(4) The term **"Equity Interest"** means, in the case of a partnership that is a Financial Institution, either a capital or profits interest in the partnership. In the case of a trust that is a Financial Institution, an Equity Interest is considered to be held by any person treated as a settlor or beneficiary of all or a portion of the trust, or any other natural person exercising ultimate effective control over the trust. A Reportable Person will be treated as being a beneficiary of a trust if such Reportable Person has the right to receive directly or indirectly (for example, through a nominee) a mandatory distribution or may receive, directly or indirectly, a discretionary distribution from the trust.

(5) The term **"Insurance Contract"** means a contract (other than an Annuity Contract) under which the issuer agrees to pay an amount upon the occurrence of a specified contingency involving mortality, morbidity, accident, liability, or property risk.

(6) The term **"Annuity Contract"** means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction in which the contract was issued, and under which the issuer agrees to make payments for a term of years. The term **"Group Annuity Contract"** means an Annuity Contract under which the obligees are individuals who are affiliated through an employer, trade association, labour union, or other association or group.

(7) The term **"Cash Value Insurance Contract"** means an Insurance Contract (other than an indemnity reinsurance contract between two insurance companies) that has a Cash Value. The term **"Group Cash Value Insurance Contract"** means a Cash Value Insurance Contract that (i) provides coverage on individuals who are affiliated through an employer, trade association, labour union, or other association or group; and (ii) charges a premium for each member of the group (or member of a class within the group) that is determined without regard to the individual health characteristics other than age, gender, and smoking habits of the member (or class of members) of the group.

(8) The term **"Cash Value"** means the greater of (i) the amount that the policyholder is entitled to receive upon surrender or termination of the contract (determined without reduction for any surrender charge or policy loan); and (ii) the amount the policyholder can borrow under or with regard to the contract. Notwithstanding the foregoing, the term "Cash Value" does not include an amount payable under an Insurance Contract:

(a) Solely by reason of the death of an individual insured under a life insurance contract;

(b) As a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;

(c) Subject to the application of subparagraph C(8)*(a)*, as a refund of a previously paid premium (less cost of insurance charges whether or not

actually imposed) under an Insurance Contract (other than an investment-linked life insurance contract or an Annuity Contract) due to cancellation or termination of the contract, decrease in risk exposure during the effective period of the contract, or arising from the correction of a posting or similar error with regard to the premium for the contract;

(d) As a policyholder dividend (other than a termination dividend) provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in subparagraph C(8)*(b)*; or

(e) As a return of an advance premium or premium deposit for an Insurance Contract for which the premium is payable at least annually if the amount of the advance premium or premium deposit does not exceed the next annual premium that will be payable under the contract.

(9) The term **"Pre-existing Account"** means:

(a) a Financial Account maintained by a Reporting Financial Institution as of 29 February 2016 or, if the account is treated as a Financial Account solely by virtue of the amendments to the CRS, as of 28 February 2026;

(b) any Financial Account of an Account Holder, regardless of the date such Financial Account was opened, if:

(i) the Account Holder also holds with the Reporting Financial Institution (or with a Related Entity within South Africa) a Financial Account that is a Preexisting Account under subparagraph C(9)*(a)*;

(ii) the Reporting Financial Institution (and, as applicable, a Related Entity within South Africa) treats both of the aforementioned Financial Accounts, and any other Financial Accounts of the Account Holder that are treated as Preexisting Accounts under this subparagraph C(9)*(b)*, as a single Financial Account for purposes of satisfying the standards of knowledge requirements set forth in Section VII(A), and for purposes of determining the balance or value of any of the Financial Accounts when applying any of the account thresholds;

(iii) with respect to a Financial Account that is subject to AML/KYC Procedures, the Reporting Financial Institution is permitted to satisfy such AML/KYC Procedures for the Financial Account by relying upon the AML/KYC Procedures performed for the Preexisting Account described in subparagraph C(9)*(a)*; and

(iv) the opening of the Financial Account does not require the provision of new, additional or amended customer information by the Account Holder other than for purposes of the Common Reporting Standard.

(10) The term **"New Account"** means a Financial Account maintained by a Reporting Financial Institution opened on or after 1 March 2016 or, if the account is treated as a Financial Account solely by virtue of the amendments to the CRS, on or after 1 March 2026.

(11) The term **"Pre-existing Individual Account"** means a Pre-existing Account held by one or more individuals.

(12) The term **"New Individual Account"** means a New Account held by one or more individuals.

(13) The term **"Pre-existing Entity Account"** means a Pre-existing Account held by one or more Entities.

(14) The term **"Lower Value Account**" means a Pre-existing Individual Account with an aggregate balance or value as of 29 February 2016 that does not exceed U.S. $1,000,000.

(15) The term **"High Value Account"** means a Pre-existing Individual Account with an aggregate balance or value that exceeds U.S. $1,000,000 as of 29 February 2016 or the last day of February of any subsequent Reporting Period.

(16) The term **"New Entity Account"** means a New Account held by one or more Entities.

(17) The term **"Excluded Account"** means any of the following accounts:

(a) A retirement or pension account that satisfies the following requirements:

(i) The account is subject to regulation as a personal retirement account or is part of a registered or regulated retirement or pension plan for the provision of retirement or pension benefits (including disability or death benefits);

(ii) The account is tax-favoured (i.e., contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the account holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);

(iii) Information reporting is required to the tax authorities with respect to the account;

(iv) Withdrawals are conditioned on reaching a specified retirement age, disability, or death, or penalties apply to withdrawals made before such specified events; and

(v) Either (i) annual contributions are limited to U.S. $50,000 or less, or (ii) there is a maximum lifetime contribution limit to the account of U.S. $1,000,000 or less, in each case applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation.

A Financial Account that otherwise satisfies the requirements of subparagraph C(17)*(a)*(v) will not fail to satisfy such requirements solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of subparagraph C(17)*(a)* or *(b)* or from one or more retirement or pension funds that meet the requirements of any of subparagraphs B(5) through (7).

(b) An account that satisfies the following requirements:

(i) The account is subject to regulation as an investment vehicle for purposes other than for retirement and is regularly traded on an established securities market, or the account is subject to regulation as a savings vehicle for purposes other than for retirement;

(ii) The account is tax-favoured (i.e. contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the account holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);

(iii) Withdrawals are conditioned on meeting specific criteria related to the purpose of the investment or savings account (for example, the provision of educational or medical benefits), or penalties apply to withdrawals made before such criteria are met; and

(iv) Annual contributions are limited to U.S. $50,000 or less, applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation.

A Financial Account that otherwise satisfies the requirements of subparagraph C(17)*(b)*(iv) will not fail to satisfy such requirements solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of subparagraph C(17)*(a)* or *(b)* or from one or more retirement or pension funds that meet the requirements of any of subparagraphs B(5) through (7).

(c) A life insurance contract with a coverage period that will end before the insured individual attains age 90, provided that the contract satisfies the following requirements:

(i) Periodic premiums, which do not decrease over time, are payable at least annually during the period the contract is in existence or until the insured attains age 90, whichever is shorter;

(ii) The contract has no contract value that any person can access (by withdrawal, loan, or otherwise) without terminating the contract;

(iii) The amount (other than a death benefit) payable upon cancellation or termination of the contract cannot exceed the aggregate premiums paid for the contract, less the sum of mortality, morbidity, and expense charges (whether or not actually imposed) for the

period or periods of the contract's existence and any amounts paid prior to the cancellation or termination of the contract; and

(iv) The contract is not held by a transferee for value.

(d) An account that is held solely by an estate if the documentation for such account includes a copy of the deceased's will or death certificate.

(e) An account, which includes a trust account, established in connection with any of the following:

(i) A court order or judgment.

(ii) A sale, exchange, or lease of real or personal property, provided that the account satisfies the following requirements:

(aa) The account is funded solely with a down payment, earnest money, deposit in an amount appropriate to secure an obligation directly related to the transaction, or a similar payment, or is funded with a Financial Asset that is deposited in the account in connection with the sale, exchange, or lease of the property;

(bb) The account is established and used solely to secure the obligation of the purchaser to pay the purchase price for the property, the seller to pay any contingent liability, or the lessor or lessee to pay for any damages relating to the leased property as agreed under the lease;

(cc) The assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the purchaser, seller, lessor, or lessee (including to satisfy such person's obligation) when the property is sold, exchanged, or surrendered, or the lease terminates;

(dd) The account is not a margin or similar account established in connection with a sale or exchange of a Financial Asset; and

(ee) The account is not associated with an account described in subparagraph C(17)*(f)*.

(iii) An obligation of a Financial Institution servicing a loan secured by real property to set aside a portion of a payment solely to facilitate the payment of taxes or insurance related to the real property at a later time, and an obligation of a Financial Institution solely to facilitate the payment of taxes at a later time.

(iv) The foundation or capital increase of a company provided that the account satisfies the following requirements:

(aa) the account is used exclusively to deposit capital that is to be used for the purpose of the foundation or capital increase of a company, as prescribed by law;

(bb) any amounts held in the account are suspended until the Reporting Financial Institution obtains an independent confirmation regarding the foundation or capital increase;

(cc) the account is closed or transformed into an account in the name of the company after the foundation or capital increase;

(dd) any repayments resulting from a failed foundation or capital increase, net of service provider and similar fees, are made solely to the persons who contributed the amounts; and

(ee) the account has not been established more than 12 months before 1 March 2026.

(*eBis*) A Depository Account that represents all Specified Electronic Money Products held for the benefit of a customer, if the rolling average 90 day end-of-day aggregate account balance or value during any period of 90 consecutive days did not exceed USD 10,000 at any day during the Reporting Period.

(f) A **Depository Account** that satisfies the following requirements:

(i) The account exists solely because a customer makes a payment in excess of a balance due with respect to a credit card or other revolving credit facility and the overpayment is not immediately returned to the customer; and

(ii) Beginning on or before 1 March 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of U.S. $50,000, or to ensure that any customer overpayment in excess of U.S. $50,000 is refunded to the customer within 60 days, in each case applying the rules set forth in paragraph C of Section VII for currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

(g) any other account that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the accounts described in subparagraphs C(17)*(a)* through *(f)*, and included in the list of Non-Reporting Financial Institutions referred to in Annex II to these Regulations as an Excluded Account, provided that the status of such account as an Excluded Account does not frustrate the purposes of the Common Reporting Standard.

D. Reportable Account

(1) The term **"Reportable Account"** means a Financial Account that is maintained by a Reporting Financial Institution and is held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person provided it has been identified as such pursuant to the due diligence procedures described in Sections II through VII.

(2) The term **"Reportable Person"** means a Reportable Jurisdiction Person other than: (i) an Entity the stock of which is regularly traded on one or more established securities markets; (ii) any Entity that is a Related Entity of an Entity described in clause (i); (iii) a Governmental Entity; (iv) an International Organization; (v) a Central Bank; or (vi) a Financial Institution.

(3) The term **"Reportable Jurisdiction Person**" means an individual or Entity that is resident in a Reportable Jurisdiction under the tax laws of such jurisdiction, or an estate of a decedent that was a resident of a Reportable Jurisdiction. For this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax

purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.

(4) The term "**Reportable Jurisdiction**" means any jurisdiction other than the United States of America or South Africa.

(5) The term **"Participating Jurisdiction"** means a jurisdiction with which South Africa has an agreement in place pursuant to which it will provide the information specified in Section I, and which—

(a) in the case of the MCAA, is identified in a published list and updated by the OECD from time to time; and

(b) in the case of another multilateral or bilateral agreement or arrangement between South Africa and a jurisdiction not on the MCAA list, is identified in a published list and updated by SARS from time to time.

(6) The term **"Controlling Persons"** means the natural persons who exercise control over an Entity. In the case of a trust, such term means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ries) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term "Controlling Persons" must be interpreted in a manner consistent with the Financial Action Task Force Recommendations and the Commentaries on the CRS.

(7) The term **"NFE"** means any Entity that is not a Financial Institution.

(8) The term **"Passive NFE"** means any: (i) NFE that is not an Active NFE; or (ii) an Investment Entity described in subparagraph A(6)*(b)* that is not a Participating Jurisdiction Financial Institution.

(9) The term **"Active NFE"** means any NFE that meets any of the following criteria:

(a) Less than 50 per cent of the NFE's gross income for the preceding Reporting Period is passive income and less than 50 per cent of the assets held by the NFE during the preceding Reporting Period or other appropriate reporting period are assets that produce or are held for the

production of passive income, which would include the portion of gross income that, amongst others, consists of:

(i) dividends;

(ii) interest;

(iii) income equivalent to interest or dividends;

(iv) rents and royalties, other than rents and royalties derived in the active conduct of a business conducted, at least in part, by employees of the NFE;

(v) annuities;

(vi) income derived from Relevant Crypto-Assets;

(vii) the excess of gains over losses from the sale or exchange of Financial Assets or Relevant Crypto-Assets;

(viii) the excess of gains over losses from transactions (including futures, forwards, options, and similar transactions) in any Financial Assets or Relevant Crypto-Assets;

(ix) the excess of foreign currency gains over foreign currency losses;

(iix) net income from swaps; or

(iiix) amounts received under Cash Value Insurance Contracts.

(b) The stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;

(c) The NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;

(d) Substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an NFE does not qualify for this status if the NFE functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund,

leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;

(e) The NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organization of the NFE;

(f) The NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganizing with the intent to continue or recommence operations in a business other than that of a Financial Institution;

(g) The NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or

(h) The NFE meets all of the following requirements:

(i) It is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organization, business league, chamber of commerce, labour organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;

(ii) It is exempt from income tax in its jurisdiction of residence;

(iii) It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;

(iv) The applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of

the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and

(v) The applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision thereof.

(10) The term **"United States of America"** or **"U.S."** means the United States of America, excluding its territories American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

E. Miscellaneous

(1) The term **"Account Holder"** means the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of this Annex, and such other person is treated as holding the account. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Account Holder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

(2) The term **"AML/KYC Procedures"** means the customer due diligence procedures of a Reporting Financial Institution pursuant to the anti-money laundering or similar requirements to which such Reporting Financial Institution is subject.

(3) The term **"Entity"** means a legal person or a legal arrangement, such as a corporation, partnership, trust, or foundation.

(4) An Entity is a **"Related Entity"** of another Entity if (i) either Entity controls the other Entity; (ii) the two Entities are under common control; or (iii) the two Entities are Investment Entities described in subparagraph A(6)*(b)*, are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose control includes direct or indirect ownership of more than 50 per cent of the vote and value in an Entity.

(5) The term **"TIN"** means Taxpayer Identification Number (or functional equivalent in the absence of a Taxpayer Identification Number).

(6) The term **"Documentary Evidence"** includes any of the following:

(a) A certificate of residence issued by an authorised government body (for example, a government or agency thereof, or a municipality) of the jurisdiction in which the payee claims to be a resident.

(b) With respect to an individual, any valid identification issued by an authorised government body (for example, a government or agency thereof, or a municipality), that includes the individual's name and is typically used for identification purposes.

(c) With respect to an Entity, any official documentation issued by an authorized government body (for example, a government or agency thereof, or a municipality) that includes the name of the Entity and either the address of its principal office in the jurisdiction in which it claims to be a resident or the jurisdiction in which the Entity was incorporated or organised.

(d) Any audited financial statement, third-party credit report, bankruptcy filing, or securities regulator's report.

(7) The **"Common Reporting Standard"** or **"CRS"** means the Common Standard on Reporting and Due Diligence for Financial Account Information read with the Commentaries on the CRS.

(8) The **"CRS Multilateral Competent Authority Agreement"** or **"CRS MCAA"** means the agreement signed by Participating Jurisdictions for purposes of implementing the Standard for Automatic Exchange of Financial Account Information in Tax Matters, including the Addendum to the CRS MCAA.

(9) The term **"Reporting Period"** means the period commencing on 1 March 2016 and ending on the last day of February 2017 and thereafter the period commencing on 1 March of each year following 2016 and ending on the last day of February of the following calendar year.

(10) The term **"SARS"** means the South African Revenue Service.

(11) The term **"Day Two Process"** is an exception to the requirement under these Regulations that, with respect to New Individual Accounts under paragraph A of Section IV or New Entity Accounts under paragraph A of Section VI, the Reporting Financial Institution obtain a self-certification upon account opening, namely—

(a) where a self-certification is obtained at account opening but validation of the self-certification cannot be completed because it is a subsequent process undertaken by a back-office function, the self-certification must be validated within a period of 90 days; or

(b) in exceptional cases where, due to the specificities of the business of the Reporting Financial Institution it is not possible to obtain a self-certification on day one of the account opening process, the self-certification must be both obtained and validated as quickly as feasible within a period of 90 days.

(12) The term **"Government Verification Service"** is an electronic process made available by a Reportable Jurisdiction to a Reporting Financial Institution for the purposes of ascertaining the identity and tax residence of an Account Holder or Controlling Person.

(13) The **"Tax Administration Act"** means the Tax Administration Act, 2011 (Act No. 28 of 2011).

Section IX

Complementary Reporting and Due Diligence Rules for Financial Account Information

A. Change in circumstances

(1) A "change in circumstances" includes any change that results in the addition of information relevant to a person's status or otherwise conflicts with such person's status. In addition, a change in circumstances includes any change or addition of information to the Account Holder's account (including the addition, substitution, or other change of an Account Holder) or any change or addition of information to any account associated with such account (applying the account aggregation rules described in subparagraphs C(1) through (3) of Section VII) if such change or addition of information affects the status of the Account Holder.

(2) If a Reporting Financial Institution has relied on the residence address test described in subparagraph B(1) of Section III or a self-certification obtained under subparagraphs B(5), B(6) or C(5)*(c)* of Section III and there is a change in circumstances that causes the Reporting Financial Institution to know or have reason to know that the original Documentary Evidence (or other equivalent documentation) or the self-certification is incorrect or unreliable, the Reporting Financial Institution must, by the later of the last day of the relevant Reporting Period, or 90 days following the notice or discovery of such change in circumstances, obtain a self-certification or a new self-certification for purposes of subparagraphs B(5), B(6) or C(5)*(c)* of Section III, and new Documentary Evidence to establish the residence(s) for tax purposes of the Account Holder. If the Reporting Financial Institution cannot obtain the self-certification and new Documentary Evidence by such date, the Reporting Financial Institution must apply the electronic record search procedure described in subparagraphs B(2) through (6) of Section III.

B. Self-certification for New Entity Accounts

With respect to New Entity Accounts, for the purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may only rely on a self-certification from either the Account Holder or the Controlling Person.

C. Residence of a Financial Institution

(1) A Financial Institution is "resident" in a Participating Jurisdiction if it is subject to the jurisdiction of such Participating Jurisdiction in that the Participating Jurisdiction is able to enforce reporting by the Financial Institution. In general, where a Financial Institution is resident for tax purposes in a Participating Jurisdiction, it is subject to the jurisdiction of such Participating Jurisdiction and it is, thus, a Participating Jurisdiction Financial Institution.

(2) In the case of a trust that is a Financial Institution (irrespective of whether it is resident for tax purposes in a Participating Jurisdiction), the trust is considered to be subject to the jurisdiction of a Participating Jurisdiction if one or more of its trustees are resident in such jurisdiction, except if the trust reports all the information required to be reported under to the Common Reporting Standard with respect to Reportable Accounts maintained by the trust, to another Participating Jurisdiction because it is resident for tax purposes in such other jurisdiction.

(3) Where a Financial Institution (other than a trust) does not have a residence for tax purposes (for example because it is treated as fiscally transparent, or it is located in a jurisdiction that does not have an income tax), it is considered to be subject to the jurisdiction of a Participating Jurisdiction and it is, thus, a Participating Jurisdiction Financial Institution if:

(a) it is incorporated under the laws of the Participating Jurisdiction;

(b) it has its place of management (including effective management) in the Participating Jurisdiction; or

(c) it is subject to financial supervision in the Participating Jurisdiction.

(4) Where a Financial Institution (other than a trust) is resident in two or more Participating Jurisdictions, such Financial Institution will be subject to the

reporting and due diligence obligations of the Participating Jurisdiction in which it maintains the Financial Account(s).

D. Account maintained

In general, an account would be considered to be maintained by a Financial Institution as follows:

(1) In the case of a Custodial Account, by the Financial Institution that holds custody over the assets in the account (including a Financial Institution that holds assets in the name of an Account Holder in such institution);

(2) In the case of a Depository Account, by the Financial Institution that is obligated to make payments with respect to the account (excluding an agent of a Financial Institution regardless of whether such agent is a Financial Institution);

(3) In the case of any equity or debt interest in a Financial Institution that constitutes a Financial Account, by such Financial Institution;

(4) In the case of a Cash Value Insurance Contract or an Annuity Contract, by the Financial Institution that is obligated to make payments with respect to the contract.

E. Residence of certain Entities

An Entity such as a trust, partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes, according to subparagraph D(3) of Section VIII, shall be treated as resident in the jurisdiction in which its place of effective management is situated. For these purposes, a legal person or a legal arrangement is considered “similar” to a partnership and a limited liability partnership where it is not treated as a taxable unit in a Participating Jurisdiction under the tax laws of such jurisdiction. However, in order to avoid duplicate reporting, given the wide scope of the term “Controlling Persons” in the case of trusts, a trust that is a Passive NFE may not be considered a similar legal arrangement.

F. Address of Entity's principal office

(1) One of the requirements described in subparagraph E(6)*(c)* of Section VIII is that, with respect to an Entity, the official documentation includes either the

address of the Entity's principal office in a jurisdiction in which it claims to be a resident or a jurisdiction in which the Entity was incorporated or organised. The address of the Entity's principal office is generally the place in which its place of effective management is situated.

(2) The address of a Financial Institution with which the Entity maintains an account, a post office box, or an address used solely for mailing purposes is not the address of the Entity's principal office unless such address is the only address used by the Entity and appears as the Entity's registered address in the Entity's organisational documents.

(3) An address that is provided subject to instructions to hold all mail to that address is not the address of the Entity's principal office.

G. Documentary Evidence of Pre-existing Entity Account

With respect to a Pre-existing Entity Account, a Reporting Financial Institution may use as Documentary Evidence any classification in the Reporting Financial Institution's records with respect to the Account Holder that was—

(1) determined based on a standardised industry coding system;

(2) recorded by the Reporting Financial Institution consistent with its normal business practices for purposes of AML/KYC Procedures or another regulatory purposes (other than for tax purposes); and

(3) implemented by the Reporting Financial Institution prior to the date used to classify the Financial Account as a Pre-existing Account,

provided that the Reporting Financial Institution does not know or does not have reason to know that such classification is incorrect or unreliable. The term “standardised industry coding system” means a coding system used to classify establishments by business type for purposes other than tax purposes.

Section X

Effective Implementation

A. The following rules and administrative procedures apply to ensure effective implementation of, and compliance with, the reporting and due diligence procedures set out above.

(1) **Anti-avoidance**

(a) If—

(i) a person enters into any Arrangement or Structure as defined in subparagraph A(1) or (2) of Section XI; and

(ii) the main purpose, or one of the main purposes, of the person in entering into the Arrangement or Structure as defined in subparagraph A(1) or (2) of Section XI is to avoid any obligation under the Common Reporting Standard,

these Regulations are to have effect as if the Arrangement or Structure as defined in subparagraph A(1) or (2) of Section XI had not been entered into.

(b) If a Non-Reporting Financial Institution is no longer a Non-Reporting Financial Institution as it no longer complies with the requirements for a Non-Reporting Financial Institution under paragraph B of Section VIII or Annex II, it becomes a Reportable Financial Institution from the moment that it no longer complies with such requirements.

(c) If an Excluded Account is no longer an Excluded Account as it no longer complies with the requirements for an Excluded Account under subparagraph C(17) of Section VIII or Annex II, it becomes a Reportable Account from the moment that it no longer complies with such requirements.

(2) **Sanctions for non-compliance in providing information to a Reporting Financial Institution**

Non-compliance with any obligation under these Regulations includes non-compliance as referred to in section 26(4) of the Act by:

(a) a Reportable Person that is an Account Holder,

(b) if the Reportable Person is an entity, any Controlling Person(s) of that entity; or

(c) any other person;

from whom a Reporting Financial Institution requires information, a document or thing in order in order to obtain and report the information required under Section I and to comply with any other requirement of these Regulations.

B. Suspension or closure of Financial Account for failure to provide a self-certification

(1) If a self-certification that is to be obtained or is otherwise required under any provision of these Regulations, is not provided by an Account Holder or Controlling Person or if the self-certification provided does not meet the reasonableness test for a valid self-certification, a Reporting Financial Institution must—

(a) not complete the account opening procedure, if it is unable to obtain a valid self-certification on day one of the account opening and the Day Two Process is not permitted;

(b) suspend transactions on the Financial Account, where the Day Two Procedure is permitted and the self-certification is not provided within the 90-day period from the date on which it is to be obtained or the date that it is established that a self-certification is required, or if the self-certification does not meet the reasonableness test for validation by the Reporting Financial Institution during this period; and

(c) report the Financial Account in accordance with subparagraph (A*bis*) of Section VII if the Reporting Financial Institution has not yet done so, in respect of each Reporting Period that such self-certification remains outstanding and continue to take all reasonable steps to obtain and validate the self-certification.

(2) A Reporting Financial Institution may close the Financial Account if, despite all reasonable efforts by the Reporting Financial Institution, no self-certification is received or meets the reasonable test and the account presents a risk of

being used to evade tax, avoid reporting of the account in accordance with the CRS or otherwise frustrate the purposes of the CRS.

(3) For purposes of this subparagraph, "suspension" means steps taken by the Reporting Financial Institution to limit transactions and may, where applicable, result in increasingly restrictive limitations.

(4) If a self-certification in respect of a Financial Account is outstanding on 31 May 2021, the 90 day period referred to in subparagraph B(1) commences on 1 June 2021.

Section XI

Mandatory Disclosure Rules

The following rules and administrative procedures apply to ensure access to information on CRS Avoidance Arrangements and Opaque Offshore Structures for purposes of ensuring compliance with the Common Reporting Standard and the effective implementation of the anti-avoidance rules referred to in subparagraph A(1)*(a)* of Section X.

A. Definitions

For purposes of this Section, the following capitalised terms have the meanings set forth below. Capitalised terms that are not otherwise defined in this Section have the meanings given to them under Section VIII.

(1) **Rule 1.1: CRS Avoidance Arrangement**

A **"CRS Avoidance Arrangement"** is any Arrangement for which it is reasonable to conclude that it is designed to circumvent or is marketed as, or has the effect of, circumventing CRS Legislation or exploiting an absence thereof, including through:

(a) the use of an account, product or investment that is not, or purports not to be, a Financial Account, but has features that are substantially similar to those of a Financial Account;

(b) the transfer of a Financial Account, or the monies and/or Financial Assets held in a Financial Account to a Financial Institution that is not a Reporting

Financial Institution or to a jurisdiction that does not exchange CRS information with all jurisdictions of tax residence of a Reportable Taxpayer;

(c) the conversion or transfer of a Financial Account, or the monies and/or Financial Assets held in a Financial Account, to a Financial Account that is not a Reportable Account;

(d) the conversion of a Financial Institution into a Financial Institution that is not a Reporting Financial Institution or into a Financial Institution that is resident in a jurisdiction that does not exchange CRS information with all jurisdictions of tax residence of a Reportable Taxpayer;

(e) undermining or exploiting weaknesses in the due diligence procedures used by Financial Institutions to correctly identify:

(i) an Account Holder and/or Controlling Person; or

(ii) all the jurisdictions of tax residence of an Account Holder and/or Controlling Person;

(f) allowing, or purporting to allow:

(i) an Entity to qualify as an Active NFE;

(ii) an investment to be made through an Entity without triggering a reporting obligation under the CRS Legislation; or

(iii) a person to avoid being treated as a Controlling Person; or

(g) classifying a payment made for the benefit of an Account Holder or Controlling Person as a payment that is not reportable under CRS Legislation;

where it is reasonable to conclude that such Arrangement is designed to circumvent or is marketed as, or has the effect of, circumventing CRS Legislation or exploiting an absence thereof.

For the purposes of subparagraph A(1), an Arrangement is not considered to have the effect of circumventing CRS Legislation solely because it results in non-reporting under the relevant CRS Legislation, provided that it is reasonable to conclude that such non-reporting does not undermine the policy intent of such CRS Legislation.

(2) **Rule 1.2: Opaque Offshore Structure**

(a) An "**Opaque Offshore Structure**" means a Passive Offshore Vehicle that is held through an Opaque Structure.

(b) Subject to subparagraph B(2)*(c)* below, a **"Passive Offshore Vehicle"** means a Legal Person or Legal Arrangement that does not carry on a substantive economic activity supported by adequate staff, equipment, assets and premises in the jurisdiction where it is established or is tax resident.

(c) A Passive Offshore Vehicle does not include a Legal Person or Legal Arrangement (i) that is an Institutional Investor or that is wholly-owned by one or more Institutional Investors or (ii) where all Beneficial Owners of that Legal Person or Legal Arrangement are only resident for tax purposes in the jurisdiction of incorporation, residence, management, control and establishment (as applicable) of the Legal Person or Legal Arrangement.

(d) An "**Opaque Structure**" is a Structure for which it is reasonable to conclude that it is designed to have, marketed as having, or has the effect of allowing, a natural person to be a Beneficial Owner of a Passive Offshore Vehicle while not allowing the accurate determination of such person's Beneficial Ownership or creating the appearance that such person is not a Beneficial Owner, including through:

(i) the use of nominee shareholders with undisclosed nominators;

(ii) the use of means of indirect control beyond formal ownership;

(iii) the use of Arrangements that provide a Reportable Taxpayer with access to assets held by, or income derived from, the Structure without being identified as a Beneficial Owner of such Structure;

(iv) the use of Legal Persons in a jurisdiction where there is:

(aa) no requirement to keep, or mechanism to obtain, Basic Information and Beneficial Owner information, as defined in the latest Financial Action Task Force Recommendations, on such Legal Persons that is accurate and up to date;

(bb) no obligation on shareholders or members to disclose the names of persons on whose behalf shares are held; or

(cc) no obligation on, or mechanism for, shareholders or members of such Legal Persons to notify the Legal Person of any changes in ownership or control;

(v) the use of Legal Arrangements organised under the laws of a jurisdiction that do not require the trustees (or in case of a Legal Arrangement other than a trust, the persons in equivalent or similar positions as the trustee of a trust) to hold, or be able to obtain, adequate, accurate and current Beneficial Ownership information regarding the Legal Arrangement;

where it is reasonable to conclude that the Structure is designed to have, marketed as having, or has the effect of allowing a natural person to be a Beneficial Owner of a Passive Offshore Vehicle while not allowing the accurate determination of such person's Beneficial Ownership or creating the appearance that such person is not a Beneficial Owner.

(3) **Rule 1.3: Intermediary**

"Intermediary" means:

(a) any person responsible for the design or marketing of a CRS Avoidance Arrangement or Opaque Offshore Structure (**"Promoter"**); and

(b) any person that provides Relevant Services in respect of a CRS Avoidance Arrangement or Opaque Offshore Structure in circumstances where the person providing such services could reasonably be expected to know that the Arrangement or Structure is a CRS Avoidance Arrangement or an Opaque Offshore Structure (**"Service Provider"**). The standard of "reasonably be expected to know" must be determined by reference to the Service Provider's actual knowledge based on readily available information and the degree of expertise and understanding required to provide the Relevant Services.

(4) **Rule 1.4: Other Definitions**

For purposes of this Section, the following capitalised terms shall have the meanings set out below:

(a) **"Arrangement"** includes an agreement, scheme, plan or understanding, whether or not legally enforceable, and includes all the steps and transactions that bring it into effect.

(b) **"Basic Information"** on a Legal Person includes, at a minimum, information about the legal ownership and control structure of the Legal Person. This would include information about the status and powers of the Legal Person, its shareholders or members and its directors.

(c) **"Beneficial Ownership"** or **"Beneficial Owner"** shall be interpreted in a manner consistent with the latest Financial Action Task Force Recommendations and shall include any natural person who exercises control over a Legal Person or Legal Arrangement. In the case of a trust, such term means any settlor, trustee, protector (if any), beneficiary or class of beneficiaries and any other natural person exercising ultimate effective control over the trust, and in the case of a Legal Arrangement other than a trust, such term means persons in equivalent or similar positions.

(d) **"Client"**, in respect of an Intermediary, means any person who requests an Intermediary to, or on whose behalf, or for whose benefit, the Intermediary:

(i) makes a CRS Avoidance Arrangement or Opaque Offshore Structure available for implementation; or

(ii) provides Relevant Services in respect of a CRS Avoidance Arrangement or Opaque Offshore Structure.

(e) **"CRS Legislation"** means the Standard for Automatic Exchange of Financial Account Information in Tax Matters as implemented in the domestic laws of the jurisdiction where the relevant account, product, investment, or Arrangement is maintained and includes any international legal instrument that is in force and effect for that jurisdiction and which provides for the exchange of information collected pursuant to the Common Reporting Standard.

(f) **"Institutional Investor"** means a Legal Person or Legal Arrangement:

(i) that is regulated as a bank (including a depositary or custodial institution), insurance company, collective investment vehicle or pension fund;

(ii) the shares or interests of which are regularly traded on an established securities market;

(iii) that is a government entity, central bank, international or supranational organisation; or

(iv) a Legal Person or Legal Arrangement wholly-owned by one or more of the foregoing.

(g) **"Legal Arrangement"** means an express trust or other similar legal arrangement, such as fiducie, treuhand and fideicomiso.

(h) **"Legal Person"** means any entity and can include a company, body corporate, foundation, anstalt, partnership, association and other relevantly similar entity, but does not include a natural person.

(i) **"Structure"** means an Arrangement concerning the direct or indirect ownership or control of a person or asset.

(j) **"Partner Jurisdiction"** means a jurisdiction:

(i) that has introduced rules that are substantially similar to those set out in these Regulations; and

(ii) that, with respect to the particular CRS Avoidance Arrangement or Opaque Offshore Structure, has international exchange of information instruments in effect with all jurisdictions of residence of the Reportable Taxpayer.

(k) **"Relevant Services"** in respect of a CRS Avoidance Arrangement or Opaque Offshore Structure, means providing assistance or advice with respect to the design, marketing, implementation or organisation of that Arrangement or Structure.

(l) **"Reportable Taxpayer"** means, in respect of a CRS Avoidance Arrangement, any actual or potential user of that Arrangement and, in

respect of an Opaque Offshore Structure, a natural person whose identity as a Beneficial Owner cannot be accurately determined due to the Opaque Offshore Structure.

B. Requirement to disclose CRS avoidance arrangements and opaque offshore structures

(1) **Rule 2.1: Obligation on Intermediary to Disclose**

Any person that is an Intermediary with respect to a CRS Avoidance Arrangement or Opaque Offshore Structure must disclose that Arrangement or Structure to SARS if that person:

(a) makes that CRS Avoidance Arrangement or Opaque Offshore Structure available for implementation, or provides Relevant Services in respect of that CRS Avoidance Arrangement or Opaque Offshore Structure through a branch located in South Africa;

(b) is resident or has its place of management in South Africa; or

(c) is incorporated in, or established under the laws of, South Africa.

(2) **Rule 2.2: When information is required to be disclosed**

The disclosure required under subparagraph B(1) shall be made 30 days after the Intermediary:

(a) makes the CRS Avoidance Arrangement or Opaque Offshore Structure available for implementation; or

(b) supplies Relevant Services in respect of the CRS Avoidance Arrangement or Opaque Offshore Structure.

(3) **Rule 2.3: Information required to be disclosed by Intermediary**

The information that an Intermediary is required to disclose under subparagraph B(1) in respect of a CRS Avoidance Arrangement or Opaque Offshore Structure shall include:

(a) the name, address, jurisdiction(s) and TIN(s) of tax residence of the following persons:

(i) the person making the disclosure;

(ii) any Client of that person in respect of that Arrangement or Structure (separately identifying any Client that is a Reportable Taxpayer, including the date of birth of such persons);

(iii) any actual user of a CRS Avoidance Arrangement or Beneficial Owner of an Opaque Offshore Structure;

(iv) any person that is an Intermediary with respect to that Arrangement or Structure (other than the person making the disclosure).

(b) the details of that CRS Avoidance Arrangement or Opaque Offshore Structure including;

(i) in respect of a CRS Avoidance Arrangement, a factual description of those features of the Arrangement that are designed to have, marketed as having, or have the effect of, circumventing the CRS Legislation; and

(ii) in respect of an Opaque Offshore Structure, a factual description of those features that have the effect of not allowing the accurate determination of the Reportable Taxpayer's Beneficial Ownership or creating the appearance that the Reportable Taxpayer is not a Beneficial Owner of the Passive Offshore Vehicle; and

(c) the jurisdiction or jurisdictions where the CRS Avoidance Arrangement or Opaque Offshore Structure has been made available for implementation;

to the extent such information is within the knowledge, possession or control of the person providing the disclosure.

(4) **Rule 2.4: No obligation for the Intermediary to disclose**

(a) An Intermediary shall not be required to disclose any information set out under subparagraph B(3) where that information is protected from disclosure under professional secrecy rules stipulated in domestic law, but only to the extent the disclosure would reveal confidential information held by an attorney, solicitor or other admitted legal representative with respect to a Client, as defined in the Commentary to Article 26 of the OECD Model Tax Convention.

(b) An Intermediary that is not required to disclose information under subparagraph B(4) shall provide written notice to the Client of the Client's disclosure obligations under these rules by the time specified in subparagraph B(2).

(5) **Rule 2.5: No obligation on Intermediary to disclose to the extent information has already been disclosed**

An Intermediary is not required to disclose any information set out in subparagraph B(3), to the extent that the Intermediary holds documentation demonstrating that:

(a) such information was previously disclosed to SARS;

(b) the information relates to Relevant Services supplied, or a CRS Avoidance Arrangement or Opaque Offshore Structure made available for implementation, through a branch maintained by that Intermediary in a Partner Jurisdiction and such information has been disclosed to the tax authority of that Partner Jurisdiction; or

(c) the Intermediary is required to disclose such information under subparagraph B(1)*(c)* and such information has been disclosed to the tax authority of a Partner Jurisdiction where that Intermediary is resident or has its place of management.

(6) **Rule 2.6: Reportable Taxpayer required to disclose in certain circumstances**

(a) Any Reportable Taxpayer that is resident in South Africa and that is a user of a CRS Avoidance Arrangement or a Beneficial Owner under an Opaque Offshore Structure must disclose to SARS any information on the Arrangement or Structure that is not disclosed by an Intermediary because the Intermediary is not subject to any disclosure requirements under subparagraph B(1) or is not required to disclose the information pursuant to subparagraph B(4).

(b) The Reportable Taxpayer is not required to disclose any information under subparagraph B(6)*(a)* to the extent that the Reportable Taxpayer has received documentation from the Intermediary demonstrating that the

information has been disclosed by that Intermediary to the tax authority of a Partner Jurisdiction under mandatory disclosure rules that are substantially similar to those set out in these Regulations.

(c) The disclosure pursuant to subparagraph B(6)*(a)* shall include all the information required to be disclosed under subparagraph B(3) and be made within 30 days after the first step of the CRS Avoidance Arrangement or Opaque Offshore Structure has been implemented.

(7) **Rule 2.7: Disclosure of Arrangements entered into after 29 October 2014 and before the effective date of these rules**

(a) A Promoter shall disclose a CRS Avoidance Arrangement within 180 days of 1 March 2024 where:

(i) that Arrangement was implemented on or after 29 October 2014 but before 1 March 2024; and

(ii) that person was a Promoter in respect of that Arrangement;

irrespective of whether that person provides Relevant Services in respect of that Arrangement after the effective date.

(b) No disclosure shall be required under subparagraph B(7)*(a)* where the Promoter has documentation to demonstrate that the aggregate balance or value of the Financial Account subject to the CRS Avoidance Arrangement immediately prior to its implementation was less than U.S. $1,000,000.

(c) Notwithstanding subparagraph A(4)*(e)*, for the purpose of interpreting defined terms with respect to subparagraph B(7), CRS Legislation means the Standard for Automatic Exchange of Financial Account Information in Tax Matters as published by the OECD on 15 July 2014.

Section XII

Transitional Measures

A. The amendments to the CRS are effective as of 1 March 2026.

B. Notwithstanding paragraph A, under subparagraph A(1)*(b)* and A(6)*(bis)* of Section I, with respect to each Reportable Account that is maintained by a Reporting Financial Institution as of 28 February 2026 and for Reporting Periods ending by no later than the second Reporting Period following such date, information with respect to the role(s) by virtue of which each Reportable Person is a Controlling Person or Equity Interest holder of the Entity is only required to be reported if such information is available in the electronically searchable data maintained by the Reporting Financial Institution.

ANNEX I

Non-Reporting Financial Institutions

Section VIII(B)(1)(c)

1. The following **Retirement Funds**:

(a) A Pension Fund (including an umbrella Pension Fund) as defined in section 1 of the Income Tax Act, 1962;

(b) A Provident Fund (including an umbrella Provident Fund) as defined in section 1 of the Income Tax Act, 1962;

(c) A Pension Preservation Fund as defined in section 1 of the Income Tax Act, 1962;

(d) A Provident Preservation Fund as defined in section 1 of the Income Tax Act, 1962;

(e) A Retirement Annuity Fund as defined in section 1 of the Income Tax Act, 1962;

provided that such fund is not a Non-Reporting Financial Institution under Section VII(B) and—

(i) is approved by the Commissioner for SARS and registered by Financial Services Board as a fund under section 1 of the Income Tax Act, 1962;

(ii) is subject to regulation by the Financial Services Board under the Pension Funds Act, 1956;

(iii) does not have a single beneficiary with a right to more than five per cent of the fund's assets except where the fund is being wound down in a manner regulated by the Pension Funds Act, 1956, or amalgamated in a manner regulated by the Financial Services Board with another retirement fund that is a Non-Reporting Retirement Fund under this paragraph;

(iv) provides information reporting to SARS as and when required, including obtaining a tax directive from SARS prior to the payment by

the fund of a lump sum benefit as defined in section 1 of the Income Tax Act, 1962, to a member or beneficiary of the fund; and

(v) is generally exempt from tax on investment income.

ANNEX II

Excluded Accounts

Section VIII(C)(17)(g)

1. A **Tax Free Savings Account** referred to in section 12T of the Income Tax Act, 1962, and regulated by the Financial Services Board under section 12T(9)*(c) of* the Financial Institutions (Protection of Funds) Act, 2011.

2. A **Financial Inclusion Account** that meets the following requirements:

   (a) A depository account which only allows a transaction on the account that involves the withdrawal, transfer or making payment of an amount not exceeding R8 000 per day and not exceeding R25 000 in a monthly cycle;

   (b) The account balance must never exceed R25 000;

   (c) The account holder must not be able to transfer funds from a Financial Inclusion Account to an account held outside South Africa;

   (d) The account holder must be an individual who qualifies for financial inclusion purposes, identifiable and verifiable as a South African citizen under the South African Citizenship Act, 1995, or permanently resident in South Africa, and must fall below the tax threshold arising from the normal tax rebates in terms of section 6 of the Income Tax Act, 1962;

   (e) The account must not allow South African tax refund payments; and

   (f) The account holder must not simultaneously hold two or more Financial Inclusion Accounts which meet the requirements referred to above with the same Financial Institution.

3. An **Annuity Contract** as envisaged by section 12M(2)(b) of the Income Tax Act, 1962, purchased in the name of a former employee, or such employee's spouse or beneficiary to meet an employer's future medical scheme contribution liability to the former employee.

4. A **Living Annuity**, meaning the right of an member of a retirement fund referred to in Annex I or his or her dependent or nominee, or any subsequent nominee, to an annuity maintained in South Africa and purchased from a registered long-term insurance provider or other approved financial services provider regulated

by the Financial Services Board, or provided by the fund, on or after the retirement date of such member or former member with respect to which—

(a) the purchase consideration for the annuity is derived entirely from the retirement benefits determined under the rules of the fund on or after the retirement date or date of death of the member or former member as a result of his or her membership in the fund or the benefits described in subparagraph *(f)* of this paragraph;

(b) the value of the annuity is determined solely by reference to the value of assets which are specified in the annuity agreement and are held for purposes of providing the annuity;

(c) the amount of the annuity is determined in accordance with a method or formula prescribed by the Minister of Finance under the Income Tax Act, 1962;

(d) the full remaining value of the assets referred to in subparagraph *(b)* of this paragraph may be paid as a lump sum when the value of those assets falls below an amount prescribed by the Minister of Finance under the Income Tax Act, 1962;

(e) the amount of the annuity is not guaranteed by the long term insurance provider, other financial services provider, or retirement fund referred to in Annex I; and

(f) upon the death of the member or former member, the value of the assets referred to in subparagraph *(b)* of this paragraph may be paid to a nominee of the member or former member as an annuity or lump sum, or, in the absence of a nominee, to the deceased's estate as a lump sum.

5. A **Compulsory Annuity**, meaning a non-transferable immediate life annuity that is issued by a registered long-term insurer to an individual to monetize a pension, annuity or disability benefit originating from a retirement fund referred to in Annex I.

SOUTH AFRICAN REVENUE SERVICE

NO. R. 6887 **28 November 2025**

REGULATIONS FOR PURPOSES OF PARAGRAPH *(c)* OF THE DEFINITION OF "INTERNATIONAL TAX STANDARD" IN SECTION 1 OF THE TAX ADMINISTRATION ACT, 2011 (ACT NO. 28 OF 2011), PROMULGATED UNDER SECTION 257 OF THE ACT, SPECIFYING THE CHANGES TO THE OECD CRYPTO-ASSET REPORTING FRAMEWORK INTERNATIONAL STANDARD FOR THE EXCHANGE OF TAX-RELATED INFORMATION BETWEEN COUNTRIES

For purposes of paragraph *(c)* of the definition of **"international tax standard"** in section 1 and under section 257 of the Tax Administration Act, 2011, I, Enoch Godongwana, the Minister of Finance, hereby specify in the Schedule hereto, the changes to the Organisation for Economic Cooperation and Development ("OECD") Crypto-Asset Reporting Framework International Standard for the Exchange of Tax-Related Information (hereinafter "the CARF").

These Regulations take effect on 1 March 2026.

E GODONGWANA

MINISTER OF FINANCE

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SCHEDULE

OECD CRYPTO-ASSET REPORTING FRAMEWORK INTERNATIONAL STANDARD FOR THE EXCHANGE OF TAX-RELATED INFORMATION

PREAMBLE

A. These Regulations have effect for and in connection with the implementation of obligations which may arise or arise under—

(1) the following agreements or arrangements, in respect of which these Regulations apply separately except where the context otherwise requires:

(a) the Multilateral Competent Authority Agreement on Automatic Exchange of Information pursuant to the Crypto-Asset Reporting Framework signed by the Competent Authority of South Africa on the 26th of November 2024, with the Participating Jurisdictions as updated and published by the OECD from time to time; and

(b) any other multilateral or bilateral agreement or arrangement between South Africa and another jurisdiction, as updated and published by SARS from time to time, which provides for the implementation of the CARF; or

(2) these Regulations in respect of or in connection with obtaining, maintaining and provision to SARS of information regarding a Reportable Jurisdiction Person in any jurisdiction not included under subparagraph A(1) for domestic purposes or subsequent exchange of information when such jurisdiction becomes a jurisdiction included under subparagraph A(1).

B. The OECD developed the *Standard for Automatic Exchange of Financial Account Information in Tax Matters* (2017, as updated in 2023), which encompasses the Common Reporting Standard (the CRS), and the (2023) *Crypto-Asset Reporting Framework International Standard for the Exchange of Tax-Related Information* (the CARF), to improve international tax compliance and for automatic exchange of information under an agreement or arrangement referred to in paragraph A.

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C. These Regulations reflect the changes to the CARF required to enable South Africa to comply with its obligations under an agreement or arrangement referred to in paragraph A in terms of the CARF.

D. South Africa's selection of jurisdictional choices under the Commentaries on the CARF does not detract from the fact that these Regulations must be interpreted in accordance with the Commentaries.

E. (1) The term "Commentaries on the CARF" means the *Commentaries on the Crypto-Asset Reporting Framework,* released by the OECD in the document titled OECD (2023), *International Standards for Automatic Exchange of Information in Tax Matters: Crypto-Asset Reporting Framework and 2023 update to the Common Reporting Standard*, OECD Publishing, Paris, and as supplemented by—

(a) the OECD (2025), *CARF Commitment and Delivery - A Step-by-Step Guide,* OECD, Paris; and

(b) the *CARF-Related Frequently Asked Questions*, OECD, Paris;

as updated from time to time.

(2) In the event of any conflict between the Commentaries on the CARF and the supplementary material in subparagraph E(1)*(a)* or *(b)*, the former shall prevail.

Section I

Obligations of Reporting Crypto-Asset Service Providers

A. A Reporting Crypto-Asset Service Provider is subject to the reporting and due diligence requirements in Sections II and III in South Africa, if it is—

(1) an Entity or individual resident for tax purposes in South Africa;

(2) an Entity that *(a)* is incorporated or organised under the laws of South Africa and *(b)* either has legal personality in South Africa or has an obligation to file tax returns or tax information returns to the tax authorities in South Africa with respect to the income of the Entity;

(3) an Entity managed from South Africa; or

(4) an Entity or individual that has a regular place of business in South Africa.

B. A Reporting Crypto-Asset Service Provider is subject to the reporting and due diligence requirements in Sections II and III in South Africa with respect to Relevant Transactions effectuated through a Branch based in South Africa.

C. A Reporting Crypto-Asset Service Provider that is an Entity is not required to complete the reporting and due diligence requirements in Sections II and III it is subject to in South Africa pursuant to subparagraphs A(2), (3) or (4), if such requirements are completed by such Reporting Crypto-Asset Service Provider in a Partner Jurisdiction by virtue of it being resident for tax purposes in such Partner Jurisdiction.

D. A Reporting Crypto-Asset Service Provider that is an Entity is not required to complete the reporting and due diligence requirements in Sections II and III it is subject to in South Africa pursuant to subparagraphs A(3) or (4), if such requirements are completed by such Reporting Crypto-Asset Service Provider in a Partner Jurisdiction by virtue of it being an Entity that (a) is incorporated or organised under the laws of such Partner Jurisdiction and (b) either has legal personality in the Partner Jurisdiction or has an obligation to file tax returns or tax information returns to the tax authorities in the Partner Jurisdiction with respect to the income of the Entity.

E. A Reporting Crypto-Asset Service Provider that is an Entity is not required to complete the reporting and due diligence requirements in Sections II and III it is subject to in South Africa pursuant to subparagraph A(4), if such requirements are completed by such Reporting Crypto-Asset Service Provider in a Partner Jurisdiction by virtue of it being managed from such Partner Jurisdiction.

F. A Reporting Crypto-Asset Service Provider that is an individual is not required to complete the reporting and due diligence requirements in Sections II and III it is subject to in South Africa pursuant to subparagraph A(4), if such requirements are completed by such Reporting Crypto-Asset Service Provider in a Partner Jurisdiction by virtue of it being resident for tax purposes in such Partner Jurisdiction.

G. A Reporting Crypto-Asset Service Provider is not required to complete the reporting and due diligence requirements in Sections II and III in South Africa

with respect to Relevant Transactions it effectuates through a Branch in a Partner Jurisdiction, if such requirements are completed by such Branch in such Partner Jurisdiction.

H. A Reporting Crypto-Asset Service Provider is not required to complete the reporting and due diligence requirements in Sections II and III it is subject to in South Africa pursuant to subparagraphs A(1), (2), (3) or (4), if it has lodged a notification with SARS in a form and manner specified by the Commissioner for SARS confirming that such requirements are completed by such Reporting Crypto-Asset Service Provider under the rules of a Partner Jurisdiction pursuant to a substantially similar nexus that it is subject to in South Africa.

Section II

Reporting requirements

A. For each relevant Reporting Period or other appropriate period, and subject to the obligations of Reporting Crypto-Asset Service Providers in Section I and the due diligence procedures in Section III, a Reporting Crypto-Asset Service Provider must report the following information with respect to its Crypto-Asset Users that are Reportable Users or that have Controlling Persons that are Reportable Persons:

(1) the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth (in the case of an individual) of each Reportable User and, in the case of any Entity that, after application of the due diligence procedures, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, jurisdiction(s) of residence and TIN(s) of the Entity and the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth of each Reportable Person, as well as the role(s) by virtue of which each Reportable Person is a Controlling Person of the Entity;

(2) the name, address and identifying number (if any) of the Reporting Crypto-Asset Service Provider;

(3) for each type of Relevant Crypto-Asset with respect to which it has effectuated Relevant Transactions during the relevant Reporting Period or other appropriate period:

(a) the full name of the type of Relevant Crypto-Asset;

(b) the aggregate gross amount paid net of transactions fees, the aggregate number of units and the number of Relevant Transactions in respect of acquisitions against Fiat Currency;

(c) the aggregate gross amount received net of transactions fees, the aggregate number of units and the number of Relevant Transactions in respect of disposals against Fiat Currency;

(d) the aggregate fair market value net of transactions fees, the aggregate number of units and the number of Relevant Transactions in respect of acquisitions against other Relevant Crypto-Assets;

(e) the aggregate fair market value net of transactions fees, the aggregate number of units and the number of Relevant Transactions in respect of disposals against other Relevant Crypto-Assets;

(f) the aggregate fair market value net of transactions fees, the aggregate number of units and the number of Reportable Retail Payment Transactions;

(g) the aggregate fair market value net of transactions fees, the aggregate number of units and the number of Relevant Transactions, and subdivided by Transfer type where known by the Reporting Crypto-Asset Service Provider, in respect of Transfers to the Reportable User not covered by subparagraphs A(3)(b) and (d);

(h) the aggregate fair market value net of transactions fees, the aggregate number of units and the number of Relevant Transactions, and subdivided by Transfer type where known by the Reporting Crypto-Asset Service Provider, in respect of Transfers by the Reportable User not covered by subparagraphs A(3)(c), (e) and (f); and

(i) the aggregate fair market value net of transactions fees, as well as the aggregate number of units in respect of Transfers by the Reportable Crypto-Asset User effectuated by the Reporting Crypto-Asset Service Provider to wallet addresses not known by the Reporting Crypto-Asset

Service Provider to be associated with a virtual asset service provider or financial institution.

B. Notwithstanding subparagraph A(1), the TIN is not required to be reported if (i) a TIN is not issued by the relevant Reportable Jurisdiction or (ii) the domestic law of the relevant Reportable Jurisdiction does not require the collection of the TIN issued by such Reportable Jurisdiction.

C. Notwithstanding subparagraph A(1), the place of birth is not required to be reported unless the Reporting Crypto-Asset Service Provider is otherwise required to obtain and report it under domestic law.

D. For the purposes of:

(1) subparagraphs A(3)(b) and (c), the amount paid or received must be reported in the Fiat Currency in which it was paid or received, converted to South African Rand. If the amounts were paid or received in multiple Fiat Currencies, the amounts must be reported in South African Rand, converted at the time of each Relevant Transaction in a manner that is consistently applied by the Reporting Crypto-Asset Service Provider;

(2) reporting under subparagraphs A(3)*(d)* and A(3)*(e)*, the Reporting Crypto-Asset Service Provider must aggregate by summing up all transactions attributable to each reporting category, as converted pursuant to subparagraph D(1); or

(3) subparagraphs A(3)*(f)*, A(3)*(g)*, A(3)*(h)* and A(3)*(i)*—

(a) the fair market value must be determined and reported in a single currency, using a reasonable valuation method that looks to contemporaneous evidence of value at the time of each Relevant Transaction in a manner that is consistently applied by the Reporting Crypto-Asset Service Provider;

(b) where the Reporting Crypto-Asset Service Provider has relied upon an alternative valuation method, the Reporting Crypto-Asset Service Provider is required to indicate the method used for each Relevant Crypto-Asset; and

(c) where the Reporting Crypto-Asset Service Provider effectuating the Transfer does not maintain an applicable reference value of the Relevant Crypto-Asset and Fiat Currency trading pairs, the following valuation methods must be relied upon:

(i) In the first place, the internal accounting book values the Reporting Crypto-Asset Service Provider maintains with respect to the Relevant Crypto-Asset must be used;

(ii) If a book value is not available, a value provided by third-party companies or websites that aggregate current prices of Relevant Crypto-Assets must be used, if the valuation method used by that third party is reasonably expected to provide a reliable indicator of value;

(iii) If neither of the above is available, the most recent valuation of the Relevant Crypto-Asset by the Reporting Crypto-Asset Service Provider must be used; and

(iv) If a value can still not be attributed, a reasonable estimate may be applied as a measure of last resort.

E. For the purposes of subparagraphs A(3)*(d)* through (i), the fair market value must be determined and reported in South African Rand, valued at the time of each Relevant Transaction in a manner that is consistently applied by the Reporting Crypto-Asset Service Provider.

F. The information reported must identify the Fiat Currency in which each amount is reported.

G. Each Reporting Crypto-Asset Service Provider must file with SARS a return required by public notice issued under section 26 of the Tax Administration Act for the relevant Reporting Period, containing the information described in paragraph A for that period as well as other relevant material prescribed by the Commissioner for SARS under section 25 of the Act in the return.

Section III

Due diligence procedures

A Crypto-Asset User is treated as a Reportable User beginning as of the date it is identified as such pursuant to the due diligence procedures described in this Section.

A. Due diligence procedures for Individual Crypto-Asset Users

The following procedures apply for purposes of determining whether the Individual Crypto-Asset User is a Reportable User.

(1) When establishing the relationship with the Individual Crypto-Asset User, or with respect to Preexisting Individual Crypto-Asset Users by 12 months after the effective date of these rules, the Reporting Crypto-Asset Service Provider must obtain a self-certification that allows the Reporting Crypto-Asset Service Provider to determine the Individual Crypto-Asset User's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Crypto-Asset Service Provider, including any documentation collected pursuant to AML/KYC Procedures. In the case of a self-certification that fails the reasonableness test, the Reporting Crypto-Asset Service Provider must obtain either (i) a valid self-certification, or (ii) a reasonable explanation and appropriate documentation supporting the reasonableness of the self-certification and retain a copy or a notation of such explanation and documentation, before providing services effectuating Relevant Transactions to the Entity Crypto-Asset User.

(2) If at any point there is a Change of Circumstances with respect to an Individual Crypto-Asset User that causes the Reporting Crypto-Asset Service Provider to know, or have reason to know, that the original self-certification is incorrect or unreliable—

(a) the validity of the self-certification with respect to the information that is incorrect or no longer reliable, is terminated until the information is updated or a reasonable explanation and, where appropriate, documentation supporting the validity of the original self-certification, is obtained. For these purposes, the Reporting Crypto-Asset Service Provider should determine whether new information that is obtained with respect to the Individual

Crypto-Asset User's profile in accordance with re-documentation undertaken in accordance with AML/KYC Procedures or other regulatory obligations includes new information that constitutes a Change of Circumstances;

(b) where a self-certification becomes invalid with respect to the information that is no longer reliable, the Reporting Crypto-Asset Service Provider may treat a person as having the same status as it had prior to the Change in Circumstances for a period limited to the earlier of—

(i) 90 calendar days from the date that the self-certification became invalid;

(ii) the date the validity of the self-certification is confirmed; or

(iii) the date that a new self-certification is obtained; and

(c) a Reporting Crypto-Asset Service Provider may treat a self-certification as valid, notwithstanding that the self-certification contains an inconsequential error, if the Reporting Crypto-Asset Service Provider has sufficient documentation on file to supplement the information missing from the self-certification due to the error. In such case, the documentation relied upon to cure the inconsequential error must be conclusive. An inconsequential error does not include—

(i) a failure to provide a jurisdiction of residence;

(ii) where information on a self-certification contradicts other information contained on the self-certification or in the files of the Reporting Crypto-Asset Service Provider; or

(iii) a similarly consequential error.

B. Due diligence procedures for Entity Crypto-Asset Users

The following procedures apply for purposes of determining whether the Entity Crypto-Asset User is a Reportable User or an Entity, other than an Excluded Person or an Active Entity, with one or more Controlling Persons who are Reportable Persons.

(1) **Determine whether the Entity Crypto-Asset User is a Reportable User.**

(a) When establishing the relationship with the Entity Crypto-Asset User, or with respect to Preexisting Entity Crypto-Assets Users by 12 months after the effective date of these rules, the Reporting Crypto-Asset Service Provider must obtain a self-certification that allows the Reporting Crypto-Asset Service Provider to determine the Entity Crypto-Asset User's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Crypto-Asset Service Provider, including any documentation collected pursuant to AML/KYC Procedures. If the Entity Crypto-Asset User certifies that it has no residence for tax purposes, the Reporting Crypto-Asset Service Provider may rely on the place of effective management or on the address of the principal office to determine the residence of the Entity Crypto-Asset User.

(b) If the self-certification indicates that the Entity Crypto-Asset User is resident in a Reportable Jurisdiction, the Reporting Crypto-Asset Service Provider must treat the Entity Crypto-Asset User as a Reportable User, unless it reasonably determines based on the self-certification or on information in its possession or that is publicly available, that the Entity Crypto-Asset User is an Excluded Person.

(2) **Determine whether the Entity has one or more Controlling Persons who are Reportable Persons.**

With respect to an Entity Crypto-Asset User, other than an Excluded Person, the Reporting Crypto-Asset Service Provider must determine whether it has one or more Controlling Persons who are Reportable Persons, unless it determines that the Entity Crypto-Asset User is an Active Entity, based on a self-certification from the Entity Crypto-Asset User.

(a) **Determining the Controlling Persons of the Entity Crypto-Asset User.** For the purposes of determining the Controlling Persons of the Entity Crypto-Asset User, a Reporting Crypto-Asset Service Provider may rely on information collected and maintained pursuant to AML/KYC Procedures, provided that such procedures are consistent with the 2012 FATF Recommendations (as updated in June 2019 pertaining to virtual asset

service providers). If the Reporting Crypto-Asset Service Provider is not legally required to apply AML/KYC Procedures that are consistent with the 2012 FATF Recommendations (as updated in June 2019 pertaining to virtual asset service providers), it must apply substantially similar procedures for the purposes of determining the Controlling Persons.

(b) **Determining whether a Controlling Person of an Entity Crypto-Asset User is a Reportable Person.** For the purposes of determining whether a Controlling Person is a Reportable Person, a Reporting Crypto-Asset Service Provider must rely on a self-certification from the Entity Crypto-Asset User or such Controlling Person that allows the Reporting Crypto-Asset Service Provider to determine the Controlling Person's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Crypto-Asset Service Provider, including any documentation collected pursuant to AML/KYC Procedures. In the case of a self-certification that fails the reasonableness test, the Reporting Crypto-Asset Service Provider must obtain either (i) a valid self-certification, or (ii) a reasonable explanation and appropriate documentation supporting the reasonableness of the self-certification and retain a copy or a notation of such explanation and documentation, before providing services effectuating Relevant Transactions to the Entity Crypto-Asset User.

(3) If at any point there is a Change of Circumstances with respect to an Entity Crypto-Asset User or its Controlling Persons that causes the Reporting Crypto-Asset Service Provider to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Crypto-Asset Service Provider must apply the procedures referred to in Section III(A)(2).

C. Requirements for validity of self-certifications

(1) A self-certification provided by an Individual Crypto-Asset User or Controlling Person is valid only if it is signed or otherwise positively affirmed by the Individual Crypto-Asset User or Controlling Person, it is dated at the latest at the date of receipt and it contains the following information with respect to the Individual Crypto-Asset User or Controlling Person:

(a) first and last name;

(b) residence address;

(c) jurisdiction(s) of residence for tax purposes;

(d) with respect to each Reportable Person, the TIN with respect to each Reportable Jurisdiction; and

(e) date of birth.

(2) A self-certification provided by an Entity Crypto-Asset User is valid only if it is signed or otherwise positively affirmed by the Crypto-Asset User, it is dated at the latest at the date of receipt and it contains the following information with respect to the Entity Crypto-Asset User:

(a) legal name;

(b) address;

(c) jurisdiction(s) of residence for tax purposes;

(d) with respect to each Reportable Person, the TIN with respect to each Reportable Jurisdiction;

(e) in case of an Entity Crypto-Asset User other than an Active Entity or an Excluded Person, the information described in subparagraph C(1) with respect to each Controlling Person of the Entity Crypto-Asset User, unless such Controlling Person has provided a self-certification pursuant to subparagraph C(1), as well as the role(s) by virtue of which each Reportable Person is a Controlling Person of the Entity, if not already determined on the basis of AML/KYC Procedures; and

(f) if applicable, information as to the criteria it meets to be treated as an Active Entity or Excluded Person.

(3) *(a)* Where a self-certification establishes that an Individual Crypto-Asset User or Entity Crypto-Asset User or a Controlling Person is resident for tax purposes in a Reportable Jurisdiction, the self-certification must also include the Crypto-Asset User or Controlling Person's TIN with respect to each Reportable Jurisdiction, subject to the exception of subparagraph C(3)*(c)* below.

(b) The self-certification must be provided in a written or electronic form. If the self-certification is provided electronically, the electronic system must ensure that the information received is the information sent and must document all occasions of user access that result in the submission, renewal, or modification of a self-certification. In addition, the design and operation of the electronic system, including access procedures, must ensure that the person accessing the system and furnishing the self-certification is the person named in the self-certification, and must be capable of providing upon request a hard copy of all self-certifications provided electronically.

(c) Notwithstanding subparagraphs C(1) and (2), the TIN is not required to be collected if the jurisdiction of residence of the Reportable Person does not issue a TIN to the Reportable Person, or the domestic law of the relevant Reportable Jurisdiction does not require the collection of the TIN issued by such Reportable Jurisdiction.

D. General due diligence requirements

(1) A Reporting Crypto-Asset Service Provider that is also a Financial Institution for the purposes of the Common Reporting Standard may rely on the due diligence procedures completed pursuant to Sections IV and VI of the Common Reporting Standard for the purpose of the due diligence procedures pursuant to this Section. A Reporting Crypto-Asset Service Provider may also rely on a self-certification already collected for other tax purposes, provided such self-certification meets the requirements of paragraph C of this Section.

(2) A Reporting Crypto-Asset Service Provider may rely on a third party to fulfil the due diligence obligations set out in this Section III, but such obligations remain the responsibility of the Reporting Crypto-Asset Service Provider.

(3) A Reporting Crypto-Asset Service Provider is required to maintain all documentation and data for a period of not less than five years after the end of the period within which the Reporting Crypto-Asset Service Provider must report the information required to be reported pursuant to Section II.

Section IV

Defined terms

A. Relevant Crypto-Asset

(1) The term **"Crypto-Asset"** means a digital representation of value that relies on a cryptographically secured distributed ledger or a similar technology to validate and secure transactions where the ownership of, or right to, such value can be traded or transferred to other individuals or Entities in a digital manner and that includes—

(a) a cryptographic token that represents claims or rights of membership against an individual or Entity, rights to property or other absolute or relative rights and that can be digitally exchanged for Fiat Currencies or other Crypto-Assets; and

(b) both fungible and non-fungible tokens that can be traded or transferred to other individuals or Entities in a digital manner.

(2) The term **"Relevant Crypto-Asset"** means any Crypto-Asset that is not a Central Bank Digital Currency, a Specified Electronic Money Product or any Crypto-Asset for which the Reporting Crypto-Asset Service Provider has adequately determined that it cannot be used for payment or investment purposes.

(3) The term **"Central Bank Digital Currency"** means any digital Fiat Currency issued by a Central Bank.

(4) The term **"Specified Electronic Money Product"** means any Crypto-Asset that is:

(a) a digital representation of a single Fiat Currency;

(b) issued on receipt of funds for the purpose of making payment transactions;

(c) represented by a claim on the issuer denominated in the same Fiat Currency;

(d) accepted in payment by a natural or legal person other than the issuer; and

(e) by virtue of regulatory requirements to which the issuer is subject, redeemable at any time and at par value for the same Fiat Currency upon request of the holder of the product.

The term "Specified Electronic Money Product" does not include a product created for the sole purpose of facilitating the transfer of funds from a customer to another person pursuant to instructions of the customer. A product is not created for the sole purpose of facilitating the transfer of funds if, in the ordinary course of business of the transferring Entity, either the funds connected with such product are held longer than 60 days after receipt of instructions to facilitate the transfer, or, if no instructions are received, the funds connected with such product are held longer than 60 days after receipt of the funds.

B. Reporting Crypto-Asset Service Provider

(1) The term **"Reporting Crypto-Asset Service Provider"** means any individual or Entity that, as a business, provides a service effectuating Exchange Transactions for or on behalf of customers, including by acting as a counterparty, or as an intermediary, to such Exchange Transactions, or by making available a trading platform.

C. Relevant Transaction

(1) The term **"Relevant Transaction"** means any:

(a) Exchange Transaction; and

(b) Transfer of Relevant Crypto-Assets.

(2) The term "**Exchange Transaction"** means any:

(a) exchange between Relevant Crypto-Assets and Fiat Currencies; and

(b) exchange between one or more forms of Relevant Crypto-Assets.

(3) The term **"Reportable Retail Payment Transaction"** means a Transfer of Relevant Crypto-Assets in consideration of goods or services for a value exceeding USD 50 000.

(4) The term **"Transfer"** means a transaction that moves a Relevant Crypto-Asset from or to the Crypto-Asset address or account of one Crypto-Asset User, other than one maintained by the Reporting Crypto-Asset Service Provider on behalf

of the same Crypto-Asset User, where, based on the knowledge available to the Reporting Crypto-Asset Service Provider at the time of transaction, the Reporting Crypto-Asset Service Provider cannot determine that the transaction is an Exchange Transaction.

(5) The term **"Fiat Currency"** means the official currency of a jurisdiction, issued by a jurisdiction or by a jurisdiction's designated Central Bank or monetary authority, as represented by physical banknotes or coins or by money in different digital forms, including bank reserves and Central Bank Digital Currencies. The term also includes commercial bank money and electronic money products (including Specified Electronic Money Products).

D. Reportable User

(1) The term **"Reportable User"** means a Crypto-Asset User that is a Reportable Person.

(2) The term **"Crypto-Asset User"** means an individual or Entity that is a customer of a Reporting Crypto-Asset Service Provider for purposes of carrying out Relevant Transactions. An individual or Entity, other than a Financial Institution or a Reporting Crypto-Asset Service Provider, acting as a Crypto-Asset User for the benefit or account of another individual or Entity as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as a Crypto-Asset User, and such other individual or Entity is treated as the Crypto-Asset User. Where a Reporting Crypto-Asset Service Provider provides a service effectuating Reportable Retail Payment Transactions for or on behalf of a merchant, the Reporting Crypto-Asset Service Provider must also treat the customer that is the counterparty to the merchant for such Reportable Retail Payment Transaction as the Crypto-Asset User with respect to such Reportable Retail Payment Transaction, provided that the Reporting Crypto-Asset Service Provider is required to verify the identity of such customer, in addition to the merchant, by virtue of the Reportable Retail Payment Transaction pursuant to domestic anti-money laundering rules and report the payment under Section II both as a Transfer to the merchant and a Reportable Retail Payment Transaction with respect to the customer.

(3) The term **"Individual Crypto-Asset User"** means a Crypto-Asset User that is an individual.

(4) The term **"Preexisting Individual Crypto-Asset User"** means an Individual Crypto-Asset User that has established a relationship with the Reporting Crypto-Asset Service Provider as of 28 February 2026.

(5) The term **"Entity Crypto-Asset User"** means a Crypto-Asset User that is an Entity.

(6) The term **"Preexisting Entity Crypto-Asset User"** means an Entity Crypto-Asset User that has established a relationship with the Reporting Crypto-Asset Service Provider as of 28 February 2026.

(7) The term **"Reportable Person"** means a Reportable Jurisdiction Person other than an Excluded Person.

(8) The term **"Reportable Jurisdiction Person"** means an Entity or individual that is resident in a Reportable Jurisdiction under the tax laws of such jurisdiction, or an estate of a decedent that was a resident of a Reportable Jurisdiction. For this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.

(9) The term **"Reportable Jurisdiction"** means any other jurisdiction than South Africa.

(10) The term **"Controlling Persons"** means the natural persons who exercise control over an Entity. In the case of a trust, such term means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term "Controlling Persons" must be interpreted in a manner consistent with the 2012 Financial Action Task Force Recommendations, as updated in June 2019 pertaining to virtual asset service providers.

(11) The term **"Active Entity"** means any Entity that meets any of the following criteria:

(a) less than 50% of the Entity's gross income for the preceding calendar year or other appropriate Reporting Period is passive income and less than 50% of the assets held by the Entity during the preceding calendar year or other appropriate Reporting Period are assets that produce or are held for the production of passive income;

(b) substantially all of the activities of the Entity consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;

(c) the Entity is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the Entity does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the Entity;

(d) the Entity was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;

(e) the Entity primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or

(f) the Entity meets all of the following requirements:

(i) it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its

jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;

(ii) it is exempt from income tax in its jurisdiction of residence;

(iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;

(iv) the applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents do not permit any income or assets of the Entity to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and

(v) the applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the Entity's jurisdiction of residence or any political subdivision thereof.

E. Excluded Person

(1) The term **"Excluded Person"** means:

(a) an Entity the stock of which is regularly traded on one or more established securities markets;

(b) any Entity that is a Related Entity of an Entity described in clause (a);

(c) a Governmental Entity;

(d) an International Organisation;

(e) a Central Bank; or

(f) a Financial Institution other than an Investment Entity described in Section IV E(5)(b).

(2) The term **"Financial Institution"** means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

(3) The term **"Custodial Institution"** means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. An Entity holds Financial Assets for the account of others as a substantial portion of its business if the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of—

(i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or

(ii) the period during which the Entity has been in existence.

(4) The term **"Depository Institution"** means any Entity that:

(a) accepts deposits in the ordinary course of a banking or similar business; or

(b) holds Specified Electronic Money Products or Central Bank Digital Currencies for the benefit of customers.

(5) The term **"Investment Entity"** means any Entity:

(a) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

(i) trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;

(ii) individual and collective portfolio management; or

(iii) otherwise investing, administering, or managing Financial Assets, money, or Relevant Crypto-Assets on behalf of other persons; or

(b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets or Relevant Crypto-Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial

Institution, a Specified Insurance Company, or an Investment Entity described in subparagraph E(5)*(a)*.

An Entity is treated as primarily conducting as a business one or more of the activities described in subparagraph E(5)*(a)*, or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets or Relevant Crypto-Assets for purposes of subparagraph E(5)*(b)*, if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the Entity has been in existence. For the purposes of subparagraph E(5)*(a)*(iii), the term "otherwise investing, administering, or managing Financial Assets, money, or Relevant Crypto-Assets on behalf of other persons" does not include the provision of services effectuating Exchange Transactions for or on behalf of customers. The term "Investment Entity" does not include an Entity that is an Active Entity because it meets any of the criteria in subparagraphs D(11)*(b)* through *(e)*.

This paragraph shall be interpreted in a manner consistent with similar language set forth in the definition of "financial institution" in the Financial Action Task Force Recommendations.

(6) The term **"Specified Insurance Company"** means any Entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

(7) The term **"Governmental Entity"** means the government of a jurisdiction, any political subdivision of a jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a jurisdiction or of any one or more of the foregoing. This category is comprised of the integral parts, controlled entities, and political subdivisions of a jurisdiction.

(a) An "integral part" of a jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a jurisdiction. The net earnings of the

governing authority must be credited to its own account or to other accounts of the jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.

(b) A **"Controlled Entity"** means an Entity that is separate in form from the jurisdiction or that otherwise constitutes a separate juridical entity, provided that:

(i) the Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities;

(ii) the Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person; and

(iii) the Entity's assets vest in one or more Governmental Entities upon dissolution.

(c) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a governmental entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

(8) The term **"International Organisation"** means any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation (including a supranational organisation) (a) that is comprised primarily of governments; (b) that has in effect a headquarters or substantially similar agreement with the jurisdiction; and (c) the income of which does not inure to the benefit of private persons.

(9) The term **"Central Bank"** means an institution that is by law or government sanction the principal authority, other than the government of the jurisdiction

itself, issuing instruments intended to circulate as currency. Such an institution may include an instrumentality that is separate from the government of the jurisdiction, whether or not owned in whole or in part by the jurisdiction.

(10) The term **"Financial Asset"** includes a security (for example, a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest, commodity, swap (for example, interest rate swaps, currency swaps, basis swaps, interest rate caps, interest rate floors, commodity swaps, equity swaps, equity index swaps, and similar agreements), Insurance Contract or Annuity Contract, or any interest (including a futures or forward contract or option) in a security, Relevant Crypto-Asset, partnership interest, commodity, swap, Insurance Contract, or Annuity Contract. The term "Financial Asset" does not include a non-debt, direct interest in real property.

(11) The term **"Equity Interest**" means, in the case of a partnership that is a Financial Institution, either a capital or profits interest in the partnership. In the case of a trust that is a Financial Institution, an Equity Interest is considered to be held by any person treated as a settlor or beneficiary of all or a portion of the trust, or any other natural person exercising ultimate effective control over the trust. A Reportable Person will be treated as being a beneficiary of a trust if such Reportable Person has the right to receive directly or indirectly (for example, through a nominee) a mandatory distribution or may receive, directly or indirectly, a discretionary distribution from the trust.

(12) The term **"Insurance Contract"** means a contract (other than an Annuity Contract) under which the issuer agrees to pay an amount upon the occurrence of a specified contingency involving mortality, morbidity, accident, liability, or property risk.

(13) The term **"Annuity Contract"** means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction in which the contract was issued, and under which the issuer agrees to make payments for a term of years.

(14) The term **"Cash Value Insurance Contract"** means an Insurance Contract (other than an indemnity reinsurance contract between two insurance companies) that has a Cash Value.

(15) The term **"Cash Value"** means the greater of (i) the amount that the policyholder is entitled to receive upon surrender or termination of the contract (determined without reduction for any surrender charge or policy loan), and (ii) the amount the policyholder can borrow under or with regard to the contract. Notwithstanding the foregoing, the term "Cash Value" does not include an amount payable under an Insurance Contract:

(a) solely by reason of the death of an individual insured under a life insurance contract;

(b) as a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;

(c) as a refund of a previously paid premium (less cost of insurance charges whether or not actually imposed) under an Insurance Contract (other than an investment-linked life insurance or annuity contract) due to cancellation or termination of the contract, decrease in risk exposure during the effective period of the contract, or arising from the correction of a posting or similar error with regard to the premium for the contract;

(d) as a policyholder dividend (other than a termination dividend) provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in subparagraph E(15)*(b)*; or

(e) as a return of an advance premium or premium deposit for an Insurance Contract for which the premium is payable at least annually if the amount of the advance premium or premium deposit does not exceed the next annual premium that will be payable under the contract.

F. Miscellaneous

(1) The term **"Partner Jurisdiction"** means any jurisdiction that has put in place equivalent legal requirements and that is included in a list published by SARS.

(2) The term **"AML/KYC Procedures"** means the customer due diligence procedures of a Reporting Crypto-Asset Service Provider pursuant to the anti-money laundering or similar requirements to which such Reporting Crypto-Asset Service Provider is subject.

(3) The term **"Entity"** means a legal person or a legal arrangement, such as a corporation, partnership, trust, or foundation.

(4) An Entity is a **"Related Entity"** of another Entity if either Entity controls the other Entity, or the two Entities are under common control. For this purpose control includes direct or indirect ownership of more than 50% of the vote and value in an Entity.

(5) The term **"TIN"** means Taxpayer Identification Number (or functional equivalent in the absence of a Taxpayer Identification Number).

(6) The term **"Branch"** means a unit, business or office of a Reporting Crypto-Asset Service Provider that is treated as a branch under the regulatory regime of a jurisdiction or that is otherwise regulated under the laws of a jurisdiction as separate from other offices, units, or branches of the Reporting Crypto-Asset Service Provider. All units, businesses, or offices of a Reporting Crypto-Asset Service Provider in a single jurisdiction shall be treated as a single branch.

(7) The term **"Reporting Period"** means the period commencing on 1 March 2026 and ending on the last day of February 2027 and thereafter the period commencing on 1 March of each subsequent year and ending on the last day of February of the following year.

(8) A **"Change of Circumstances"** includes any change that results in the addition of information relevant to an Individual Crypto-Asset User's status or otherwise conflicts with such user's status or any change or addition of information to any profile associated with such Individual Crypto-Asset User if such change or addition of information affects the status of the Individual Crypto-Asset User.

(9) The term **"SARS"** means the South African Revenue Service.

(10) The **"Tax Administration Act"** means the Tax Administration Act, 2011 (Act No. 28 of 2011).

Section V

Effective implementation

A. In addition to the provisions of the Tax Administration Act the following rules and administrative procedures apply to ensure effective implementation of, and compliance with, the reporting and due diligence procedures set out above.

(1) **Anti-avoidance**

(a) If a person enters into any arrangement or structure with the main purpose, or one of the main purposes, to avoid any obligation under the CARF Standard, these Regulations are to have effect as if the arrangement or structure had not been entered into.

(b) If a Crypto-Asset User that is a Reportable Person is no longer an Excluded Person as it no longer complies with the requirements for an Excluded Person under paragraph E of Section IV, it becomes a Reportable Person from the moment that it no longer complies with such requirements.

(c) If an Entity Crypto-Asset User is no longer an Active Entity as it no longer complies with the requirements for an Active Entity under subparagraph D(11) of Section IV, it becomes an Entity Crypto-Asset User from the moment that it no longer complies with such requirements.

(2) **Sanctions for non-compliance in providing information to a Crypto-Asset Service Provider**

Non-compliance with any obligation under these Regulations includes non-compliance as referred to in section 26(4) of the Tax Administration Act by:

(a) a Crypto-Asset User,

(b) if the Crypto-Asset User is an Entity, any Controlling Person(s) of that entity; or

(c) any other person;

from whom a Crypto-Asset Service Provider requires information, a document or thing in order to obtain and report the information required under Section I and to comply with any other requirement of these Regulations.

B. Suspension or termination of a customer relationship or effectuating a Relevant Transaction for failure to provide a self-certification

If a self-certification that is to be obtained or is otherwise required under any provision of these rules is not provided by a Crypto-Asset User or Controlling Person of an Entity Crypto-Asset User or if the self-certification provided does not meet any requirement under these rules, a Reporting Crypto-Asset Service Provider—

(1) must suspend effectuating a Relevant Transaction until receipt of the self-certification that meets the requirements of these rules; or

(2) may terminate a customer relationship with the Crypto-Asset User or decline to effectuate a Relevant Transaction if, despite all reasonable efforts by the Reporting Crypto-Asset Service Provider, no self-certification is received that meets the requirements of these rules and the customer or transaction presents a risk of tax evasion, avoiding reporting of the transaction in accordance with the CARF or otherwise frustrating the purposes of the CARF.

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