



## **FOREIGN VENDOR QUESTIONNAIRE**

### **Statement of Vendor Regarding Type of Business Being Conducted with Siemens**

1. Name of Vendor:
2. Country of Residence:
3. Business Address (not P.O. box):
4. Do you file a U.S. federal income tax return? Yes  No
5. Are you a (check only one box to describe your status):
  - Individual
  - Corporation
  - Partnership
  - Qualified Intermediary
  - Nonqualified Intermediary
  - Tax-Exempt or Governmental Entity
  - Disregarded Entity or Branch
  - Other

**PLEASE CHECK THE BOX(S) IN EITHER SECTION 1 OR 2 (IF YOU CHECK SECTION 1, DO NOT CHECK SECTION 2)**

#### **Section 1**

***Please check all that apply, even if you intend to provide a W-8 Series Form***

One or more of the boxes checked below constitute activities we are performing for Siemens. We understand that if we receive payments from you with respect to one or more of these activities, the payments will constitute U.S. Source income subject to withholding at the rate of 30% unless we provide a valid Form W-8 to (i) claim treaty benefits, to the extent available and/or (ii) assert a compliant FATCA status, if necessary.<sup>1</sup>

#### **Provision of non-financial goods or services:**

- Licensing intangible property for use in the U.S. such as trademarks, trade names, service marks, patents, secret processes and formulas, goodwill, franchises, "know-how," and other similar rights or copyrights, or
- Renting tangible property located on U.S. soil, or
- Performing non-financial services in the U.S. (e.g. installation, repair, engineering, legal or other consulting services), or
- Other non-financial services performed in the U.S. Please describe:

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<sup>1</sup>FATCA status refers to your status under the Foreign Account Tax Compliance Act, which is a U.S. law that was enacted in 2010, and went into effect on July 1, 2014. Broadly speaking the law requires foreign financial institutions (FFIs) to report to the IRS information about financial accounts held by U.S. taxpayers or otherwise be subjected to 30% withholding on certain US income payments that are made to the foreign entity.

Unrestricted



Provision of financial services or participation as a counter party in a financial transaction:<sup>2</sup>

- Providing financial services in the U.S. (e.g. commercial banking services, investment banking services, foreign exchange services, brokerage services, asset management services, insurance of U.S. risks), or
- Lending money or entering into a forward, a future, notional principal contract (i.e. a swap) or similar financial instrument, or
- Entering into cash value insurance or annuity contracts, or
- Selling or disposing of any property of a type which can produce interest or dividends from sources within the United States.<sup>3</sup>

**Section 2**

To the best of my knowledge and belief, I declare that the activities we are performing for Siemens are:

- Selling of goods only (including software and software maintenance contracts provided the user license grants the user the perpetual right to use the software, and restricts the rights to reproduce the software and distribute to the public) and/or
- Performing services outside the U.S. (You must check the appropriate box in Section 1 if any services will be performed on U.S. soil).

\_\_\_\_\_  
 Signature of individual authorized to sign for Vendor/ Title \_\_\_\_\_ Date \_\_\_\_\_  
*By typing your name here, you are signing this document electronically*

**Concurrence of Siemens Representative:**

\_\_\_\_\_  
 Siemens Procurement or Commodity Manager/ Title \_\_\_\_\_ Date \_\_\_\_\_

<sup>2</sup>A representation of FATCA status is required if you are receiving a payment for financial services or as the counterparty in certain financial transactions (generally referred to as a “withholdable payment”). For example, you make a loan to a US obligor and that US obligor pays you interest on that loan. The interest payment is considered a withholdable payment and may be subjected to 30% withholding depending on your FATCA status. Line 5 of the W-8BEN-E should be used by foreign entities for asserting their FATCA status. As shown on the form, some examples of FATCA statuses are: (i) foreign financial institution (participating, deemed-compliant, or non-participating), (ii) non-financial foreign entity (active or passive), or (iii) foreign government, exempt retirement plan, or 501(c) organization. This list is not an exhaustive list. You should refer to the W-8 forms and instructions located on the IRS website for further guidance to determine your status.

<sup>3</sup> Not subject to withholding until January 1, 2017.