



# FATCA POLICY

**FOR NON-REPORTING COMPANIES**

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# 01 INTRODUCTION.

**FATCA** is a United States federal law that aims to enhance transparency and the sharing of financial information regarding United States Persons, in order to prevent tax evasion.

In the light of this, **Falabella must implement the controls and procedures necessary** to comply with FATCA, in all Non-Reporting Companies required to execute specific compliance controls.





# 02

## OBJECTIVE.

The objective of this policy is **to establish the general principles that must guide the behavior of Falabella and its Associates**, with the goals of: i) demanding and promoting compliance with FATCA; and, ii) defining the activities that will help each Non-Reporting Company prevent the risk of non-compliance with obligations set by FATCA.

# 03

## SCOPE.

This Policy is specific in scope, and therefore, applicable to all Non-Reporting Companies; thus, all Associates are expected to implement and be bound by it.

## DEFINITIONS.

The capitalized terms used in this Policy are defined in Annex 1.



# 04

## GENERAL PRINCIPLES.

Falabella and its Associates must comply with the following general principles in relation to FATCA:

### COMPLIANCE WITH LEGISLATION

Falabella demands and promotes compliance with current legislation; therefore, each Non-Reporting Company must comply with FATCA, as deemed applicable, in accordance with the regulations of the country in which said Company carries out its activities.

### PROTECTION OF CONSUMER RIGHTS

Each Non-Reporting Company subject to compliance with an obligation related to FATCA must only share the information necessary to meet those obligations, keeping strict compliance with the internal and legal policy of the Non-Reporting Company, in relation to the protection of personal data, and safeguarding the rights of clients considered as U.S. Persons.

### CONTINUAL IMPROVEMENT

Falabella adopts mechanisms for the continual improvement of its performance in relation to the implementation of FATCA. Consequently, it establishes goals and objectives to determine opportunities for the improvement and adjustment of processes that allow it to guarantee compliance with the legal obligations established by FATCA.

# 05

## OBLIGATIONS OF NON-REPORTING COMPANIES.

Non-Reporting Companies must observe to the following obligations:

Designate an Associate as Responsible Officer, who will be the person in charge of: a) ensuring compliance with FATCA and this Policy; and, b) giving guidance to the Non-Reporting Company in the event of enquiries related to FATCA.

Designate an Associate as Point of Contact, who will be responsible for: a) assisting the Responsible Officer with the compliance with FATCA and this Policy; and b) updating the information of the Non-Reporting Company on the website of the Internal Revenue Service, the tax collection entity of the United States.

Complete the periodic certification required by FATCA.

# 06 INTEGRITY CHANNEL.

Associates must channel the information in their possession or the reports regarding any activity forbidden under this Policy or FATCA, through the Integrity Channel.

## The Integrity Channel may be contacted:



1 via e-mail:  
[contactochile@gerenciadeetica.com](mailto:contactochile@gerenciadeetica.com)



2 by telephone on  
800 726 100



3 **Through the online platform** that each Non-Reporting Company has established for such purpose



4 **In person**, by visiting the offices of the Ethics Department of S.A.C.I. Falabella.







# 07 COMPLIANCE WITH THE POLICY.

All Associates are required to adhere faithfully to this Policy and to the internal regulations issued by the Non-Reporting Company on this subject.

Any violation to the above laws and regulations could lead to disciplinary action against the Associate as provided in the Integrity Code and the Internal Orderliness, Health and Safety Regulations of the Non-Reporting Company; including dismissal in the case of serious or repeat offenses.







## RELATED DOCUMENTS.

- Code of [Integrity / Ethics / Eficación / Conduct]
- FATCA Policy and CRS
- FATCA Program and CRS

# APPENDIX

## DEFINITIONS

In this document, the following words and terms, when capitalized as in each individual definition below, whether or not necessary according to the spelling rules applicable to capitalization, will carry the meanings given to each of them regardless of where they are used herein or if they are used in a given person, number, mode, tense or grammatical variable, as necessary for the correct understanding thereof, shall bear the meaning each such word or term is given below:

### **ASSOCIATE**

Means i) any and all persons related to a Non-Reporting Company under an employment contract or providing services on a fee basis; ii) anyone acting on behalf of a Non-Reporting Company irrespective of the nature of the relationship therewith; and iii) all the members of the board of directors or any other multi-member body of senior management who, in accordance with applicable law, relates to a Non-Reporting Company.

### **FALABELLA**

Means, i) S.A.C.I. Falabella; ii) any other legal entity in any jurisdiction in which S.A.C.I. Falabella controls, directly or through another individual or entity, more than 50% of its voting capital stock or capital if not a stock company, or is able to elect or designate or have elected or designated a majority of its directors, board members or administrators; and iii) any other legal entity in any jurisdiction in which S.A.C.I. Falabella controls, directly or through another individual or entity, 50% or less of its voting

capital stock or capital, provided that the former is known to the public as a business with trademarks of S.A.C.I. Falabella, or of any of the Falabella companies described in ii) above.

### **FATCA**

Means the acronym of the Foreign Account Tax Compliance Act, a United States federal law enacted in 2010 that requires foreign financial institutions to collaborate with the American government through the Internal Revenue Service, the tax collection agency of the United States. By virtue of this law, foreign financial institutions must report annually on the accounts linked to a United States Person.

### **INTEGRITY CHANNEL**

Means the resources that Falabella makes available as a whole to its Associates or third parties, whereby they may contact the Ethics Department directly to raise concerns or ask questions, or make reports in relation to ethics issues or Environmental Law.

# APPENDIX

## DEFINITIONS

### NON-REPORTING COMPANY

Means a Falabella company that, in the light of FATCA and due to it being part of a group of financial institutions or being the headquarters of financial institutions, must be registered in the databases of the Internal Revenue Service, the tax collection entity of the United States federal government. This company is not required to report annually to the IRS, without affecting the other obligations that it must meet in relation to FATCA.

### UNITED STATES

Means the United States of America, including all its states and the District of Columbia and, likewise, the overseas territories of American Samoa, the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.

### UNITED STATES PERSON

Means, for effects of FATCA: a) a citizen of the United States of America (including a person born in that country but residing abroad, and who has not renounced his or her U.S. citizenship); b) a legal resident of the United States, that is, someone who holds a Green Card issued by said country; c) a person that resides in the United States; d) natural or juridical persons with indicia of being U.S. nationals, who have not clarified their status when requested; e) a U.S. taxpayer who spends a certain number of days in that country (considerable stay of more than 183 days in the last year, or an average of 122 days or longer in the last 3 years); f) entities (juridical persons) where more than 50% of their income is generated through investments and financial activities, and at least one of their shareholders or beneficial owners owns 10% or more of the shares of the entity; and g) corporations, estates and trusts subject to U.S. laws and regulations.

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## FATCA POLICY

F A L A B E L L A

