

(h)	you are an entity established outside the European Union that, to the best of your knowledge and belief, having given due and proper consideration to your status, would constitute a non-financial counterparty (as defined in EMIR) if you were established in the European Union and the notional amounts of your relevant foreign exchange, credit, rates, equity, commodity and other derivative portfolios are <u>lower than</u> the thresholds for mandatory clearing stipulated in respect of EMIR	
-----	--	--

5. You make the following representation to DBAG (tick as applicable):

(a)	You are a US person as defined in PR Reg. __.9(b)(1) (a " PR US Person ") ⁶	
(b)	You are a PR US Person and you are an exempt entity that will enter all non-cleared swaps with DBAG in reliance on and compliance with one of the following exemptions: (i) CFTC Non-Financial Entity Exemption ⁷ (ii) CFTC Small Bank Exemption ⁸ (iii) CFTC Captive Finance Company Exemption ⁹ (iv) CFTC Exempt Cooperative Exemption ¹⁰ or (v) CFTC Treasury Affiliate Exemption ¹¹	
(c)	You are not a US Person but your obligations receive a guarantee from a PR US Person, PR US Branch ¹² or PR Foreign Consolidated Subsidiary ¹³ (a " PR US Guarantee ")	
(d)	You are not a PR US Person and your obligations do not receive a PR US Guarantee	
(e)	You are : (i) a sovereign entity, (ii) a multilateral development bank, (iii) the Bank for International Settlements or (iv) another entity excluded from the definition of "financial end user" in PR Reg. __.2.	

⁶ "**PR US Person**" means (i) an entity organized under the laws of the United States or any State other than a US branch, office or agency of a non-US bank or (ii) a natural person who is a resident of the United States.

⁷ "**CFTC Non-Financial Entity Exemption**" means the exemption from margin requirements for an entity that does not meet the general definition of "financial entity" in CEA § 2(h)(7)(C)(i).

⁸ "**CFTC Small Bank Exemption**" means the exemption from margin requirements for an entity that qualifies for an exclusion from the definition of "financial entity" in CEA § 2(h)(7)(C)(ii) and CFTC Regulation 50.50(d).

⁹ "**CFTC Captive Finance Company Exemption**" means the exemption from margin requirements for an entity that qualifies for an exclusion from the definition of "financial entity" in Section CEA §2(h)(7)(C)(iii).

¹⁰ "**CFTC Exempt Cooperative Exemption**" means the exemption from margin requirements for an entity that qualifies for an exception from clearing under a rule, regulation, or order that the CFTC issued pursuant to its authority under Section 4(c)(1) of the CEA concerning cooperative entities that would otherwise be subject to the requirements of CEA § 2(h)(1)(A) (see *CFTC Regulation 50.51*).

¹¹ "**CFTC Treasury Affiliate Exemption**" means the exemption from margin requirements for an entity that satisfies the criteria in CEA § 2(h)(7)(D) and implementing regulations (see *PR Reg. __.1(d)* and *CFTC Reg. 23.150(b)*).

¹² "**PR US Branch**" means a branch or agency organized or licensed under the laws of the United States or any US State.

¹³ "**PR Foreign Consolidated Subsidiary**" means a Swap Entity that is a Subsidiary of an entity that is organized under the laws of the United States or any US State. "**Swap Entity**" means "swap dealer," as defined in CEA § 1a(49) and the rules adopted thereunder. "**Subsidiary**" means a "subsidiary," as defined in PR Reg. __.2.