

Regulatory Information Guide

This Regulatory Information Guide sets out important regulatory information about CaixaBank, S.A., Zweigniederlassung Deutschland ("CaixaBank"). It covers:

1. - Name, address, and registration of CaixaBank.
2. - The type of customers we serve.
3. - Complaints about our service.
4. - Anti-Money Laundering, International Sanctions and Tax Information Exchange.
5. - Compensation Scheme.
6. - How we treat your personal data.

1. **Name, address and registration of CaixaBank.**

CaixaBank, S.A. Zweigniederlassung Deutschland
Neue Mainzer Strasse 66-68
60311 Frankfurt am Main
Germany

CaixaBank, S.A. Zweigniederlassung Deutschland is authorised and regulated by the European Central Bank and the Bank of Spain (*Banco de España*) and subject to limited regulation by the German Financial Supervisory Authority (*Bundesanstalt für Finanzdienstleistungsaufsicht*, BaFin) and Deutsche Bundesbank. Registration number: 148791. Details as to the extent of our regulation by BaFin and Deutsche Bundesbank are available upon request.

"CaixaBank" is a trading name of CaixaBank, S.A.

CaixaBank, S.A. Zweigniederlassung Deutschland is registered in the Commercial Register of the local court of Frankfurt am Main under HR B 109223.

2. **The type of customers we serve.**

CaixaBank offers products and services to certain types of business customers. We do not deal with consumers. Consumers are, pursuant to § 13 of the German Civil Code (*Bürgerliches Gesetzbuch*, BGB), all natural persons who enter into a legal relationship for purposes that may not predominantly be assigned to their commercial or autonomous trade, business or profession.

3. **Complaints about our service.**

How to make a complaint.

If you, as a customer, are unhappy about any aspect of the service you have received and wish to make a complaint, you can visit or contact our branch and speak to a member of staff, preferably your Relationship Manager. However, if you wish to make a formal complaint you would need to send a letter to the Complaints Service Department at:

CaixaBank, S.A. Zweigniederlassung Deutschland
Complaints Service Department
Neue Mainzer Strasse 66-68
60311 Frankfurt am Main
Germany

Please provide as much information as possible about your complaint, including:

- A description of your complaint.
- Your account details.
- Your contact details.
- What you suggest could be done to put things right.
- Please provide copies of any supporting documentation you have.

No costs.

We will not charge you in any way for making a complaint.

Next Steps.

We will make all reasonable efforts to resolve the matter, and we will aim to provide you with a response to your complaint within fifteen (15) Banking Business Days upon receipt of your complaint. If we are not able to respond to your complaint within fifteen (15) Banking Business Days, we will let you know accordingly and will keep you updated as to the progress and estimated duration of our investigation. In any case we will provide you with our final response to your complaint no later than within thirty-five (35) Banking Business Days upon receipt of your complaint.

How we will investigate your complaint.

We will investigate your complaint as quickly and efficiently as we can. We will look at all facts of your case based on all evidence available to us and determine a fair and reasonable outcome. We aim to be as competent, diligent and impartial as possible and we will always try our utmost to put things right for you. We may require more information about your complaint, in which case we will contact you or any other person we need to. If we need to disclose your personal data for the purposes of our investigation, we will ask for your permission first. Where relevant, we will take into account similarities with other complaints we have received and applicable regulatory guidance in investigating your complaint.

What if you are not happy with our final response to your complaint?

Our final response to your complaint will set out the findings of our investigation and offer remedial action where considered appropriate. If we reject your complaint, we will give you our reasons for such rejection. Under certain conditions, you may also make a complaint to BaFin via mail to Graurheindorfer Straße 108, 53117 Bonn, Germany, or via fax to + 49 (0)228 4108-1550.

4. **Anti-Money Laundering, International Sanctions and Tax Information Exchange**

We are required to establish each customer's and each person's identity that is acting on behalf of the customer in accordance with applicable anti-money laundering, international sanctions and tax information exchange legislation. Hence, we may need to contact you to obtain information to enable us to complete our due diligence and know-your-customer (KYC) process before entering into the business relationship with you, and also to obtain additional information during the course of our business relationship. Under any applicable anti-money laundering, international sanctions and tax information exchange legislation we may be unable to process operations or transactions with/for you or to otherwise deal with you in case such legislation would in our view be breached thereby. Where we suspect money laundering, terrorism financing, and/or any other criminal activity and/or breach of international sanctions, we may be required to report information about you/your bank accounts to law enforcement agencies and/or terminate the business relationship in whole.

CaixaBank and CaixaBank, S.A. is committed to complying with its obligations under CRS and other tax compliance regimes, including FATCA. Those obligations derive from

- (i) the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information signed by the Federal Republic of Germany on 29 October 2014 (CRS),
- (ii) the Act on the Automatic Exchange of Financial Account Information in Tax Matters (*Gesetz zum automatischen Austausch von Informationen über Finanzkonten in Steuersachen*),
- (iii) the Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation,
- (iv) the Agreement Between the United States of America and the Federal Republic of Germany to Improve International Tax Compliance and with respect to the United States Information and Reporting Provisions Commonly Known as the Foreign Account Tax Compliance Act of 31 May 2013 (FATCA), and
- (v) the Regulation implementing the obligations under the agreement between the Federal Republic of Germany and the United States of America for the promotion of tax compliance in international matters and with respect to the U.S. information and reporting provisions under FATCA (*FATCA-USA-Umsetzungsverordnung*) of 23 July 2014.

Hence, depending on the circumstances, we may be required to refer information about you to German, US or other tax authorities. Such information may also be shared between tax and/or other authorities globally.

CaixaBank, CaixaBank, S.A., and CaixaBank Group further complies with any export control, trade, economic or financial sanctions, laws, regulations, directives, resolutions, embargoes, programs or restrictive measures administered (hereinafter "**Sanctions**"), enacted or enforced by (i) the United Nations, (ii) the European Union or any of its member states, (iii) the Federal Republic of Germany, (iv) the Kingdom of Spain, (v) the United States of America, (vi) any other country relevant to CaixaBank or CaixaBank Group or its business or relevant to a particular payment, and/or (vii) the respective governments and official institutions or agencies of any of the foregoing, including without limitation, the German Federal Office of Economics and Export Control (BAFA) and the German Federal Bank (Bundesbank), the United States Department of Treasury's Office of Foreign Assets Control (OFAC), the United States Department of State, the United States Department of Commerce, and the Office of Financial Sanctions Implementation (OFSI) of Her Majesty's Treasury in the United Kingdom (hereinafter together the "**Sanctions Authorities**").

Subject to any applicable anti-boycott or blocking law, regulation or statute of the European Union that is in force from time to time in the Federal Republic of Germany and applicable to such entity (including without limitation EU Council Regulation (EC) 2271/96 and Section 7 of the German Foreign Trade and Payments Ordinance (*Verordnung zur Durchführung des Außenwirtschaftsgesetzes (Außenwirtschaftsverordnung)*), CaixaBank may not maintain a business relationship with any person that:

- (i) is (a) listed in, or (directly or indirectly) owned or controlled by a person listed in, or acting on behalf of a person listed in, any Sanctions List (as defined below), (b) located in, incorporated or organised under the laws of, or (directly or indirectly) owned or controlled by, or acting on behalf of, a person located in, incorporated or organised under the laws of a country or territory that is, or whose government is, the target of country- or territory-wide Sanctions, or (c) otherwise a target of Sanctions (hereinafter together the "**Restricted Persons**", and "**Sanctions List**" meaning (i) the Consolidated United Nations Security Council Sanctions List, (ii) the consolidated list of persons, groups and entities subject to EU financial sanctions maintained by the European Commission, (iii) the Specially Designated Nationals and Blocked Persons list maintained by OFAC, or (iv) any similar present or future sanctions list maintained by, or public announcement of Sanctions designation made by, any of the afore-mentioned Sanctions Authorities, each as amended, supplemented or substituted from time to time).
- (ii) acts directly or indirectly for or on behalf of any Restricted Person or participates in or controls a Restricted Person.
- (iii) is incorporated, located, has its operating headquarters or is resident in a country or territory that is subject to Sanctions.
- (iv) maintains any business relationship or has any activity or business for or with any individuals or with countries, territories or jurisdictions subject to Sanctions.
- (v) will use the business relationship with CaixaBank to make funds available, directly or indirectly, to any Restricted Person or direct such funds to finance, directly or indirectly, any activity or business with any Restricted Person or to any country, territory or jurisdiction that, at the time of using the funds, is subject to Sanctions or otherwise in breach of Sanctions.

5. **Compensation Scheme**

We are part of CaixaBank, S.A., which is based in Spain. If we were to fail financially depositors may, depending on their circumstances, be covered by the Spanish Deposit Guarantee Fund (*El Fondo de Garantía de Depósitos de Entidades de Crédito*). This means that if CaixaBank is unable to meet its financial obligations, our eligible German depositors may be entitled to claim up to a maximum limit from the Spanish Deposit Guarantee Fund. The monetary amount guaranteed is applied per depositor – this means that a customer with deposits with CaixaBank in both Germany, Spain and/or any other country in which CaixaBank operates a branch will be treated as a single claimant. Joint account holders are treated as several claimants, so that the compensation applies to each depositor separately. The maximum monetary amount guaranteed per depositor is €100,000 for deposits in Euros and, for deposits in other currencies, the equivalent of €100,000 in the relevant currency according to the exchange rate applicable on the earlier day (i) the relevant court issues a judicial resolution declaring the insolvency of the bank or (ii) the Banco de España issues a resolution stating the need for the Spanish Deposit Guarantee Fund to be applied. If the relevant date is a bank holiday, the date for the applicable exchange rate will be the previous business day. For further information about El Fondo de Garantía de Depósitos de Entidades de Crédito (including the amounts covered and eligibility to claim) please contact CaixaBank, S.A. Zweigniederlassung Deutschland or:

Fondo de Garantía de Depósitos
C/ José Ortega y Gasset,
22 - 4ª planta, 28006 Madrid
Telephone: +34 91 431 66 45
Fax: + 34 91 575 57 28
Email: info@fgd.es
Website: www.fgd.es

6. **How we treat your personal data**

- 6.1. In order to provide you with products and services we may need to collect, use, share and store personal and financial information about you, your business and certain other people including your directors, officers, authorised signatories, other employees, shareholders, beneficial owners and guarantors or grantors, etc. ("**Relevant Individuals**"). These personal data shall be used by CaixaBank, S.A. Zweigniederlassung Deutschland, as a data controller, for the performance of a contract to which you are a party, in order to take steps at your request prior to entering into a contract with us, to comply with legal obligations, to enable CaixaBank to pursue its legitimate interests or for a purpose you have given your consent to. This includes information we:
- 6.1.1. obtain from you or directly from Relevant Individuals, or from third parties, such as the European Central Bank, BaFin or Deutsche Bundesbank, or other organisations when you apply for an account, product or service or which you or they give to us at any other time.
 - 6.1.2. learn from the transactions and operations you make such as the date, amount, currency and the name and type of suppliers you use and the way you use and manage any account you hold with us.

Where you provide personal data in respect of any Relevant Individuals, you are responsible for, and confirm that you have obtained the consent of those Relevant Individuals for us to use that personal data in the manner set out in this Regulatory Information Guide. You will be liable to us in respect of any failure to obtain that consent.

- 6.2. We, CaixaBank, S.A. Zweigniederlassung Deutschland and other members of the CaixaBank, S.A. Group may use your information to inform you by mail, telephone, text (or similar) message, email and other electronic methods, about products and services which may be of interest to you. You can opt out from such communications at any time by contacting us at Neue Mainzer Strasse 66-68, 60311 Frankfurt am Main, Germany, or in the link enabled in the same communication.

- 6.3. When you apply for a business account or service with us we may:

- 6.3.1. Check our own records and systems. We may check for information about:
 - Any other accounts (including any personal accounts) belonging to you or your business partners or to Relevant Individuals.
 - Your shareholders who are beneficial owners of 25% or more of the business.
- 6.3.2. Request searches from credit reference agencies. We will ask for searches on:
 - Publicly available information about you and your business partners' personal credit behaviour, and that of Relevant Individuals.
 - Information about the way you and your business partners and Relevant Individuals have handled any personal borrowings, if your business has three or fewer directors or partners.
 - Information about your business.
 - Information about your business accounts.
 - The identities of the beneficial owners of your business.
 - In respect of your directors, their residential addresses (to confirm they are the same as those shown on the restricted register of directors' usual addresses at the applicable commercial registers).
- 6.3.3. Request searches at fraud prevention agencies. We will ask for searches for information about you, your address(es), your business partners, Relevant Individuals, your business, and the beneficial owners of your business. If false or inaccurate information is provided or fraud is suspected or identified, we will record this. We may also pass this information to the fraud prevention agencies and other organizations involved in crime and fraud prevention where it may be accessed by law enforcement agencies. The information recorded by fraud prevention agencies may be accessed and used by organizations in Germany and in other countries.
- 6.3.4. Check with the European Central Bank, BaFin or Deutsche Bundesbank, including the commercial register and insolvency register databases for information on your solvency.
- 6.3.5. We may also use your information and that of Relevant Individuals for the additional purposes listed below either during your application process or in the future. Other organizations may also use that information for these purposes where they have received it from the credit reference agencies or the fraud prevention agencies:
 - Checking details and making decisions about credit and credit-related services for you, your business or your business partners.
 - Verifying your identity and the identities of any Relevant Individuals.
 - Undertaking checks for the prevention and detection of money laundering, international sanctions, fraud and other crimes.
 - Use scoring methods to assess the application and to verify your identity.
 - Locating you and recovering any debts you owe.
 - Performing statistical analysis and testing.
 - Carrying out regulatory checks or other work to meet our obligations to any regulatory or tax authority.
 - We may use automated processes when we use information you disclose to us for any of the purposes listed in this condition.
 - If you borrow or may borrow from us we will give details of your business account, which may include the names and other personal data of Relevant Individuals associated with your account, to credit reference agencies. We will also tell the credit reference agencies if you have borrowed from us and have not repaid in full and on time.

- 6.4. We may also share information about you, your business, and the Relevant Individuals, and how are managed the account(s) contracted with selected third parties including:

- 6.4.1. Other companies within the CaixaBank, S.A. Group, including (i) internal service companies and (ii) to other CaixaBank companies and entities with whom the Customer has a relationship. A list of companies within the CaixaBank group with which your personal information may be shared can be found here: https://www.caixabank.es/empresa/general/empresas-del-grupo_es.html.
- 6.4.2. To third parties who provide a service to us or who are acting as our agents, on the understanding that they will keep the information confidential.
- 6.4.3. To anyone to whom we transfer (or may transfer) our rights and/or duties, or subcontract (or may subcontract) our rights and/or our duties under any agreement.
- 6.4.4. To any third party as a result of any restructure, sale or acquisition of any company within the CaixaBank, S.A. Group, provided that any recipient uses your information for the same purposes as it was originally supplied to us and/or used by us.
- 6.4.5. If we have a duty to do so, it is convenient from a legal and/or regulatory perspective or if the law allows us to.
- 6.4.6. For international payments where we are required to send details of the payee and the beneficiary with the payment, to overseas regulators and authorities in connection with their legitimate duties, for example the prevention of crime.

Otherwise, we will keep information about you, your business, Relevant Individuals and your account(s) in accordance with data protection laws.

- 6.5. The processing of the data is carried out, generally by service providers located in the European Economic Area (EEA) or located in countries that ensures an adequate level of protection. In other cases, CaixaBank will guarantee the security and legitimacy of the processing of the data by requiring the appropriate safeguards (binding corporate rules or standard data protection clauses adopted by the European Commission).

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- 6.6. The data will be processed while remain in force the contractual or business relations established. Once the validity has expired, the data will be stored for the sole purpose of complying with the legal obligations required and to formulate, exercise or defense of claims, during the applicable retention periods.
- 6.7. Any Relevant Individual may access, rectify or erase their personal information, as well as restrict, limit or object to the processing thereof on grounds relating to their particular situation, or request its portability, as provided by law. In addition, a Relevant Individual has the right to provide instructions as to the situation of their personal data in case of death. In order to exercise these rights, notification shall be addressed to in writing to CaixaBank's registered office at Neue Mainzer Strasse 66-68, 60311 Frankfurt am Main, Germany, or to any other CaixaBank, S.A. branch, or to the Spanish registered office of CaixaBank, S.A. located at Calle Pintor Sorolla 2-4 46002 Valencia (Spain) or by means of www.caixabank.com/ejerciciodederechos.
- 6.8. Likewise, any Relevant Individual has the right to lodge a complaint with a supervisory authority (in Germany, the Data Protection and Freedom of Information Commissioner of Hesse (Der Hessische Beauftragte für Datenschutz und Informationsfreiheit, <https://datenschutz.hessen.de/>), or the lead supervisory authority of CaixaBank Group, the Agencia Española de Protección de Datos, www.agpd.es).
- 6.9. Finally, any Relevant Individual may contact CaixaBank's Data Protection Officer for any doubt or query at www.caixabank.com/delegadoprotecciondedatos.

You undertake to inform each Relevant Individual of the provisions of this section 6.