



# Instructions for Form W-8BEN-E

(June 2014)

## Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities)

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Section references are to the Internal Revenue Code unless otherwise noted.

### Future Developments

For the latest information about developments related to Form W-8BEN-E and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/formw8bene](http://www.irs.gov/formw8bene).

### What's New

**FATCA.** In 2010, Congress passed the Hiring Incentives to Restore Employment Act of 2010, P.L. 111-147 (the HIRE Act), which added chapter 4 of Subtitle A (chapter 4) to the Code, consisting of sections 1471 through 1474 of the Code and commonly referred to as "FATCA" or "chapter 4." Under chapter 4, foreign financial institutions (FFIs) that are participating FFIs and certain registered deemed-compliant FFIs are generally required to identify their U.S. account holders, regardless of whether a payment subject to withholding is made to their accounts. In January 2013, final regulations were published that provide due diligence, withholding, and reporting rules for both U.S. withholding agents and FFIs under chapter 4. Additionally, temporary and proposed regulations were released in February 2014 providing updated rules under chapter 4 as well as guidance coordinating chapters 3 and 61 with the requirements of chapter 4. U.S. withholding agents and FFIs will be required to begin withholding on withholdable payments for chapter 4 purposes beginning on July 1, 2014.

This form, along with Forms W-8ECI, W-8EXP, and W-8IMY, has been updated to reflect the documentation requirements of chapter 4. In particular, this Form W-8BEN-E is now used exclusively by entities to document their status both as a payee under chapter 4 and beneficial owner under chapter 3 (chapter 3) of the Code when required (including an entity eligible to claim treaty benefits for reduced withholding), and under certain other sections of the Code to establish their status for withholding or reporting purposes. Individuals documenting their foreign status (or making a claim of treaty benefits for reduced withholding) should use Form W-8BEN instead of this form.

An entity account holder holding accounts with certain FFIs that does not document its applicable chapter 4 status when required may be treated as a recalcitrant account holder or nonparticipating FFI and will be subject to 30% withholding on withholdable payments it receives from the FFI. A foreign entity account holder can avoid being classified as a recalcitrant account holder or

nonparticipating FFI by using this form to document its applicable chapter 4 status.

Chapter 4 also requires withholding agents to withhold on certain payments made to a foreign entity that does not document its chapter 4 status and, in some cases, disclose its substantial U.S. owners. In general, a foreign entity receiving a withholdable payment should provide this form when requested to avoid withholding consequences.

**Reportable payment card transactions.** Section 6050W was added by section 3091 of the Housing Assistance Tax Act of 2008 and requires information returns to be made by certain payers with respect to payments made to participating payees (as defined in Regulations section 1.6050W-1(a)(5)) in settlement of payment card transactions and third party payment network transactions. Information returns are not required with respect to payments made to payees that are foreign persons, however.

A payer of a reportable payment for chapter 61 purposes (i.e., Form 1099 reporting purposes) may treat a payee as foreign if the payer receives an applicable Form W-8 from the payee. Provide this Form W-8BEN-E to the requestor if you are a foreign entity that is a participating payee receiving payments in settlement of payment card or third party network transactions that are not effectively connected with a U.S. trade or business of the participating payee.

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## General Instructions

For definitions of terms used throughout these instructions, see *Definitions*, later.

### Purpose of Form

This form is used by foreign entities to document their status for purposes of chapter 3 and chapter 4, as well as for certain other code provisions.

Foreign persons are subject to U.S. tax at a 30% rate (the foreign-person withholding rate) on income they receive from U.S. sources that consists of:

- Interest (including certain original issue discount (OID));
- Dividends;
- Rents;
- Royalties;
- Premiums;
- Annuities;
- Compensation for, or in expectation of, services performed;
- Substitute payments in a securities lending transaction;

or

- Other fixed or determinable annual or periodical gains, profits, or income.

This tax is imposed on the gross amount paid and is generally collected by withholding under section 1441 or 1442 on that amount. A payment is considered to have been made whether it is made directly to the beneficial owner or to another person, such as an intermediary, agent, or partnership, for the benefit of the beneficial owner.

In addition, section 1446 requires a partnership conducting a trade or business in the United States to withhold tax on a foreign partner's distributive share of the partnership's effectively connected taxable income. Generally, a foreign person that is a partner in a partnership that submits a Form W-8 for purposes of section 1441 or 1442 will satisfy the documentation requirements under section 1446 as well. However, in some cases the documentation requirements of sections 1441 and 1442 do not match the documentation requirements of section 1446. See Regulations sections 1.1446-1 through 1.1446-6. Further, the owner of a disregarded entity, rather than the disregarded entity itself, submits the appropriate Form W-8 for purposes of section 1446.

A withholding agent or payer of the income may rely on a properly completed Form W-8BEN-E to treat a payment associated with the Form W-8BEN-E as a payment to a foreign person who beneficially owns the amounts paid. If applicable, the withholding agent may rely on the Form W-8BEN-E to apply a reduced rate of, or exemption from, withholding. If you receive certain types of income, you must provide Form W-8BEN-E to:

- Claim that you are the beneficial owner of the income for which Form W-8BEN-E is being provided or a partner in a partnership subject to section 1446; and
- If applicable, claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty that is eligible for treaty benefits.

You may also use Form W-8BEN-E to identify income from a notional principal contract that is not effectively connected with the conduct of a trade or business in the United States to establish the exception to reporting such income on Form 1042-S. See Regulations section 1.1461-1(c)(2)(ii)(F).

You may also be required to submit Form W-8BEN-E to claim an exception from domestic information reporting on Form 1099 and backup withholding (at the backup withholding rate under section 3406) for certain types of income. Such income includes:

- Broker proceeds.
- Short-term (183 days or less) original issue discount (short-term OID).
- Bank deposit interest.
- Foreign source interest, dividends, rents, or royalties.

Provide Form W-8BEN-E to the withholding agent or payer before income is paid or credited to you. Failure to provide a Form W-8BEN-E when requested may lead to withholding at a 30% rate (foreign-person withholding rate) or the backup withholding rate.

In addition to the requirements of chapter 3, chapter 4 requires withholding agents to identify the chapter 4 status of entities that are payees receiving withholdable payments (see the instructions for Part I, line 5, of this form, later). A withholding agent may request this Form W-8BEN-E to establish your chapter 4 status and avoid withholding at a 30% rate (the chapter 4 rate) on such payments.

Chapter 4 also requires participating FFIs and certain registered deemed-compliant FFIs to document their entity account holders in order to determine their chapter 4 status regardless of whether withholding applies to any payments made to the entities. If you are an entity maintaining an account with an FFI, provide this Form W-8BEN-E when requested by the FFI in order to document your chapter 4 status.

**Additional information.** For additional information and instructions for the withholding agent, see the Instructions for the Requester of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY.

### Who Must Provide Form W-8BEN-E

You must give Form W-8BEN-E to the withholding agent or payer if you are a foreign entity receiving a withholdable payment from a withholding agent, receiving a payment subject to chapter 3 withholding, or if you are such an entity maintaining an account with an FFI requesting this form.

Do not use Form W-8BEN-E if you are described below.

- You are U.S. person (including U.S. citizens, resident aliens, and entities treated as U.S. persons, such as a corporation organized under the law of a state). Instead, use Form W-9, Request for Taxpayer Identification Number and Certification.
- You are a foreign insurance company that has made an election under section 953(d) to be treated as a U.S. person. Instead, provide a withholding agent with Form W-9 to certify to your U.S. status even if you are considered an FFI for purposes of chapter 4.
- You are a nonresident alien individual. Instead, use Form W-8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individuals).
- You are a disregarded entity with a single owner that is a U.S. person and you are not a hybrid entity claiming treaty benefits. Instead, the single owner should provide Form W-9.
- You are a disregarded entity with a single owner that is not a U.S. person or a branch of an FFI claiming its status for chapter 4 purposes and you are not a hybrid entity claiming treaty benefits. Instead, the single owner should provide Form W-8BEN or Form W-8BEN-E (as appropriate). Note, however, that the single entity owner may be required to identify the branch (including a disregarded entity) in Part II of the owner's Form W-8BEN-E and, in some cases, provide the legal name of the disregarded entity in Part I, line 3 (see the specific instructions for line 3, later).
- You are acting as an intermediary (that is, acting not for your own account, but for the account of others as an agent, nominee, or custodian), a qualified intermediary, or

a qualified securities lender (QSL) with regard to a payment of U.S. source substitute dividends. Instead, provide Form W-8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting.

- You are receiving income that is effectively connected with the conduct of a trade or business in the United States, unless it is allocable to you through a partnership. Instead, provide Form W-8ECl, Certificate of Foreign Person's Claim That Income Is Effectively Connected With the Conduct of a Trade or Business in the United States. If any of the income for which you have provided a Form W-8BEN-E becomes effectively connected, this is a change in circumstances and Form W-8BEN-E is no longer valid. You must file Form W-8ECl. See *Change in circumstances*, later.
- You are filing for a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming the applicability of section 115(2), 501(c), 892, 895, or 1443(b). Instead, provide Form W-8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding and Reporting, to certify as to your exemption and identify your applicable chapter 4 status. However, provide Form W-8BEN-E if you are claiming treaty benefits, providing the form only to claim you are a foreign person exempt from backup withholding, or providing this form solely to document your chapter 4 status. For example, a foreign tax-exempt entity receiving royalty income that is not exempt because it is taxable as unrelated business income but is eligible for a reduced rate of withholding under a royalty article of a tax treaty should provide Form W-8BEN-E. You should use Form W-8ECl if you are receiving effectively connected income (for example, income from commercial activities that is not exempt under an applicable section of the Code).
- You are a foreign flow-through entity receiving a withholdable payment or a payment subject to chapter 3 withholding, other than a hybrid entity claiming treaty benefits on its own behalf. Instead, provide Form W-8IMY. However, if you are a foreign partner, beneficiary, or owner of a flow-through entity and you are not yourself a flow-through entity, you may be required to furnish a Form W-8BEN-E with respect to your interest in the flow-through entity. If you are not receiving withholdable payments or payments subject to withholding under chapter 3, however, a foreign flow-through entity may still provide this Form W-8BEN-E to an FFI requesting this form solely for purposes of documenting your account as part of its due diligence obligations under chapter 4 or an applicable IGA.
- You are a reverse hybrid entity transmitting beneficial owner documentation provided by your interest holders to claim treaty benefits on their behalf. Instead, provide Form W-8IMY.
- You are a withholding foreign partnership or a withholding foreign trust within the meaning of sections 1441 and 1442 and the accompanying regulations. A withholding foreign partnership or a withholding foreign trust is a foreign partnership or trust that has entered into a withholding agreement with the IRS under which it agrees to assume primary withholding responsibility for

each partner's, beneficiary's, or owner's distributive share of income subject to withholding under chapters 3 and 4 that is paid to the partnership or trust. Instead, provide Form W-8IMY.

- You are a foreign partnership or foreign grantor trust providing documentation for purposes of section 1446. Instead, provide Form W-8IMY and accompanying documentation. See Regulations sections 1.1446-1 through 1.1446-6.
- You are a foreign branch of a U.S. financial institution that is an FFI (other than a qualified intermediary branch) under an applicable Model 1 IGA. For purposes of identifying yourself to withholding agents, you may submit Form W-9 to certify to your U.S. status.

**Giving Form W-8BEN-E to the withholding agent.** Do not send Form W-8BEN-E to the IRS. Instead, give it to the person who is requesting it from you. Generally, this will be the person from whom you receive the payment, who credits your account, or a partnership that allocates income to you. An FFI may also request this form from you to document the status of your account.

**When to provide Form W-8BEN-E to the withholding agent.** Give Form W-8BEN-E to the person requesting it before the payment is made to you, credited to your account or allocated. If you do not provide this form, the withholding agent may have to withhold at the 30% rate (as applicable under chapters 3 or 4), backup withholding rate, or the rate applicable under section 1446. If you receive more than one type of income from a single withholding agent for which you claim different benefits, the withholding agent may, at its option, require you to submit a Form W-8BEN-E for each different type of income. Generally, a separate Form W-8BEN-E must be given to each withholding agent.

**Note.** If you own the income with one or more other persons, the income will be treated by the withholding agent as owned by a foreign person that is a beneficial owner of a payment only if Form W-8BEN or W-8BEN-E (or other applicable document) is provided by each of the owners. An account will be treated as a U.S. account for chapter 4 purposes by an FFI requesting this form if any of the account holders is a specified U.S. person or a U.S.-owned foreign entity (unless the account is otherwise excepted from U.S. account status for chapter 4 purposes).

**Change in circumstances.** If a change in circumstances makes any information on the Form W-8BEN-E you have submitted incorrect for purposes of either chapter 3 or chapter 4, you must notify the withholding agent or financial institution maintaining your account within 30 days of the change in circumstances and you must file a new Form W-8BEN-E (or other appropriate form as applicable). See Regulations sections 1.1441-1(e)(4)(ii)(D) for the definition of a change in circumstances for purposes of chapter 3. See Regulations section 1.1471-3(c)(6)(ii)(E) for the definition of a change in circumstances for purposes of chapter 4.

**Expiration of Form W-8BEN-E.** Generally, a Form W-8BEN-E will remain valid for purposes of both chapters 3 and 4 for a period starting on the date the form is signed and ending on the last day of the third succeeding

calendar year, unless a change in circumstances makes any information on the form incorrect. For example, a Form W-8BEN signed on September 30, 2014 remains valid through December 31, 2017.

However, under certain conditions a Form W-8BEN-E will remain in effect indefinitely until a change of circumstances occurs. To determine the period of validity for Form W-8BEN-E for purposes of chapter 4, see Regulations section 1.1471-3(c)(6)(ii). To determine the period of validity for Form W-8BEN-E for purposes of chapter 3, see Regulations section 1.1441-1(e)(4)(ii).

## Definitions

**Account holder.** An account holder is generally the person listed or identified as the holder or owner of a financial account. For example, if a partnership is listed as the holder or owner of a financial account, then the partnership is the account holder, rather than the partners of the partnership. However, an account that is held by a disregarded entity (other than a disregarded entity treated as an FFI for chapter 4 purposes) is treated as held by the person owning the entity.

**Amounts subject to withholding under chapter 3.** Generally, an amount subject to chapter 3 withholding is an amount from sources within the United States that is fixed or determinable annual or periodical (FDAP) income. FDAP income is all income included in gross income, including interest (as well as OID), dividends, rents, royalties, and compensation. FDAP income does not include most gains from the sale of property (including market discount and option premiums), as well as other specific items of income described in Regulations section 1.1441-2 (such as interest on bank deposits and short-term OID).

For purposes of section 1446, the amount subject to withholding is the foreign partner's share of the partnership's effectively connected taxable income.

**Beneficial owner.** For payments other than those for which a reduced rate of, or exemption from, withholding is claimed under an income tax treaty, the beneficial owner of income is generally the person who is required under U.S. tax principles to include the payment in gross income on a tax return. A person is not a beneficial owner of income, however, to the extent that person is receiving the income as a nominee, agent, or custodian, or to the extent the person is a conduit whose participation in a transaction is disregarded. In the case of amounts paid that do not constitute income, beneficial ownership is determined as if the payment were income.

Foreign partnerships, foreign simple trusts, and foreign grantor trusts are not the beneficial owners of income paid to the partnership or trust. The beneficial owners of income paid to a foreign partnership are generally the partners in the partnership, provided that the partner is not itself a partnership, foreign simple or grantor trust, nominee or other agent. The beneficial owners of income paid to a foreign simple trust (that is, a foreign trust that is described in section 651(a)) are generally the beneficiaries of the trust, if the beneficiary is not a foreign partnership, foreign simple or grantor trust, nominee or other agent. The beneficial owners of income paid to a

foreign grantor trust (that is, a foreign trust to the extent that all or a portion of the income of the trust is treated as owned by the grantor or another person under sections 671 through 679) are the persons treated as the owners of the trust. The beneficial owners of income paid to a foreign complex trust (that is, a foreign trust that is not a foreign simple trust or foreign grantor trust) is the trust itself.

For purposes of section 1446, the same beneficial owner rules apply, except that under section 1446 a foreign simple trust rather than the beneficiary provides the form to the partnership.

The beneficial owner of income paid to a foreign estate is the estate itself.

**Note.** A payment to a U.S. partnership, U.S. trust, or U.S. estate is treated as a payment to a U.S. payee that is not subject to 30% withholding for purposes of chapter 3 and chapter 4. A U.S. partnership, trust, or estate should provide the withholding agent with a Form W-9. For purposes of section 1446, a U.S. grantor trust or disregarded entity shall not provide the withholding agent a Form W-9 in its own right. Rather, the grantor or other owner shall provide the withholding agent the appropriate form.

**Chapter 3.** Chapter 3 means Chapter 3 of the Internal Revenue Code (Withholding of Tax on Nonresident Aliens and Foreign Corporations). Chapter 3 contains sections 1441 through 1464.

**Chapter 4.** Chapter 4 means Chapter 4 of the Internal Revenue Code (Taxes to Enforce Reporting on Certain Foreign Accounts). Chapter 4 contains sections 1471 through 1474.

**Chapter 4 status.** The term chapter 4 status means a person's status as a U.S. person, specified U.S. person, foreign individual, participating FFI, deemed-compliant FFI, restricted distributor, exempt beneficial owner, nonparticipating FFI, territory financial institution, excepted NFFE, or passive NFFE. See Regulations section 1.1471-1(b) for the definitions of these terms.

**Deemed-compliant FFI.** Under section 1471(b)(2), certain FFIs are deemed to comply with the regulations under chapter 4 without the need to enter into an FFI agreement with the IRS. However, certain deemed-compliant FFIs are required to register with the IRS and obtain a GIIN. These FFIs are referred to as **registered deemed-compliant FFIs**. See Regulations section 1.1471-5(f)(1).

**Disregarded entity.** A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner. A disregarded entity does not submit this Form W-8BEN-E to a withholding agent or FFI. Instead, the owner of such entity provides the appropriate documentation (for example, a Form W-8BEN-E if the owner is a foreign entity). See Regulations section 1.1446-1 and section 1.1471-3(a)(3)(v), respectively. However, if a disregarded entity receiving a withholdable payment is an FFI outside the single owner's country of organization, the owner will be required to complete Part II

of Form W-8BEN-E to document the chapter 4 status of the disregarded entity receiving the payment.

Certain entities that are disregarded for U.S. tax purposes may be recognized for purposes of claiming treaty benefits under an applicable tax treaty (see the definition of hybrid entity, later) or as an FFI under an applicable IGA. A hybrid entity claiming treaty benefits on its own behalf is required to complete this Form W-8BEN-E. See *Hybrid Entities* under *Special Instructions*, later.

**Financial account.** A financial account includes:

- A depository account maintained by an FFI;
- A custodial account maintained by an FFI;
- Equity or debt interests (other than interests regularly traded on an established securities market) in investment entities and certain holding companies, treasury centers, or financial institutions as defined in Regulations section 1.1471-5(e);
- Certain cash value insurance contracts; and
- Annuity contracts.

For purposes of chapter 4, exceptions are provided for accounts such as certain tax-favored savings accounts, term life insurance contracts, accounts held by estates, escrow accounts, and certain annuity contracts. These exceptions are subject to certain conditions. See Regulations section 1.1471-5(b)(2). Accounts may also be excluded from the definition of financial account under an applicable IGA.

**Financial institution.** A financial institution generally means an entity that is a depository institution, custodial institution, investment entity, or an insurance company (or holding company of an insurance company) that issues cash value insurance or annuity contracts. See Regulations section 1.1471-5(e).

**Foreign financial institution (FFI).** A foreign financial institution (FFI) generally means a foreign entity that is a financial institution.

**Fiscally transparent entity.** An entity is treated as fiscally transparent with respect to an item of income for which treaty benefits are claimed to the extent that the interest holders in the entity must, on a current basis, take into account separately their shares of an item of income paid to the entity, whether or not distributed, and must determine the character of the items of income as if they were realized directly from the sources from which realized by the entity. For example, partnerships, common trust funds, and simple trusts or grantor trusts are generally considered to be fiscally transparent with respect to items of income received by them.

**Flow-through entity.** A flow-through entity is a foreign partnership (other than a withholding foreign partnership), a foreign simple or foreign grantor trust (other than a withholding foreign trust), or, for payments for which a reduced rate of, or exemption from, withholding is claimed under an income tax treaty, any entity to the extent the entity is considered to be fiscally transparent (see above) with respect to the payment by an interest holder's jurisdiction.

For purposes of section 1446, a foreign partnership or foreign grantor trust must submit Form W-8IMY to

establish the partnership or grantor trust as a look-through entity. The Form W-8IMY may be accompanied by this form or another version of Form W-8 or Form W-9 to establish the foreign or domestic status of a partner or grantor or other owner. See Regulations section 1.1446-1.

**Foreign person.** A foreign person includes a foreign corporation, a foreign partnership, a foreign trust, a foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch or office of a U.S. financial institution or U.S. clearing organization if the foreign branch is a qualified intermediary (QI). Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

**GIIN.** The term GIIN means a global intermediary identification number. A GIIN is the identification number assigned to an entity that has registered with the IRS for chapter 4 purposes.

**Hybrid entity.** A hybrid entity is any person (other than an individual) that is treated as fiscally transparent (rather than as a beneficial owner) for purposes of declaring status under the Code but is not treated as fiscally transparent by a country with which the United States has an income tax treaty. Hybrid entity status is relevant for claiming treaty benefits. A hybrid entity, is, however, required to provide its chapter 4 status if it is receiving a withholdable payment.

**Intergovernmental agreement (IGA).** An intergovernmental agreement (IGA) means a Model 1 IGA or a Model 2 IGA. For a list of jurisdictions treated as having in effect a Model 1 or Model 2 IGA, see <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx>.

A **Model 1 IGA** means an agreement between the U.S. or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs to such foreign government or agency thereof, followed by automatic exchange of the reported information with the IRS. An FFI in a Model 1 IGA jurisdiction that performs account reporting to the jurisdiction's government is referred to as a **reporting Model 1 FFI**.

A **Model 2 IGA** means an agreement or arrangement between the U.S. or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs directly to the IRS in accordance with the requirements of an FFI agreement, supplemented by the exchange of information between such foreign government or agency thereof and the IRS. An FFI in a Model 2 IGA jurisdiction that has entered into an FFI agreement is a participating FFI, but may be referred to as a **reporting Model 2 FFI**. The term reporting IGA FFI refers to both reporting Model 1 FFIs and reporting Model 2 FFIs collectively.

**Limited branch.** A limited branch means a branch of a participating FFI that is described in Regulations section 1.1471-4(e)(2).

**Nonparticipating FFI.** A nonparticipating FFI means an FFI that is not a participating FFI, deemed-compliant FFI, or exempt beneficial owner.

**Participating FFI.** A participating FFI is an FFI (including a reporting Model 2 FFI covered by an FFI agreement) that has agreed to comply with the terms of an FFI agreement. The term participating FFI also includes a QI branch of a U.S. financial institution, unless such branch is a reporting Model 1 FFI.

**Participating payee.** A participating payee means any person that accepts a payment card as payment or accepts payment from a third party settlement organization in settlement of a third party network transaction.

**Payee.** A payee is generally a person to whom a payment is made, regardless of whether such person is the beneficial owner. For a payment made to a financial account, the payee is generally the holder of the financial account. However, under certain circumstances a person who receives a payment will not be considered the payee. For purposes of chapter 3, see Regulations section 1.1441-1(b)(2). For purposes of chapter 4, see Regulations section 1.1471-3(a)(3).

**Payment settlement entity (PSE).** A payment settlement entity is a merchant acquiring entity or third party settlement organization. Under section 6050W, a PSE is generally required to report payments made in settlement of payment card transactions or third party network transactions. However, a PSE is not required to report payments made to a beneficial owner that is documented as foreign with an applicable W-8.

**Qualified intermediary (QI).** A qualified intermediary (QI) (as described in Regulations section 1.1441-1(e)(5)(ii)) is a person that is a party to an agreement with the IRS that is described in Regulations section 1.1441-1(e)(5)(iii).

**Recalcitrant account holder.** A recalcitrant account holder for purposes of chapter 4 includes an entity (other than an entity required to be treated as a nonparticipating FFI by the withholding agent) that fails to comply with a request by an FFI maintaining the account for documentation and information for determining whether the account is a U.S. account (as defined in Regulations section 1.1471-5(a)). See Regulations section 1.1471-5(g).

**Reverse hybrid entity.** A reverse hybrid entity is any person (other than an individual) that is not fiscally transparent under U.S. tax law principles but that is fiscally transparent under the laws of a jurisdiction with which the United States has an income tax treaty. See Form W-8IMY and accompanying instructions for information on a reverse hybrid entity making a claim of treaty benefits on behalf of its owners.

**Specified U.S. person.** A specified U.S. person is any U.S. person other than a person identified in Regulations section 1.1473-1(c).

**Substantial U.S. owner.** A substantial U.S. owner (as defined in Regulations section 1.1473-1(b)) means any specified U.S. person that:

- Owns, directly or indirectly, more than 10 percent (by vote or value) of the stock of any foreign corporation;

- Owns, directly or indirectly, more than 10 percent of the profits or capital interests in a foreign partnership;
- Is treated as an owner of any portion of a foreign trust under sections 671 through 679; or
- Holds, directly or indirectly, more than a 10 percent beneficial interest in a trust.

An investment entity organized in a territory that is not also a depository institution, custodial institution, or specified insurance company is not treated as a financial institution. Instead, it is a territory NFFE. If such an entity cannot qualify as an excepted territory NFFE, it must disclose its substantial U.S. owners using this definition (applying the 10 percent threshold).

**U.S. person.** A U.S. person is defined in section 7701(a)(30) and includes domestic partnerships, corporations, and trusts.



*Certain foreign insurance companies issuing annuities or cash value insurance contracts that elect to be treated as a U.S. person for federal tax purposes but are not licensed to do business in the United States are treated as FFIs for purposes of chapter 4. For purposes of providing a withholding agent with documentation for both chapter 3 and chapter 4 purposes, however, such an insurance company is permitted to use Form W-9 to certify its status as a U.S. person. Likewise, a foreign branch of a U.S. financial institution (other than a branch that operates as a qualified intermediary) that is treated as an FFI under an applicable IGA is permitted to use Form W-9 to certify its status as a U.S. person for chapter 3 and chapter 4 purposes.*

**Withholdable payment.** Withholding under chapter 4 may apply to payments of U.S. source FDAP income that are withholdable payments as defined in Regulations section 1.1473-1(a) to which an exception does not apply under chapter 4. The exceptions from withholding provided for under chapter 3 are not applicable when determining whether withholding applies under chapter 4. For exceptions applicable to the definition of a withholdable payment, see Regulations section 1.1473-1(a)(4) (exempting, for example, certain nonfinancial payments).

**Withholding agent.** Any person, U.S. or foreign, that has control, receipt, custody, disposal, or payment of U.S. source FDAP income subject to chapter 3 or 4 withholding is a withholding agent. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity, including (but not limited to) any foreign intermediary, foreign partnership, and U.S. branches of certain foreign banks and insurance companies.

For purposes of section 1446, the withholding agent is the partnership conducting the trade or business in the United States. For a publicly traded partnership, the withholding agent may be the partnership, a nominee holding an interest on behalf of a foreign person, or both. See Regulations sections 1.1446-1 through 1.1446-6.

## Specific Instructions

**TIP** A hybrid entity should give Form W-8BEN-E on its own behalf to a withholding agent only for income for which it is claiming a reduced rate of withholding under an income tax treaty or to document its chapter 4 status for purposes of maintaining an account with an FFI requesting this form (when it is not receiving withholdable payments or payments subject to chapter 3 withholding). Otherwise, an entity treated as a flow-through entity should generally provide Form W-8IMY for chapter 3 or chapter 4 purposes. A reverse hybrid entity should give Form W-8BEN-E on its own behalf to a withholding agent only for income for which no treaty benefit is being claimed or to establish its status for chapter 4 purposes (when required). See the special instructions for hybrid entities and reverse hybrid entities below. However, a flow-through entity may provide this Form W-8BEN-E to document its foreign status as a participating payee receiving a payment for purposes of section 6050W.

## Part I – Identification of Beneficial Owner

**Line 1.** Enter your name. If you are a disregarded entity or branch, do not enter the business name of the disregarded entity or branch here. Instead, enter the legal name of the entity that owns the disregarded entity (looking through multiple disregarded entities if applicable) or maintains the branch. If you are a disregarded entity that is a hybrid entity filing a treaty claim, however, see *Hybrid entities* under *Special Instructions*, later.

**Line 2.** If you are a corporation, enter your country of incorporation. If you are another type of entity, enter the country under whose laws you are created, organized, or governed.

**Line 3.** If you are a disregarded entity receiving a payment, enter your name (if required). You should complete line 3 **only** if you are a disregarded entity receiving a withholdable payment or hold an account with an FFI requesting this form and you: 1) have registered with the IRS and been assigned a GIIN associated with the legal name of the disregarded entity; 2) are a reporting Model 1 FFI or reporting Model 2 FFI; and 3) are not a hybrid entity using this form to claim treaty benefits. If you are not required to provide the legal name of the disregarded entity, however, you may want to notify the withholding agent that you are a disregarded entity receiving a payment or maintaining an account by indicating the name of the disregarded entity on line 10. However, do not enter the name of the disregarded entity on this line 3 except in the circumstances described.

**Line 4.** Check the one box that applies. By checking a box, you are representing that you qualify for the classification indicated. You must check the box that represents your classification (for example, corporation, partnership, trust, estate, etc.) under U.S. tax principles (not under the law of the treaty country). If you are a partnership, disregarded entity, simple trust, or grantor

trust receiving a payment for which treaty benefits are being claimed by such entity, you must check the “Partnership”, “Disregarded entity”, “Simple trust”, or “Grantor trust” box. For such a case, you must also check the “yes” box to indicate that you are a hybrid entity making a treaty claim. See *Hybrid entities* under *Special Instructions*, later. If you are a flow-through entity that is not a hybrid entity claiming treaty benefits, you should check the box to indicate you are not making a treaty claim. If you check the “no” box, you may only use this form to document your chapter 4 status as an account holder of an FFI. You may also use Form W-8IMY for this purpose. However, if you are receiving withholdable payments or amounts subject to withholding under chapter 3, you are required to provide Form W-8IMY and a withholding statement (if applicable) with respect to such payments.



**CAUTION** Only entities that are tax-exempt under section 501 should check the “Tax-exempt organization” box. Such organizations should use Form W-8BEN-E only if they are claiming a reduced rate of withholding under an income tax treaty or a code exception other than section 501. Use Form W-8EXP to document your exemption and chapter 4 status if you are claiming an exemption from withholding under section 501.

**Line 5.** Check the one box that applies to your chapter 4 status. You are not required to provide a chapter 4 status if you are providing this form with respect to a preexisting entity account (as described in Regulations section 1.1471-1(b)(102)) prior to July 1, 2016 (or, if you are an entity that is treated as a prima facie FFI under Regulations section 1.1471-2(a)(4)(ii)(B), prior to January 1, 2015). Additionally, you are only required to provide a chapter 4 status if you are the payee of a withholdable payment or are documenting the status of an account you hold with an FFI requesting this form. By checking a box on this line, you are representing that you qualify for this classification in your country of residence.



**TIP** For most of the chapter 4 statuses, you are required to complete an additional part of this form certifying that you meet the conditions of the status indicated on line 5 (as defined under Regulations section 1.1471-5 or 1.1471-6). Make sure you complete the required portion of this form before signing and providing it to the withholding agent. See, however, *Entities Providing Certifications Under an Applicable IGA* under *Special Instructions*, later.

### FFIs Covered by an IGA and Related Entities

A reporting IGA FFI resident in, or established under the laws of, a jurisdiction covered by a Model 1 IGA should check “Reporting Model 1 FFI.” A reporting FFI resident in, or established under the laws of, a jurisdiction covered by a Model 2 IGA should check “Reporting Model 2 FFI.” If you are treated as a registered deemed-compliant FFI under an applicable IGA, you should check “Nonreporting IGA FFI” rather than “registered deemed-compliant FFI” and provide your GIIN in Part XII, line 26. See the specific instructions for Part XII. An FFI that is related to a reporting IGA FFI and that is treated as a nonparticipating

FFI in its country of residence should check nonparticipating FFI in line 5. An FFI that is related to a reporting IGA FFI and that is a participating FFI, deemed-compliant FFI, or exempt beneficial owner under the U.S. Treasury regulations or an applicable IGA should check the appropriate box for its chapter 4 status.

See <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx> for a list of jurisdictions treated as having an IGA in effect.

### Non-Profit Organizations Covered by an IGA

A non-profit entity that is established and maintained in a jurisdiction that is treated as having in effect a Model 1 IGA or Model 2 IGA, and that meets the definition of Active NFFE under Annex I of the applicable IGA, should not check a box for its status on line 5. Instead, see *Entities Providing Certifications Under an Applicable IGA* under *Special instructions*, later.

**Line 6.** Enter the permanent residence address of the entity identified in line 1. Your permanent residence address is the address in the country where the entity claims to be a resident for purposes of that country's income tax. If you are giving Form W-8BEN-E to claim a reduced rate of, or exemption from, withholding under an income tax treaty, you must determine residency in the manner required by the treaty. Do not show the address of a financial institution (unless you are a financial institution providing your own address), a post office box, or an address used solely for mailing purposes unless it is the only address used by the entity and such address appears in the entity's organizational documents (i.e., your registered address). If you do not have a tax residence in any country, the permanent residence address is where you maintain your principal office.

**Line 7.** Enter your mailing address only if it is different from the address you show on line 6.

**Line 8.** Enter your U.S. employer identification number (EIN). An EIN is a U.S. TIN for entities. If you do not have a U.S. EIN, apply for one on Form SS-4, Application for Employer Identification Number if you are required to obtain a U.S. TIN. See Regulations section 1.1441-1(e)(4)(vii) for when you are required to provide a U.S. TIN on a Form W-8 associated with a payment subject to chapter 3 withholding.

A partner in a partnership conducting a trade or business in the United States will likely be allocated effectively connected taxable income. The partner is required to file a U.S. federal income tax return and must have a U.S. taxpayer identification number (TIN).

You must provide a U.S. TIN if you are:

- Claiming an exemption from withholding under section 871(f) for certain annuities received under qualified plans, or
- Claiming benefits under an income tax treaty and have not provided a foreign TIN on line 9b.

However, a TIN is not required to be shown in order to claim treaty benefits on the following items of income:

- Dividends and interest from stocks and debt obligations that are actively traded;

- Dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund);
- Dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and are registered with the SEC under the Securities Act of 1933; and
- Income related to loans of any of the above securities.



*If you need an EIN, you are encouraged to apply for one online instead of submitting a paper Form SS-4. For more information, visit [www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-EINs](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-EINs).*

**Line 9a.** If you are a participating FFI, registered deemed-compliant FFI, reporting Model 1 FFI, reporting Model 2 FFI, direct reporting NFFE, trustee of a trustee documented trust, or sponsored direct reporting NFFE, you are required to enter your GIIN (with regard to your country of residence) on line 9a. However, if your branch is receiving the payment and required to be identified in Part II, you are not required to provide a GIIN on this line 9a. Instead, provide the GIIN of your branch (if applicable) on line 13. See the instructions for Part II.

For payments made prior to January 1, 2015, however, a Form W-8BEN-E provided by a reporting Model 1 FFI need not contain a GIIN. For payments made prior to January 1, 2016, a sponsored direct reporting NFFE or sponsored FFI that has not obtained a GIIN must provide the GIIN of its sponsoring entity.



*If you are in the process of registering with the IRS as a participating FFI, registered deemed-compliant FFI, reporting Model 1 FFI, reporting Model 2 FFI, direct reporting NFFE, or sponsored direct reporting NFFE, but have not received a GIIN, you may complete this line by writing "applied for." However, the person requesting this form from you must receive and verify your GIIN within 90 days.*

**Line 9b.** If your country of residence for tax purposes has issued you a tax identifying number (TIN), enter it here. If you are providing this Form W-8BEN-E to document yourself with respect to a financial account that you hold at a U.S. office of a financial institution, you **must** provide the taxpayer identifying number (TIN) issued to you by the jurisdiction in which you are a tax resident unless:

- You have not been issued a TIN, or
- The jurisdiction does not issue TINs.

**Line 10.** This line may be used by the filer of Form W-8BEN-E or by the withholding agent to whom it is provided to include any referencing information that is useful to the withholding agent to document the beneficial owner. For example, withholding agents who are required to associate the Form W-8BEN-E with a particular Form W-8IMY may want to use line 10 for a referencing number or code that will make the association clear. A beneficial owner may also want to use line 10 to include the number of the account for which he or she is providing the form. A foreign single owner of a disregarded entity may use line 10 to inform the withholding agent that the account to which a payment is made or credited is held in the name



of the disregarded entity (unless the name of the disregarded entity is required to be provided on line 3).

You may also use line 10 to identify income from a notional principal contract that is not effectively connected with the conduct of a trade or business in the United States.

## Part II – Disregarded Entity or Branch Receiving Payment



*Only complete Part II if you are a branch of an FFI identified in line 1 receiving a withholdable payment as an intermediary (including a branch that is a disregarded entity) and you operate in a jurisdiction other than the country of residence identified on line 2. For example, assume ABC Co., which is a participating FFI resident in Country A, operates through a branch in Country B (which is a Model 1 IGA jurisdiction) and the branch is treated as a reporting Model 1 FFI under the terms of the Country B Model 1 IGA. ABC Co. should not enter its GIIN on line 9, and the Country B branch should complete this Part II by identifying itself as a reporting Model 1 IGA FFI and providing its GIIN on line 13. Furthermore, if the Country B branch receiving the payment is a disregarded entity you may be required to provide its legal name on line 3. See the instructions for Part I, line 3.*

**Line 11.** Check the one box that applies. If you check reporting Model 1 FFI, reporting Model 2 FFI, participating FFI, or U.S. branch claiming a chapter 4 status other than that of nonparticipating FFI, you must complete line 13 (see below). If you are a limited branch or branch of a reporting IGA FFI that cannot comply with the requirements of an applicable IGA or the regulations under chapter 4, you must check limited branch.

**Line 12.** Enter the address of the branch or disregarded entity.

**Line 13.** If you are a reporting Model 1 FFI, reporting Model 2 FFI, or participating FFI, you must enter the GIIN on line 13 of your branch that receives the payment. If you are a disregarded entity that completed Part I, line 3 of this form and are receiving payments associated with this form, enter your GIIN. Do not enter your GIIN (if any) on line 9. If you are a U.S. branch, enter a GIIN applicable to any other branch of the FFI (including in its residence country). For payments made prior to January 1, 2015, however, a GIIN is not required if you check reporting Model 1 FFI on line 11.



*If you are in the process of registering with the IRS as a participating FFI, reporting Model 1 FFI, or reporting Model 2 FFI but have not received a GIIN, you may complete this line by writing “applied for.” However, the person requesting this form from you must receive and verify your GIIN within 90 days.*

## Part III – Claim of Tax Treaty Benefits

**Line 14a.** An entity that is claiming a reduced rate of, or exemption from, withholding under an income tax treaty must enter the country where the entity identified on line 1 is a resident for income tax treaty purposes and check the

box to certify that it is a resident of that country. For treaty purposes, a person is a resident of a treaty country if the person is a resident of that country under the terms of the treaty.

**Line 14b.** An entity that is claiming a reduced rate of, or exemption from, withholding under an income tax treaty must check the box to certify that it:

- Derives the item of income for which the treaty benefit is claimed, and
- Meets the limitation on benefits provisions contained in the treaty, if any.

An item of income may be derived by either the entity receiving the item of income or by the interest holders in the entity or, in certain circumstances, both. An item of income paid to an entity is considered to be derived by the entity only if the entity is not fiscally transparent under the laws of the entity’s jurisdiction with respect to the item of income. An item of income paid to an entity shall be considered to be derived by the interest holder in the entity only if:

- The interest holder is not fiscally transparent in its jurisdiction with respect to the item of income, and
- The entity is considered to be fiscally transparent under the laws of the interest holder’s jurisdiction with respect to the item of income. An item of income paid directly to a type of entity specifically identified in a treaty as a resident of a treaty jurisdiction is treated as derived by a resident of that treaty jurisdiction.

To determine whether an entity meets the limitation on benefits provisions of a treaty, you must consult the specific provisions or articles under the treaty. Income tax treaties are available on the IRS website at [www.irs.gov/Businesses/International-Businesses/United-States-Income-Tax-Treaties--A-to-Z](http://www.irs.gov/Businesses/International-Businesses/United-States-Income-Tax-Treaties--A-to-Z).

If an entity is claiming treaty benefits on its own behalf, it should complete Form W-8BEN-E. If an interest holder in an entity that is considered fiscally transparent in the interest holder’s jurisdiction is claiming a treaty benefit, the interest holder should complete Form W-8BEN (if an individual) or Form W-8BEN-E (if an entity) on its own behalf as the appropriate treaty resident, and the fiscally transparent entity should associate the interest holder’s Form W-8BEN or Form W-8BEN-E with a Form W-8IMY completed by the fiscally transparent entity (see *Hybrid entities* under *Special Instructions*, later).



*An income tax treaty may not apply to reduce the amount of any tax on an item of income received by an entity that is treated as a domestic corporation for U.S. tax purposes. Therefore, neither the domestic corporation nor its shareholders are entitled to the benefits of a reduction of U.S. income tax on an item of income received from U.S. sources by the corporation.*



*If you are an entity that derives the income as a resident of a treaty country, you may check this box if the applicable income tax treaty does not contain a “limitation on benefits” provision.*

**Line 14c.** If you are a foreign corporation claiming treaty benefits under an income tax treaty that entered into force before January 1, 1987 (and has not been renegotiated) on (a) U.S. source dividends paid to you by another

foreign corporation or (b) U.S. source interest paid to you by a U.S. trade or business of another foreign corporation, you must generally be a “qualified resident” of a treaty country. See section 884 for the definition of interest paid by a U.S. trade or business of a foreign corporation (“branch interest”) and other applicable rules.

In general, a foreign corporation is a qualified resident of a country if any of the following apply.

- It meets a 50% ownership and base erosion test.
  - It is primarily and regularly traded on an established securities market in its country of residence or the United States.
  - It carries on an active trade or business in its country of residence.
  - It gets a ruling from the IRS that it is a qualified resident.
- See Regulations section 1.884-5 for the requirements that must be met to satisfy each of these tests.



*If you are claiming treaty benefits under an income tax treaty entered into force after December 31, 1986, do not check box 14c. Instead, check box 14b.*

**Line 15.** Line 15 must be used only if you are claiming treaty benefits that require that you meet conditions not covered by the representations you make in line 14. This line is generally not applicable to claiming treaty benefits under an interest or dividends (other than dividends subject to a preferential rate based on ownership) article of a treaty.

The following are examples of persons who should complete this line.

- Exempt organizations claiming treaty benefits under the exempt organization articles of the treaties with Canada, Mexico, Germany, and the Netherlands.
- Foreign corporations that are claiming a preferential rate applicable to dividends based on ownership of a specific percentage of stock in the entity paying the dividend.
- Persons claiming treaty benefits on royalties if the treaty contains different withholding rates for different types of royalties.
- Persons claiming treaty benefits under an “other income” treaty article.

## Parts IV Through XXVIII – Certification of Chapter 4 Status

You should complete only one part of Parts IV through XXVIII certifying to your chapter 4 status (if required, see the specific instructions for line 5). Identify which part (if any) you should complete by reference to the box you checked on line 5. An entity that selects nonparticipating FFI, participating FFI, registered deemed-compliant FFI, reporting Model 1 FFI, reporting Model 2 FFI, or direct reporting NFFE (other than a sponsored direct reporting NFFE) in line 5 is not required to complete any of the certifications in Parts IV through XXVIII.

**IGA.** In lieu of the certifications contained in Parts IV through XXVIII of Form W-8BEN-E, a reporting Model 1 FFI or reporting Model 2 FFI in certain cases may request alternate certifications to document its account holders pursuant to an applicable IGA or you may otherwise

provide an alternate certification to a withholding agent. See *Entities Providing Certifications Under an Applicable IGA under Special Instructions*, later.



*You are not required to complete a chapter 4 status certification if you are not the payee of a withholdable payment or an account holder holding an account with an FFI requesting this form. However, you are not required to provide a chapter 4 status if you are providing this form with respect to a preexisting entity account (as described in Regulations section 1.1471-1(b)(102)) prior to July 1, 2016 (or, if you are a prima facie FFI, prior to January 1, 2015).*

## Part IV – Sponsored FFI That Has Not Obtained a GIIN

**Line 16.** Enter the name of the sponsoring entity that has agreed to fulfill the due diligence, reporting, and withholding obligations (as applicable) on behalf of the sponsored FFI identified in line 1. You must provide the sponsoring entity’s GIIN on line 9a.

**Note.** A sponsored FFI is not required to have obtained its own GIIN before January 1, 2016.

**Line 17.** You must check the applicable box to certify that you are either a sponsored investment entity (you may provide this certification even if you are not an FFI solely because you are an investment entity) or sponsored controlled foreign corporation (within the meaning of section 957(a)) and that you satisfy the other relevant requirements for this status.

## Part V – Certified Deemed-Compliant Nonregistering Local Bank

**Line 18.** A certified deemed-compliant nonregistering local bank must check the box to certify that it meets all of the requirements for this certified deemed-compliant status.

## Part VI – Certified Deemed-Compliant FFI with Only Low-Value Accounts

**Line 19.** A certified deemed-compliant FFI with only low value accounts must check the box to certify that it satisfies all of the requirements for this certified deemed-compliant classification.

## Part VII – Certified Deemed-Compliant Sponsored, Closely Held Investment Vehicle

**Line 20.** Enter the name of your sponsoring entity that has agreed to fulfill the due diligence, reporting, and withholding obligations of the entity identified in line 1 as if the entity in line 1 were a participating FFI. You must also enter the GIIN of your sponsoring entity on line 9a.

**Line 21.** A sponsored, closely held investment vehicle must check the box to certify that it meets all of the requirements for this certified deemed-compliant status. For purposes of this certification, the requirement for a contractual relationship (referred to on line 21 of the form)

means the requirements of Regulations section 1.1471-5(f)(2)(iii)(B).

## Part VIII – Certified Deemed-Compliant Limited Life Debt Investment Company

**Line 22.** A limited life debt investment entity must check the box to certify that it meets all of the requirements for this certified deemed-compliant status.

## Part IX – Certified Deemed-Compliant Investment Advisors and Investment Managers

**Line 23.** An investment advisor or investment manager must check the box to certify that it meets all of the requirements for this certified deemed-compliant status.

## Part X – Owner-Documented FFI

**Line 24a.** An owner-documented FFI must check the box to certify that it meets all of the requirements for this status and is providing this form to a U.S. financial institution, participating FFI, reporting Model 1 FFI, or reporting Model 2 FFI that agrees to act as a designated withholding agent with respect to the FFI identified on line 1. See Regulations section 1.1471-5(f)(3) for more information about an owner-documented FFI, including a designated withholding agent.



*Check either line 24b or line 24c. Do not check both boxes.*

**Line 24b.** Check the box to certify that you have provided or will provide the documentation set forth in the certifications, including the owner reporting statement described in this line 24b. If you check the box on line 24b, you should not check the box on line 24c.

**Line 24c.** Check the box to certify that you have provided or will provide the auditor's letter (in lieu of the information required by line 24b) that satisfies the requirements reflected on this line.

**Line 24d.** Check the box if you do not have any contingent beneficiaries or designated classes with unidentified beneficiaries. While this certification is not required, a Form W-8BEN-E provided by an owner-documented FFI will remain indefinitely valid for chapter 4 purposes absent a change in circumstances with respect to offshore obligations (as defined in Regulations section 1.6049-5(c)(1)) only if this certification is provided and the account balance of all accounts held by the owner-documented FFI with the withholding agent does not exceed \$1,000,000 on the later of June 30, 2014, or the last day of the calendar year in which the account was opened, and the last day of each subsequent calendar year preceding the payment, applying the aggregation principles of Regulations section 1.1471-5(b)(4)(iii).

## Part XI – Restricted Distributor

**Line 25a.** A restricted distributor must check the box to certify that it meets all of the requirements for this status.

**Lines 25b and 25c.** Check the appropriate box to certify as to your status. Do not check both boxes.



*A restricted distributor may certify only with respect to an account it maintains in connection with a distribution agreement with a restricted fund described in this Part XI. A restricted distributor that, in connection with such a distribution agreement, receives a payment subject to chapter 3 withholding or a withholdable payment should complete Form W-8IMY and not this form except to the extent it holds interests in connection with such an agreement as a beneficial owner.*

## Part XII – Nonreporting IGA FFI

**Line 26.** Check the box to indicate that you are treated as a nonreporting IGA FFI under an applicable IGA, including an entity treated as a registered deemed-compliant FFI under an applicable IGA. You must identify the applicable IGA by entering the name of the jurisdiction that has the applicable IGA treated as in effect with the United States. You must also provide the withholding agent with the specific category of FFI described in Annex II of the IGA applicable to your status.

If you are an FFI treated as a registered deemed-compliant FFI under an applicable Model 2 IGA, you must also provide your GIIN in the space provided. The GIIN does not need to be provided on line 9a. See <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx> for a list of jurisdictions treated as having an IGA in effect for purposes of making this certification.



*If you are a sponsored FFI in a Model 1 IGA jurisdiction or other nonreporting FFI in a Model 1 IGA jurisdiction that is required to report an account, you are currently not required to provide a GIIN in this Part XII. However, a future version of this form may require you to provide a GIIN.*

## Part XIII – Foreign Government, Government of a U.S. Possession, or Foreign Central Bank of Issue

**Line 27.** A foreign government, government of a U.S. possession, or foreign central bank of issue (each as defined in Regulations section 1.1471-6) must check the box and certify that it satisfies all of the requirements for this status (including that it does not engage in the type of commercial financial activities described on this line except to the extent permitted under Regulations section 1.1471-6(h)(2)).



*If you are a foreign government, government of a U.S. possession, or foreign central bank of issue, you should only complete this Form W-8BEN-E for payments for which you are not claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b), otherwise you should use Form W-8EXP.*

## Part XIV – International Organization

**Line 28a.** Check this box to certify that you are an international organization described in section 7701(a) (18).



*If you are an entity that has been designated as an international organization by executive order (pursuant to 22 U.S.C. 288 through 288f), check box 28a. If you are claiming an exemption from withholding for purposes of chapter 3, however, use Form W-8EXP.*

**Line 28b.** If you are an international organization other than an international organization described in line 28a, check the box to certify that you satisfy all of the requirements for this status.

## Part XV – Exempt Retirement Plans

**Lines 29a, b, c, d, e, and f.** An exempt retirement plan must check the appropriate box to certify that it meets all of the requirements for this status.

## Part XVI – Entity Wholly Owned by Exempt Beneficial Owners

**Line 30.** An entity wholly owned by exempt beneficial owners must check the box to certify that it meets all of the requirements for this status. You must also provide the owner documentation described in this line establishing that each direct owner or debt holder of the entity is an exempt beneficial owner described in Regulations section 1.1471-6(b).

## Part XVII – Territory Financial Institution

**Line 31.** A territory financial institution must check the box to certify that it meets all of the requirements for this status.

## Part XVIII – Excepted Nonfinancial Group Entity

**Line 32.** An excepted nonfinancial group entity must check the box to certify that it meets all of the requirements for this status.

## Part XIX – Excepted Nonfinancial Start-Up Company

**Line 33.** An excepted nonfinancial start-up company must check the box to certify that it meets all of the requirements for this status. You must also provide the date you were formed or your board passed a resolution (or equivalent measure) approving a new line of business (which cannot be that of a financial institution or passive NFFE).

## Part XX – Excepted Nonfinancial Entity in Liquidation or Bankruptcy

**Line 34.** An excepted nonfinancial group entity in liquidation or bankruptcy must check the box to certify that

it meets all of the requirements for this status. You must also provide the date that you filed a plan of liquidation, plan of reorganization, or bankruptcy petition.

## Part XXI – 501(c) Organization

**Line 35.** A section 501(c) organization must check the box and provide the date that the IRS issued the organization a determination letter or provide a copy of an opinion from U.S. counsel certifying that the organization qualifies as a section 501(c) organization (without regard to whether the organization is a foreign private foundation).



*If you are a section 501(c) organization claiming an exemption from withholding for purposes of chapter 3, however, use Form W-8EXP.*

## Part XXII – Nonprofit Organization

**Line 36.** A nonprofit organization (other than section 501(c) organizations) must check the box to certify that it meets all of the requirements for this status.

**IGA.** For an entity that is established and maintained in a jurisdiction that is treated as having in effect an IGA and that is described in Annex I as a nonprofit organization that is an Active NFFE, see *Entities Providing Certifications Under an Applicable IGA under Special Instructions*, later.

## Part XXIII – Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation

**Line 37a.** A publicly traded NFFE must check the box to certify that you are not a financial institution and provide the name of a securities exchange on which the stock of the NFFE is publicly traded.

**Line 37b.** An NFFE that is a member of the same expanded affiliated group as a publicly traded U.S. or foreign entity must check this box, provide the name of the publicly traded entity, and identify the securities market on which the stock of the publicly traded entity is traded. See Regulations section 1.1472-1(c)(1)(i) to determine if the stock of an entity is regularly traded on an established securities market (substituting the term “U.S. entity” for NFFE, as appropriate for purposes of testing whether an entity is publicly traded).

## Part XXIV – Excepted Territory NFFE

**Line 38.** An excepted territory NFFE must check the box to certify that it meets all of the requirements for this classification. See Regulations section 1.1472-1(c)(1)(iii) for the definition of an excepted territory NFFE.

## Part XXV – Active NFFE

**Line 39.** An active NFFE must check the box to certify that it meets all of the requirements for this status, including the assets and passive income test described in the certification for this part. For purposes of applying this test, passive income includes dividends, interest, rents, royalties, annuities, and certain other forms of passive income. See Regulations section 1.1472-1(c)(1)(iv)(A) for

additional detail for the definition of passive income. Also see Regulations section 1.1472-1(c)(1)(iv)(B) for exceptions from the definition of passive income for certain types of income.

## Part XXVI – Passive NFFE

**Line 40a.** A passive NFFE must check the box to certify that you are not a financial institution and are not certifying your status as a publicly traded NFFE, NFFE affiliate of a publicly traded company, excepted territory NFFE, active NFFE, direct reporting NFFE, or sponsored direct reporting NFFE.



*If you are an NFFE that may qualify as an active NFFE (or other NFFE described in another part of this form), you may still check line 40a and disclose your substantial U.S. owners or certify that you have no substantial U.S. owners (see instructions to lines 40b and 40c below).*

**Line 40b.** Check this box to certify that you have no substantial U.S. owners.

**Line 40c.** If you do not check the box and make the certification on line 40b, you must check this box 40c and complete Part XXX to identify each of your substantial U.S. owners and provide their name, address, and TIN.

## Part XXVII – Excepted Inter-Affiliate FFI

**Line 41.** An excepted inter-affiliate FFI must check the box to certify that it meets all of the requirements of this classification. This classification will only apply for an excepted inter-affiliate FFI that holds a deposit account described in the certification for this part and that is documenting itself to the financial institution that maintains the deposit account. You are not eligible for this classification if you receive or make withholdable payments to or from any person other than a member of your expanded affiliated group, other than the depository institution described in the previous sentence. See Regulations section 1.1471-5(e)(5)(iv) for all the requirements of this status.

## Part XXVIII – Sponsored Direct Reporting NFFEs

**Line 42.** A sponsored direct reporting NFFE must check the box to certify that it meets all of the requirements for this classification. You must also provide the name of your sponsoring entity in the space provided and provide your GIIN in line 9a (or, for payments prior to January 1, 2016, the GIIN of your sponsoring entity).

## Part XXIX – Certification

Form W-8BEN-E must be signed and dated by an authorized representative or officer of the beneficial owner, participating payee (for purposes of section 6050W), or account holder of an FFI requesting this form. An authorized representative or officer must check the box to certify that you have the legal capacity to sign for the entity identified on line 1 that is the beneficial owner of the income. If Form W-8BEN-E is completed by an agent

acting under a duly authorized power of attorney, the form must be accompanied by the power of attorney in proper form or a copy thereof specifically authorizing the agent to represent the principal in making, executing, and presenting the form. Form 2848, Power of Attorney and Declaration of Representative, may be used for this purpose. The agent, as well as the beneficial owner, payee, or account holder (as applicable), may incur liability for the penalties provided for an erroneous, false, or fraudulent form. By signing Form W-8BEN-E, the authorized representative, officer, or agent of the entity also agrees to provide a new form within 30 days following a change in circumstances affecting the correctness of the form.

**Broker transactions or barter exchanges.** Income from transactions with a broker or a barter exchange is subject to reporting rules and backup withholding unless Form W-8BEN-E or a substitute form is filed to notify the broker or barter exchange that you are an exempt foreign person. See certification described in the 4th bullet point.

You are an exempt foreign person for a calendar year in which:

- You are a foreign corporation, partnership, estate, or trust; and
- You are neither engaged, nor plan to be engaged during the year, in a U.S. trade or business that has effectively connected gains from transactions with a broker or barter exchange.

## Part XXX - Substantial U.S. Owners of Passive NFFE

If you identified yourself as a passive NFFE (including an investment entity that is a territory NFFE but is not an excepted territory NFFE under Regulations section 1.1472-1(c)) with one or more substantial U.S. owners in Part XXVI, you must identify each substantial U.S. owner. Provide the name, address, and TIN of each substantial U.S. owner in the relevant column. You may attach this information on a separate statement, which remains subject to the same perjury statement and other certifications made in Part XXIX.

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## Special Instructions

### Hybrid Entities

**Hybrid entity making a claim of treaty benefits.** If you are a hybrid entity making a claim for treaty benefits as a resident on your own behalf, you may do so as permitted under an applicable tax treaty. You should complete this Form W-8BEN-E to claim treaty benefits in the manner described earlier (see instructions for completing Part III). If you are a flow-through entity receiving a withholdable payment, you should also provide Form W-8IMY for the entity along with a withholding statement (if required) establishing the chapter 4 status of each of your partners or owners. If you are a disregarded entity claiming treaty benefits, your single owner should provide Form W-8BEN-E or Form W-8BEN (as applicable) to the withholding agent along with this form. You may use line 10 to inform the withholding agent to associate the two forms.



*A disregarded entity that is treated as a reporting Model 1 FFI or reporting Model 2 FFI that is also a hybrid entity making a claim of treaty benefits should follow the special instructions for disregarded entities claiming treaty benefits in an IGA jurisdiction, later.*

**Line 1.** Enter your legal name (determined by reference to your legal identity in your country of incorporation or organization).

**Line 2.** Enter the country under whose laws you are created, organized, or governed.

**Line 3.** Leave this line blank. For purposes of completing this form as a hybrid entity making a treaty claim (including a disregarded entity), you are treated as the beneficial owner and should be identified in line 1.

**Line 4.** Check the box that applies among disregarded entity, partnership, grantor trust, or simple trust. You must also check the box indicating that you are a hybrid making a treaty claim and complete Part III.

**Line 5.** Do not complete line 5.

**Lines 6 and 7.** Complete lines 6 and 7 as provided in the specific instructions earlier.

**Line 8.** Complete line 8 in accordance with the specific instructions for line 8, earlier.

**Line 9b.** If your country of residence for tax purposes has issued you a tax identifying number, enter it here. Do not enter the tax identifying number of your owner(s).

**Line 10.** This reference line is used to associate this Form W-8BEN-E with another applicable withholding certificate or other documentation provided for purposes of chapter 4. For example, if you are a partnership making a treaty claim, you may want to provide information for the withholding agent to associate this Form W-8BEN-E with the Form W-8IMY and owner documentation you provide for purposes of establishing the chapter 4 status of your owner(s).

### **Parts III & XXIX**

You must complete Parts III and XXIX in accordance with the specific instructions above. Complete Part II if applicable.

### **Reverse Hybrid Entities**

A foreign reverse hybrid entity should only file a Form W-8BEN-E for payments for which it is not claiming treaty benefits on behalf of its owners and must provide a chapter 4 status when it is receiving a withholdable payment. A foreign reverse hybrid entity claiming treaty benefits on behalf of its owners should provide the withholding agent with Form W-8IMY (including its chapter 4 status when receiving a withholdable payment) along with a withholding statement and Forms W-8BEN or W-8BEN-E (or documentary evidence to the extent permitted) on behalf of each of its owners claiming treaty benefits. See Form W-8IMY and accompanying instructions for more information.

## **Entities Providing Certifications Under an Applicable IGA**

A withholding agent that is an FFI may provide you with a chapter 4 status certification other than as shown in Parts IX through XXVIII in order to satisfy its due diligence requirements under an applicable IGA. In such a case, you may attach the alternative certification to this Form W-8BEN-E in lieu of completing a certification otherwise required in Parts IV through XXVIII provided that you: 1) determine that the certification accurately reflects your status for chapter 4 purposes or under an applicable IGA; and 2) the withholding agent provides a written statement to you that it has provided the certification to meet its due diligence requirements as a participating FFI or registered deemed-compliant FFI under an applicable IGA.

You may also provide with this form an applicable IGA certification if you are determining your chapter 4 status under the definitions provided in an applicable IGA and your certification identifies the jurisdiction that is treated as having an IGA in effect and describes your status as an NFFE or FFI in accordance with the applicable IGA. However, if you determine your status under an applicable IGA as an NFFE, you must still determine if you are an excepted NFFE under the Regulations in order to complete this form. Additionally, you are required to comply with the conditions of your status under the law of the IGA jurisdiction if you are determining your status under an applicable IGA. If you cannot provide the certifications in Parts IV through XXVIII, do not check a box in line 5. However, if you determine your status under the definitions of the IGA and can certify to a chapter 4 status included on this form, you do not need to provide the certifications described in this paragraph unless required by the withholding agent or FFI to whom you are providing this form.

Any certifications provided under an applicable IGA remain subject to the penalty of perjury statement and other certifications made in Part XXIX.

## **Entities Providing Alternate Certifications Under Regulations**

If you qualify for a chapter 4 status that is not shown in Part I, line 5, of this form, you may attach applicable certifications for such status from any other Form W-8 on which the relevant certifications appear. If the applicable certifications do not appear on any Form W-8 (if, for example, new regulations provide for an additional chapter 4 status and this form has not been updated to incorporate the status) then you may provide an attachment certifying that you qualify for the applicable status described in a particular Regulations section in lieu of checking a box in Part I, line 5, and providing any chapter 4 status certifications included on this form. Include a citation to the applicable provision in the Regulations. Any such attached certification becomes an integral part of this Form W-8BEN-E and is subject to the penalty of perjury statement and other certifications made in Part XXIX.

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**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to provide the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

<b>Recordkeeping</b> . . . . .	12 hr., 40 min.
<b>Learning about the law or the form</b> . . . . .	4 hr., 17 min.
<b>Preparing and sending the form</b> . . . . .	8 hr., 16 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can send us comments from [www.irs.gov/formspubs/](http://www.irs.gov/formspubs/). Click on "More Information" and then on "Give us feedback". You can write to the Internal Revenue Service, Tax Forms and Publications, SE:W:CAR:MP:TFP, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send Form W-8BEN-E to this office. Instead, give it to your withholding agent.

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