



Dividend Withholding Tax (DWT)

(as provided for by Chapter 8A, Part 6 of the Taxes Consolidation Act, 1997 - "the Act")

EXEMPTION FROM DWT FOR A Qualifying Non-Resident Company

IN RESPECT OF RELEVANT DISTRIBUTIONS

Please refer to Notes on Page 2 for guidance on completing this form

This exemption declaration form is valid from the date of issue of the certificate to the 31st day of December in the fifth year following the year in which the certificate was issued i.e. the form is valid for the year in which it is signed plus 5 full calendar years after that. Once completed the form should be forwarded to relevant Paying company/Qualifying Intermediary/Authorised Withholding Agent so that exemption can be put in place. Please note the form should not be sent to the DWT Unit for the purpose of gaining 'exemption-at-source'.

DWT UNIT MARCH 2008.

Notes

1. A **"qualifying non-resident person"** may receive relevant distributions from companies resident in Ireland without the deduction of DWT where the qualifying non-resident person is beneficially entitled to the relevant distributions and where a declaration has been made to the "relevant person". A "qualifying non-resident person" includes:
- (a) a company which is resident in a "relevant territory", and which is not under the control, whether directly or indirectly, of a person or persons who is/are resident for the purposes of tax in Ireland
 - (b) a company which is ultimately controlled, whether directly or indirectly, by a person or persons who is/are resident for the purposes of tax in a "relevant territory"
 - (c) a company, the principal class of shares of which, or
 - (i) of a company of which it is a 75 per cent subsidiary, or
 - (ii) where the company is wholly owned by 2 or more companies, of each of those companies, is substantially and regularly traded on a recognised stock exchange in a "relevant territory", or on such other stock exchange as may be approved of by the Minister of Finance for the purposes of *Chapter 8A of Part 6 of the Taxes Consolidation Act, 1997*.

2. A **"relevant person"** is defined as:

- a **company resident in Ireland** which makes a relevant distribution directly to the person beneficially entitled to the distribution;
- a **qualifying intermediary**, where the relevant distribution has been made indirectly to the person beneficially entitled to the distribution via that qualifying intermediary;

in addition, where relevant distributions are made via an **authorised withholding agent**, that agent effectively steps into the shoes of the company and is the "relevant person" in relation to the distributions.

The Revenue Commissioners maintain a list of qualifying intermediaries and authorised withholding agents. If you want to find out whether the intermediary you wish to use in relation to relevant distributions has been authorised by the Revenue Commissioners for the purposes of the Act, please consult the Revenue website at

<http://www.revenue.ie/publications/lists/qiawa.htm>

3. An exemption from DWT can only be obtained where a completed declaration has been given to the "relevant person".

If the declarant is dealing directly with the Irish paying company, please forward this completed declaration to that paying company.

If the declarant is making this declaration via a qualifying intermediary or an authorised withholding agent, please return the completed declaration to that intermediary or agent.

4. A **"relevant territory"** is defined as:

- a country (other than Ireland) which is a member of the European Union, or
- a country with which Ireland has a Double Taxation Agreement.

For up-to-date information on the countries with which Ireland has a Double Taxation Agreement, please consult the Revenue website at -

http://www.revenue.ie/services/tax_info/taxes12.htm

For guidance on completing this form contact - DWT Unit, Collector General's Division, Government Offices, Nenagh, Co. Tipperary, Ireland.

(Tel: +353-67-33533 / Fax: + 353-67-33822 / E-mail: infodwt@revenue.ie)

NOTE: This blank form may be photocopied for use in relation to subsequent declarations. However, in all cases, declarations must be signed and dated by the declarant **in ink** to establish that the declaration is original. **Please also retain a copy of this form when completed, as it may assist you in claiming a refund of DWT deducted in certain circumstances.**

Exemption Declaration for a **Qualifying Non-Resident Company**.

1. TO BE COMPLETED BY THE DECLARANT

Name of Company: _____

Address of Company: _____

Name of Country/Relevant Territory in which the Company is resident: _____

I declare that, at the time of making this declaration, the above-named company is beneficially entitled to the relevant distributions in respect of which this declaration is made.

I also declare that, at the time of making this declaration, the above-named company is a “qualifying non-resident person” for the purposes of *Chapter 8A of Part 6 of the Act*.

In support of this declaration, I attach (***please tick only one box***):

see note 1(a) – a certificate from the tax authority of the relevant territory in which the above-named company is resident for tax purposes (see **Part B2**), together with a certificate from the Auditor of the above-named company (see **Part B3**);

see note 1(b) – a certificate from the Auditor of the company (see **Part B4**);

see note 1(c) – a certificate from the Auditor of the company (see **Part B5**).

I undertake that, in the event that the above-named company ceases to be a “qualifying non-resident person”, I will, by written notice, bring that fact to the attention of the “relevant person” in relation to the relevant distributions.

Authorised Signatory: (Declarant) _____ **Title:** Mr./Ms. etc.) _____

Print name of Signatory here: _____

Relationship to the above-named company: _____

_____ **Date:** ____/____/____

Is this declaration signed under a Power of Attorney Y N

IMPORTANT: This declaration must be signed by an authorised officer of the non-resident company or by a person who holds power of attorney from the company. Where appropriate, a copy of the power of attorney should be furnished and retained with this declaration.

Name of company _____

Address of company _____

2. TO BE COMPLETED BY THE DECLARANT'S TAX AUTHORITY

I certify that the above-named company is a resident of _____ (insert name of country) for the purposes of tax. The relevant tax reference number is _____

Signed: _____ Date: ___/___/___ Rank: _____

Official Stamp

3. TO BE COMPLETED BY THE COMPANY'S AUDITOR

I certify that, in my opinion, the above-named company is not under the control (within the meaning of *Section 172D(3A)* of the Taxes Consolidation Act, 1997), whether directly or indirectly, of a person or persons who is/are resident for the purposes of tax in Ireland.

Signed: (Auditor) _____ Title (Mr./Ms. etc): _____

Name _____ Date: ___/___/___ **Stamp of auditing firm**

4. TO BE COMPLETED BY THE COMPANY'S AUDITOR

I certify that, in my opinion, the above-named company is not resident in Ireland **and:**

that the company is under the control (within the meaning of *Section 172D(4)(a)* of the *Taxes Consolidation Act, 1997*), whether directly or indirectly, of a person or persons who is/are, by virtue of any provision of the law of a "relevant territory", resident for the purposes of tax in a "relevant territory", and,

that/those person or persons is/are not under the control (within the meaning of *Section 172D(4)(b)* of the *Taxes Consolidation Act, 1997*), whether directly or indirectly, of a person or persons who is/are not resident for the purposes of tax in a "relevant territory".

Signed: (Auditor) _____ Title (Mr./Ms. etc): _____

Name _____ Date: ___/___/___ **Stamp of auditing firm**

5. TO BE COMPLETED BY THE COMPANY'S AUDITOR

I certify that, in my opinion: (*please tick as appropriate*)

the principal class of the shares of the company, **or**

of another company of which the company is a 75 per cent subsidiary (within the meaning of *Section 172D(5)* of the *Taxes Consolidation Act, 1997*), **or**

where the company is wholly owned (within the meaning of *Section 172D(6)* of the *Taxes Consolidation Act, 1997*) by 2 or more companies, of each of those companies

is substantially and regularly traded on a recognised stock exchange in a "relevant territory", or on such other stock exchange as may be approved of by the Minister for Finance for the purposes of *Chapter 8A of Part 6 of the Taxes Consolidation Act, 1997*

Signed: (Auditor) _____ Title (Mr./Ms. etc): _____

Name _____ Date: ___/___/___ **Stamp of auditing firm**