

Instructions for Entity Tax Declaration Form (August 2015)

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

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 chapter 4. Standard Chartered Group requests this **Entity Tax Declaration Form** to establish your chapter 4 status and avoid withholding at a 30% rate (the chapter 4 rate) on such payments.

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 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 **Entity Tax Declaration Form** in order to document your chapter 4 status.

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 Standard Chartered Group 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 Standard Chartered Group requesting this form.

Do not use this Entity Tax Declaration Form or 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-8ECI, 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-8ECI. 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-8ECI 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 Standard Chartered Group. Do not send an **Entity Tax Declaration Form** or 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 an **Entity Tax Declaration Form** or Form W-8BEN-E to the Standard Chartered Group. Give an **Entity Tax Declaration Form** or 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 **Entity Tax Declaration Form** you have submitted incorrect for purposes of chapter 4, you must notify Standard Chartered Group within 30 days of the change in circumstances and you must file a new **Entity Tax Declaration Form** (or other appropriate form as applicable). See Regulations section 1.1471-3(c)(6)(ii)(E) for the definition of a change in circumstances for purposes of chapter 4.

Entity Tax Declaration Form will remain valid for purposes chapter 4 for a period starting on the date the form is signed and ending on the last day of the third succeeding Instructions for **Entity Tax Declaration Form**. The type and rule above prints on all proofs including departmental reproduction proofs. MUST be removed before printing calendar year, unless a change in circumstances makes any information on the form incorrect. For example, **Entity Tax Declaration Form** signed on September 30, 2014 remains valid through December 31, 2017. However, under certain conditions **Entity Tax Declaration Form** will remain in effect indefinitely until a change of circumstances occurs. To determine the period of validity for **Entity Tax Declaration Form** for purposes of chapter 4, see Regulations section 1.1471-3(c)(6)(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.

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 GFIN. 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

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 Account Owner

Name of organisation that is the account holder. 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.

Country of incorporation or organisation. 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.

Permanent residence address. Enter the permanent residence address of the entity identified in Part I. 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 **Entity Tax Declaration Form** 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.

Tax Identification Number (if applicable). 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).

If your country of residence for tax purposes has issued you a tax identifying number (TIN), enter it here. If you are providing this **Entity Tax Declaration Form** 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.

Part II – Financial Institutions, and Part III – Non-Financial Entities

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.

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.

Part II – Financial Institutions

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 of Form W-8BEN-E. See the specific instructions for Part XII for Form W-8BEN-E. 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. 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.

Other FFI

E. Any other foreign financial institutions must complete a valid Form W-8BEN-E or W-8IMY.

Part III – Non-Financial Entities

Active Business (Active NFFE)

F. 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.

Publicly Traded Corporation (Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation)

G. 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.

Affiliate of a Publicly Traded Corporation (Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation)

H. 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).

Holding Companies and Treasury Centers of Corporate Groups (Excepted Nonfinancial Group Entity)

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

Public Sector Entity (Government of a U.S. Possession, or Foreign Central Bank of Issue)

J. 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 **Entity Tax Declaration Form** 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.

Charity or Non-Profit Organisation (Nonprofit Organization)

K. 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 a Model 1 IGA or Model 2 IGA and that is described in Annex I as a nonprofit organization that is an Active NFFE, should not check a box for its status. Instead, see Entities Providing Certifications Under an Applicable IGA under Special Instructions, later.

Passive Entity (Passive NFFE)

K. A passive NFFE must complete a valid Form W-8.

Other Non-Financial Entities

M. Any other non-financial entities must complete a valid Form W-8.

Certification

Entity Tax Declaration Form 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 **Entity Tax Declaration Form** 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 the **Entity Tax Declaration Form**, 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.

Special Instructions

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 of Form W-8BEN-E 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 of Form W-8BEN-E 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 of Form W-8BEN-E, do not check a box in line 5 of Form W-8BEN-E. 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 of Form W-8BEN-E.

Entities Providing Alternate Certifications Under Regulations

If you qualify for a chapter 4 status that is not shown in Part I, line 5, of Form W-8BEN-E, 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 of Form W-8BEN-E 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 of Form W-8BEN-E.