

Instructions for Form W-8EXP

(Rev. April 2014)



Department of the Treasury
Internal Revenue Service

Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding and Reporting

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

General Instructions

Future developments. For the latest information about developments related to Form W-8EXP and its instructions, such as legislation enacted after they were published, go to www.irs.gov/formw8exp.

What's New

Foreign Account Tax Compliance Act (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, participating foreign financial institutions (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 the account. 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.

Additional temporary and proposed regulations were published in March 2014 providing updated rules under chapter 4 as well as guidance coordinating chapter 4 with chapters 3 and 61. 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 Form W-8BEN, W-8ECI, and W-8IMY, has been updated to reflect the documentation requirements of chapter 4. In particular, this Form W-8EXP is now used by a foreign government or other organization claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) to certify its exemption under the applicable code provision for chapter 3 purposes and certify to its chapter 4 status when receiving a withholdable payment or to document its status as an account holder of a participating FFI or registered deemed-compliant FFI.

However, a foreign government or other organization claiming treaty benefits for income which is not subject to one of these statutory exemptions should use Form W-8BEN-E instead of this form. Such an entity documenting only its status for chapter 4 purposes may also provide Form W-8BEN-E instead of this form.

A foreign government or other organization that fails to provide this form (or other applicable certification form) when requested may be treated as a nonparticipating FFI

subject to 30% withholding on withholdable payments paid to the organization. In general, a foreign government or other organization receiving a withholdable payment should provide this form when requested to avoid incorrect withholding consequences.

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

Purpose of Form

Under chapter 3, foreign persons are subject to U.S. tax at a 30% rate on income they receive from U.S. sources that consists of interest (including certain original issue discount (OID)), dividends, rents, premiums, annuities, compensation for, or in expectation of, services performed, 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 for the benefit of the beneficial owner.

Foreign persons are also subject to tax at graduated rates on income they earn that is considered effectively connected with a U.S. trade or business. If a foreign person invests in a partnership that conducts a U.S. trade or business, the foreign person is considered to be engaged in a U.S. trade or business. The partnership is required to withhold tax under section 1446 on the foreign person's distributive share of the partnership's effectively connected taxable income.

If you receive certain types of income, you must provide Form W-8EXP to:

- Establish that you are not a U.S. person,
- Claim that you are the beneficial owner of the income for which Form W-8EXP is given, and
- Claim a reduced rate of, or exemption from, withholding as a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession.

In general, payments to a foreign government (including a foreign central bank of issue wholly-owned by a foreign sovereign) from investments in the United States in stocks, bonds, other domestic securities, financial instruments held in the execution of governmental financial or monetary policy, and interest on deposits in banks in the United States are exempt from tax under section 892 and exempt from withholding under sections 1441 and 1442. Payments other than those described above, including income derived in the U.S. from the conduct of a commercial activity, income received from a controlled commercial entity (including gain from the

disposition of any interest in a controlled commercial entity), and income received by a controlled commercial entity, do not qualify for exemption from tax under section 892 or exemption from withholding under sections 1441 and 1442. See Temporary Regulations section 1.892-3T. In addition, certain distributions to a foreign government from a real estate investment trust (REIT) may not be eligible for relief from withholding and may be subject to withholding at 35% of the gain realized. For the definition of "commercial activities," see Temporary Regulations section 1.892-4T.

Amounts allocable to a foreign person from a partnership's trade or business in the United States are considered derived from a commercial activity in the United States. The partnership's net effectively connected taxable income is subject to withholding under section 1446.

In general, payments to an international organization from investment in the United States in stocks, bonds and other domestic securities, interest on deposits in banks in the United States, and payments from any other source within the United States are exempt from tax under section 892 and exempt from withholding under sections 1441 and 1442. See Temporary Regulations section 1.892-6T. Payments to a foreign central bank of issue (whether or not wholly owned by a foreign sovereign) or to the Bank for International Settlements from obligations of the United States or of any agency or instrumentality thereof, or from interest on deposits with persons carrying on the banking business, are also generally exempt from tax under section 895 and exempt from withholding under sections 1441 and 1442. In addition, payments to a foreign central bank of issue from bankers' acceptances are exempt from tax under section 871(i)(2)(C) and exempt from withholding under sections 1441 and 1442. Effectively connected income or gain from a partnership conducting a trade or business in the United States may be subject to withholding under section 1446.

Payments to a foreign tax-exempt organization of certain types of U.S. source income are also generally exempt from tax and exempt from withholding. Gross investment income of a foreign private foundation, however, is subject to withholding under section 1443(b) at a rate of 4%. Effectively connected income or gain from a partnership conducting a trade or business in the United States may be subject to withholding under section 1446.

Payments to a government of a possession of the United States are generally exempt from tax and withholding under section 115(2).

To establish eligibility for exemption from 30% tax and withholding for chapter 3 purposes under sections 892, 895, 501(c), or 115(2), a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession must provide a Form W-8EXP to a withholding agent or payer with all necessary documentation. The withholding agent or payer of the income may rely on a properly completed Form W-8EXP to treat the payment, credit, or allocation associated with the Form W-8EXP as being made to a foreign government, international organization, foreign

central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession exempt from withholding at the 30% rate (or, where appropriate, subject to withholding at a 4% rate).

Provide Form W-8EXP to the withholding agent or payer before income is paid, credited, or allocated to you. Failure by a beneficial owner to provide a Form W-8EXP when requested may lead to withholding at the 30% rate, the backup withholding rate, or the rate applicable under section 1446.

In addition to the requirements of chapter 3, chapter 4 requires withholding agents to identify chapter 4 status of payees receiving withholdable payments to determine whether withholding applies under chapter 4. Under chapter 4, certain foreign governments, foreign central banks, international organizations, and foreign entities described in section 501(c) (other than an insurance company described in section 501(c)(15)) are not subject to withholding under chapter 4. A withholding agent may request this Form W-8EXP to establish your chapter 4 status and avoid withholding.

Chapter 4 also requires participating FFIs and certain registered deemed-compliant FFIs to document 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 maintain an account with an FFI and have a chapter 4 status shown in Part I, line 4 of this form, provide this Form W-8EXP 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 file. You must give Form W-8EXP to the withholding agent or payer if you are a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession receiving a withholdable payment or receiving a payment subject to chapter 3 withholding, or are such an entity maintaining an account with an FFI requesting this form.

Do not use Form W-8EXP if:

- You are not a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession receiving amounts subject to withholding under chapter 3 claiming the applicability of section 115(2), 501(c), 892, 895, or 1443(b). Instead, provide Form W-8BEN-E, Certificate of Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities), or 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. For example, if you are a foreign tax-exempt organization claiming a benefit under an income tax treaty, provide Form W-8BEN-E.
- You are receiving withholdable payments from a withholding agent requesting this form and you do not have a chapter 4 status identified in Part I, line 4 of this form.

- 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). 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. Instead, provide Form W-8ECI.
- You are a tax-exempt organization receiving unrelated business taxable income subject to withholding under section 1443(a). Instead, provide Form W-8BEN-E or Form W-8ECI (as applicable) for this portion of your income.
- You are a foreign partnership, a foreign simple trust, or a foreign grantor trust. Instead, provide Form W-8ECI or Form W-8IMY. However, a foreign grantor trust is required to provide documentation of its grantor or other owner for purposes of section 1446. See Regulations section 1.1446-1.

Giving Form W-8EXP to the withholding agent. Do not send Form W-8EXP to the IRS. Instead, give it to the person who is requesting it from you. Generally, this person will be the one from whom you receive the payment, who credits your account, or a partnership that allocates income to you. Generally, a separate Form W-8EXP must be given to each withholding agent.

Give Form W-8EXP to the person requesting it before the payment is made, credited, or allocated to you or your account. If you do not provide this form, the withholding agent may have to withhold tax at the chapter 3 or chapter 4 rate 30%, the backup withholding rate (determined under section 3406), or the rate applicable under section 1446. If you receive more than one type of income from a single withholding agent, the withholding agent may require you to submit a Form W-8EXP for each different type of income.

Change in circumstances. If a change in circumstances makes any information on the Form W-8EXP you have submitted incorrect, you must notify the withholding agent within 30 days of the change in circumstances and you must file a new Form W-8EXP or other appropriate form.

Expiration of Form W-8EXP. Generally, a Form W-8EXP remains in effect indefinitely until a change of circumstances makes any information provided on the form incorrect. In some cases, however, Form W-8EXP will remain valid only for a period starting on the date the form is signed and ending on the last day of the third succeeding calendar year. For example, a Form W-8EXP provided on February 15, 2015 by a controlled entity of a foreign government would be subject to the three-year validity period and thus would expire on December 31, 2018 for chapter 3 purposes. For more exceptions to the indefinite validity period, see Regulations section 1.1441-1(e)(4)(ii) for chapter 3 purposes and Regulations section 1.1471-3(c)(6)(ii) for chapter 4 purposes.

Definitions

Amounts exempt from tax under section 895. Section 895 generally excludes from gross income and exempts from U.S. taxation income a foreign central bank of issue

receives from obligations of the United States (or of any agency or instrumentality thereof) or from interest on deposits with persons carrying on the banking business unless such obligations or deposits are held for, or used in connection with, the conduct of commercial banking functions or other commercial activities of the foreign central bank of issue.

Amounts exempt from tax under section 892. Only a foreign government or an international organization as defined below qualifies for exemption from taxation under section 892. Section 892 generally excludes from gross income and exempts from U.S. taxation income a foreign government receives from investments in the United States in stocks, bonds, or other domestic securities; financial instruments held in the execution of governmental financial or monetary policy; and interest on deposits in banks in the United States of monies belonging to the foreign government. Income of a foreign government from any of the following sources is not exempt from U.S. taxation.

- The conduct of any commercial activity.
- A controlled commercial entity.
- The disposition of any interest in a controlled commercial entity. For the definition of “commercial activity,” see Temporary Regulations section 1.892-4T.

Section 892 also generally excludes from gross income and exempts from U.S. taxation income of an international organization received from investments in the United States in stocks, bonds, or other domestic securities and interest on deposits in banks in the United States of monies belonging to the international organization or from any other source within the United States.

Amounts subject to withholding. 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.

Generally, an amount subject to chapter 4 withholding is an amount of U.S. source FDAP income that is also a withholdable payment as defined in Regulations section 1.1473-1(a) to which an exception does not apply under chapter 4. The exemptions from withholding or taxation 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).

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.

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

These beneficial owner rules apply primarily for purposes of withholding under sections 1441 and 1442. The rules also generally apply for purposes of section 1446, with a few exceptions. See Regulations section 1.1446-1 for instances where the documentation requirements of sections 1441 and 1442 differ from section 1446.

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.

Commercial activities. For purposes of chapter 4, commercial activities are financial activities of a type engaged in by an insurance company, custodial institution, or depository institution (including the act of accepting deposits). An exempt beneficial owner will not be considered exempt for chapter 4 purposes with respect to payments derived from an obligation held in connection with a commercial financial activity. See Regulations section 1.1471-6(h), including limitations on the scope of a commercial financial activity. For purposes of chapter 3, commercial activities are described in Temporary Regulations section 1.892-4T.

Controlled commercial entity. A controlled commercial entity is an entity engaged in commercial activities described in Temporary Regulations section 1.892-4T

(whether within or outside the United States) if the foreign government holds:

- Any interest in the entity that is 50% or more of the total of all interests in the entity, or
- A sufficient interest or any other interest in the entity which provides the foreign government with effective practical control of the entity.

An entity includes a corporation, a partnership, a trust (including a pension trust) and an estate. A partnership's commercial activities are attributable to its general and limited partners for purposes of determining whether the partner is a controlled commercial entity for purposes of section 892. The partnership's activities will result in the partnership having to withhold tax under section 1446 on commercial income that is the effectively connected taxable income allocable to a foreign government partner.

Note. A foreign central bank of issue will be treated as a controlled commercial entity only if it engages in commercial activities within the United States.

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 Global Intermediary Identification Number (GIIN). These FFIs are referred to as **registered deemed-compliant FFIs**. See Regulations section 1.1471-5(f).

Exempt beneficial owner. An exempt beneficial owner means a person that is described in Regulations section 1.1471-6 and includes a foreign government, a political subdivision of a foreign government, a wholly owned instrumentality or agency of a foreign government or governments, an international organization, a wholly owned agency or instrumentality of an international organization, a foreign central bank of issue, a government of a U.S. possession, certain retirement funds, and certain entities wholly owned by one or more exempt beneficial owners. In addition, an exempt beneficial owner includes any person treated as an exempt beneficial owner under an applicable Model 1 IGA or Model 2 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 central bank of issue. A foreign central bank of issue is a bank that is by law or government sanction the principal authority, other than the government itself, to issue instruments intended to circulate as currency. Such a bank is generally the custodian of the banking reserves of the country under whose law it is organized. The Bank

of International Settlements is treated as though it were a foreign central bank of issue.

A foreign central bank of issue must provide Form W-8EXP to establish eligibility for exemption from withholding for payments exempt from tax under either section 892 or section 895.

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

Foreign person. A foreign person includes a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, foreign estate, foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession, 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. Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

Foreign government. For chapter 3 purposes, a foreign government includes only the integral parts or controlled entities of a foreign sovereign as defined in Temporary Regulations section 1.892-2T. Similar definitions apply for chapter 4 purposes under Regulations section 1.1471-6(b).

An integral part of a foreign sovereign, in general, is any person, body of persons, organization, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a foreign country. The net earnings of the governing authority must be credited to its own account or to other accounts of the foreign sovereign, with no portion benefiting any private person.

A controlled entity of a foreign sovereign is an entity that is separate in form from the foreign sovereign or otherwise constitutes a separate juridical entity only if:

- It is wholly owned and controlled by the foreign sovereign directly or indirectly through one or more controlled entities.
- It is organized under the laws of the foreign sovereign by which it is owned.
- Its net earnings are credited to its own account or to other accounts of the foreign sovereign, with no portion of its income benefiting any private person.
- Its assets vest in the foreign sovereign upon dissolution.

A controlled entity of a foreign sovereign also includes a pension trust defined in Temporary Regulations section 1.892-2T(c) and may include a foreign central bank of issue to the extent that it is wholly owned by a foreign sovereign.

A foreign government must provide Form W-8EXP to establish eligibility for exemption from withholding for payments exempt from tax under section 892 or for purposes of establishing its status as an exempt beneficial owner.

Intergovernmental agreement (IGA). An 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 "List of Jurisdictions" available at www.irs.gov/fatca.

A **Model 1 IGA** means an agreement between the United States 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**.

International organization. For purposes of chapter 3, an international organization is any public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288-288(f)). In general, to qualify as an international organization, the United States must participate in the organization pursuant to a treaty or under the authority of an Act of Congress authorizing such participation.

Any organization that qualifies as an international organization under chapter 3 also qualifies as an international organization under chapter 4.

For purposes of chapter 4, an international organization also includes any intergovernmental or supranational organization that is comprised primarily of foreign governments, that is recognized as an intergovernmental or supranational organization under a foreign law similar to 22 U.S.C. 288-288(f) or that has in effect a headquarters agreement with a foreign government, and whose income does not inure to the benefit of private persons.

Participating FFI. A participating FFI is an FFI (including a reporting Model 2 FFI) 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.

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 described 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 interests 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.

Territory financial institution. The term territory financial institution means a financial institution that is incorporated or organized under the laws of any U.S. territory. However, an investment entity that is not also a depository institution, custodial institution, or specified insurance company is not a territory financial institution.

Withholdable payment. The term withholdable payment means an amount subject to withholding for purposes of chapter 4 as described in “Amounts subject to withholding,” earlier. Also see Regulations section 1.1473-1(a) for the definition of withholdable payment.

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.

Specific Instructions

Part I — Identification of Beneficial Owner

Before completing Part I, complete the Worksheet for Foreign Governments, International Organizations, and Foreign Central Banks of Issue, later, to determine whether amounts received are or will be exempt from U.S. tax under section 892 or 895 and exempt from withholding under sections 1441 and 1442. Use the results of this worksheet to check the appropriate box on line 3 and in Part II. Do not give the worksheet to the withholding agent. Instead, keep it for your records.

Line 1. Enter the full name of the organization.

Line 2. Enter the country under the laws of which the foreign government or other foreign organization was created, incorporated, organized, or governed.

Line 3. Check the one box that applies. A foreign central bank of issue (wholly owned by a foreign sovereign) should check the “Foreign government” box. If you are a foreign private foundation, you should check the “foreign private foundation” box rather than the “foreign tax-exempt organization” box.

Line 4. Check the one box that applies to your chapter 4 status (if necessary). You are required to provide a chapter 4 status if you are the payee of a withholdable payment or hold an account with an FFI requesting this form. See Regulations section 1.1471-3(a) for the definition of a payee for purposes of chapter 4. By checking a box on this line, you are representing that you qualify for this classification and, if you are claiming a status as an exempt beneficial owner, that you are the beneficial owner of the payments to which this form relates for purposes of chapter 4.



For certain chapter 4 statuses, you are required to complete an additional line on this form certifying that you meet the conditions of the status indicated on line 4 (as defined under Regulations section 1.1471-5 or 1.1471-6 or an applicable IGA). Make sure you complete the required portion of this form before signing and providing it to the withholding agent.



If you do not certify as to your chapter 4 status, this Form W-8EXP will not be valid for purposes of chapter 4 if you receive a withholdable payment at any time in the future. For example, if you do not certify as to your chapter 4 status because the only payments you receive from the withholding agent are with respect to grandfathered obligations described in Regulations section 1.1471-2(b), then you will be required to resubmit Form W-8EXP and certify to your chapter 4 status if you receive a withholdable payment in the future. You may consider certifying to your chapter 4 status even if not required in order to avoid resubmitting Form W-8EXP to the withholding agent. See “Expiration of Form W-8EXP,” earlier.

Line 5. The permanent address of a foreign government, international organization, or foreign central bank of issue is where it maintains its principal office. For all other organizations, the permanent address is the address in the country where the organization claims to be a resident for tax purposes. Do not show the address of a financial institution, a post office box, or an address used solely for mailing purposes unless such address is the only permanent address you use and it appears as your registered address in your organizational documents.

Line 6. Enter the mailing address only if it is different from the address shown on line 5.

Line 7. A U.S. taxpayer identification number (TIN) means an employer identification number (EIN). A U.S. TIN is generally required if you are claiming an exemption or reduced rate of withholding based solely on your claim of tax-exempt status under section 501(c) or private foundation status. Use Form SS-4, Application for Employer Identification Number, to obtain an EIN.

Line 8a. If the organization has registered with the IRS as a participating FFI (including a reporting Model 2 FFI), registered deemed-compliant FFI, (including a reporting Model 1 FFI), direct reporting NFFE, check the box for “GIIN” and provide your GIIN. For payments made prior to January 1, 2015, a Form W-8EXP 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 may provide the GIIN of its sponsoring entity.

Line 8b. If the organization has been issued a tax identification number in its country of residence, enter it here.

Line 9. This line may be used by the filer of Form W-8EXP or by the withholding agent to whom it is provided to include any referencing information that is necessary or useful to the withholding agent in carrying out its obligations. For example, a filer may use line 9 to include the name and number of the account for which the filer is providing the form.

Part II — Qualification Statement for Chapter 3 Status



You are not required to complete a chapter 3 qualification statement if you are submitting this form to document your chapter 4 status and are not receiving a payment that is subject to withholding under chapter 3. However, in such a case, you may also provide Form W-8BEN-E to document your chapter 4 status.

Line 10. All foreign governments claiming the applicability of section 892 must check box 10a as well as box 10b or box 10c, whichever applies. Enter the name of the foreign sovereign's country on line 10b (if the entity is an integral part of a foreign government) or on line 10c (if the entity is a controlled entity). A central bank of issue (wholly owned by a foreign sovereign) should check box 10c.

Line 11. Check this box if you are an international organization. By checking this box, you are certifying to all the statements made in line 11.

Line 12. Check this box if you are a foreign central bank of issue for purposes of chapter 3 (see definitions) not wholly owned by a foreign sovereign. By checking this box, you are certifying to all the statements made in line 12.

Line 13. If you are a foreign tax-exempt organization, you must attach a statement setting forth any income that is includible under section 512 in computing your unrelated business taxable income.

Box 13a. Check this box if you have been issued a determination letter by the IRS. Enter the date of the IRS determination letter.

Box 13b. Check this box if you do not have an IRS determination letter, but are providing an opinion of U.S. counsel concluding that you are an organization described in section 501(c).

Box 13c. If you are a section 501(c)(3) organization, check this box if you are not a private foundation. You must attach to the withholding certificate an affidavit setting forth sufficient facts concerning your operations and support to enable the IRS to determine that you would be likely to qualify as an organization described in section 509(a)(1), (2), (3), or (4). See Rev. Proc. 92-94, 1992-2 C.B. 507, section 4, for information on affidavit preparation of foreign equivalents of domestic public charities.

Box 13d. Check this box if you are a section 501(c)(3) organization and you are a private foundation described in section 509.

Line 14. Check this box if you are a government of a U.S. possession. By checking this box you are certifying to the statements made in line 14.

Part III — Qualification Statement for Chapter 4 Status



You are not required to complete a chapter 4 qualification statement if you are not the payee of a withholdable payment or are not an accountholder holding an account with an FFI requesting this form.

Line 15. Check this box to indicate that you are treated as a nonreporting FFI under an applicable IGA (and as defined in the IGA). You must identify the applicable IGA by entering the name of the jurisdiction that has the applicable IGA in effect with the United States. You must also provide the withholding agent with the class of entity 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 provide your GILN in the space provided.

Line 16. Check this box if you are a territory financial institution. By checking this box, you are certifying to the statement in line 16.

Line 17. Check this box if you are a foreign government, government of a U.S. possession, or foreign central bank of issue as defined for purposes of chapter 4 (see Regulations section 1.1471-6). By checking this box, you are certifying to the statement made in line 17.

Line 18. Check this box if you are an exempt retirement plan of a foreign government as defined for purposes of chapter 4. By checking this box, you are certifying to all the statements made in line 18.

Line 19. Check this box if you are a 501(c) organization other than an insurance company described in section 501(c)(15). By checking this box, you are certifying to the statement made in line 19.

Line 20. Check box 20a if you are passive NFFE. If you do not have any substantial U.S. owners, check box 20b. If you have any substantial U.S. owners, you must provide a statement providing the information set forth on line 20c.

Line 21. Check box 21 if you are a sponsored direct reporting NFFE. Provide the name of your sponsoring entity in the space provided. By checking this box, you are certifying to the statements made in line 21.

Part IV – Certification

Form W-8EXP must be signed and dated by an authorized official of the foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession, as appropriate. By signing Form W-8EXP, the authorized representative, officer, or agent also agrees to provide a new form within 30 days following a change in circumstances that makes any certification made on the form incorrect (unless no future payments will be made to the organization by the withholding agent). The authorized representative, officer, or agent must also check the box to certify that he or she has the capacity to sign for the organization.

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: **Recordkeeping**, 6 hr., 42 min.; **Learning about the law or the form**, 5 hr., 18 min.; **Preparing and providing the form**, 8 hr., 2 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. 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-8EXP to this office. Instead, give it to your withholding agent.

WORKSHEET FOR FOREIGN GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND FOREIGN CENTRAL BANKS OF ISSUE

(Do not give to the withholding agent.)

Complete this worksheet to determine whether amounts received are or will be exempt from United States tax under section 892 or section 895 and exempt from withholding under sections 1441 and 1442.

- Foreign governments and foreign central banks of issue, start with question 1.
- International organizations, go directly to question 6.

FOREIGN GOVERNMENT		Yes	No
1 a	Is the foreign government an integral part of a foreign sovereign (see Definitions)? (If "Yes," go to question 4. If "No," answer question 1b.)	☐	☐
b	Is the foreign government a controlled entity of a foreign sovereign (see Definitions)? (If "Yes," answer question 2a. If "No," go to question 7a.)	☐	☐
2 a	Is the controlled entity a foreign central bank of issue (see Definitions)? (If "Yes," answer question 2b. If "No," go to question 3.)	☐	☐
b	Is the foreign central bank of issue engaged in commercial activities within the United States? (If "Yes," answer question 7a. If "No," go to question 4.)	☐	☐
3	Is the controlled entity engaged in commercial activities anywhere in the world? (If "Yes," income is not exempt from tax under section 892 and may be subject to withholding. Do not complete Form W-8EXP for such income. Instead, complete Form W-8BEN-E or W-8ECI. If "No," answer question 4.)	☐	☐
4	Does the foreign government or foreign central bank of issue (wholly owned by the foreign sovereign) receive income directly or indirectly from any controlled commercial entities or income derived from the disposition of any interest in a controlled commercial entity (see Definitions)? (If "Yes," income is not exempt from tax under section 892 and may be subject to withholding. Do not complete Form W-8EXP for such income. Instead, complete Form W-8BEN-E or W-8ECI. If "No," answer question 5.)	☐	☐
5	Is any of the income received by the foreign government or foreign central bank of issue (wholly owned by the foreign sovereign) from sources other than investments in the United States in stocks, bonds, other domestic securities (as defined in Temporary Regulations section 1.892-3T(a)(3)), financial instruments held in the execution of governmental financial or monetary policy (as defined in Temporary Regulations section 1.892-3T(a)(4) and (a)(5)), or interest on deposits in banks in the United States? (If "Yes," income is not exempt from tax under section 892 and may be subject to withholding. Do not complete Form W-8EXP for such income. Instead, complete Form W-8BEN-E or W-8ECI. If "No," check the appropriate box on line 10 of Form W-8EXP.)	☐	☐
INTERNATIONAL ORGANIZATION		Yes	No
6	Is the international organization an organization in which the United States participates pursuant to any treaty or under an Act of Congress authorizing such participation and to which the President of the United States has issued an Executive Order entitling the organization to enjoy the privileges, exemptions, and immunities provided under the International Organization Immunities Act (22 U.S.C. 288, 288e, 288f)? (If "Yes," check the box on line 11 of Form W-8EXP. If "No," income may be subject to withholding. Do not complete this form for such income. Instead, complete Form W-8BEN-E or W-8ECI.)	☐	☐
FOREIGN CENTRAL BANK OF ISSUE		Yes	No
7 a	Is the entity, whether wholly or partially owned by the foreign sovereign, a foreign central bank of issue? (If "Yes," answer question 7b. If "No," income is not exempt from tax under section 895 and may be subject to withholding. Do not complete Form W-8EXP for such income. Instead, complete Form W-8BEN-E or W-8ECI.)	☐	☐
b	Is the income received by the foreign central bank of issue from sources other than obligations of the United States (or any agency or instrumentality thereof) or from interest on deposits with persons carrying on the banking business? (If "Yes," income is not exempt from tax under section 895 and may be subject to withholding. Do not complete Form W-8EXP for such income. Instead, complete Form W-8BEN-E or W-8ECI. If "No," answer question 7c.)	☐	☐
c	Are the obligations of the United States (or any agency or instrumentality thereof) or bank deposits owned by the foreign central bank of issue held for, or used in connection with, the conduct of commercial banking functions or other commercial activities by the foreign central bank of issue? (If "Yes," income is not exempt from tax under section 895 and may be subject to withholding. Do not complete Form W-8EXP for such income. Instead, complete Form W-8BEN-E or W-8ECI. If "No," check the box on line 12 of Form W-8EXP.)	☐	☐