Revenue
Cáin agus Custaim na hÉireann
Irish Tax and Customs

Dividend Withholding Tax (DWT)

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

EXEMPTION FROM DWT FOR
A Qualifying Non-Resident Company

IN RESPECT OF RELEVANT DISTRIBUTIONS

Please refer to Notes on Pages 2 & 3 for guidance on completing this form

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

DWT UNIT, August 2024

Notes

1. A **"qualifying non-resident person"** may receive relevant distributions from companies resident in Ireland without the deduction of DWT where the qualifying non-resident person is beneficially entitled to the relevant distributions and where a declaration has been made to the "relevant person". A "qualifying non-resident person" includes:

   (a) a company which is resident in a "relevant territory", and which is not under the control (see 5[1]), whether directly or indirectly, of a person or persons who is/are resident for the purposes of tax in Ireland (see 5[2]) Section 172D(3)(b)(i)

   (b) a company which is ultimately controlled, whether directly or indirectly, by a person or persons who is/are resident for the purposes of tax in a "relevant territory" Section 172D(3)(b)(ii)

   (c) a company, the principal class of shares of which, or

      (i) of a company which is a 75 per cent subsidiary, or

      (ii) where the company is wholly owned by 2 or more companies, of each of those companies, is substantially and regularly traded (see 5[3]) on a recognised stock exchange in a "relevant territory", or on such other stock exchange as may be approved of by the Minister of Finance for the purposes of *Chapter 8A of part 6 of the Taxes Consolidation Act, 1997* Section 172D(3)(b)(iii)**.**

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

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

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

   The Revenue Commissioners maintain a list of qualifying intermediaries and authorised withholding agents. If you want to find out whether the intermediary you wish to use in relation to relevant distributions has been authorised by the Revenue Commissioners for the purposes of the Act please consult the Revenue website at: **https://www.revenue.ie/en/companies-and-charities/dividend-withholding-tax/index.aspx**

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

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

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

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

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

   For up-to-date information on the countries with which Ireland has a Double Taxation Agreement, please consult the Revenue website at **https://www.revenue.ie/en/tax-professionals/tax-agreements/index.aspx**

5. [1] "Control', is defined in Section 172D(3A) to (6) of the Taxes Consolidation Act, 1997, as amended. The key factors in determining "control" in this context are whether any person(s) possess, are entitled to acquire, or will be entitled to acquire at a future date;

   the greater part of the share capital or issued share capital of the Company; or

   - the greater part of the voting power in the Company; or
   - the greater part of the distributable income of the Company; or
   - the greater part of the right to assets of the Company on a winding up.

On the basis that amounts in excess of 50% equate to “the greater part of” ownership of a particular item, it is reasonable to apply the above tests with a view to establishing whether more than 50% of share capital, issued share capital, voting power, distributable income or assets on a winding up are currently possessed, or may in future be possessed (based on current shareholder rights), by any person(s).

[2] The term “resident” in the Republic of Ireland” Based on Section 23A of the Taxes Consolidation Act of 1997, as amended, a company is not considered “resident” in the Republic of Ireland if

1. The company is not incorporated in Ireland and does not have its central management and control in Ireland; or
2. The company is incorporated in Ireland, but does not have its central management and control in Ireland, and either
    (i) The company or a related company carries on a trade in Ireland, and either the company is ultimately controlled by persons resident in EU Member States or, in countries with which Ireland has a double taxation treaty, or the company or a related company is a quoted company on a recognized Stock Exchange in the EU or a country with which Ireland has a double taxation treaty; or
    (ii) The company is regarded as not resident in Ireland under a double taxation treaty between Ireland and another country.

[3] The term “substantially and regularly traded” is not defined in the Taxes Consolidation Act, 1997, as amended. However, for the purposes of qualifying for exemption from DWT under Section 172D, Revenue will accept that a company’s shares are “substantially and regularly traded” where the shares are traded on a regular basis each year in more than de minimus quantities.

The Revenue Commissioners collect taxes and duties and implement customs controls. Revenue requires customers to provide certain personal data for these purposes and certain other statutory functions as assigned by the Oireachtas. Your personal data may be exchanged with other Government Departments and agencies in certain circumstances where this is provided for by law. Full details of Revenue’s data protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available on our **Privacy** page on **www.revenue.ie**. Details of this policy are also available in hard copy upon request.”

IMPORTANT NOTES:

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

2. The authorised signatory of the non-resident company must have in his/her possession the information necessary to complete this declaration form prior to signing the declaration. This information must be retained by the non-resident company and made available to the Revenue authorities on request.

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

For further guidance on completing this form contact:-

DWT Unit
Revenue Commissioners
Government Offices
Nenagh
Co. Tipperary
E45 T611

Tel: + 353 1 738 3631 / E-mail: infodwt@revenue.ie)

TO BE COMPLETED BY THE DECLARANT

Name of Company: ____

____

Address of Company: ____

____

Company Tax Reference number in country of residence (where relevant): ______________________

1. In the case of a company within the meaning of Section 172D(3)(b)(i) the name of the "relevant territory" (see note 4) in which the company is resident (see note 1(a)):

   ____

2. In the case of a company within the meaning of Section 172D(3)(b)(ii) the names of the relevant territory or names of the relevant territories in which the person or persons who control (within the meaning of Section 172D4(a) whether directly or indirectly) the company is or are resident (see note 1(b)):

   ____

   ____

3. In the case of a company within the meaning of Section 172D(3)(b)(iii) the name and address of the relevant company/companies and the name and address of the recognised stock exchange on which the principal class of the shares of the company are substantially and regularly traded (see note 1(c)):

Name and Address of company: ____

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Name and Address of stock exchange:____

____

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

I also declare that, at the time of making this declaration, the above-named company is a "qualifying non-resident person" for the purposes of Chapter 8A of Part 6 of the Act on the basis that;

(i) it is not resident in the Republic of Ireland; and

(ii) it satisfies condition [1 or 2 or 3 (delete as appropriate)] as set out above; and

(iii) it has provided the relevant information requested under the provisions of Section172D(3) as appropriate on the form prescribed by the Irish Revenue to the relevant person.

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

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

Print name of Signatory here: _______________________________ **Date**: _____/_____/_____
day / month / year

Relationship to the above-named company: __________________________

Is this declaration signed under a Power of Attorney: **Y** ☐ **N** ☐