



Interest Withholding Tax
Non-Resident Declaration for the purposes of Section 246 TCA 1997

Declaration to be completed by a Non-Resident Person

1. To be completed by the Non-Resident Person

Name of person: [text box]

Address of person: [text box]

Tax reference number in country of residence (where relevant) [text box]

- A. I declare that I am -
o not resident for the purposes of tax in Ireland,
o not carrying on a trade or business in Ireland, and
o tax resident in [text box] (insert name of country) which is a "relevant territory"1.

B. I confirm that the Interest Article of Ireland's Double Taxation Agreement with [text box] (insert name of country) provides that Ireland does not impose a tax on interest / imposes tax at a rate not to exceed [text box]% on interest [please delete as appropriate]2.

C. I declare that I am beneficially entitled to the interest payment being made by [text box]3 (insert name of person making the interest payment) in respect of which this declaration is made.

D. I declare that I am entitled to relief under the Double Taxation Agreement (referred to in B.) in respect of the full interest payment (referred to in C.).

E. I undertake that in the event that there is any change in my circumstances I will inform, by written notice, [text box] (insert name of person making the interest payment) immediately.

Signature of person: [text box] Date: [D][D][M][M][Y][Y][Y][Y]

Capacity of signatory [text box]

2. To be completed by the Non-Resident's Tax Authority

I certify that the above named person is a resident of [text box] (insert name of country) for the purposes of the relevant Double Tax Agreement.

The relevant tax reference number is [text box]

Signed: [text box] Date: [D][D][M][M][Y][Y][Y][Y]

OFFICIAL STAMP

1Refer to note 2.

2Refer to note 4.

3The person making the interest payment should refer to Note 5 before making the interest payment.

Notes

The purpose of this declaration is to provide that the reliefs of the Interest Article of Ireland's Double Taxation Agreements can be granted automatically without recourse to the Revenue Commissioners.

1. Conditions for Self-Certification to apply

This form should be completed if

1. Absent the self-certification, the payment would be subject to withholding under section 246(2) TCA 1997 and the person to whom the payment is being made is not entitled to an exemption from withholding tax under any of the provisions of section 246(3) TCA 1997.
2. The person to whom the interest is paid is the beneficial owner of the interest.
3. The person is neither resident nor carrying on a trade or business in the State.
4. The person to whom the interest is paid is treated as a person (that is to say opaque rather than transparent)
 - a. for Irish tax purposes and for the purposes of tax imposed by the treaty partner, or
 - b. under the DTA.
5. Under the relevant DTA, that person is treated as a resident only of the treaty partner.
6. The DTA rate provided for under the Interest Article of the DTA that will apply on payments of interest to residents of the treaty partner is lower than 20%.
7. The payee is entitled to relief under the DTA in respect of the interest payment, such that any tax withheld would be fully, or partially, refundable.

2. Relevant Territory

A "relevant territory" for the purposes of section 246 TCA 1997 is defined as

- a country (other than Ireland) which is a member of the European Union,
- a country with which Ireland has a Double Taxation Agreement, or
- a country with which Ireland has entered into a Double Taxation Agreement which has not yet been ratified.

3. Double Taxation Treaties

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

4. Interest Article

The interest Article of Ireland's Double Taxation Agreements is used to determine if tax payable in Ireland can be relieved in respect of interest payments being made.

For example, the Interest Article [Article 12] of the Double Taxation Agreement between Ireland and Sweden provides as follows

"1. Interest arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State if such resident is the beneficial owner of the interest."

Accordingly, in the case of interest payments being made to a person beneficially entitled to the interest payment who is resident in Sweden, no tax is to be charged or deducted on the interest payment in Ireland. As such the interest can be paid gross [i.e. without the deduction of withholding tax as required under section 246(2) TCA 1997] to the payee.

While the Interest Article [Article 11] of the Double Taxation Agreement between Ireland and Belgium provides as follows:

- “1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.
2. Such interest may also be taxed in the Contracting State in which it arises, and according to the law of that State. However, the tax so charged shall not exceed 15 per cent of the amount of the interest.”

Accordingly, in the case of interest payments being made to a person beneficially entitled to the interest payment who is resident in Belgium, the interest is charged to Irish tax at the reduced rate of 15%. As such, the interest payment can be made to the payee subject to a withholding tax at the rate of 15 percent [rather than withholding tax at the rate of 20% as required under the provisions of section 246(2) TCA 1997].

5. Person making the interest payment

In advance of making the interest payment either without the deduction of withholding tax or at a reduced rate of withholding tax the person making the interest payment should refer to Tax and Duty Manual 08-03-06 <https://www.revenue.ie/en/tax-professionals/tdm/income-tax-capital-gains-tax-corporation-tax/part-08/08-03-06.pdf> to ensure that all the conditions pertaining to the interest payment have been satisfied.

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.

The information in this document is provided as a guide only and is not professional advice, including legal advice. It should not be assumed that the guidance is comprehensive or that it provides a definitive answer in every case.