

Claim for the refund, exemption or application of the reduced tax rate on income paid to non-residents

Conventions for the avoidance of double taxation	<input type="checkbox"/> dividends (FORM A)	<input type="checkbox"/> interest (FORM B)	<input type="checkbox"/> royalties (FORM C)	<input type="checkbox"/> other income (FORM D)
EU Directives	<input type="checkbox"/> parent- subsidiary tax regime dir. 90/435/EEC (FORM E)		<input type="checkbox"/> interest and royalty tax regime dir. 2003/49/EC (FORM F)	

DETAILS OF THE BENEFICIAL OWNER

Natural person	Surname	Name	Place of Birth	Date of Birth
Legal person <input type="checkbox"/> cross in the case of a permanent establishment	Business Name			
Foreign TIN	No. _____ <input type="checkbox"/> My country of residence does not issue a TIN for residents or I cannot obtain a TIN from my country of residence.			
Italian TIN (if issued)				
Residence	State	Full address		
Domicile (if different from residence)	State	Full address		
P.O. Box (optional)				
E-MAIL (optional)				

DETAILS OF THE LEGAL REPRESENTATIVE

Natural person	Surname	Name	Place of Birth	Date of Birth
Legal person	Business Name			
TIN	No. _____ <input type="checkbox"/> My country of residence does not issue a TIN for residents or I cannot obtain a TIN from my country of residence.			
Italian TIN (if issued)				
Residence	State	Full address		
Domicile (if different from residence)	State	Full address		
P.O. Box (optional)				
E-MAIL (optional)				

OTHER CO-BENEFICIARIES OF THE INCOME FOR WHICH REFUND IS BEING REQUESTED

Natural person	Surname	Name	Place of Birth	Date of Birth
Legal person	Business Name			
TIN	No. _____ <input type="checkbox"/> My country of residence does not issue a TIN for residents or I cannot obtain a TIN from my country of residence.			
Italian TIN (if issued)				
Residence	State	Full address		
Domicile (if different from residence)	State	Full address		
P.O. Box (optional)				
E-MAIL (optional)				

DETAILS OF THE PROXY APPOINTED TO SUBMIT THE APPLICATION (IF PRESENT) ¹

Natural person	Surname	Name	Place of Birth	Date of Birth
Legal person	Name			
TIN	No. _____ <input type="checkbox"/> My country of residence does not issue a TIN for residents or I cannot obtain a TIN from my country of residence.			
Italian TIN (if issued)				
Residence	State	Full address		
Domicile (if different from the residence)	State	Full address		
P.O. Box (optional)				
E-MAIL (optional)				

PAYMENT METHOD (for refunds)

FINANCIAL INSTITUTION: _____

BANK ACCOUNT HOLDER² _____

(if part of the Economic and Monetary Union): BIC³ _____ IBAN _____

(if outside the Economic and Monetary Union)⁴: BANK ACCOUNT DETAILS _____

ADDRESS OF THE FINANCIAL INSTITUTION _____

SIGNATURE

ATTACHMENTS: _____

¹ Attach the original copy of the relative power of attorney

² If the beneficiary uses a proxy for the payment, fill in the application with the bank account of the proxy. For powers of attorney released abroad, the original copy with translation must be sent to Centro Operativo di Pescara. If the proxy for the collection is also the proxy for the submission of the application and/or for making the requested declarations, only one original copy with translation is required.

³ If Economic and Monetary Union: the BIC code is mandatory.

⁴ If not Economic and Monetary Union: the BIC code is an alternative to the address of the financial institutions.

FORM A - DIVIDENDS

- EXEMPTION/APPLICATION OF THE TAX RATE PROVIDED BY THE CONVENTION
 REFUND

Article ___ of the Convention for the avoidance of double taxation between Italy and _____

ITALIAN DIVIDEND PAYER

Legal person	Business Name
Italian TIN	
Residence	Full address

DEPOSITARY BANK (FOR CUSTODY OF SECURITIES)

Legal Person	Business Name
Italian TIN	
Residence	Full address

DESCRIPTION OF THE DIVIDENDS RECEIVED

Business year	Payment date	Number of shares	Percentage of shareholding ¹	Dividends per share	Amount of dividends gross of the Italian tax	Tax paid in Italy	Amount of the tax due	Requested refund
TOTAL								

¹ This column should be filled in if there is a shareholding quota to which a rate applies different from the general rate provided for by the Convention.

FORM A - DIVIDENDS

DECLARATION OF THE BENEFICIARY OR ITS AUTHORISED REPRESENTATIVE²

The undersigned _____ acting as _____

Declares

- to reside / that the entity _____ is resident in _____ pursuant to the Convention with _____ for the tax period / periods _____ ;
- to be / that the above mentioned entity is the beneficial owner of the dividends;
- not to have / that the above mentioned entity does not have a permanent establishment or a fixed base in Italy to which the income effectively connects;
- to be / that the above mentioned entity is subject to tax for the specified dividends in the Country of residence;
- NOT to be / that the above mentioned entity is NOT subject to tax for the specified dividends in the Country of residence (explain the reasons for the exemption)
_____ ;
- to comply with all other necessary requirement for applying the benefits granted by the Convention regarding the income received;
- that all information in this declaration is correct and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax or application within the limits provided by the mentioned Convention;
- refund of taxes regarding the income specified above;
- that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

CERTIFICATION OF THE TAX AUTHORITY

The Tax Authority of _____ certifies that for the tax period/s _____ the beneficiary described above is resident in _____ according to Article ___ of the Convention with Italy and that the declarations given in this form are true to the best of the knowledge of this Tax administration.

Date _____

Signature and Office stamp

² The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached).

FORM B - INTEREST

- EXEMPTION/APPLICATION OF THE TAX RATE PROVIDED BY THE CONVENTION
 REFUND

Article ___ of the Convention for the avoidance of double taxation between Italy and _____

ITALIAN INTEREST PAYER

Person	Surname Name / Business Name
Italian TIN	
Residence	Full address

DEPOSITARY BANK (FOR CUSTODY OF SECURITIES)

Legal Person	Business Name
Italian TIN	
Residence	Full address

DESCRIPTION OF THE INTEREST RECEIVED

Payment date	Amount of interest gross of the Italian tax	Amount of the tax paid in Italy	Applicable tax rate according to the Convention	Amount of the tax due	Requested refund
TOTAL					

FORM B - INTEREST

DECLARATION OF THE BENEFICIARY OR ITS AUTHORISED REPRESENTATIVE¹

The undersigned _____ acting as _____

Declares

- to reside / that the entity _____ is resident in _____ pursuant to the Convention with _____ for the tax period / periods _____ ;
- to be / that the entity above mentioned is the beneficial owner of the interest;
- not to have / that the above mentioned entity does not have a permanent establishment or a fixed base in Italy to which the income effectively connects;
- to be / that the above mentioned entity is subject to tax for the specified interest in the Country of residence;
- NOT to be / that the above mentioned entity is NOT subject to tax for the specified interest in the Country of residence (explain the reasons for exemption)
_____ ;
- to comply with all other necessary requirement for applying the benefits granted by the Convention regarding the income received;
- that all information in this declaration is correct and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax or application within the limits provided by the mentioned Convention;
- refund of taxes regarding the income specified above;
- that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

CERTIFICATION OF THE TAX AUTHORITY

The Tax Authority of _____ certifies that for the tax period/s _____ the beneficiary described above is resident in _____ according to Article ___ of the Convention with Italy and that the declarations given in this form are true to the best of the knowledge of this Tax administration.

Date _____

Signature and Office stamp

¹ The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached).

FORM C - ROYALTIES

- EXEMPTION / APPLICATION OF TAX RATE PROVIDED BY THE CONVENTION
 REFUND

Article ___ of the Convention for the avoidance of double taxation between Italy and _____

ITALIAN ROYALTY PAYER

Person	Surname Name / Company Name
Italian TIN	
Residence	Full address

DESCRIPTION OF THE ROYALTIES RECEIVED

Date of payment	Amount of royalties gross of the Italian tax	Amount of the tax paid in Italy	Applicable tax rate according to the Convention	Amount of the tax due	Requested refund
TOTAL					

FORM C - ROYALTIES

DECLARATION OF THE BENEFICIARY OR ITS AUTHORISED REPRESENTATIVE¹

The undersigned _____ acting as _____

Declares

- to reside / that the entity _____ is resident in _____ pursuant to the Convention with _____ for the tax period / periods _____ ;
- to be / that the entity above mentioned is the beneficial owner of the royalties;
- not to have / that the above mentioned entity does not have a permanent establishment or a fixed base in Italy to which the income effectively connects;
- to be / that the above mentioned entity is subject to tax for the specified royalties in the Country of residence;
- NOT to be / that the above mentioned entity is NOT subject to tax for the specified royalties in the Country of residence (explain the reasons for exemption) _____ ;
- to comply with all other necessary requirement for applying the benefits granted by the Convention regarding the income received;
- that all information in this declaration is correct and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax or application within the limits provided by the mentioned Convention;
- refund of taxes regarding the income specified above;
- that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

CERTIFICATION OF THE TAX AUTHORITY

The Tax Authority of _____ certifies that for the tax period/s _____ the beneficiary described above is resident in _____ according to Article ___ of the Convention with Italy and that the declarations given in this form are true to the best of the knowledge of this Tax administration.

Date _____

Signature and Office stamp

¹ The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached).

FORM D – OTHER INCOME

(this form must be used for the categories of income for which there is no specific form like employee income, self-employed income, capital gains, director’s fees, etc.)

- EXEMPTION / APPLICATION OF TAX RATE PROVIDED BY THE CONVENTION
- REFUND

Article ___ of the Convention for the avoidance of double taxation between Italy and _____

ITALIAN PAYER OF THE INCOME

Person	Surname Name / Company Name
Italian TIN	
Residence	Full address

DESCRIPTION OF THE INCOME RECEIVED¹: _____

Payment date	Amount of income gross of the Italian tax	Amount of the tax paid in Italy	Applicable tax rate according to the Convention	Amount of the tax due	Requested refund
TOTAL					

¹ Please specify the category of income.

FORM D – OTHER INCOME

DECLARATION OF THE BENEFICIARY OR ITS AUTHORISED REPRESENTATIVE²

The undersigned _____ acting as _____

Declares

- to reside / that the entity _____ is resident in _____ pursuant to the Convention with _____ for the tax period / periods _____ ;
- to be / that the entity above mentioned is the beneficial owner of the income;
- not to have / that the above mentioned entity does not have a permanent establishment or a fixed base in Italy to which the income effectively connects;

- to be / that the above mentioned entity is subject to tax for the specified income in the Country of residence;
- NOT to be / that the above mentioned entity is NOT subject to tax for the specified income in the Country of residence (explain the reasons for exemption)

_____ ;

- to comply with all other necessary requirement for applying the benefits granted by the Convention regarding the income received;
- that all information in this declaration is correct and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax or application within the limits provided by the mentioned Convention;
- refund of taxes regarding the income specified above;

- that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

CERTIFICATION OF THE TAX AUTHORITY

The Tax Authority of _____ certifies that for the tax period/s _____ the beneficiary described above is resident in _____ according to Article ___ of the Convention with Italy and that the declarations given in this form are true to the best of the knowledge of this Tax administration.

Date _____

Signature and Office stamp

² The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached).

**FORM E – PARENT-SUBSIDIARY REGIME
90/435/EEC Directive**

EXEMPTION

REFUND

ITALIAN DIVIDEND PAYER

Legal person	Business Name
Italian TIN	
Residence	Full address

DEPOSITARY BANK (FOR CUSTODY OF SECURITIES)

Legal Person	Business Name
Italian TIN	
Residence	Full address

DESCRIPTION OF THE DIVIDENDS

Business year	Payment date	Number of shares	Percentage of shareholding	Dividends for shares	Amount of dividends gross of the Italian tax	Tax paid in Italy	Amount of the tax due	Requested refund
TOTAL								

FORM E – PARENT-SUBSIDIARY REGIME 90/435/EEC Directive

DECLARATION OF THE BENEFICIARY OR ITS AUTHORISED REPRESENTATIVE¹

The undersigned _____ acting as _____

Declares

- that the company _____ holds ____ % shares in the company _____ uninterruptedly from _____ ;
- that the above mentioned company is the beneficial owner of the dividends received and that same company is not holding the shares for the sole purpose of benefitting from the Parent Subsidiary tax regime;
- that all the information in this declaration is true and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax according to the directive;
- refund of taxes regarding the income specified above;
- that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

CERTIFICATION OF THE TAX AUTHORITY

The Tax Authority of _____ certifies that the company _____ meets the conditions provided in Committee Directive 90/435/EEC dated 23 July 1990 (art. 27-bis of Italian Presidential Decree no. 600/1973), and in particular:

- has one of the legal status of companies provided by Directive no. 90/435/EEC;
- during the _____ tax period, resides for tax purposes in _____ and is not considered resident outside the European Union according to a Convention with a third State for the avoidance of double taxation;
- is subject to one of the taxes listed in the mentioned Directive in the State of residence, without the possibility of benefitting from an option or exemption not limited by territory or time.

Date _____

Signature and Office Stamp

¹The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached).

FORM F - INTEREST AND ROYALTY REGIME
Directive 2003/49/EC

EXEMPTION

REFUND

BENEFICIAL OWNER OF INTEREST AND/OR ROYALTY PAYMENTS

Indicate in Section A the company or entity beneficial owner or, in case of a permanent establishment, indicate in Section B the details of the permanent establishment and in Section A the details of the company or entity to which the permanent establishment belongs.

A	Legal person	Business Name
	TIN	
	Residence	Full address
	Legal Representative	

B	Legal person	Business Name
	TIN	
	Place of establishment	Full address
	Legal Representative	

DEBTOR OF INTEREST AND/OR ROYALTY PAYMENTS

Indicate in Section C the company or entity debtor or, in case of a permanent establishment, indicate in Section D the details of the permanent establishment and in Section C the details of the company or entity to which the permanent establishment belongs.

C	Legal person	Business Name
	TIN	
	Residence	Full address
	Legal Representative	

D	Legal person	Business Name
	TIN	
	Place of establishment	Full address
	Legal Representative	

FORM F - INTEREST AND ROYALTY REGIME

Directive 2003/49/EC

DECLARATION OF THE BENEFICIAL OWNER UNDER SECTION A OR ITS AUTHORISED REPRESENTATIVE¹

The undersigned _____ acting as _____

Declares

- that the beneficiary (company entity) _____ has the following legal status _____;
- that the beneficiary resides for tax purposes in _____ and is not considered resident outside the European Union according to a Convention with a third State for the avoidance of double taxation;
- that the beneficiary is subject to tax without being exempt;

(indicate the appropriate box/boxes and complete):

<input type="checkbox"/>	That the beneficiary has a direct and uninterrupted holding of voting rights of _____% in the company or in the entity indicated in Section C), as from (date): _____;
<input type="checkbox"/>	The company or entity indicated in Section C) has a direct and uninterrupted holding of voting rights of _____% in the beneficial owner as from (date): _____;
<input type="checkbox"/>	<p>A third company or entity (full name) _____ (address : _____) holds directly and uninterruptedly the _____ % of voting rights in the beneficial owner as from (date) _____, and the _____% of voting rights in the person indicated in Section C) as from (date) _____</p> <p>Furthermore, the third company or entity:</p> <ul style="list-style-type: none"> - has the following legal status _____; - is resident for tax purposes in _____ and it is not considered resident outside the European Union according to a Convention with a third State for the avoidance of double taxation; - is subject to _____ tax without being exempt;

- that _____ is the beneficial owner of the interest/royalties;
- that the interest /royalties are subject to _____ tax;
- that the annual amount of interest/royalties established in the contract(s) stipulated on date/s _____ for which tax exemption or tax refund is requested is:
 € _____, ____ (interest) € _____, ____ (royalties).

¹The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached).

FORM F - INTEREST AND ROYALTY REGIME
Directive 2003/49/EC

The beneficial owner declares that all the information in this declaration is true and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax according to the directive;
- refund of taxes regarding the income specified above;
- that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

FORM F - INTEREST AND ROYALTY REGIME
Directive 2003/49/EC

DECLARATION OF BENEFICIAL OWNER UNDER SECTION B OR ITS AUTHORISED REPRESENTATIVE²

The undersigned _____ acting as _____ ,
for what concerns the permanent establishment _____

Declares

- that it is located in the territory of _____ (indicate the State);
- that it is subject to _____ tax without being exempt;
- that the company or entity to which it belongs has the following legal status _____ ;
- that the company or entity to which it belongs has its fiscal residence in _____, and that it is not considered resident outside the European Union, according to an agreement for the avoidance of double taxation with a third State;
- that the company or entity to which it belongs is subject to _____ tax without being exempt;

(indicate the appropriate box/boxes and complete):

<input type="checkbox"/>	that the company or entity to which it belongs, indicated in Section A, has a direct and uninterrupted holding of voting rights of ___% in the company or entity indicated in Section C, as from (date) _____ ;
<input type="checkbox"/>	that the company or entity indicated in Section C has a direct and uninterrupted holding of voting rights of _____ % in the company or body, indicated in Section A, as from (date) _____ ;
<input type="checkbox"/>	<p>that a third company or entity (full name): _____ (address : _____) has a direct and uninterrupted holding of voting rights of _____ % in the subject indicated in Section A as from (date)_____ and the ___% of voting rights in the subject indicated in Section C, as from (date) _____ .</p> <p>Furthermore, the third company or entity above:</p> <ul style="list-style-type: none"> - has the following legal status _____ ; - is resident in a Member State of the EU and is not considered resident outside the European Union, according to an agreement for the avoidance of double taxation with a third State; - is subject to _____ tax without being exempt;

- that it is the beneficial owner of interest/royalties, if the debt-claim, right or use of information in respect of which interest or royalty payments arise are effectively connected with its own activity;
- that the interest and royalty payments represent income in respect of which it is subject to _____ tax;
- that the annual amount of interest/ royalties for which tax exemption or tax refund is requested, indicated in the contract(s) stipulated on (date/s) _____, is:
€ _____ , _____ (**interest**) € _____ , _____ (**royalties**).

²The authorised representative is the delegated person authorised to submit the application and/or supply the declarations requested by the Convention on behalf of the beneficial owner (see cover page), on the basis of the document that grants the relative power of representation (the original copy of which must be attached to the refund request).

FORM F - INTEREST AND ROYALTY REGIME
Directive 2003/49/EC

The beneficial owner declares that all the information in this declaration is true and complete, and that the undersigned shall communicate if one or more of the requirements described above ceases to be, as well as of any variations in the supplied data and information.

Requests

- exemption from Italian tax according to the directive;
- refund of taxes regarding the income specified above;

– that the refund should be made according to the payment methods specified on the cover page.

Place and date _____

Signature _____

FORM F - INTEREST AND ROYALTY REGIME
Directive 2003/49/EC

DESCRIPTION OF THE INTEREST AND/OR ROYALTIES RECEIVED

Payment date	Amount gross of the Italian tax	Tax paid in Italy	Amount of the tax due	Requested refund
TOTAL				

CERTIFICATION OF THE TAX AUTHORITY

(check the appropriate box/boxes and complete):

<input type="checkbox"/>	The Tax Authority of _____ certifies that the above mentioned _____ company/entity (TIN n. _____), described in Section A, is resident for tax purposes in _____, according to Article 3, letter a), ii) of Council Directive 2003/49/CE.
<input type="checkbox"/>	The Tax Authority of _____ certifies that the permanent establishment (TIN n. _____) belonging to the company/entity described in Section A) is located in _____, according to Article 3, letter c) of Council Directive 2003/49/CE.

Date _____

Signature and Office Stamp

INSTRUCTIONS FOR FILLING IN FORMS A, B, C and D CONCERNING THE APPLICATION OF CONVENTIONS FOR THE AVOIDANCE OF DOUBLE TAXATION

The Forms: are organised in 2 copies

- one for the Italian withholding agent or, in the case of refund requests, for the Centro Operativo di Pescara (competent Italian Office for refunds requested by non-residents);
- one for the beneficiary of the income.

WHAT ARE THEY FOR: the Forms A, B, C and D can be used by non-residents

1. to obtain the **direct application of the Convention** for the avoidance of double taxation (from now on DTC) in force;
2. to request for the **refund** of Italian taxes applied on Italian source income.

1. DIRECT APPLICATION OF THE DTC THROUGH THE IMPLEMENTATION OF A CONVENTIONAL REDUCED RATE OR EXEMPTION

DTCs generally provide three ways to share the right to tax of States:

- share taxation in both States with a reduced rate in the Country of source (e.g. interest);
- share taxation without a reduced rate (employment income);
- exclusive right to tax in the State of residence of the beneficial owner of income (e.g. business income carried out without a permanent establishment in the other Country).

Who receives the forms: the forms must be filled in in all their parts and completed with the statement issued by the Tax authority of the State in which the recipient of the income is resident. Said forms are submitted to the Italian withholding agent that may apply directly, under its own responsibility, the reduced rate or exemption provided for by the DTC.

Storage of documents: the withholding agent must keep the forms together with the necessary documentation for the application of the DTC provisions submitted by the non-residents for future controls of the Revenue Agency. All documentation shall be kept at disposal of the Tax administration until the period in which the income is paid falls within the statute of limitation for the tax assessment purposes or until the relative assessments have been concluded.

Foreign authority statements: for the direct application of the DTC provisions, the foreign fiscal authority's certification contained in the form shall be valid for the tax period contained in the statement starting from the issuing date, provided that all requirements remain met.

2. REFUNDS

If the Italian withholding tax applied exceeds the reduced rate provided for by the DTC or if the Italian withholding tax has been applied notwithstanding the exclusive right to tax in the Country of residence of the beneficial owner of income, the non-resident beneficial owner may request the refund of the difference between the Italian tax applied and the rate or exemption provided by the DTC.

Who receives the refund claim: the form must be filled in and sent to the Agenzia delle Entrate, Centro Operativo di Pescara – via Rio Sparto, 21 65129 Pescara – Italia (fax 085/ 52145 - email: cop.pescara.rimborsinonresidenti@agenziaentrate.it).

Deadline to claim a refund: the form must be sent within 48 months from the date in which the tax was withheld at source or paid pursuant to Article 38, Paragraphs 1 and 2 of the Presidential Decree no. 602, dated 29 September 1973.

Documentation: documentation showing the entitlement to refund is required (e.g.: documentation concerning requirements relating to the holding of participation, original or certified copy of certification proving the actual payment of dividends or interest to the beneficiary).

Foreign tax authority statement: with reference to the refund request, the foreign authority's statement, contained in the form, can refer to several years when the refund concerns withholding taxes applied in different years.

Treatment of private data according to Article 13 of the Legislative Decree no. 196/2003

1. Aim and modalities of private data treatment

The present form contains private data (i.e., personal data and information about bank account) that Agenzia delle Entrate obtains for processing the refunds.

The requested data shall be provided by the taxpayer in order to process the refund.

The data shall be used exclusively by authorised persons, through computerized methods and with measures aimed at privacy safeguard and avoidance of illegal use by non-authorized persons.

2. Persons in charge of data processing

According to the Legislative Decree no. 196/2003, Agenzia delle Entrate is the entity in charge of processing the private data when these become available to it and under its direct control.

Agenzia delle Entrate avails itself of So.ge.i. Spa (Società Generale d'informatica). So.ge.i. is an external partner of Agenzia delle Entrate, which it is in charge of the data processing under its quality of technological partner managing the Tax Register.

3. Rights of taxpayer

According to Article 7 of Legislative Decree no. 196/2003, the taxpayer may have access to his own private data for controlling their use, up-dating them or rectifying them, as the case may be. The taxpayer may delete the data or contest their treatment, if this is carried on in violation of the provisions established by the above Legislative Decree .

These rights may be exercised upon request addressed to:

Agenzia delle Entrate – Via Cristoforo Colombo, 426 c/d – 00145 Roma

INSTRUCTIONS FOR FILLING IN FORM E CONCERNING THE APPLICATION OF THE PARENT SUBSIDIARY REGIME DIRECTIVE 90/435/EEC

Form E is organised in 2 copies

- one for the Italian withholding agent or, in the case of refund requests, for the Centro Operativo di Pescara (competent Italian Office for refunds requested by non-residents);
- one for the beneficiary of the income.

WHAT IS IT FOR: in the enforcement of Article 27-*bis* of DPR (Presidential Decree) no. 600, dated 29 September 1973, Form E is to be used in order to obtain

1. the **exemption** from the Italian taxation on dividends and on other equivalent financial tools distributed by a subsidiary company in Italy to its parent company or its permanent establishment located in another Member State of the European Union. Said national provision implements Directive 90/435/EEC and following amendments introduced by Directive 2003/123/EC (cf. respectively Legislative Decree no. 136 dated 06 March 1993, and Legislative Decree no. 49, dated 06 February 2007);
2. the **refund** of the Italian tax withheld if the exemption regime has not been directly applied.

1. EXEMPTION

Conditions for exemption: for the enforcement of article 27-bis mentioned above, the party receiving the dividends must meet the following requirements:

- a) fall within one of the legal status provided for in the Annex to the Directive 90/435/EEC and following amendments;
- b) reside for tax purposes in a Member State of the European Union, without being considered resident outside the European Union pursuant to a Convention for the avoidance of double taxation (DTC) with a third State;
- c) be subject to one of the taxes listed in the mentioned Annex to the Directive 90/435/EEC in its State of residence, without the possibility to benefit from exemption or favourable regimes which are neither territorially nor temporarily limited;
- d) hold a minimum participation of 10% uninterruptedly for at least one year.¹

The exemption is also applied to parent companies that result to be directly or indirectly controlled by one or more subjects not residing in Member States of the European Union, provided that they prove not to hold the participation with the sole or main scope to benefit from the regime pursuant to the Directive.²

¹ Originally, the minimum threshold of participation required was equal to 25%. Following, from 1 January 2007 to 31 December 2008, the threshold was lowered to 15%, and from 1 January 2009 to date the minimum threshold is equal to 10%.

² In order to prove that the extra-EU company's participation in the EU parent company does not have tax avoidance aims, Article 27-bis, Paragraph 5 of DPR (Presidential Decree) 600/73, provides the possibility to use the procedures mentioned under Paragraphs 12 and 13 of Article 11 of Law no. 413, dated 30 December 1991, to give relevant evidence. Such procedures envisage the possibility for the taxpayer to prove the reasons for implementing the exemption: 1) by means of a preventive ruling procedure requested by the taxpayer, or 2) following a specific request submitted by the Italian Revenue Agency at the moment of the inspection.

Who receives the form: the form must be filled in in all its parts and submitted to the Italian withholding agent (subsidiary company) that can apply the regime provided for by the Directive. The possession of the requirements as mentioned under letters a), b) and c) must be certified by the fiscal authority of the foreign State, while the requirement mentioned under letter d) can be proved through a written statement of the company.

Storage of documents: the withholding agent must keep the form together with the necessary documentation for the application of the above mentioned provisions submitted by the non-resident for future controls of the Revenue Agency. All documentation shall be kept at disposal of the Tax administration until the period in which the income is paid falls within the statute of limitation for the tax assessment purposes or until the relative assessments have been concluded.

Foreign tax authority statement: for the implementation of the exemption provided for by the Directive, the foreign fiscal authority's certification shall be valid for one year starting on the issuing date of the certification of fiscal residence or of the existence of the permanent establishment, provided that all requirements remain met.

2. REFUND

If the subsidiary company resident in Italy did not directly apply the exemption regime provided for by the Directive, Form E can be used also to claim for the refund of the tax applied within the 48 month deadline starting from the payment date of the withholding tax pursuant to Article 38, Paragraphs 1 and 2 of D.P.R. (Presidential Decree) no. 602, dated 29 September 1973.

Who receives the refund claim: the form must be filled in and sent to the Agenzia delle Entrate, Centro Operativo di Pescara – via Rio Sparto, 21 65129 Pescara – Italia (fax 085/52145 - email: cop.pescara.rimborsinonresidenti@agenziaentrate.it).

Deadline to claim a refund: within 48 months from the date in which the tax was withheld at source or paid pursuant to Article 38, Paragraphs 1 and 2 of the Presidential Decree no. 602, dated 29 September 1973.

Documentation: documentation showing the entitlement to refund is required (e.g.: documentation concerning participation requirements, copy of the Italian company's Meeting Minutes stating the distribution of dividends, copy of the Company Register stating the holding percentage in the Italian company in the whole of the previous twelve month period).

Foreign tax authority statement: with reference to the refund request, the foreign authority's statement, contained in the form, can refer to several years when the refund concerns withholding taxes applied in different years.

Treatment of private data according to Article 13 of the Legislative Decree no. 196/2003

1. Aim and modalities of private data treatment

The present form contains private data (i.e., personal data and information about bank account) that Agenzia delle Entrate obtains for processing the refunds.

The requested data shall be provided by the taxpayer in order to process the refund.

The data shall be used exclusively by authorised persons, through computerized methods and with measures aimed at privacy safeguard and avoidance of illegal use by non-authorized persons.

2. Persons in charge of data processing

According to the Legislative Decree no. 196/2003, Agenzia delle Entrate is the entity in charge of processing the private data when these become available to it and under its direct control.

Agenzia delle Entrate avails itself of So.ge.i. Spa (Società Generale d'informatica). So.ge.i. is an external partner of Agenzia delle Entrate, which it is in charge of the data processing under its quality of technological partner managing the Tax Register.

3. Rights of taxpayer

According to Article 7 of Legislative Decree no. 196/2003, the taxpayer may have access to his own private data for controlling their use, up-dating them or rectifying them, as the case may be. The taxpayer may delete the data or contest their treatment, if this is carried on in violation of the provisions established by the above Legislative Decree .

These rights may be exercised upon request addressed to:

Agenzia delle Entrate – Via Cristoforo Colombo, 426 c/d – 00145 Roma

INSTRUCTIONS FOR FILLING IN FORM F CONCERNING THE APPLICATION OF THE INTEREST AND ROYALTY REGIME, DIRECTIVE 2003/49/EC

Form F is organised in 2 copies:

- one for the Italian withholding agent or, in the case of refund requests, for the Centro Operativo di Pescara (competent Italian Office for refunds requested by non-residents);
- one for the beneficiary of the income.

WHAT IS IT FOR: Form F can be used to obtain

1. **exemption** from Italian tax on interest or royalties paid by Italian residents or permanent establishment located in Italy to a resident company or permanent establishment located in another EU Member State, according to the Directive 2003/49/EC of the Council of the European Union of 3 June 2003 implemented in Italy by the Legislative Decree of 30 May 2005, no. 143;
2. the **refund** of the Italian tax withheld if the exemption regime has not been directly applied.

The Council Directive does not apply to some kind of interest shown in Article 26 quater, par. 3, lett. c) of D.P.R. 29 September 1973 no. 600 (Article inserted by above mentioned Legislative Decree)

1. EXEMPTION

Conditions for exemption: for the enforcement of above mentioned Article 26-quarter, Par. 3, lett. c) of D.P.R. 29 September 1973 no. 600, it is essential the existence of companies group relations of the same group, i.e. when direct and uninterrupted holding of at least 25% of voting rights exists between companies for a period of at least one year.

Three cases exist that give entitlement to exemption:

- the paying company/entity holds 25% or more of voting rights in the receiving company/body;
- the receiving company/entity holds 25% or more of voting rights in the paying company/body;
- a third company/entity resident in a EU Member State holds 25% or more of voting rights in both the paying company/entity and the receiving company/entity.

It is also required that:

- the receiving company is the beneficial owner of the interest and royalty payments;
- the parties concerned have a legal status as specified in Attachment A of D.P.R. 29 September 1973 no. 600;
- the parties concerned are liable, without being exempt, to one of the taxes indicated in the Article 3, (a), (iii) of Directive, included in Attachment B of the above mentioned D.P.R. no. 600, or to a tax which is identical or substantially similar and which is imposed after the date of entry into force of the Directive in addition to, or in place of, those existing taxes;
- the interest and royalty payments are actually taxed in the State of the beneficial owner.

In case the debtor or the beneficial owner of interest and royalty payments is a permanent establishment, the conditions relating to the legal form, to the existence of companies group relations and to the liability to tax are referred to the company/entity to which the permanent establishment belongs. Moreover, when the permanent establishment is the beneficial owner, interest and royalty payments have to represent income in respect of which the permanent establishment is liable to one of the taxes included in the Attachment B or, in case the permanent establishment is situated in Belgium, to the “Impôt des non-résidents/belasting der niet-verblijfhouders” and, in case it is situated in Spain, to the “Impuesto sobre la Renta de no Residentes”.

The form is valid for one year from the date of the tax-residence statement issued by the Tax Authority, provided that during this period all the conditions for entitlement remain met.

In case the beneficiary receives both interest and royalty payments from the same debtor, it may submit only one form for exemption purposes.

Foreign tax authority statement and documentation for the exemption: the form shall be completed with the statement of fiscal authority issued by the Tax Authority of the beneficial owner’s Country of residence or, in case the beneficial owner is a permanent establishment issued by the Tax Authority of the State in which the permanent establishment is located. All documentation shall be kept at disposal of the Tax administration until the period in which the income is paid falls within the statute of limitation for the tax assessment purposes or until the relative assessments have been concluded.

1. REFUND

The Form F can be used also to claim for the refund of the tax applied within the 48 months deadline starting from the payment date of the withholding tax pursuant to Article 38, Paragraphs 1 and 2 of D.P.R. (Presidential Decree) no. 602, dated 29 September 1973.

Who receives the refund claim: the form must be filled in and sent to Agenzia delle Entrate, Centro Operativo di Pescara – via Rio Sparto, 21 65129 Pescara – Italia (fax 085/52145 - email: cop.pescara.rimborsinonresidenti@agenziaentrate.it).

Deadline to claim a refund: within 48 months from the date in which the tax was withheld at source or paid pursuant to Article 38, Paragraphs 1 and 2 of the Presidential Decree no. 602, dated 29 September 1973.

Documentation: documentation showing the entitlement to refund is required (e.g., contract relating to interest/royalties, documents relating to the fulfilment of the holding requirement, the actual payment of interest/royalties, the application of withholding tax at source).

Treatment of private data according to Article 13 of the Legislative Decree no. 196/2003

1. Aim and modalities of private data treatment

The present form contains private data (i.e., personal data and information about bank account) that Agenzia delle Entrate obtains for processing the refunds.

The requested data shall be provided by the taxpayer in order to process the refund.

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