

Part IV - Items of General Interest

Proposed Forms W-8 (Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding), W-8A (Foreign Person's Claim of Income Effectively Connected With the Conduct of a Trade or Business in the United States), W-8B (Certification for United States Tax Withholding for Foreign Governments and Other Foreign Organizations), and W-8C (Certificate of Intermediary for United States Tax Withholding)

Announcement 98-15

The Internal Revenue Service announces that it is requesting comments from the public on proposed new Forms W-8, W-8A, W-8B, W-8C. These forms are being developed as a result of final regulations published on October 14, 1997, relating to the withholding of income tax under sections 1441, 1442, and 1443 on certain U.S. source income paid to foreign persons. T.D. 8734, 62 F.R. 53387; 1997-44 I.R.B. 5. These regulations, which provide for the use of several withholding certificates, will be effective January 1, 1999.

Form W-8 (Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding) would be provided to a withholding agent or payer by a beneficial owner of certain types of income to establish foreign status, to claim that such person is the beneficial owner of the income for which the form is being furnished, and if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty.

Form W-8A (Foreign Person's Claim of Income Effectively Connected With the Conduct of a Trade or Business in the United States) would be provided to a withholding agent or payer by a foreign person claiming that certain income is effectively connected with the conduct of a trade or business in the United States.

Form W-8B (Certification for United States Tax Withholding for Foreign Governments and Other Foreign Organizations) would be provided to a withholding agent or payer by a foreign government, international organization, foreign central bank of issue, or foreign tax-exempt organization to claim that such organization is the beneficial owner of the income for which the form is being furnished, and if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty.

Form W-8C (Certificate of Intermediary for United States Tax Withholding) would be provided to a withholding agent or payer by an intermediary either to make representations regarding the status of beneficial owners of the amount paid or to transmit

appropriate documentation to the withholding agent.

This announcement provides draft copies of proposed Forms W-8, W-8A, W-8B, and W-8C. The forms are being issued without the instructions so that withholding agents can adapt their systems to comply with the regulations. Based on comments, the forms may be revised, and together with instructions, will be re-issued for further comment as part of the OMB approval process.

The IRS would like to receive comments on these proposed draft forms from all interested persons by April 8, 1998. Please send comments to Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, T:FP, Room 5577, 1111 Constitution Avenue N.W., Washington D.C. 20224.