1042 Reporting:

Part 1 – Types of W-8s

Daily Operations Section State Accounting Bureau





W-8: Adding Foreign suppliers

The same process as adding domestic suppliers

- SABHRS User Guide: Supplier Add
 >MINE>Training>SABHRS Financial Training
- Government Classification must be "99 Foreign Entity"
- See MOM 330 for information on Foreign Suppliers



W-8: Agency Responsibility

- ✓ Obtain W8 or other Foreign Tax reporting/withholding documents from the Supplier (use the most recent version from IRS)
 - W8 covers a three-year period from the date signed thru December 31 of the 3rd year
 - Example: Form signed 4/12/2022 will expire 12/31/2025
 - A new valid W-8 from the supplier is required if the previous one expired
- ✓ Confirm Treaty information and possible monetary withholding amount



W-8s: Why do we need them

- 1. To confirm the status of a Non-U.S. individual or entity
 - Depending on their status, the IRS may require monetary withholding on Foreign transaction
 - Even if reporting or withholding is not required, we still need the form for verification
- 2. Used to claim treaty benefits on payments
 - If a treaty exists, it may reduce or eliminate 30% withholding on US source income for Foreign Suppliers
- 3. Avoid IRS fines for noncompliance reporting and withholding
- 4. There are eight different types of W8s (We will discuss the most common)



Types of W-8s: Beneficial Owners (W-8BEN)

- Line 1 Name
- Line 2 Country of citizenship
- Line 3 Permanent residence address; cannot be
 U.S.; may not be the same as country of citizenship
- Line 10 Must be used if claiming a treaty benefit
 - Note: If not claiming treaty benefits just fill out line 1-3, Sign, print name and date
- Signature, printed name, and date
- No FATCA (Foreign Account Tax Compliance Act) issues



Example of form W-8BEN

(Rev. October 2021)	► For use by individuals.	g and Reporting (Individual: Entities must use Form W-8BEN-E. I for instructions and the latest informa	OMB No. 1545-1621					
Department of the Treasury Internal Revenue Service		ng agent or payer. Do not send to the I						
Do NOT use this form if:			Instead, use Form:					
You are NOT an individu	al		W-8BEN-E					
You are a U.S. citizen or	other U.S. person, including a resident alien	individual	w-9					
You are a beneficial own (other than personal sen-	er claiming that income is effectively connectices)	ted with the conduct of trade or business	within the United States					
	er who is receiving compensation for person	al services performed in the United State	s 8233 or W-4					
You are a person acting	as an intermediary		W-8IMY					
Note: If you are resident i provided to your jurisdicti	n a FATCA partner jurisdiction (that is, a Mo on of residence.	odel 1 IGA jurisdiction with reciprocity), o	certain tax account information may be					
	tion of Beneficial Owner (see instr							
 Name of individual 	who is the beneficial owner	2 Country of	citizenship					
3 Permanent residen	ice address (street, apt. or suite no., or rural	route). Do not use a P.O. box or in-care	of address					
· remaining residen	the state and parent, april or state man, or rate	route, be not use at 10, box or at our						
City or town, state	or province. Include postal code where appr	ropriate.	Country					
4 Mailing address (if	different from above)							
	or province. Include postal code where appr	Country						
5 U.S. taxpayer iden	tification number (SSN or ITIN), if required (s	see instructions)						
6a Foreign tax identify	ring number (see instructions)	ructions) 6b Check if FTIN not legally required						
7 Reference number	(s) (see instructions)	8 Date of birth (MM-DD-YYYY) (see instructions)						
	Tax Treaty Benefits (for chapter 3)	purposes only) (see instructions)						
,	neficial owner is a resident of		within the meaning of the income tax					
	treaty between the United States and that country. Special rates and conditions (if applicable—see instructions): The beneficial owner is claiming the provisions of Article and paragraph							
openia rates and	of the treaty identified on line 9		olding on (specify type of income):					
Explain the addition	nal conditions in the Article and paragraph t	he beneficial owner meets to be eligible for	or the rate of withholding:					
Part III Certificat	ion							
	that I have examined the information on this form and to the							
 I am the individual that is the relates or am using this form 	e beneficial owner (or am authorized to sign for the n to document myself for chapter 4 purposes;	individual that is the beneficial owner) of all the	income or proceeds to which this form					
	of this form is not a U.S. person;							
This form relates to:								
.,	nnected with the conduct of a trade or business in							
	cted with the conduct of a trade or business in the		n applicable income tax treaty;					
	artnership's effectively connected taxable income;							
	lized from the transfer of a partnership interest sub is form is a resident of the treaty country listed on line 9 of 1		and between the I leited States and that country and					
	is form is a resident of the treaty country listed on line 9 of 1 arter exchanges, the beneficial owner is an exemp		eary between the United States and that country, and					
Furthermore, I authorize this form	to be provided to any withholding agent that has control, income of which I am the beneficial owner. I agree that	receipt, or custody of the income of which I am the I	beneficial owner or any withholding agent that can iffication made on this form becomes incorrect.					
Sign Here	ersify that I have the capacity to sign for the person	n identified on line 1 of this form.						
	Signature of beneficial owner (or individual author	orized to sign for beneficial owner)	Date (MM-DD-YYYY)					
Print no	ame of signer							



Types of W-8s: Entities Only (W-8BEN-E)

Part I – Identification of Beneficial Owner

- Line 1 Name
- Line 2 Country of incorporation or organization (do not abbreviate/form invalid if omitted)
- Line 4 Type of entity for Chapter 3 purposes (must have only one check mark)
- Line 5 for FATCA status **ONLY** CHAPTER 4 (e.g., Foreign Financial Instructions)
 - Reach out to SAB for confirmation of FATCA status and support
- Line 6 Permanent residence address



Types of W-8s: Entities Only (W-8BEN-E)

Part I (Continued)

- Line 8 U.S. TIN and/or
- Line 9b Foreign TIN
 - If a foreign supplier is making a treaty claim (Lines 8 and/or 9)
 Part III MUST be completed

Part III – Claim of Treaty Tax Benefits

Certifies benefit provisions of the treaty being claimed

<u>Part XXX – Certification</u>

- For the W-8BEN-E to be valid, Part XXX must be complete
 - Certify check box, signature, printed name, date



Types of W-8s: Entities Only (W-8BEN-E)

The following are examples of persons who should complete Part III Treaty Section:

- Exempt organizations claiming treaty benefits under the exempt organization's articles of the treaties with Canada, Mexico, Germany, and the Netherlands
- Persons claiming treaty benefits under the "other income" treaty article
- Persons claiming treaty benefits on royalties if the treaty contains different withholding rates for different types of royalties

DEPARTMENT OF THE PARTMENT OF

Example of form W-8 BEN-E

Departr	N-8BEN-E Certificate of Status of E United States Tax Withholding For use by entities. Individuals must use Form W-8BEN. For use by entities. Individuals must use Form W-8BEN. For inst Que to www.irs.gov/FormW8BENE for inst Que to	and Reporting (Entities)	OMB No. 1545-1621
U.S. A for A for (unle A for A for	NT use this form for: entity or U.S. citizen or resident eign individual eign individual or entity claiming that income is effectively connected with ss claiming treaty benefits) eign partnership, a foreign simple trust, or a foreign grantor trust (unless c eign government, international organization, foreign central bank of issue,	W-8 the conduct of trade or business within the conduct of trade or business within the claiming treaty benefits) (see instructions foreign tax-exempt organization, foreign	Instead use Form: . W-9 BEN (individual) or Form 8233 e United States W-8ECI r exceptions) . W-8IMY rivate foundation, or
501(rrment of a U.S. possession claiming that income is effectively connectec, 892, 895, or 1443(b) (unless claiming treaty benefits) (see instructions f person acting as an intermediary (including a qualified intermediary acting the intermediary act	or other exceptions)	W-8ECI or W-8EXP
1	Name of organization that is the beneficial owner	2 Country of incorporat	on or organization
3	Name of disregarded entity receiving the payment (if applicable, see inst	ructions)	
_	marile of disregarded entity receiving the payment (ii applicable, see inst		
4	☐ Central Bank of Issue ☐ Private foundation ☐ Estat	plex trust Foreign Go	vernment - Controlled Entity vernment - Integral Part
	Grantor trust Disregarded entity Interr	national organization	De Braille III Vera III No
5	Chapter 4 Status (FATCA status) (See instructions for details and compl Nonparticipating FFI (including an FFI related to a Reporting IGA FFI other than a deemed-compliant FFI, participating FFI, or exempt beneficial owner).	ete the certification below for the entity's Nonreporting IGA FFI. Complete Part Foreign government, government of central bank of issue. Complete Part	XII. U.S. possession, or foreign
	Participating FFI. Reporting Model 1 FFI. Reporting Model 2 FFI. Registered deemed-compliant FFI (other than a reporting Model 1 FFI, sponsored FFI, or nonreporting IGA FFI covered in Part XII). See instructions.	International organization. Complete Exempt retirement plans. Complete f Entity wholly owned by exempt benefic Territory financial institution. Comple Excepted nonfinancial group entity. (Excepted nonfinancial start-up completed nonfinancial start-up can be executed to the executed nonfinancial start-up can be executed to the executed to t	art XV. al owners. Complete Part XVI. e Part XVII. omplete Part XVIII.
	Sponsored FFI. Complete Part IV. Certified deemed-compliant nonregistering local bank. Complete Part V. Certified deemed-compliant FFI with only low-value accounts.	Excepted nonfinancial start-up comp Excepted nonfinancial entity in liquid Complete Part XX. 501(c) organization. Complete Part X Nonprofit organization. Complete Part X	tion or bankruptcy.
	Complete Part VI. Certified deemed-compliant sponsored, closely held investment vehicle. Complete Part VII.	Publicly traded NFFE or NFFE affiliat corporation. Complete Part XXIII. Excepted territory NFFE. Complete F	of a publicly traded
	Certified deemed-compliant limited life debt investment entity. Complete Part VIII. Certain investment entities that do not maintain financial accounts.	Active NFFE. Complete Part XXV. Passive NFFE. Complete Part XXVI. Excepted inter-affiliate FFI. Complete	Part XXVII.
	Complete Part IX. Owner-documented FFI. Complete Part X. Restricted distributor. Complete Part XI.	☐ Direct reporting NFFE. ☐ Sponsored direct reporting NFFE. Co ☐ Account that is not a financial account	
6	Permanent residence address (street, apt. or suite no., or rural route). Do not	use a P.O. box or in-care-of address (other	r than a registered address).
	City or town, state or province. Include postal code where appropriate.	Countr	,
7	Mailing address (if different from above)		



Form W-8 BEN-E: Page 2

	rt I Identification of Beneficial	Owner (continued)					
8	U.S. taxpayer identification number (TIN), if r						
9a	GIIN b	C Check if FTIN not legally required ▶					
10	Reference number(s) (see instructions)						
ote:	Please complete remainder of the form includ	ding signing the form in Part XXX.					
Par		ch Receiving Payment. (Complete only if a disregarded entity with a GIIN or a other than the FFI's country of residence. See instructions.)					
11	Chapter 4 Status (FATCA status) of disregar						
	Branch treated as nonparticipating FFI.						
12	Participating FFI. Address of disregarded entity or branch (st registered address).	Reporting Model 2 FFI. treet, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address (other than a					
	City or town state or province Include post	tel ande umare appropriete					
	City or town, state or province. Include post	tai code where appropriate.					
	Country						
13	GIIN (if any)						
Par	t III Claim of Tax Treaty Benefit	ts (if applicable). (For chapter 3 purposes only.)					
14	I certify that (check all that apply):	(apparation of parpoons only)					
a	The beneficial owner is a resident of	within the meaning of the income tax					
	treaty between the United States and th						
b	requirements of the treaty provision dea	☐ The beneficial owner derives the item (or items) of income for which the treaty benefits are claimed, and, if applicable, meets the requirements of the treaty provision dealing with limitation on benefits. The following are types of limitation on benefits provisions that may be included in an applicable tax treaty (check only one; see instructions):					
	Government	Company that meets the ownership and base erosion test					
	Tax-exempt pension trust or pension full	nd Company that meets the derivative benefits test					
	 ☐ Tax-exempt pension trust or pension full ☐ Other tax-exempt organization 	Ind Company that meets the derivative benefits test Company with an item of income that meets active trade or business test					
	Other tax-exempt organization	Company with an item of income that meets active trade or business test Favorable discretionary determination by the U.S. competent authority received					
	Other tax-exempt organization Publicly traded corporation Subsidiary of a publicly traded corporation	Company with an item of income that meets active trade or business test Favorable discretionary determination by the U.S. competent authority received ion No LOB article in treaty Other (specify Article and paragraph):					
С	Other tax-exempt organization Publicly traded corporation Subsidiary of a publicly traded corporation The beneficial owner is claiming treaty in	□ Company with an item of income that meets active trade or business test □ Favorable discretionary determination by the U.S. competent authority received ion □ No LOB article in treaty					
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W-8ECI – Income Effectively Connected (ECI) to the conduct of a trade or business in the U.S. ("ECI")

- Line 1 Name
- Line 2 Country of incorporation or organization
- Line 4 Type of entity
- Line 5 Permanent residence address (Not U.S.)
- Line 6 Business address in the U.S.
- Line 7 U.S. taxpayer identification number
- Line 11 Specify each item of income received from the payer that is "ECI"
- Signature, printed name, date, and capacity check box

Must be a non-U.S. entity

Must have a physical presence in the U.S.

Must have a U.S. TIN and file U.S. tax returns

All payments subject to reporting

Use exemption code "01" in Box 3a of 1042-5



Example of W-8 ECI

	8ECI	Certificate of Fo	reign Person's Claim That Conduct of a Trade or Bus	t Income Is	Effectively ne United States	
Rev. October	r 2021)		on references are to the Internal			OMB No. 1545-1621
epartment of ternal Reven	f the Treasury nue Service		gov/FormW8ECI for instructions a to the withholding agent or payer.			
Note: Persons	s submitting thi	s form must file an annual U.S. inco	me tax return to report income claimed to	be effectively or	onnected with a U.S. trade	or business. See instructions.
	this form fo					Instead, use Form:
			reaty benefits			
			iming the applicability of section(s)			
Note: The	_	hould use Form W-8ECI if the	y received effectively connected in			
A foreign	partnership	or a foreign trust (unless claim	ning an exemption from U.S. withho	olding on inco	me effectively connect	ed with the
conduct o	of a trade or	business in the United States)				W-8BEN-E or W-8IMY
		intermediary		0.000		W-8IMY
		for additional exceptions. ation of Beneficial Ow				
		all or organization that is the b			2 Country of income	oration or organization
1 Ivan	ne or marria	iai or organization that is the t	eriericiai owner		2 Country of incorpo	oration or organization
3 Nam	ne of disrega	rded entity receiving the paym	nents (if applicable)			
		neck the appropriate box):				21 22
	Partnership		Simple trust	Complex		ax-exempt organization
		ernment - Controlled Entity	Grantor trust International organization		oank of issue	
	Private found	ernment - Integral Part	Individual	Corpora Estate	tion	
			uite no., or rural route). Do not use		in care of address	
		te, and ZIP code	-see instructions) SSN or ITIN	□ EIN		
		tifying number (FTIN)	8b Check if FTIN r		uired	
9 Refe	erence numb	ence number(s) (see instructions) 10 Date of birth (MM-DD-YYYY)				
			10 Date of Dirat (it	mm-DD-1111)		
44 Coo	alfranch ita	n of income that in acid area				and at at a trade as
		n of income that is, or is expe Inited States (attach statemen	cted to be, received from the payer			e conduct of a trade or
busi	iness in the U	United States (attach statement tify that: you are a dealer in sec- exception from withholding und	cted to be, received from the payer	r that is effecti	vely connected with the	oublicly traded partnership PTP interest associated
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- Used by individuals to make treaty claims on U.S. source services income (i.e., for services performed in the U.S.)
- Requirements of this form:
 - MUST be an original faxed, emailed, photocopied, etc. forms are not acceptable
 - MUST have U.S. TIN
 - Must be signed by both the beneficial owner and the withholding agent (BU)



Additional Form - 8233

- When the form is completed and signed by both parties
 - It must be sent to the IRS for verification of treaty claims within five days of the payer's acceptance of it (usually counted from the day the payer signs the form)
- IRS has 10 days to respond to the claim;
 - If IRS does not respond, the payer can assume the treaty claim is valid and release funds without withholding

DEPARTMENT OF

Example of form 8233

Form 8233 (Rev. September 2018) Department of the Treasury Internal Revenue Service	Exemption From Withholding for Independent (and Certain De Services of a Nonresident A	ependent) Personal Nien Individual	OMB No. 1545-0795	
Who Should Use This Form?	IF you are a nonresident alien individual who is receiving	THEN, if you are the beneficial income, use this form to claim.		
Note: For definitions of terms used in this section and definitions of terms used in this section and detailed instructions on required withholding forms for each type of income, see Definitions in the instructions.	Compensation for independent personal services performed in the United States	A tax treaty withholding exemption (Independent personal services, Business profits) for part or all of that compensation.		
	Compensation for dependent personal services performed in the United States	A tax treaty withholding exemption for part or all of that compensation.		
	Noncompensatory scholarship or fellowship income and personal services income from the same withholding agent	A tax treaty withholding exemption for part or all of both types of income.		
DO NOT Use	IF you are a beneficial owner who is	INSTEAD, use		
This Form	Receiving compensation for dependent personal services performed in the United States and you are not claiming a tax treaty withholding exemption for that compensation	Form W-4 (See the Instructions for Form 8233 for how to complete Form W-4.)		
	Receiving noncompensatory scholarship or fellowship income and you are not receiving any personal services income from the same withholding agent	Form W-8BEN or, if elected by the withholding agent, Form W-4 for the noncompensatory scholarship or fellowship income		
	Claiming only foreign status or treaty benefits with respect to income that is not compensation for personal services	Form W-8BEN		
Part I Identific 1 Name of Individua	cation of Beneficial Owner (See Instructions.) 2 U.S. taxpayer identification		on number, if any	
4 Permanent resider	nce address (street, apt. or suite no., or rural route). Do not use	a P.O. box.		
City or town, state	or province. Include postal code where appropriate.	Country (do not abbrev	fate)	
5 Address in the Uni	ited States (street, apt. or suite no., or rural route). Do not use	a P.O. box.		
City or town, state	, and ZIP code			
	ada or Mexico are not required to complete lines 7a and			
6 U.S. visa type	7a Country issuing passport	7b Passport number		
8 Date of entry Into	the United States 9a Current nonimmigrant sta	tus 9b Date your current noni	immigrant status expires	
	n student, trainee, professor/teacher, or researcher, check this i line 10 instructions for the required additional statement your		▶□	
	perwork Reduction Act Notice, see separate instructions.	Cat. No. 62292K	Form 8233 (Rev. 9-2018)	



Countries that have US Treaties

https://www.irs.gov/businesses/international-businesses/united-states-income-tax-treaties-a-to-z

Treaty tables

https://www.irs.gov/individuals/international-taxpayers/tax-treaty-tables

• IRS Publication 901 (U.S. Tax Treaties) https://www.irs.gov/forms-pubs/about-publication-901

 Instructions for requestors of W8 Ben, W8 Ben-E, W8 ECI, W8 EXP and W8 IMY

https://www.irs.gov/forms-pubs/about-form-w-8



Thank you for watching!

Questions? Please <u>open a Case – SAB</u> in ServiceNow or call 406-444-3092