

General Guidance for Completing Form W-8BEN-E

As CWRU staff cannot act as anyone's tax advisor, the entity should independently make the determination as to which sections of the W-8BEN-E Form should be completed. Most of CWRU's foreign entity vendors have determined that they are Active NFFEs as they operate as a non-financial business and meet the definition noted below.

The W-8BEN-E Form has instructions that are available on the IRS website (www.irs.gov).

All eight pages of the W-8BEN-E Form do not need to be completed, (only parts of page 1, possibly page 2, the corresponding section from what the vendor selected in Part 1, question 5, and part XXIX), and page 8 (signature page). See the summary below for an example.

Overview of important acronyms on the W-8BEN-E Form (note a complete list of acronyms can be found in the FATCA regulations – IRS Treas. Reg. 1.1471 to 1.474-7).

- FFI = Foreign financial institution
- NFFE = Non-financial foreign entity
- Active NFFE = an NFFE that has less than 50% of its gross income from the preceding calendar year from passive income and less than 50% of the assets held by the NFFE are assets that produce or are held for the production of passive income.
- Passive income = generally means, dividends, interest, rents, royalties, annuities.

Example

- Part I, Boxes 1 and 2 – input entity name in Box 1,; input entity country of incorporation/organization in Box 2
- Part I, Box 4 – Chapter 3 status- check the box appropriate for your entity type (e.g., corporation)
- Part I, Box 5 - Chapter 4 status –check the box labelled “Active NFFE” and complete part XXV;
- Part I, Box 6 and 7 – input entity residence address and if different the entity mailing address;
- Part I, Box 8 – input entity's U.S. Tax ID (note: a U.S. or foreign Tax ID is required in order to claim a treaty benefit);
- Part I, Box 9a – If entity is registered with the IRS and has a Global Intermediary Identification Number (GIIN) input here.
- Part I, Box 9b – if entity has a tax identifying number (Foreign TIN) in its country of incorporation or organization input here.
- Part III, Box 14 and 15 – if entity is claiming a reduced rate of withholding under a U.S. tax treaty, please complete appropriate parts.
- Part XXV – read the three bullets to ensure you agree that you meet each and, if you do, check the box “I certify that”.
- Part XXX – Certification – sign, print your name, date and check the box “I certify that I have the capacity to sign for the entity” identified on line I of the form”.

If you have any additional questions regarding FATCA, Form W-8BEN-E, or other W-8 series form (e.g., W-8IMY, W-8EXP) please consult with an independent U.S. tax advisor.