

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