

EXPLANATION ACCOMPANYING FORM IB 92 UNIVERSEEL

Instructions for the completion and processing of the IB 92 Universeel form

In most of the tax conventions that have been concluded by the Netherlands, as far as withholding tax on dividend is concerned, a distinction is made between 'portfolio dividends' (also referred to as investment dividends) and 'participation dividends' (see the section on participation dividends at the bottom of the last page). All further uses of the word 'dividend' refer to portfolio dividend.

Dutch dividend tax of 15% is withheld from the income from Dutch shares, profit-sharing certificates and certain loans (including profit-sharing bonds with a term of more than 10 years), the dividend. You can use the IB 92 Universeel form to apply for a (partial) exemption from or refund of Dutch dividend tax. One condition is that the country you live in has signed a tax convention with the Netherlands and that the tax administration of your country of residence certifies that you are a resident of that country. Below follows information on when you may use the IB 92 Universeel form and how you should complete it.

General

The Netherlands has concluded conventions for the avoidance of double taxation with a great number of countries (see the list of treaty countries). If you are a resident of a country with which the Netherlands has signed such a convention, you can apply for a (partial) exemption from or refund of Dutch dividend tax. To obtain this (partial) exemption from or refund of dividend tax, you must use the IB 92 Universeel form, which consists of two copies.

'Remittance base'

A number of countries only impose taxes on certain dividends if these are actually received in the taxpayer's country of residence or remitted to the country of residence and on these grounds are subject to taxation (the 'remittance base' requirement). In this connection, in its conventions with those countries, the Netherlands has included a provision stating that in cases of this kind the Netherlands only refunds dividend tax if the dividends have actually been remitted to the other country, or have been received there. The conventions in question are those with *Barbados, Ghana, Great Britain and Northern Ireland, Ireland, Israel, Japan, Malaysia, Malta, Singapore and Thailand*.

Residents of the aforementioned countries to whom the 'remittance base' provision applies must use the IB 93 Universeel form in order to obtain a refund of dividend tax.

Application for a (partial) exemption

In case of an application for an exemption, when the dividend is paid, the percentage that is exempt on the grounds of the tax convention with your country of residence is taken into account. You must fill in and sign an IB 92 Universeel form in duplicate for each dividend payment you receive. Then you must send the two completed, signed copies of the form to the tax administration in your country of residence. The tax administration of your country of residence will date and sign the two copies of the form in the section certifying the place of residence, keep one copy and return the other to you. You must submit the copy that is returned to you when collecting your dividend. When provided with the form accompanied by the declaration of the place of residence, the person paying the dividend (generally a bank) is entitled to withhold dividend tax up to the percentage laid down in the tax convention concluded between the Netherlands and your country of residence.

Application for a (partial) refund

An application for a refund is possible if the dividend has already been collected and if 15% dividend tax has been withheld in accordance with the dividend statement and this percentage exceeds the applicable percentage of the tax convention. A refund application can include a number of dividend payments from one or more entities (companies/firms) on one IB 92 Universeel form. You must fill in and sign the IB 92 Universeel form in duplicate and then send it to the tax administration in your country of residence. The tax administration of your country of residence will date and sign the two copies of the IB 92 Universeel form in the section certifying the place of residence, keep one copy and return the other to you. You must submit the copy that is returned to you:

- if the income was paid out by a person (the company itself, or a bank or other agent), resident or domiciled in the Netherlands who has issued a dividend statement referred to in Article 9 of the Dividend Tax Act of 1965; to such person resident or domiciled in the Netherlands; this person will send on the application to the *Belastingdienst/Limburg/kantoor Buitenland*, P.O. Box 2865, 6401 DJ Heerlen, the Netherlands; the amount to be refunded will be paid to the aforementioned person, for your account;
- if the income was paid out by a person (bank or other agent) not resident or domiciled in the Netherlands; directly to the *Belastingdienst/Limburg/kantoor Buitenland*, P.O. Box 2865, 6401 DJ Heerlen, the Netherlands, enclosing the dividend statement(s) or other documents showing that you have received the dividends and that dividend tax has been withheld.

No entitlement to exemption from or refund of dividend tax

Residents of Armenia, Australia, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Denmark, Germany (Federal Republic), Egypt, Estonia, The Philippines, Greece, Hungary, Iceland, Italy, Yugoslavia (convention still applying to Bosnia-Herzegovina, Montenegro, Serbia including Kosovo), Kazakhstan, Korea, Croatia, Latvia, Lithuania, Luxembourg, Macedonia, Morocco, Moldova, New-Zealand, Norway, Ukraine, Uzbekistan, Pakistan, Poland, Rumania, Russian Federation, Soviet Union (former), Spain, Sri Lanka, Surinam, Tunisia, Turkey, Vietnam and Sweden may *not be exempted from or apply for a refund of* Dutch dividend tax, because the Netherlands may levy at least 15% dividend tax by virtue of the tax convention with these countries.

Only entitlement to (partial) exemption from or refund of dividend tax for income from profit-sharing bonds

Residents of Albania, Argentina, Belgium, France, Georgia, Mexico, Nigeria, Austria, Zambia and Zimbabwe may only be exempted from or apply for a refund of Dutch dividend tax for overpaid dividend tax on the income from profit-sharing bonds. As far as other dividend is concerned, the Netherlands may levy at least 15% Dutch dividend tax by virtue of the tax convention with these countries. So in these cases, it is not possible to apply for an exemption from or refund of Dutch dividend tax. For Albania, Argentina, Belgium, Georgia and Mexico, see also the 'Pension funds' section below.

Pension funds

Pension funds domiciled in Albania, Argentina, Bahrain, Finland, Hong Kong, Jordan, Mongolia, Oman, Panama, Qatar, Slovenia, Uganda, United Arab Emirates, South Africa and Switzerland may, with respect to their Dutch portfolio dividends, apply for a full or partial exemption from or refund of Dutch dividend tax. Furthermore, pension funds domiciled in Albania, Argentina, Bahrain, Belgium, Georgia, Hong Kong, Mexico, Oman, Panama, Qatar, United Arab Emirates and Switzerland may, with respect to their income from Dutch profit-sharing bonds, apply for a full or partial exemption from or refund of Dutch dividend tax.

Details of the applicant

In this section you must enter the personal details requested or, in case of an entity (company/firm), the details relating to that entity (company/firm).

Details required for the payment of the refund

You only need to complete this section if you are applying for a dividend tax refund.

(IBAN) account number

Please fill in your bank or giro account number here.

A fee will be charged for transferring a refund to an account number with a bank that is not domiciled in the Netherlands. Each bank maintains different charges; these are often deducted by the bank from the amount that is refunded. This means that the sum transferred to your account could be lower than the amount of dividend tax that has been refunded.

Please contact your bank for more information about these costs.

In anticipation of a true European payment market, the banks have agreed that as of January 2007, they will only handle cross-border payments in Euros within the European Union (and the EEA countries of Norway, Iceland as well as Liechtenstein) if these payments have a Bank Identifier Code (BIC) or an International Bank Account Number (IBAN). This explanation will tell you what the BIC code stands for a little further on. Please contact your bank for information on your IBAN account number and BIC code.

Cheque

In addition to transferring the dividend tax refund to a bank or giro account, you can also receive it by cheque. However, as a rule, cheques take longer to process than a refund transferred by a bank or giro. Moreover, the costs of cashing a cheque are much higher. If you do decide to receive the refund by cheque, place a cross in the cheque section and fill in the name and address that should appear on the cheque.

Account Holder

The name of the person to whom the amount to be refunded should be transferred.

Town/city of account holder

The town or city where the person to whom the amount to be refunded lives.

Country of account holder

The country of residence where the person to whom the amount to be refunded lives.

Name of bank/giro

The name of the bank or giro where the account is held.

Town/city of bank/giro

The town or city in which the bank or giro service where the account is held is domiciled.

Country of bank/giro

The country in which the bank or giro service where the account is held is domiciled.

BIC code

Each bank has a BIC code comprising a combination of 8 or 11 letters and numbers. You must always fill in the BIC code, even if you have an ordinary account number, not an IBAN account number.

Reference

You can decide on the description (reference) that will be given on the decision in response to your application for a tax refund. You can use a maximum of 20 letters and/or numbers in the reference.

Details required for the exemption/refund

You may *only* give the gross amount of the dividends and the amount for which you have applied for an exemption or refund, in Euros.

If you are applying for a dividend tax refund, state the dividend, without deducting the *withheld* dividend tax in the section "gross amount of the dividend".

In the section "amount of tax for which an exemption/refund is claimed", state the amount of dividend tax for which you are claiming an exemption or refund.

If there is insufficient space for all dividends on the IB 92 Universeel form, you can list them on a separate sheet, and enclose it with the form.

Signature and statement of the applicant

Besides the conditions listed in the statement, you must also meet the other conditions laid down in the convention. You meet the condition regarding beneficial ownership if, in your case, it does not concern a situation in which some other person benefitted or benefits (wholly or partly) from the dividend by way of a dividend-substituting payment or another quid pro quo while that other person has less right (or no right) to deduction, refund or reduction than the applicant himself and that other person maintains directly or indirectly his original shareholding position after the date the dividend was payable or paid. (See art. 4, paragraph 7, of the Dividend Tax Act of 1965)

If you meet the conditions laid down in the statement and the other conditions contained in the convention, you need to fill in the date and sign this section.

Confirmation of place of residence

This section is intended for the tax administration of your country of residence.

Signing of the form by an authorised representative

If an authorised representative signs the application, an authorisation relating to the beneficial owner must be enclosed unless the authorised representative has been provided with a general licence granting him the power to sign the forms on behalf of his clients by the *Belastingdienst/Limburg/kantoor Buitenland*.

Obtaining forms

Copies of this form and of the IB 93 Universeel form can be obtained as follows:

- download via the website www.belastingdienst.nl
- from the *Belastingdienst/Centrum voor facilitaire dienstverlening/Unit Apeldoorn/ Document & Logistiek, Logistiek Repografisch Centrum*
 - E-mail address: Lrc.apeldoorn@belastingdienst.nl
 - Postbus 20049, 7302 HA Apeldoorn

Copy of IB 92 Universeel form

It is recommended that you make a photocopy of your completed and signed IB 92 Universeel form before sending it in.

**Overview of treaty countries, exemption from/refund of dividend tax (percentage of gross dividend)(RP)
and the term within which the refund must have been claimed (in years)(T)**

Treaty country	RP	T	Treaty country	RP	T	Treaty country	RP	T
Albania (7, 11)	0 %	3	India (19)	5 %	3	Panama (15)	0 %	3
Argentina (5, 11)	0 %	3	Indonesia (19)	5 %	3	Poland	0 %	5(20)
Armenia	0 %	3	Israel*	0 %	5	Portugal (19)	5 %	5(20)
Australia	0 %	3	Italy	0 %	5	Qatar (14)	5 %	5
Azerbaijan (19)	5 %	5	Japan* (25)	5 %	5	Romania	0 %	5(20)
Bahrain (21)	5 %	3	Yugoslavia (former) (1)	0 %	5	Russian Federation	0 %	2
Bangladesh	0 %	4	Jordan (11)	0 %	3	Saudi Arabia (21)	5 %	5
Barbados* (17)	0 %	3	Kazakhstan	0 %	3	Singapore* (7)	0 %	3
Belarus	0 %	3	Kuwait (9)	5 %	3	Slovenia (17)	0 %	5(20)
Belgium (6)	0 %	5(20)	Korea	0 %	5	Slovakia (19)	5 %	5(20)
Brazil	0 %	5	Croatia	0 %	3	Soviet Union (2)	0 %	5
Bulgaria	0 %	5(20)	Latvia	0 %	5(20)	Spain	0 %	5(20)
Canada	0 %	3	Lithuania	0 %	5(20)	Sri Lanka	0 %	3
China (19)	5 %	3	Luxembourg	0 %	5(20)	Surinam	0 %	5
Denmark	0 %	5(20)	Macedonia	0 %	3	Taiwan (3, 19)	5 %	5
Germany	0 %	5	Malaysia* (7)	0 %	3	Thailand*	0 %	3
Egypt	0 %	3	Malta*	0 %	5(20)	Czech Republic (19)	5 %	5(20)
Estonia	0 %	5(20)	Morocco	0 %	3	Tunisia	0 %	3
The Philippines	0 %	2	Mexico (12)	0 %	3	Turkey	0 %	5
Finland (17)	0 %	5	Moldova	0 %	3	Uganda (17)	0 %	5
France (7)	0 %	5(20)	Mongolia (11)	0 %	5	Venezuela (19)	5 %	2
Georgia (22)	0 %	3	New Zealand	0 %	5	United Arab Emirates (26)	5 %	3
Ghana*(13)	5 %	3	Nigeria (10)	0 %	3	Vietnam	0 %	3
Greece	0 %	5(20)	Norway	0 %	5	Zambia (7)	0 %	6
Great Britain and Northern Ireland*(23)	5 %	5	Ukraine	0 %	3	Zimbabwe (7)	0 %	3
Hungary	0 %	5	Uzbekistan	0 %	3	South Africa (4)	5 %	3
Hong Kong (15, 24)	5 %	3	Oman (18)	5 %	5	Sweden	0 %	5(20)
Ireland*(8)	0 %	6	Austria (16)	0 %	5(20)	Switzerland (17)	0 %	5
Iceland	0 %	3	Pakistan	0 %	3			

* The Convention with this country contains a 'remittance-base' provision. If this provision applies to the relevant resident of this country, he/she should, in order to obtain a dividend tax refund, if there is any entitlement thereto, not use the IB 92 Universeel form, but the IB 93 Universeel form.

- (1) The treaty applies to Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Montenegro and Serbia, including Kosovo).
- (2) The treaty applies to the former parts of the Soviet Union, with the exception of those former parts of the Soviet Union to which a new treaty is already applicable.
- (3) On 27 February 2001, an 'Agreement for the avoidance of double taxation' was concluded between the Taipei Representative Office in the Netherlands and the Netherlands Trade and the Netherlands Trade and Investment Office in Taipei. Formally, this agreement is not a tax agreement, but both countries consider it to be a tax agreement.
- (4) For exempt pension funds, natural persons or entities other than pension funds, a treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (5) A treaty percentage of 12 % and an exemption/refund percentage of 3 % apply to income from profit-sharing bonds. A treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to income from shares and profit-sharing certificates.
- (6) A treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from profit-sharing bonds paid to non-natural persons, including pension funds. For both natural and non-natural persons, a treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to income from shares and profit-sharing certificates.
- (7) A treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from profit-sharing bonds. A treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to income from shares and profit-sharing certificates.
- (8) A treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from profit-sharing bonds. A treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to income from shares and profit-sharing certificates.
- (9) A treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from shares, profit-sharing certificates and profit-sharing bonds. A treaty percentage of 25 % and an exemption/refund percentage of 0 % apply to persons who are resident in Kuwait and in a third country.
- (10) A treaty percentage of 12.5 % and an exemption/refund percentage of 2.5 % apply to income from profit-sharing bonds. A treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to income from shares and profit-sharing certificates.
- (11) For exempt pension funds in Argentina, Jordan and Mongolia, a treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from shares, profit-sharing certificates and profit-sharing bonds. For exempt pension funds in Albania, a treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from shares and profit-sharing certificates, and a treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from profit-sharing bonds. With respect to Jordan and Mongolia, a treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to natural persons or entities other than pension funds.
- (12) For exempt pension funds, a treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from profit-sharing bonds. In cases as referred to in Article 11(2)(a) or Article 11(3)(a) of the Convention, a treaty percentage of 5 % or 10 % and an exemption/refund percentage of 10 % or 5 % apply to income from profit-sharing bonds earned by natural persons or entities other than pension funds. A treaty percentage of 15 % and an exemption/refund percentage of 0 % apply to income from shares and profit-sharing certificates.
- (13) A treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from shares, profit-sharing certificates and profit-sharing bonds. For exempt pension funds, a treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (14) For exempt pension funds and collective investment funds, a treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from shares, profit-sharing certificates and profit-sharing bonds. For natural persons or entities other than pension funds, a treaty percentage of 10 % and an exemption/refund percentage of 5 % apply to income from shares and profit-sharing certificates, and a treaty percentage of 0 % and an exemption/refund percentage of 15 % apply to income from profit-sharing bonds.

- (15) For exempt pension funds and government bodies as referred to in Article 10(3)(d) of the Convention, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds. A treaty percentage of 5% and an exemption/refund percentage of 10% apply to income from profit-sharing bonds. A treaty percentage of 15% and an exemption/refund percentage of 0% apply to income from shares and profit-sharing certificates.
- (16) A treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from profit-sharing bonds. A treaty percentage of 15% and an exemption/refund percentage of 0% apply to income from shares and profit-sharing certificates.
- (17) For exempt pension funds, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds. For natural persons or entities other than pension funds, a treaty percentage of 15% and an exemption/refund percentage of 0% apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (18) For pension funds and government bodies as referred to in Article 10(4) of the Convention, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds. A treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares and profit-sharing certificates. A treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from profit-sharing bonds.
- (19) A treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (20) For the Member States of the European Union with which the Netherlands has concluded a tax treaty in which a time limit of less than five years has been agreed, a time limit of five years must be used for a refund of dividend tax withheld pursuant to paragraph 6, part 3 of the Decree of 16 December 2010, no. DGB2010/6799M, Government Gazette 2010, 20999.
- (21) For Saudi Arabia and Bahrain, a treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares and profit-sharing certificates. For income from profit-sharing bonds, a treaty percentage of 5% and an exemption/refund percentage of 10% apply to Saudi Arabia and a treaty percentage of 0% and an exemption/refund percentage of 15% apply to Bahrain. For exempt pension funds in Bahrain, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds. This general exemption or refund of Dutch dividend tax applies pursuant to Article 10(10) of the Convention even if the recipient of the dividends:
 - is the Bahrain government or a Bahrain state-owned enterprise;
 - is a listed company; or
 - conducts an active enterprise.
- (22) A treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from profit-sharing bonds. For exempt pension funds, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from profit-sharing bonds. A treaty percentage of 15% and an exemption/refund percentage of 0% apply to income from shares and profit-sharing certificates.
- (23) A treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares, profit-sharing certificates and profit-sharing bonds. For exempt pension funds, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (24) A treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares and profit-sharing certificates. For income from profit-sharing bonds, the treaty percentage is 0% and the exemption/refund percentage is 15%. For exempt pension funds and government bodies as referred to in Article 10(3) in conjunction with Article 11(1) of the Convention, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (25) A treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares, profit-sharing certificates and profit-sharing bonds. For exempt pension funds, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds.
- (26) For exempt pension funds, a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from shares, profit-sharing certificates and profit-sharing bonds. For natural persons or entities other than pension funds, a treaty percentage of 10% and an exemption/refund percentage of 5% apply to income from shares and profit-sharing certificates, and a treaty percentage of 0% and an exemption/refund percentage of 15% apply to income from profit-sharing bonds.

Participation dividends

The IB 92 Universeel form must not be used to obtain a (partial) exemption from or refund of Dutch dividend tax on participation dividends. Participation dividends are usually involved when a foreign company on shares has at least 5%, 7.5%, 10%, 15%, 25%, 30%, 50% or a different percentage of the capital of a Dutch company. If the term 'participation dividends' is used, this always refers to dividends from a participation that at least complies with the minimum set in the relevant tax convention. A form is not required to obtain this (partial) exemption or refund, with the exception of the Tax Regulation for the Kingdom and the tax conventions signed with Luxembourg and Singapore. The foreign company concerned may contact the Dutch company paying the dividend and lodging the application for an exemption or refund with the tax inspector of the organisational unit of the tax administration which it falls under.