



CERTAIN FRENCH INCOME TAX CONSIDERATIONS IN RESPECT OF DIVIDENDS ON FORACO SHARES

The following general summary describes, as of April 12, 2024, the principal withholding tax considerations pursuant to French tax law generally applicable to the payment of a cash dividend to a shareholder of Foraco International SA (“**Foraco**”) who, at all relevant times for purposes of French tax law and any applicable tax treaty or convention (“**Applicable Tax Law**”) is a non-French resident shareholder (“**Non-Resident Holder**”).

This summary is of a general nature only and is not intended to be, nor should it be construed to be, legal or tax advice to any particular Foraco shareholder or other person, and no representations with respect to the income tax consequences to any Foraco shareholder or other person are made. Consequently, Foraco shareholder should consult their own tax advisors for advice with respect to the tax consequences to them of any dividend declared by Foraco from time to time, having regard to their particular circumstances.

Dividends paid to a Non-Resident Holder are generally subject to French withholding tax at the following rates:¹

- 12.8% for individuals; and
- 25% for non individuals.

French withholding tax on dividends may be subject to reduction under the provisions of an applicable tax treaty or convention. Claims for reimbursement by Non-Resident Holders can be made by properly filing both Forms no. 5000 and 5001, duly certified by the tax office to which the Non-Resident Holder reports in its home country. Both Forms must be sent to the Applicable Financial Institution (as defined below).

A simplified procedure allows for Non-Resident Holders to benefit from the reduction simultaneously to the payment of dividends. Non-Resident Holders must file Form no. 5000, duly certified by the tax office to which the Non-Resident Holder reports in its home country, and then send it to the Applicable Financial Institution before the dividend payment date.

The “**Applicable Financial Institution**” will be:

- Computershare Investor Services Inc. for a registered Foraco shareholder; and
- The brokerage firm, bank, trust company or other intermediary through which a non-registered Foraco shareholder purchased its shares.

The English versions of these forms are attached as schedules to this document, together with an information leaflet prepared by French tax authorities.

Unless otherwise stipulated in the applicable tax treaty or convention, in order to be valid, claims for partial or total reimbursement of the withholding tax must be requested by the Non-Resident Holder from the French tax authorities before December 31 of the second year following the date of payment of the dividends.

Non-Resident Holders are urged to consult their own tax advisors to determine their entitlement to relief under an applicable tax treaty or convention and with respect to properly filing the applicable forms with French tax authorities.

¹ French withholding tax at an increased rate of 75% applies if the dividends are paid to a beneficiary resident in a Non-Cooperative State or Territory (i.e. for 2024 : Anguilla, Antigua and Barbuda, American Samoa, Bahamas, Belize, Fiji, Guam, Palau, Panama, Russia, Samoa, Seychelles, Trinidad and Tobago, Turks and Caicos Islands, U.S. Virgin Islands, and Vanuatu), or transferred directly to an account on the books of a bank located in a Non-Cooperative State or Territory.

SCHEDULE A
Form no. 5000

(See attached)

For use by the foreign tax authority

AFFIDAVIT OF RESIDENCE

Application for implementation of the tax treaty between France and

Please write the name of the country in this box

Number of attachments

I) Types of income ①

<input type="checkbox"/> Dividends ②	<input type="checkbox"/> Normal procedure ➔ Attach Form 5001	<input type="checkbox"/> Interest ② ➔ Attach Form 5002
	<input type="checkbox"/> Simplified procedure ➔ File this certificate of residence only	<input type="checkbox"/> Royalties ② ➔ Attach Form 5003

II) Beneficiary

Surname and first name, or company name	
Occupation / Legal form- Full home address or registered office	
E-mail	
For United States residents See note ③	

III) Beneficiary's declaration ➔

Investment companies and funds please complete box VII as well ⑥

I hereby declare that :

- I am beneficially entitled to the income for which the treaty benefits are being claimed; ;
- For the purposes of the abovementioned tax treaty, the beneficiary is a resident of (or in the case of pension fund ② or an investment company ⑥, is established in) ④;
- Due to my legal form or business activity, I am subject to the tax under the laws of..... (name of country of residence), including with respect to French-source dividends. Notwithstanding, this condition is not required under the terms of certain tax treaties with France ④ ⑤ ⑥ ;
- I do not have any establishment or permanent base that this income is attached to in France;
- This income has been or will be reported to the tax authorities in my country of residence.

.....

Date and place
Signature of beneficiary or his/her legal representative

IV) Declaration of the foreign tax authority

The tax authority of ④ hereby certifies that to the best of its knowledge

- The information provided by the applicant is correct;
- For the purposes of the abovementioned tax treaty, the beneficiary is a resident of (or in the case of pension fund ⑤ or an investment company ⑥, is established in ④;
- The beneficiary of the income is subject to taxation by the authority under the tax identification number (where applicable)

.....

Date and place
Signature and seal

V) Declaration of the paying institution

Name	
Address	
SIREN number	

We hereby declare that we have paid the beneficiary, in respect of....., the income referred to in this application, net of the withholding tax at the rate provided for in French domestic law..

.....
Date and place Signature and Seal

VI) Declaration of the US financial institution 7  (For beneficiaries who are United States residents only)

Name	
Adress	

The abovenamed institution hereby certifies that, to the best of its knowledge, the applicant is a resident of the United States and that the information provided on this form is correct.

.....
Date and place Signature and seal

VII) Investment company or fund 6

- Financial year fromto; 6	- Number of unit holders or shareholders in fund:
- In the case of German funds, if the French authorities have issued an authorisation: authorisation date and number:	- Percentage of unit holders or shareholders who are residents of..... 4 : %
- autorisation number date	

VIII) In case of direct refund by the tax authority

Where should the repayment be sent (bank, post office, account) ? Send an IBAN/SWIFT

.....

.....

.....

To be kept by the beneficiary

AFFIDAVIT OF RESIDENCE

Application for implementation of the tax treaty between France and

Please write the name of the country in this box

Number of attachments

I) Types of income ①

<input type="checkbox"/> Dividends ②	<input type="checkbox"/> Normal procedure	<input type="checkbox"/> Simplified procedure	→ Attach Form 5001 → File this certificate of residence only	<input type="checkbox"/> Interest ②	<input type="checkbox"/> Royalties ②	→ Attach Form 5002 → Attach Form 5003
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II) Beneficiary

Surname and first name, or company name	
Occupation / Legal form- Full home address or registered office	
E-mail	
For United States residents See note ③	

III) Beneficiary's declaration → Investment companies and funds please complete box VII as well ⑥

I hereby declare that :

- I am beneficially entitled to the income for which the treaty benefits are being claimed; ;
- For the purposes of the abovementioned tax treaty, the beneficiary is a resident of (or in the case of pension fund ☐ or an investment company ⑥, is established in) ④;
- Due to my legal form or business activity, I am subject to the tax under the laws of..... (name of country of residence), including with respect to French-source dividends. Notwithstanding, this condition is not required under the terms of certain tax treaties with France ④ ⑤ ⑥ ;
- I do not have any establishment or permanent base that this income is attached to in France;
- This income has been or will be reported to the tax authorities in my country of residence.

.....

Date and place
Signature of beneficiary or his/her legal representative

IV) Declaration of the foreign tax authority

The tax authority of ④ hereby certifies that to the best of its knowledge

- The information provided by the applicant is correct;
- For the purposes of the abovementioned tax treaty, the beneficiary is a resident of (or in the case of pension fund ⑤ or an investment company ⑥, is established in) ④;
- The beneficiary of the income is subject to taxation by the authority under the tax identification number (where applicable)

.....

Date and place
Signature and seal

V) Declaration of the paying institution

Name	
Address	
SIREN number	

We hereby declare that we have paid the beneficiary, in respect of....., the income referred to in this application, net of the withholding tax at the rate provided for in French domestic law..

.....
Date and place Signature and Seal

VI) Declaration of the US financial institution ⑦  (For beneficiaries who are United States residents only)

Name	
Adress	

The abovenamed institution hereby certifies that, to the best of its knowledge, the applicant is a resident of the United States and that the information provided on this form is correct.

.....
Date and place Signature and seal

VII) Investment company or fund ⑥

- Financial year fromto; ⑥	- Number of unit holders or shareholders in fund:
- In the case of German funds, if the French authorities have issued an authorisation: authorisation date and number:	- Percentage of unit holders or shareholders who are residents of..... ④ : %
- autorisation number date	

VIII) In case of direct refund by the tax authority

Where should the repayment be sent (bank, post office, account) ? Send an IBAN/SWIFT

.....

.....

.....

For use by the French tax authority

ATTESTATION DE RÉSIDENCE

Demande d'application de la convention fiscale entre la France et

Nombres d'annexes

Inscrire dans cette case le nom de l'Etat contractant

I) Nature des revenus ①

<input type="checkbox"/> Dividendes ②	<input type="checkbox"/> Procédure normale → Joindre un formulaire annexe n° 5001	<input type="checkbox"/> Intérêts ② → Joindre un formulaire annexe n° 5002
	<input type="checkbox"/> Procédure simplifiée → Ne déposer que cette attestation de résidence	<input type="checkbox"/> Redevances ② → Joindre un formulaire annexe n° 5003

II) Désignation du bénéficiaire des revenus

Nom et prénom ou raison sociale	
Profession / forme juridique	
Adresse complète du domicile ou du siège social	
Mél	
Pour les résidents des Etats Unis cf. notice ③	

III) Déclaration du bénéficiaire des revenus → Fonds et sociétés d'investissement : compléter aussi le cadre VII ⑥

Le soussigné certifie :

- être le bénéficiaire effectif des revenus pour lesquels le bénéfice de la convention est demandé ;
- avoir, au sens de la convention fiscale susvisée, la qualité de résident de (ou s'agissant d'un fonds de pension ⑤ ou d'un fonds ou d'une société d'investissement ⑥ être établi à) ④ ;
- être soumis par la loi de.....(nom de l'Etat de résidence) à l'impôt à raison de son statut ou de son activité, y compris sur les dividendes de source française. Toutefois, cette condition n'est pas exigée pour certaines conventions fiscales conclues par la France ④ ⑤ ⑥ ;
- ne pas posséder en France d'établissement ou de base fixe auxquels se rattachent les revenus ;
- que ces revenus ont été ou seront déclarés à l'administration des impôts de l'Etat de résidence.

.....

Date et lieu
Signature du bénéficiaire ou de son représentant

IV) Déclaration de l'administration étrangère

L'administration fiscale de ④ certifie qu'à sa connaissance :

- les indications portées par le déclarant sur la présente demande sont exactes ;
- au sens de la convention fiscale susvisée le bénéficiaire a bien la qualité de résident de (ou s'agissant d'un fonds de pension ⑤ ou d'un fonds ou d'une société d'investissement ⑥ être établi à) ④ ;
- le bénéficiaire des revenus est imposé dans son ressort sous le numéro fiscal (si un tel numéro existe).

.....

Date et lieu
Signature et cachet

V) Déclaration de l'établissement payeur

Nom / Dénomination	
Adresse	
Numéro SIREN	

Nous certifions avoir payé au bénéficiaire, au titre de l'année....., les revenus compris dans la présente demande pour leur montant net c'est à dire déduction faite de l'impôt à la source au taux prévu par le droit interne français.

.....
Date et lieu Signature et cachet

VI) Déclaration de l'établissement financier américain ⑦ (pour les seuls bénéficiaires résidents des Etats-Unis)

Nom / Dénomination	
Adresse	

L'établissement désigné ci-avant certifie qu'à sa connaissance le déclarant est un résident des Etats-Unis et que les mentions portées sur cette déclaration sont exactes.

.....
Date et lieu Signature et cachet

VII) Société ou fonds d'investissement ⑥

- Exercice social du au; ⑥	- Nombre de porteurs de parts du fonds :
- Pour les OPCVM d'Allemagne, si l'administration française a délivré une autorisation : date et numéro de l'autorisation : autorisation n° du	- Pourcentage de porteurs de parts résidents de ④ : %

VIII) En cas de remboursement direct par l'administration au créancier

Où le montant à rembourser doit-il être envoyé pour le compte du créancier (banque, compte chèque postal) ? Fournir IBAN/SWIFT

.....

.....

.....

SCHEDULE B
Form no. 5001

(See attached)

**CALCULATION AND REIMBURSEMENT
OF WITHHOLDING TAX ON DIVIDENDS**

Appendix to Form 5000

Recipient's name

**For use by the foreign tax
authorities**

INDIVIDUALS AND LEGAL ENTITIES: 2

If the dividends have not been paid yet, you may be eligible for the simplified procedure.

I) Declaration of recipient applying for the parent company system or application of a reduced treaty rate 2

I hereby certify that I meet the requirements for interests and holding stipulated:

- in Article of the tax treaty between France and..... 4
and I therefore request an exemption from withholding tax / a reduction in the rate of withholding tax to percent.
- in Article of the Agreement between the European Community and the Swiss Confederation of 26 October 2004 and therefore request to be exempted from withholding tax.
- in Article 119 ter of the French General Tax Code. In this case, I certify that the beneficiary company meets the following conditions:
- a) has its effective place of management in a Member State of the European Union or in another State that is party to the European Economic Area agreement that has entered into an administrative assistance agreement with France with a view to combating tax evasion and avoidance and is not considered, under the terms of a double taxation convention with a third country, to be resident for tax purposes outside the European Union or the European Economic Area;
 - b) takes one of the forms listed in Annex 1, Part A to Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States, or an equivalent form when the company has its effective place of management in a State that is party to the European Economic Area agreement;
 - c) has held directly, in unrestricted ownership or bare ownership, and for an uninterrupted period of two years or more, at least 10 percent of the capital of the entity distributing the dividends (1) or has made an undertaking to maintain its holding for an uninterrupted period of two years or more and to appoint a representative, as would be the case with turnover tax, who shall be responsible for paying withholding tax (1);
NB: The undertaking and notice of the appointment of a representative must reach the Service des impôts des entreprises étrangères (Foreign Business Tax Department), 10 rue du Centre, TSA 200011, 93465 Noisy-le-Grand Cedex, France, and the paying institution in France prior to the first dividend payment date following book-entry registration of the shares of the distributing company.
 - d) is subject to corporation tax in the Member State of the European Union or in the State that is party to the European Economic Area agreement where it has its effective place of management, without the possibility of an option or of being exempt.

I also certify that, to the best of my knowledge, this entity is not controlled directly or indirectly by one or more residents of countries that are not European Union members (1); *or*

I also certify that, to the best of my knowledge, this entity is controlled directly or indirectly by one or more residents of countries that are not European Union members but that this chain of holdings does not seek, as its main purpose or one of its main purposes, to take advantage of the withholding tax exemption provided for in Article 119bis (2) of the French General Tax Code(1).

If the company transfers its effective place of management to another European Union Member State or if there is a change in its legal or tax situation, I hereby undertake to send a new form, based on this form, to the paying institution in France, or, where such is the case, to the subsidiary resident in France that pays the dividend directly, no later than the first dividend date following such transfer or change.

(1) Cross out the statement that does not apply

.....
Date and place

Name and signature of beneficiary or their legal representative

II) To be completed by the recipient 8

III) To be completed by the paying institution

Please make sure that the Boxes I, II, III, and VII on Form 5000 have been completed

Please make sure that Box V of Form 5000 has been completed

French company paying the dividends ⁽¹⁾	Dividend payment date	Number of shares and holding period (in number of days)	Parent company system		Dividend par share (2) €	Total amount € (column 3 x column 6)	Total withholding tax under domestic legislation € (column 7 x rate applied) except in special cases 10	Withholding tax due under the applicable tax treaty or domestic law € (column 7 x applicable rate)	Withholding tax deducted €	Amount reclaimed € (column 10 – column 9)
			Holding %	Date on which this holding % was reached						
1	2	3	4	5	6	7	8	9	10	11
									TOTAL	

(1) Exact name and address of the company paying dividends, except for listed companies

(2) Gross amount before withholding tax

CALCULATION AND REIMBURSEMENT OF WITHHOLDING TAX ON DIVIDENDS

Appendix to Form 5000

Recipient's name

To be kept by the recipient

INDIVIDUALS AND LEGAL ENTITIES: 2

If the dividends have not been paid yet, you may be eligible for the simplified procedure

I) Declaration of recipient applying for the parent company system or application of a reduced treaty rate 2

I hereby certify that I meet the requirements for interests and holding stipulated:

in Article of the tax treaty between France and..... 4

and I therefore request an exemption from withholding tax / a reduction in the rate of withholding tax to percent.

in Article of the Agreement between the European Community and the Swiss Confederation of 26 October 2004 and therefore request to be exempted from withholding tax.

in Article 119 ter of the French General Tax Code. In this case, I certify that the beneficiary company meets the following conditions:

- a) has its effective place of management in a Member State of the European Union or in another State that is party to the European Economic Area agreement that has entered into an administrative assistance agreement with France with a view to combating tax evasion and avoidance and is not considered, under the terms of a double taxation convention with a third country, to be resident for tax purposes outside the European Union or the European Economic Area;
- b) takes one of the forms listed in Annex 1, Part A of Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States, or an equivalent form when the company has its effective place of management in a State that is party to the European Economic Area agreement;
- c) has held directly, in unrestricted ownership or bare ownership, and for an uninterrupted period of two years or more, at least 10 percent of the capital of the entity distributing the dividends (1) or has made an undertaking to maintain its holding for an uninterrupted period of two years or more and to appoint a representative, as would be the case with turnover tax, who shall be responsible for paying withholding tax (1);

NB: The undertaking and notice of the appointment of a representative must reach the Service des impôts des entreprises étrangères (Foreign Business Tax Department), 10 rue du Centre, TSA 200011, 93465 Noisy-le-Grand Cedex, France, and the paying institution in France prior to the first dividend payment date following book-entry registration of the shares of the distributing company.

- d) is subject to corporation tax in the Member State of the European Union or in the State that is party to the European Economic Area agreement where it has its effective place of management, without the possibility of an option or of being exempt.

I also certify that, to the best of my knowledge, this entity is not controlled directly or indirectly by one or more residents of countries that are not European Union members (1); *or*

I also certify that, to the best of my knowledge, this entity is controlled directly or indirectly by one or more residents of countries that are not European Union members but that this chain of holdings does not seek, as its main purpose or one of its main purposes, to take advantage of the withholding tax exemption provided for in Article 119bis (2) of the French General Tax Code(1).

If the company transfers its effective place of management to another European Union Member State or if there is a change in its legal or tax situation, I hereby undertake to send a new form, based on this form, to the paying institution in France, or, where such is the case, to the subsidiary resident in France that pays the dividend directly, no later than the first dividend date following such transfer or change.

(1) Cross out the statement that does not apply

.....
Date and place

Name and signature of beneficiary or their legal representative

II) To be completed by the recipient 8

III) To be completed by the paying institution

Please make sure that the Boxes I, II, III, and VII on Form 5000 have been completed

Please make sure that Box V of Form 5000 has been completed

French company paying the dividends ⁽¹⁾	Dividend payment date	Number of shares and holding period (in number of days)	Parent company system		Dividend par share (2) €	Total amount € (column 3 x column 6)	Total withholding tax under domestic legislation € (column 7 x rate applied) except in special cases 10	Withholding tax due under the applicable tax treaty or domestic law € (column 7 x applicable rate)	Withholding tax deducted €	Amount reclaimed € (column 10 – column 9)
			Holding %	Date on which this holding % was reached						
1	2	3	4	5	6	7	8	9	10	11
									TOTAL	

(1) Exact name and address of the company paying dividends, except for listed companies

(2) Gross amount before withholding tax

Report du nom du créancier

For use by the French tax
authorities

**LIQUIDATION ET REMBOURSEMENT DE
LA RETENUE À LA SOURCE
SUR DIVIDENDES**
Annexe au formulaire n° 5000

PERSONNES PHYSIQUES OU MORALES : 2

Si les dividendes n'ont pas encore été mis en paiement, vous pouvez peut-être bénéficier de la procédure simplifiée

I) Déclaration du créancier demandant le bénéfice du régime des sociétés mères ou l'application d'un taux réduit conventionnel 2

Je déclare satisfaire aux conditions de participation et de détention prévues :

à l'article de la convention fiscale conclue entre la France et 4 et demande en conséquence l'exonération de la retenue à la source / la réduction à % du taux de retenue à la source.

à l'article de l'accord entre la Communauté européenne et la Confédération Suisse du 26 octobre 2004 et demande en conséquence l'exonération de la retenue à la source.

aux conditions prévues à l'article 119 ter du CGI. Dans ce cas, j'atteste que la société bénéficiaire répond aux conditions suivantes :

- avoir son siège de direction effective dans un Etat membre de l'Union européenne ou dans un autre Etat partie à l'accord sur l'Espace économique européen ayant conclu avec la France une convention d'assistance administrative en vue de lutter contre la fraude et l'évasion fiscales et n'être pas considérée, aux termes d'une convention en matière de double imposition conclue avec un Etat tiers, comme ayant sa résidence fiscale hors de l'Union européenne ou de l'Espace économique européen ;
- revêtir l'une des formes énumérées à la partie A de l'annexe I à la directive 2011/96/ UE du Conseil du 30 novembre 2011 concernant le régime fiscal commun applicable aux sociétés mères et filiales d'Etats membres différents ou une forme équivalente lorsque la société a son siège de direction effective dans un Etat partie à l'accord sur l'Espace économique européen ;
- détenir directement, de façon ininterrompue depuis deux ans ou plus et en pleine propriété ou en nue-propriété, 10 % au moins du capital de la personne morale qui distribue les dividendes (1) ou prendre l'engagement de conserver cette participation de façon ininterrompue pendant un délai de deux ans au moins et désigner, comme en matière de taxes sur le chiffre d'affaires, un représentant qui est responsable du paiement de la retenue à la source (1) ;

Remarque : l'engagement et la désignation du représentant doivent parvenir au service des impôts des entreprises étrangères, 10 rue du Centre, TSA 200011, 93465 Noisy le Grand Cedex, et à l'établissement payeur en France avant la date de la première mise en paiement des dividendes qui suit la date d'inscription en compte des titres de la société distributrice ;

- être passible, dans l'Etat membre de l'Union européenne ou dans l'Etat partie à l'accord sur l'Espace économique européen où elle a son siège de direction effective, de l'impôt sur les sociétés de cet Etat, sans possibilité d'option et sans en être exonérée.

J'atteste également qu'à ma connaissance cette personne morale n'est pas contrôlée directement ou indirectement par un ou plusieurs résidents d'Etats qui ne sont pas membres de l'Union européenne (1) ; *ou*

J'atteste également qu'à ma connaissance cette personne morale est contrôlée directement ou indirectement par un ou plusieurs résidents d'Etats qui ne sont pas membres de l'Union européenne, mais que la chaîne de participations n'a pas comme objet principal ou comme un de ses objets principaux de tirer avantage de la suppression de la retenue à la source prévue au 2 de l'article 119 bis du code général des impôts (1).

En cas de transfert du siège de direction effective de la société dans un autre Etat de l'Union européenne ou de modification de sa situation juridique ou fiscale, je m'engage à transmettre à l'établissement payeur en France des dividendes, ou le cas échéant à ma filiale résidente de France si celle-ci assure directement le paiement des dividendes, au plus tard lors de la première distribution de dividendes suivant ce transfert ou cette modification, un nouveau document établi sur le même modèle que la présente attestation.

(1) Rayer la mention inutile

.....
Date et lieu

Signature du créancier ou de son représentant légal

II) A remplir par le créancier 8

III) A remplir par l'établissement payeur

N'oubliez pas de compléter les cadres I, II, III et VII du formulaire n°5000

N'oubliez pas de compléter le cadre V du formulaire n°5000

Société française débitrice des dividendes ⁽¹⁾	Date de mise en paiement des dividendes	Nombre de titres et durée de détention (en nbre de jours)	Régime des sociétés mères		Valeur unitaire du coupon ⁽²⁾ en €	Montant total en € col 3 x col 6	Retenue à la source totale en vertu de la législation interne en € (col 7 x taux appliqué) sauf cas particuliers 10	Retenue à la source exigible en application de la convention applicable ou du droit interne en € (col 7 x taux applicable)	Retenue à la source effectivement prélevée en €	Montant du dégrèvement demandé en € (col 10 – col 9)
			Pourcentage de participation	Date à laquelle le seuil a été atteint						
1	2	3	4	5	6	7	8	9	10	11
									TOTAL	

(1) coordonnées précises de la société distributrice, sauf sociétés cotées en bourse

(2) Montant brut avant déduction de l'impôt à la source

SCHEDULE C
Information Leaflet

(See attached)

EXPLANATORY NOTICE

5000 NOT-EN

GUIDANCE FOR THE RECIPIENT

Three copies of the forms must be completed, two in a foreign language (the forms are available in German, English, Spanish, Italian, Chinese, Portuguese and Dutch), and the third in French. The information in all three copies is identical. For details on how to use these forms, see Item 4 below.

1- Income from French securities paid to individuals and legal entities that do not have their actual residence or registered office in France is subject to withholding tax in France in line with the rates provided for by domestic legislation (Article 187-1 of the General Tax Code for dividends, Article 125-0-A II for interest and Article 182 B II for royalties).

Under the provisions of international tax treaties signed by France, these tax rates may be reduced or even zero-rated.

2- Four types of form are available:

- Form 5000: affidavit of residence
- Appendix 5001: calculation and refund of withholding tax on dividends
- Appendix 5002: calculation and refund of withholding tax on interest
- Appendix 5003: calculation and refund of withholding tax on royalties (i.e. copyright, patents or trademarks subject to applicable treaty provisions)

The various forms can be downloaded from the www.impots.gouv.fr website.

3- You must file Form 5000 for each category of income (dividends, interest and royalties) and each paying institution. Where appropriate, you can file a copy of Form 5000 that you have already sent to another paying institution in respect of the same calendar year.

4- Using these forms.

- If you have opted for the simplified procedure for dividends (see ②), you need only provide Form 5000.

After filling in Boxes I, II, III and VII, send the form to the tax office to which you report in your home country (or, where applicable, the US financial institution) for certification purposes (Box IV). This tax office will keep one foreign-language copy of Form 5000 and give you back the two other copies after having certified them. Keep the second foreign-language copy for your records. Send the French-language copy before the dividend payment date to the institution in France or abroad that manages your account. If you have accounts with more than one institution, you will need a Form 5000 for each institution. Where applicable, you can provide a copy of the affidavit of residence issued by your home-country authorities.

Box IV certification remains the principle. However, if a paper or electronic certificate of residence is issued, you can dispense with filling in this Box IV. Form 5000 will then simply have to be accompanied by this paper or electronic certificate.

NB: Remember to keep a copy of the French-language affidavit for your future use.

- If you are reclaiming withholding tax or if you want to take advantage of tax treaty provisions, you must enclose Appendix 5001 (dividends) or Appendix 5002 (interest) or Appendix 5003 (royalties) along with Form 5000.

After filling in Boxes I, II, III and VII, send Form 5000, together with Appendices 5001, 5002 or 5003, to the tax office to which you report in your home country (or, where applicable, the US financial institution) for certification purposes. This tax office will keep one foreign-language copy of the Form 5000 and the appendix forms and will give you back the other two copies after having certified them. Keep the foreign-language copy for your records.

Box IV certification remains the principle. However, if a paper or electronic certificate of residence is issued, you can dispense with filling in this Box IV. Form 5000 and Appendices 5001, 5002 or 5003 must then simply be accompanied by this paper or electronic certificate.

Send the French-language copy of Form 5000, along with Appendices 5001, 5002 or 5003 in French to the French or foreign paying institution that pays your income. If you have accounts with more than one institution, you will need a Form 5000 for each institution and type of income. Where applicable, you can provide a copy of the affidavit of residence issued by your home-country authorities.

NB: Please remember to sign all copies of the forms in the box provided and to make a copy of the French-language affidavit for your future use.

5- Deadline for claims

Unless otherwise stipulated in the tax treaty, French law stipulates that, in order to be valid, claims must be received by the French administration by 31 December of the second year following the year in which the income was paid.

GUIDANCE FOR THE PAYING INSTITUTION

6- Filing treaty forms for dividends, interests and royalties with the administration.

The treaty forms used to claim a treaty rate for withholding tax or repayment of withholding tax must be kept available for the administration as documentary proof to support your return 2777 or 2494.

The French administration may request any document attesting to the fact that the recipient of the income is subject to taxation owing to their status or activity, in their country of residence, without being exempted, when this condition is required to benefit from the advantages provided by a treaty. It may also request any document providing proof of a minimum holding period of an interest in a company as provided for by a tax treaty and the conditions of such holding. The effective tax treaties can be consulted on the impots.gouv.fr website.

7- Direct application of treaty rates for withholding tax on dividends, interest and royalties:

Regarding dividends, if Form 5000 reaches you or the account keeping institution before the dividend payment date and if you meet the stipulations of the Official Public Finances Bulletin (BOI-INT-DG-20-20-20-20), you may pay the dividends and withhold the tax at the rate stipulated in the applicable treaty, except for Singapore. The same rule applies to interest and royalties if Form 5000 and Appendix 5002 or 5003 are filed before the payments are made.

If you are using the simplified procedure for dividends, you are not required to fill in Box V on Form 5000. The only requirements are information about the beneficiary (Boxes I, II, III and VII) and certification by the foreign tax authorities or the US financial institution (Boxes IV or VI).

8- Repayment of withholding tax:

If the recipient does not provide the necessary forms in time, the paying institution shall make the payments and withhold the tax at the rates stipulated in domestic legislation. In this case, the benefits of the treaty are granted:

- *either by means of tax repayments from the paying institution (in the case of interest and dividends only).*

In this case, you are entitled to reclaim the amount paid by deducting an equivalent amount from the payments that you are called on to make to the business tax department to which you report in respect of withholding tax on dividends or withholding tax on interest. The treaty forms on the basis of which you have refunded tax withheld at source must be kept available for the administration as supporting documents for your return 2777.

- *or by means of a tax repayment from the administration.*

If the paying institution is not able to repay withholding tax on dividends and interest, or if tax is deducted from royalties, then the tax authorities will make a repayment directly to the recipient of the income or to the recipient's duly designated representative.

It is recalled that, for dividends and interest, requests for reimbursement must be filed with the Pôle de Restitutions des retenues à la source (PRRAS) – RCM, 10, rue du Centre, TSA 30012, 93160 Noisy-le-Grand Cedex and, for royalties, with the Pôle de Restitutions des retenues à la source – TSBNC, 10, rue du Centre, TSA 60024, 93465 Noisy-le-Grand Cedex, independently of the business tax department to which the withholding tax was originally paid.

In this case, the treaty forms and any document attesting to the fact that the recipient of the income is subject to taxation owing to their status or activity, in their country of residence, without being exempted, when this condition is required to benefit from the advantages provided by a treaty must be sent to the administration. When a tax treaty provides for a minimum holding period of an interest in a company and the conditions of such holding, any document providing proof of this period and the conditions of such holding must also be sent to the administration.

NOTES

① You must indicate the types of income received. A Form 5000 for each category of income (dividends, interest and royalties) and each paying institution must be sent or kept available for the administration accordingly. Where appropriate, you can file a copy of Form 5000 that you have already sent to another paying institution in respect of the same calendar year.

② **Dividends:** the simplified procedure provided for in BOI-INT-DG-20-20-20 enables you to benefit from the lower withholding tax rate stipulated in the applicable treaty as from the payment date (except for Singapore). In order for you to claim the lower tax rate, your bank or the French institution paying the dividends must receive Form 5000 before the income is paid. If not, you must complete Appendix 5001, in addition to Form 5000, in order to reclaim the withholding tax.

Interest and royalties: In all cases, attach Appendix 5002 or 5003, along with Form 5000.

③ If you are a resident of the United States, you need to provide your social security number or your employer number.

④ Indicate the name of the country of residence.

Certain tax treaties with France do not specify the condition of tax liability to determine the residence of an individual or legal entity under the treaty. In these situations, it is not necessary to check that pension funds, companies and investment funds are indeed liable for tax in the country in which they are established.

As at 1 January 2022, this is true for treaties between France and Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, the Central African Republic, Ivory Coast, Kuwait, Malaysia, Malawi, Mali, Mauritania, Morocco, Niger, Qatar, Senegal, South Africa, Togo, United Arab Emirates and Zambia.

In addition, non-profit organisations in the United States that are covered by section 501(c) (3) of the Internal Revenue Code (IRC) are considered to be residents under the terms of the tax treaty between France and the US. Some non-profit organisations in Switzerland may also be considered to be residents as agreed upon between the two parties. In these cases, it is not necessary to check that these organisations are indeed liable for tax in the country in which they are established.

NB: Please check the applicable conditions with respect to the treaty that concerns you.

⑤ Only tax treaties between France and Austria, Canada, Chile, Germany, Japan, Quebec, Switzerland and the United Kingdom due to a specific measure having to do with pension funds, do not require that these entities are indeed liable for tax in the country in which they are established.

In the United States, only pension funds covered by sections 401(a), 401(b), 403(b) and 457 of the Internal Revenue Code (IRC) are eligible for the reduced treaty rate.

Furthermore, pension funds based in the Netherlands are also eligible for the lower 15% withholding tax rate.

Lastly, the treaty provisions with regard to Canadian pension funds are set out in BOI-INT-CAN-20-20150812 (paragraphs 30 to 80).

⑥ Tax treaties between France and Andorra, Austria, Canada, China, Germany, Israel, Japan, Luxembourg, Namibia, the Netherlands, Panama, Quebec, Saint-Martin, South Africa, Spain, Sweden, Switzerland, Taiwan, Trinidad and Tobago, Ukraine, the United Kingdom, the United States and Uzbekistan grant tax advantages to undertakings for collective investment in transferable securities (UCITS), investment funds or firms. In these cases, it is not necessary to check that the UCITS, investment funds or firms are indeed liable for tax in the country in which they are established.

The collective entitlement of such UCITS, investment funds or firms to treaty benefits is limited in principle to the proportion of their unitholders and shareholders who are residents of their home country. This data, as well as data pertaining to the number of unitholders and shareholders, is determined at the fund's last financial year-end and must be entered in Box VII.

For investment funds or firms in the US and in Trinidad and Tobago covered by treaties with France, treaty tax benefits are granted for all earned income of French origin, subject to certain conditions set out in the treaty. Box VII of Form 5000-EN should not be filled in.

For Canadian UCITS, the rules for applying the treaty are set out in BOI-INT-CAN-20-20150812 (paragraphs 90 to 140).

For German UCITS that have an administrative authorisation, even though it is no longer mandatory, you may continue to include the authorisation numbers and dates in Box VII.

Note: Please check the applicable conditions with respect to the treaty that concerns you.

⑦ For United States residents only: if your account is managed by a US financial institution, the affidavit issued by this institution relieves you of the obligation to have Form 5000 certified by your tax authorities.

⑧ If you need more room for the table you may attach a separate sheet using the same format.

⑨ Swiss residents that meet the conditions of the agreement signed on 26 October 2004 between the European Union and Switzerland are entitled to the same benefits in terms of interest and royalties as are residents of European Union Member States.

⑩ Pursuant to the provisions of Article 119 bis(2) of the French General Tax Code, the withholding tax rate for French-source income paid out to non-residents is set by Article 187 of said code.

In principle, this rate is:

- 15% for dividends paid to certain European non-profit organisations
- 12.8% for dividends paid to individuals
- that provided for in Article 219(I) of the French General Tax Code for dividends paid to legal entities