



**EURONEXT SECURITIES**

# **FISCAL GUIDE**

**GERMANY**

MARCH 2023

**/ MILAN**

# TABLE OF CONTENTS

- 1 GERMAN MARKET..... 3**
- 1.1 Securities ..... 4**
- Important note:..... 5**
- 1.2 Standard Refund procedure (for Bonds)..... 5**
  - 1.2.1 Eligibility criteria ..... 5
  - 1.2.2 Documentation requirements..... 6
  - 1.2.3 Deadline for receipt of documentation..... 9
- 1.3 Standard Refund procedure (for Equity)..... 9**
  - 1.3.1 Eligibility criteria ..... 9
  - 1.3.2 Documentation requirements..... 9
  - 1.3.3 Deadline for receipt of documentation.....12

# GERMAN MARKET



## 1.1 Securities

Below you find the types of securities involved and the procedure/s in place.

Securities	Relief at source	Quick refund	Standard refund
<b>Bonds</b>	Not available	Not available	Available
<b>Equities</b>	Not available	Not available	Available

### Bonds

Securities	Procedure	Eligible subjects	Required documents	Deadline	Appendix
Bonds	Standard Refund	Residents in DTA country	Letter of request (DE – ES-MIL552)	3 months before the Tax Authorities' deadline which is 4 years after the end of the year in which the interest was paid*	Appendix 1
			Claim for refund form (generic, as dedicated country forms are available on the German Tax Authority website)		Appendix 2
			Power of attorney (if necessary)		-
			Credit advice		Appendix 3

## Equities

Securities	Procedure	Eligible subjects	Required documents	Deadline	Appendix
Equities	Standard Refund	Residents in DTA country	Letter of request (DE – ES-MIL552)	3 months before the Tax Authorities' deadline which is 4 years after the end of the year in which the interest was paid*	Appendix 1
			Claim for refund form (generic, as dedicated country forms are available on the German Tax Authority website)		Appendix 2
			Power of attorney (if necessary)		-
			Credit advice		Appendix 3
			German Questionnaire (only if the BO is an investment fund)		Appendix 4

**Important note:**

The new guidelines for the collection of paper documentation supporting each individual tax reclaim are as follows:

- it is no longer a requirement that the tax reclaim form be printed on both sides
- no corrections or changes must be made to the printed forms.
- the use of correcting fluid is prohibited.

Euronext Securities Milan accepts no liability in the event that applications are rejected by the German Tax Authority due to non-compliance with the guidelines indicated above.

## 1.2 Standard Refund procedure (for Bonds)

### 1.2.1 Eligibility criteria

Standard Refund is applicable to clients holding German bonds on behalf of final BOs who are a resident in a country with a DTA in place with Germany (see the relevant appendix).

Residents of Germany cannot reclaim withholding tax.

Interest on most debt securities held in Clearstream Banking is not subject to German withholding tax and is systematically paid gross with no action required of the customer or beneficial owner to obtain exemption.

There is an effective withholding tax rate of 26.375% on interest from the following corporate debt securities, depending on their character in each case:

- Convertible bonds (Wandelschuldverschreibungen);
- Jouissance shares: profit participating rights that do not entitle the owner to liquidation proceeds (Genußscheine ohne Anteil an Liquidationserlös);
- Bonds conveying an interest in profits of the issuer (Gewinnobligationen).

This effective rate comprises a standard rate of 25% plus a solidarity surcharge (Solidaritätszuschlag) of 5.5% of the standard rate.

The distinction between taxable and non taxable bonds is below reported:

Debt securities not subject to withholding tax:

- Government debt securities (including coupon strips and principal strips of strippable government bonds);
- Agency bonds;
- Foreign bonds;
- Communal bonds;
- Convertible bonds (Wandelschuldverschreibungen);
- Jouissance shares: profit participating rights that do not entitle the owner to liquidation proceeds (Genußscheine ohne Anteil an Liquidationserlös);
- Bonds conveying an interest in profits of the issuer (Gewinnobligationen).

Debt securities subject to an effective rate of withholding tax of 26.375%, depending in each case:

- Convertible bonds (Wandelschuldverschreibungen);
- Jouissance shares: profit participating rights that do not entitle the owner to liquidation proceeds (Genußscheine ohne Anteil an Liquidationserlös);
- Bonds conveying an interest in profits of the issuer (Gewinnobligationen).

## 1.2.2 Documentation requirements

Beneficial owners can reclaim withholding tax on interest from German debt securities using the standard refund procedure as follows:

Eligible beneficial owners	Effective rate of tax after refund (a)	Tax refund available (a)
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Residents of Double Taxation Treaty (DTT) countries	Tax treaty rate or 26.375%, whichever is lower	26.375% minus tax treaty rate (b)
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(a) Expressed as a percentage of the gross interest amount.

(b) Amount of relief will be 0% if the DTT rate exceeds 26.375%.

### Important note:

From 2012, a tax voucher is required for a tax reclaim with the Federal Central Tax Office (BZSt). ES-MIL will provide to ask for it, as Clearstream Banking customer.

In order to apply for standard refund of withholding tax, the following documents must be submitted to Clearstream Banking by the prescribed deadlines:

To apply for a Standard Refund, the client must send us the following documents:

- **Claim for Refund of German Withholding Taxes** on Dividends and/or Interest;
- **Power of Attorney**;
- **Credit Advice** (for convertible bonds, certificates and profit participating certificates up to 31 December 2012 and for dividend and fund distributions (including those for growth funds or accumulation funds) up to 31 December 2011. Moreover must be printed in letterhead, stamped and signed by authorized personnel;
- **Letter of Request** for Reclaim of German Withholding Tax;
- **IRS form 6166** (only for US residents)

#### 1.2.2.1 CLAIM FOR REFUND FORM

For countries where no specific prescribed form is available, the German Tax Authorities (GTA) provide a generic withholding tax refund form in English, French and German.

Specific prescribed forms are available, from the website of the GTA's Tax Information Centre

#### **BZSt - Homepage - Antrag auf Erstattung**

[http://www.formulare-bfinv.de/ffw/action/invoke.do?id=010005\\_de\\_en](http://www.formulare-bfinv.de/ffw/action/invoke.do?id=010005_de_en)

for the following countries:

- Residents of Switzerland - R-D1 (individual persons) or R-D2 (legal persons or partnerships);
- Residents of the U.S.A. - E-USA;
- Residents of the UK/NIRL – form UK/NIRL
- All except residents in UK or US – form E-English
- U.S. pension funds - Pensiofonds (additional declaration).

In the opened page you can find below a further link on which is stated "Antrag auf Erstattung". Then you click on "Akzeptieren" and finally you can find the form to be completed. Note that in the upper right corner you can choose to complete the form in German or in English.

Two copies (or three, depending on the country of residence) must be completed. One copy is retained by the beneficial owner and the remaining copies must be filed with the beneficial owner's tax authority for certification. The tax authority retains one (or two) copies and returns the remaining copy to the beneficial owner, which must be forwarded to Clearstream Banking by ES-MIL. (The copy to be sent to the ES-MIL's Fiscal Services team is the one on which is written "Issuing for the Federal Central Tax Office, 53221 Bonn").

#### **Important note:**

So that the GTA can remit the refundable amounts to Clearstream Banking as our custodian, the following data must be entered under point IV of the form:

- Recipient's name/first name // Name/Vorname des Überweisungsempfängers: Clearstream Banking AG, Frankfurt
- Place of residence // Postleitzahl -Sitz, Wohnsitz: 65760 Eschborn, Germany
- Address // Strasse, Hausnummer: Mergenthalerallee 61
- Bank (Name and Address, EU: BIC, IBAN) // Bank (Name und Anschrift, EU: BIC, IBAN): DE44500700100938225000
- Account no. / Kontonummer: 9382250
- Bank code no./ BIC-Code // Bankleitzahl/ BIC-Code: DEUTDEFF

The GTA provide, on their website, detailed instructions for completion of the forms.

#### **1.2.2.2 POWER OF ATTORNEY**

If the customer or a third party is completing the form on behalf of the beneficial owner, a Power of Attorney must be provided.

#### **1.2.2.3 CREDIT ADVICE**

It is used to Identify interest payment details including the security type, gross amount of payment, date of payment and amount of tax withheld. The credit advice must reconcile with the information in the Claim for Refund of German Withholding Taxes on Dividends

and/or Interest; moreover must be printed in letterhead, stamped and signed by authorized personnel.

#### 1.2.2.4 LETTER OF REQUEST

It is the form to request ES-MIL to process the application of refund.

#### 1.2.2.5 IRS FORM 6166 (ONLY FOR US RESIDENTS)

For residents of the U.S.A. an IRS Form 6166 must be included with the reclaim request, as proof that the applicant has filed a US income tax return to the IRS.

### 1.2.3 Deadline for receipt of documentation

To be effective, our team must receive your documentation **as soon as possible after the payment date, and no later than 3 months before the tax authorities' deadline**, which is 4 years after the end of the year in which the interest was paid.

## 1.3 Standard Refund procedure (for Equity)

### 1.3.1 Eligibility criteria

A standard refund is available if the beneficial owner qualifies for the benefit of a reduced rate of withholding tax in accordance with a Double Taxation Treaty (DTT) between its country of residence and Germany.

Residents of Germany cannot reclaim withholding tax.

For a list of DTA countries, consult the **DTA table - Debt securities**.

### 1.3.2 Documentation requirements

Beneficial owners can reclaim withholding tax on dividends from German equities using the standard refund procedure as follows:

Eligible beneficial owners	Effective rate of tax after refund (a)	Tax refund available (a)
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Residents of Double Taxation Treaty (DTT) countries

Tax treaty rate or 26.375%, whichever is lower

26.375% minus tax treaty rate (b)

- (a) Expressed as a percentage of the gross dividend amount.  
 (b) Amount of relief will be 0% if the DTT rate exceeds 26.375%.

To apply for a standard refund the following documentation is required:

- **Claim for Refund of German Withholding Taxes** on Dividends and/or Interest;
- **German Questionnaire** (only when the BO is an investment fund)
- **Power of Attorney**;
- **Credit Advice** (for convertible bonds, certificates and profit participating certificates up to 31 December 2012 and for dividend and fund distributions (including those for growth funds or accumulation funds) up to 31 December 2011);
- **Letter of Request** for Reclaim of German Withholding Tax;
- **IRS form 6166** (only for US residents)

### 1.3.2.1 CLAIM FOR REFUND FORM

For countries where no specific prescribed form is available, the German Tax Authorities (GTA) provide a generic withholding tax refund form in English, French and German.

Specific prescribed forms are available, from the website of the GTA's Tax Information Centre:

BZSt - Homepage - Antrag auf Erstattung

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for the following countries:

- Residents of Switzerland - R-D1 (individual persons) or R-D2 (legal persons or partnerships);
- Residents of the U.S.A. - E-USA;
- Residents of the UK/NIRL – form UK/NIRL
- All except residents in UK or US – form E-English
- U.S. pension funds - Pensiofonds (additional declaration).

Two copies (or three, depending on the country of residence) must be completed. One copy is retained by the beneficial owner and the remaining copies must be filed with the beneficial owner's tax authority for certification. The tax authority retains one (or two)

copies and returns the remaining copy to the beneficial owner, which must be forwarded to Clearstream Banking by ES-MIL.

**Important note:**

So that the GTA can remit the refundable amounts to Clearstream Banking as our custodian, the following data must be entered under point IV of the form:

- Recipient's name/first name // Name/Vorname des Überweisungsempfängers: Clearstream Banking AG, Frankfurt
- Place of residence // Postleitzahl -Sitz, Wohnsitz: 65760 Eschborn, Germany
- Address // Strasse, Hausnummer: Mergenthalerallee 61
- Bank (Name and Address, EU: BIC, IBAN) // Bank (Name und Anschrift, EU: BIC, IBAN): DE44500700100938225000
- Account no. / Kontonummer: 9382250
- Bank code no./ BIC-Code // Bankleitzahl/ BIC-Code: DEUTDEFF

The GTA provide, on their website, detailed instructions for completion of the forms.

**1.3.2.2 NEW GERMAN QUESTIONNAIRE / VERSION 2011 FRAGEBOGEN FONDS**

This Questionnaire is an additional tax reclaim requirement to prevent unjustified reclaims of withholding tax on dividends from shares acquired over the dividend ex-date.

The German Tax Authorities expect to receive the German version of the questionnaire. The English translation is provided for information purposes only.

Please be informed that the form must be completed in every part, with no missing part and no erasures. **The right date to complete the last page (Section IX) of the form with is the Issuer's payment date** (and not the ES-MIL's payment date, which sometimes can diverge).

**1.3.2.3 POWER OF ATTORNEY**

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**1.3.2.4 CREDIT ADVICE**

It is used to Identify interest payment details including the security type, gross amount of payment, date of payment (Issuer's payment date) and amount of tax withheld. The credit advice must reconcile with the information in the Claim for Refund of German Withholding Taxes on Dividends and/or Interest. Moreover must be printed in letterhead, stamped and signed by authorized personnel.

**1.3.2.5 LETTER OF REQUEST**

It is the form to request ES-MIL to process the application of refund.

### 1.3.2.6 IRS FORM 6166 (ONLY FOR US RESIDENTS)

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### 1.3.3 Deadline for receipt of documentation

To be effective, our team must receive your documentation **as soon as possible after the payment date, and no later than 3 months before the tax authorities' deadline**, which is 4 years after the end of the year in which the interest was paid.

#### **Important note:**

If you request to process a Reclaim after the deadline possible extra costs will be applied based on fee schedule.



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