

## **FORM 210 GUIDANCE NOTES**

The information below refers to the status of the Spanish tax authority's website as at October 2015.

These notes should be read in conjunction with the notes on receiving dividends or disposals of IAG shares.

### **WHERE CAN I FIND A FORM 210?**

The easiest and quickest way to obtain a blank Form 210 is by accessing it via the internet. A Form 210 can be accessed on the Spanish tax authority's website at [www.aeat.es](http://www.aeat.es). To access the English version of the website click on "English" at the top right hand side. Then click on "Forms" and then "Non-resident Income Tax," then scroll down to "Form 210. IRNR. Non-resident income tax. Non-residents who are not permanently established. Ordinary declaration" and then click on "Form 210 for filing (preliminary tax return)".

Each copy of the Form 210 has a unique barcode and therefore the shareholder must complete the Form 210 online. If you are not able to access a Form 210 from the internet, you should consult a Spanish tax representative.

### **CAN I FILL IN THE FORM 210 IN ENGLISH?**

Yes. The Form 210's are available both in Spanish and English.

### **ARE THERE ANY OFFICIAL GUIDANCE NOTES ON HOW TO COMPLETE THE FORM 210?**

Yes, the official instructions (in English) can be found on the Spanish tax authority's website at [www.aeat.es](http://www.aeat.es) by clicking on "Forms", then "Non-resident Income Tax" and scrolling down to "Form 210. IRNR. Non-resident income tax. Non-residents who are not permanently established. Ordinary declaration", clicking on "General Information" and finally clicking on "Instructions".

### **HOW DO I SUBMIT THE FORM 210?**

There are two ways of submitting the Form 210. Either online or manually. In both cases, however, it is necessary to fill in a Form 210 online.

#### **Submitting the form online**

Please note that to submit the Form 210 online you must have a special electronic certificate. A Qualifying Shareholder wishing to obtain such a certificate will have to register with the Spanish tax authority. As this registration process is complex, it may well be easier to submit the Form 210 manually.

Qualifying shareholders are shareholders: (i) who are resident in the United Kingdom for the purposes of United Kingdom tax law and the double taxation treaty ratified between the United Kingdom and Spain (the "**UK-Spain Treaty**"), (ii) are entitled to the benefits of the UK-Spain Treaty or Spanish domestic tax law; (iii) are the absolute beneficial owners of their IAG shares; and (iv) who do not carry on business through a permanent establishment in Spain with which their holding of IAG shares is effectively connected (each, a "**Qualifying Shareholder**").

A Qualifying Shareholder may fill in and submit the Form 210 online by clicking on "*Filing of tax returns*". In this case, a Qualifying Shareholder will need to fill in the following parts of the page:

- (i) "*Person performing the self-assessment*",
- (ii) "*Accrual*",
- (iii) "*Income obtained*",
- (iv) "*Taxpayer*",
- (v) "*Address in the country of residence*",
- (vi) "*Taxpayer's representative*",
- (vii) "*Determination of the taxable base amount*" and
- (viii) "*Choose type of tax return*".

Once the form has been completed, the Qualifying Shareholder should click on "*Sign and send*".

#### **Submitting the form manually**

Alternatively, a Qualifying Shareholder may fill in the form online and ask their tax representative manually to submit the form to the Spanish tax authority. The form can be obtained by clicking on "*Form 210 for filing (preliminary tax return)*". In this case, a Qualifying Shareholder will need to fill in the following parts of the page:

- (i) "*Person performing the self-assessment*",
- (ii) "*Accrual*",
- (iii) "*Income obtained*",
- (iv) "*Taxpayer*",
- (v) "*Address in the country of residence*",
- (vi) "*Taxpayer's representative*",
- (vii) "*Determination of the taxable base amount*" and
- (viii) "*Choose type of tax return*".

Once the form has been completed, the Qualifying Shareholder should click on "*Validate and generate PDF*" and then print it off.

#### **WHO CAN SIGN A FORM 210?**

The person who signs the Form 210 can be either the Qualifying Shareholder or certain other persons including the Qualifying Shareholder's Spanish tax representative. It does not matter who fills in and signs the Form 210 and in practice this will depend on what the Qualifying Shareholder has agreed with their Spanish tax representative.

## WHAT DOCUMENTS DO I NEED TO FILE WITH THE FORM 210?

In order for a Qualifying Shareholder to benefit from (i) the exemption from Spanish tax in relation to the gain on transfer of shares, or (iii) an ability to claim a refund of withheld tax, the Form 210 must be accompanied by a certificate of UK tax residence obtained from HMRC stating that, to the best of HMRC's knowledge, the Qualifying Shareholder was resident in the UK when the disposal took place or the dividends were received.

Where a Qualifying Shareholder has appointed a Spanish tax representative to submit the form, such Spanish tax representative should attach to the completed form a copy of the power of attorney.

In addition, a Qualifying Shareholder seeking a refund of withholding tax should attach to the Form 210, in addition to the certificate of UK tax residence mentioned above, a document evidencing that tax has been effectively withheld on the dividend payment and a document evidencing and identifying the ownership of the bank account to which the refund is to be made. A recent bank statement will normally suffice.

A Qualifying shareholder may need to contact the custodian their shares are held through to ask what documentation they could be provided with in order to evidence that tax has been effectively withheld e.g. a tax voucher. Please be aware that it cannot be guaranteed that such evidence will be accepted by the Spanish tax authorities.

There are two ways of attaching these documents depending on how the form is submitted.

### Submitting the form online

Where the Form 210 is submitted online, the following steps are required:

- go to [www.aeat.com](http://www.aeat.com) and click on "Forms",
- then click on "Non-resident Income Tax",
- go to "Form 210. IRNR. Non-resident income tax. Non-residents who are not permanently established. Ordinary declaration" and then click on "Provide supplementary documentation";
- complete the following:
  - (i) in "Expediente/Referencia" write the number of reference of the Form 210 submitted;
  - (ii) in "Asunto" write "aportación de documentación complementaria modelo 210"
  - (iii) in "Tipo de presentación" select "En nombre propio" if the person filing the tax form is the taxpayer or select "En representación de terceros" if the person filing the tax form is a Spanish tax representative;
  - (iv) In "Documentación que se anexa", fill in:
    - "Tipo de documento": select number 205 if attaching a certificate of UK tax residence, and/or a document evidencing that tax has been withheld on a dividend payment, and/or a document evidencing, and identifying the ownership of, the bank account to which the refund is to be made and select 227 if attaching a power of attorney
    - "Descripción": write "certificado de residencia" if attaching a certificate of UK tax residence, "certificado de retenciones" if attaching a document evidencing that tax has

been effectively withheld on a dividend payment, "*certificado de titularidad bancaria*" if attaching a document evidencing, and identifying the ownership, of the bank account to which the refund is to be made and write "*poderes de representación*" if also attaching a power of attorney; and

- click on "*Añadir fichero*" and then click on "*Browse*" and select the relevant document. Then click on "*enviar consulta*" and finally, to send the attached documents, click on "*Presentar*".

### **Submitting the form manually**

When the Form 210 is not submitted online but manually through a Spanish tax representative, the documents should be filed in an envelope together with the tax form and submitted to the offices of the Spanish Tax Administration by said Spanish tax representative.

The form should be accompanied by the following documents:

- a certificate of UK tax residence issued by HMRC;
- evidence that the Spanish income tax was effectively withheld in respect of the individual shareholder, e.g. a tax voucher; and
- details of the bank account the refund is to be paid to.

### **HOW DO I OBTAIN A CERTIFICATE OF UK TAX RESIDENCE?**

A Qualifying Shareholder who is an individual can request an appropriate certificate of UK tax residence from HMRC by submitting the electronic form that can be found at the following link: [https://online.hmrc.gov.uk/shortforms/form/PT\\_CertOfRes](https://online.hmrc.gov.uk/shortforms/form/PT_CertOfRes).

A Qualifying Shareholder who is in any doubt as to their tax residence should seek appropriate professional advice.

### **WHAT DO I DO IF I HOLD MY SHARES JOINTLY WITH SOMEONE ELSE?**

Where IAG shares are held in joint names, each shareholder should fill in a Form 210 in respect of their fractional interest in the shares.

### **WHAT DO I DO IF I HOLD IAG SHARES ON TRUST OR AS PARTNERSHIP PROPERTY?**

Trustees or a partnership selling a holding of IAG shares should seek appropriate professional advice.