

26 CFR 601.201: Rulings and determination letters  
(Also Part 1, §§ 6049; 1.6049-4, 1.6049-8)

## Implementation of Nonresident Alien Deposit Interest Regulations

Rev. Proc. 2018-36

### SECTION 1. PURPOSE

This revenue procedure provides a current list of the jurisdictions with respect to which the reporting requirement of §§ 1.6049-4(b)(5) and 1.6049-8(a) of the Income Tax Regulations applies, effective for interest paid on or after January 1, 2019.

This revenue procedure also provides a current list of the jurisdictions with which the Department of the Treasury (Treasury Department) and the Internal Revenue Service (IRS) have determined that it is appropriate to have an automatic exchange relationship with respect to the information collected under §§ 1.6049-4(b)(5) and 1.6049-8(a).

### SECTION 2. BACKGROUND

Sections 1.6049-4(b)(5) and 1.6049-8(a), as revised by TD 9584, 2012-20 I.R.B. 900, require the reporting of certain deposit interest paid to nonresident alien individuals

on or after January 1, 2013. Section 1.6049-4(b)(5) provides that in the case of interest aggregating \$10 or more paid to a nonresident alien individual (as defined in section 7701(b)(1)(B)) that is reportable under § 1.6049-8(a), the payor is required to make an information return on Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding, for the calendar year in which the interest is paid. Interest that is reportable under § 1.6049-8(a) is interest described in section 871(i)(2)(A) that relates to a deposit maintained at an office within the United States and that is paid to a resident of a jurisdiction that is identified, in an applicable revenue procedure (see § 601.601(d)(2)) as of December 31 prior to the calendar year in which the interest is paid, as a jurisdiction with which the United States has in effect an income tax or other convention or bilateral agreement relating to the exchange of tax information within the meaning of section 6103(k)(4), under which the competent authority is the Secretary of the Treasury or his delegate and the United States agrees to provide, as well as receive, information. The preamble to the regulations noted that the IRS is not required to exchange information with another jurisdiction, even if an information exchange agreement is in effect, if there are concerns about confidentiality, safeguarding of data exchanged, the use of the information, or other factors that would make the exchange of information inappropriate.

Rev. Proc. 2012-24, 2012-20 I.R.B. 913, was published contemporaneously with the publication of TD 9584 to provide a list of those jurisdictions with which the United States has in force an information exchange agreement, such that interest paid to residents of such jurisdictions must be reported by payors to the extent required under §§ 1.6049-

4(b)(5) and 1.6049-8(a), and to provide a separate list identifying those jurisdictions with which the automatic exchange of the information collected under the regulations has been determined by the Treasury Department and the IRS to be appropriate. Rev. Proc. 2012-24 was updated and superseded by Rev. Proc. 2014-64, 2014-53 I.R.B. 1022, and the lists of jurisdictions in Rev. Proc. 2014-64 were supplemented by Rev. Proc. 2015-50, 2015-42 I.R.B. 583; Rev. Proc. 2016-18, 2016-17 I.R.B. 635; Rev. Proc. 2016-56, 2016-52 I.R.B. 920; Rev. Proc. 2017-31, 2017-16 I.R.B. 1104; and Rev. Proc. 2017-46, 2017-43 I.R.B. 372.

This revenue procedure updates and restates the lists of jurisdictions in Rev. Proc. 2014-64 as supplemented, adding Argentina and Moldova as jurisdictions with which the United States has in force a relevant information exchange agreement, and adding Greece as a jurisdiction with which the relevant automatic exchange of information has been determined appropriate.

### SECTION 3. JURISDICTIONS OF RESIDENCE WITH RESPECT TO WHICH THE REPORTING REQUIREMENT APPLIES

The following are the jurisdictions with which the United States has in effect an income tax or other convention or bilateral agreement relating to the exchange of tax information within the meaning of section 6103(k)(4) pursuant to which the United States agrees to provide, as well as receive, information and under which the competent authority is the Secretary of the Treasury or his delegate:

- Antigua & Barbuda
- Argentina
- Aruba

Australia  
Austria  
Azerbaijan  
Bangladesh  
Barbados  
Belgium  
Bermuda  
Brazil  
British Virgin Islands  
Bulgaria  
Canada  
Cayman Islands  
China  
Colombia  
Costa Rica  
Croatia  
Curaçao  
Cyprus  
Czech Republic  
Denmark  
Dominica  
Dominican Republic  
Egypt  
Estonia  
Faroe Islands  
Finland  
France  
Germany  
Gibraltar  
Greece  
Greenland  
Grenada  
Guernsey  
Guyana  
Honduras  
Hong Kong  
Hungary  
Iceland  
India  
Indonesia  
Ireland  
Isle of Man  
Israel

Italy  
Jamaica  
Japan  
Jersey  
Kazakhstan  
Korea, Republic of  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Marshall Islands  
Mauritius  
Mexico  
Moldova  
Monaco  
Morocco  
Netherlands  
Netherlands special municipalities: Bonaire, Sint Eustatius, and Saba  
New Zealand  
Norway  
Pakistan  
Panama  
Peru  
Philippines  
Poland  
Portugal  
Romania  
Russian Federation  
Saint Lucia  
Sint Maarten  
Slovak Republic  
Slovenia  
South Africa  
Spain  
Sri Lanka  
Sweden  
Switzerland  
Thailand  
Trinidad and Tobago  
Tunisia  
Turkey  
Ukraine

United Kingdom  
Venezuela

SECTION 4. JURISDICTIONS WITH WHICH THE TREASURY DEPARTMENT AND  
THE IRS HAVE DETERMINED THAT AUTOMATIC EXCHANGE OF DEPOSIT  
INTEREST INFORMATION IS APPROPRIATE

The following list identifies the jurisdictions with which the automatic exchange of  
the information collected under §§ 1.6049-4(b)(5) and 1.6049-8 has been determined  
by the Treasury Department and the IRS to be appropriate:

Australia  
Azerbaijan  
Belgium  
Brazil  
Canada  
Colombia  
Croatia  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Gibraltar  
Greece  
Guernsey  
Hungary  
Iceland  
India  
Ireland  
Isle of Man  
Israel  
Italy  
Jamaica  
Jersey  
Korea, Republic of  
Latvia  
Liechtenstein

Lithuania  
Luxembourg  
Malta  
Mauritius  
Mexico  
Netherlands  
New Zealand  
Norway  
Panama  
Poland  
Portugal  
Saint Lucia  
Slovak Republic  
Slovenia  
South Africa  
Spain  
Sweden  
United Kingdom

#### SECTION 5. EFFECT ON OTHER DOCUMENTS

Rev. Procs. 2014-64, 2015-50, 2016-18, 2016-56, 2017-31, and 2017-46 are superseded with respect to interest paid on or after January 1, 2019.

#### SECTION 6. EFFECTIVE DATE

With respect to the jurisdictions newly listed in Section 3, this revenue procedure is effective for interest paid on or after January 1, 2019.

#### SECTION 7. DRAFTING INFORMATION

The principal author of this revenue procedure is Jackie Bennett Manasterli of the Office of Associate Chief Counsel (International). For further information regarding this revenue procedure, contact Ms. Manasterli at (202) 317-6941 (not a toll-free call).