

OMB No. 0608-0034: Approval Expires 02/29/2012

BEA Identification Number  $\longrightarrow$



**MANDATORY — CONFIDENTIAL**  
**2008 ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES**  
**CLAIM FOR EXEMPTION FROM FILING FORM BE-15A, BE-15B, OR BE-15(EZ)**

**DUE DATE: MAY 31, 2009**

**MAIL REPORTS TO:**

U.S. Department of Commerce  
 Bureau of Economic Analysis, BE-49(A)  
 Washington, DC 20230

**DELIVER REPORTS TO:**

U.S. Department of Commerce  
 Bureau of Economic Analysis, BE-49(A)  
 Shipping and Receiving Section, M100  
 1441 L Street, NW  
 Washington, DC 20005

**ELECTRONIC FILING:** [www.bea.gov/efile](http://www.bea.gov/efile)

**FAX REPORTS TO:** (202) 606-1905\*

\*See the **NOTE** at the bottom of this page if you plan to fax your report to BEA.

**ASSISTANCE:** Email: [be12/15@bea.gov](mailto:be12/15@bea.gov)  
 Telephone: (202) 606-5577  
 Copies of blank forms: [www.bea.gov/fdi](http://www.bea.gov/fdi)  
 Definitions of key terms: See page 4.

**A. Name and address of U.S. business enterprise** – If a label has been affixed, make any changes directly on the label. If a label has not been affixed, enter the BEA Identification Number of this U.S. affiliate, if available, in the box at the upper right hand corner of this page.

1002	Name of U.S. affiliate		
0			
1010	c/o (care of)		
0			
1003	Street or P.O. Box		
0			
1004	City	0998	State
0		0	0
1005	ZIP Code	OR	Foreign Postal Code
0		0	

**B. Enter Employer Identification Number(s) used by the U.S. business enterprise to file income and payroll taxes.**

	Primary	Other
1006	1 <input type="text"/>	2 <input type="text"/>

**RESPONSE REQUIRED**

Section 806.4 of 15 CFR, Chapter VIII, requires that all persons subject to the reporting requirements of the BE-15 Survey respond, whether or not they are contacted by BEA. It also requires that persons who are contacted by BEA about reporting in this survey, must respond in writing. They may respond by:

- filing the properly completed Form BE-15A, BE-15B, or BE-15(EZ) by May 31, 2009, as required;
- completing and returning the Form BE-15 Claim for Exemption From Filing Form BE-15A, BE-15B, or BE-15(EZ), by May 31, 2009;
- certifying in writing, by May 31, 2009 to the fact that the person had no direct investment within the purview of the reporting requirements of the BE-15 survey.

**WHICH SECTIONS TO COMPLETE?**

Complete items A and B above, and the Person to Consult Concerning Questions About This Report and the Certification at the bottom of this page. Also, please review the questions below to determine the additional information required.

**I** Were at least 10 percent of the voting rights in your business directly or indirectly owned by a foreign person or entity at the end of your fiscal year that ended in calendar year 2008?

- Yes – Continue with question II below. **Note: Your business is hereinafter referred to as a "U.S. affiliate."**
- No – Complete item 2(a) or (b) or (c) or (e) on page 3. If your business has been liquidated or dissolved, complete (a) or (b). Do not complete questions II, III or IV below.

**II** Were more than 50 percent of the voting rights in this U.S. affiliate owned by another U.S. affiliate, or was this U.S. affiliate merged into another U.S. affiliate at the end of this U.S. affiliate's fiscal year that ended in calendar year 2008?

- Yes – Yes continue with question III below.
- No – Skip to question IV below.

**III** Will the data for this U.S. affiliate be consolidated into the 2008 BE-15 report filed for the U.S. affiliate that owns it more than 50 percent, or be included on the 2008 BE-15 report filed for the U.S. affiliate into which it was merged?

- Yes – Complete item 2d(1) or 2d(2) on page 3.
- No – Contact BEA for guidance.

**IV** Did **any one** of the items – Total assets, Sales or gross operating revenues, or Net income (loss) – for the U.S. affiliate (not just the foreign parent's share) exceed \$40 million at the end of, or for, its fiscal year that ended in calendar year 2008?

- Yes – You are not eligible to file Form BE-15 Claim for Exemption and must file either a Form BE-15A, BE-15B, or BE-15(EZ). Copies of blank forms can be found at: [www.bea.gov/fdi](http://www.bea.gov/fdi)
- No – Complete items 1a through 1h on page 2. Do NOT complete page 3.

**MANDATORY CONFIDENTIALITY PENALTIES**  $\longrightarrow$

This survey is being conducted under the International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended). The filing of reports is mandatory and the Act provides that your report to this Bureau is confidential. Whoever fails to report may be subject to penalties. See page 4 for more details.

**PERSON TO CONSULT CONCERNING QUESTIONS ABOUT THIS REPORT — Enter name and address**

1000	Name					<b>CERTIFICATION</b> — The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that estimates may have been provided where data are not available from customary accounting records or precise data could not be obtained without undue burden.			
1029	Address								
1030									
1031						Authorized official's signature		Date	
1001	Telephone number	Area code	Number	Extension	0990	Print or type name	0991	Print or type title	
0					0		0		
0999	FAX number	Area code	Number		0992	Telephone number	0993	FAX number	
0					0		0		

**May FAX and/or email be used in correspondence between your enterprise and BEA, including FAX'ed reports, and/or to discuss questions relating to this survey that may contain confidential information about your company?**

**NOTE:** The internet and telephone systems are not secure means of transmitting confidential information unless it is encrypted. If you choose to communicate with BEA via FAX or electronic mail, BEA cannot guarantee the security of the information during transmission, but will treat information we receive as confidential in accordance with Section 5(c) of the International Investment and Trade in Services Survey Act.

1027	Email:	1	<input type="checkbox"/> Yes (If yes, please print your email address.)	$\longrightarrow$	Email address (Please print)
		1	<input type="checkbox"/> No		
1032	FAX:	1	<input type="checkbox"/> Yes	2	<input type="checkbox"/> No

**BASIS OF CLAIM FOR EXEMPTION**

**Select one type of exemption -- either based on Value (#1 below) or based on one of the reasons listed under Other Exemptions (#2 on page 3). Please check box corresponding to the type of exemption you are claiming.**

**1. Exemption based on Value (check box below)**

0100  1

**If item 1 is applicable, complete ALL items (1.a. through 1.h.) below.**

The U.S. business enterprise was a U.S. affiliate of a foreign person at the end of its fiscal year that ended in calendar year 2008, but is exempt from filing Form BE-15A, BE-15B, or BE-15(EZ) because, on a fully consolidated, or in the case of real estate investments, an aggregated basis, **none** of the following three items for the U.S. affiliate (not just the foreign parent's share) exceeded \$40 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2008:

- Total assets (do not net out liabilities);
- Sales or gross operating revenues, excluding sales taxes; and
- Net income (loss) for FY 2008, after provision for U.S. Federal, state, and local income taxes.

**Rounding** – Report currency amounts in U.S. dollars rounded to thousands (omitting 000). **Do not enter amounts in the shaded portions of each line.**

**Example** – If amount is \$1,334,891.00 report as: \_\_\_\_\_

Bil.	Mil.	Thous.	Dols.
	1	335	000

Amount			
Bil.	Mil.	Thous.	Dols.
1			
2109	\$		000
1			
2149			000
1			
2159			000
1			
2114	\$		000

3 **Please check box if total liabilities are zero.**

**a.** Total assets at the close of the fiscal year that ended in calendar year 2008 – Do not net out liabilities.

**b.** Sales or gross operating revenues for the fiscal year that ended in calendar year 2008, excluding sales taxes – Do not give gross margin.

**c.** Net income (loss) for the fiscal year that ended in calendar year 2008, after provision for U.S. Federal, state, and local income taxes.

**d.** Total liabilities at the close of the fiscal year that ended in calendar year 2008.

**e. Major product(s) or service(s) of the fully consolidated domestic U.S. affiliate** – Briefly describe the major product(s) and/or service(s) of the U.S. affiliate. If a product, also state what is done to it, i.e., whether it is mined, manufactured, sold at wholesale, transported, packaged, etc. (For example, "manufacture widgets.")

1163  0

**f. Industry code of the fully consolidated domestic U.S. affiliate** – Enter the 4-digit International Surveys Industry (ISI) code of the industry with the largest sales or gross operating revenues. For a full explanation of each code, see the *Guide to Industry Classifications for International Surveys, 2007*. A copy of this guide can be found on our web site at: [www.bea.gov/naics2007](http://www.bea.gov/naics2007)

ISI Code
1

**g. Please enter the country of the foreign parent in the box below.** The foreign parent is the FIRST person or entity outside the U.S. in a chain of ownership that has a 10 percent or more **voting** interest in this U.S. affiliate. See diagram below for an illustration of foreign parent.

Country of foreign parent

**BEA USE ONLY**

1

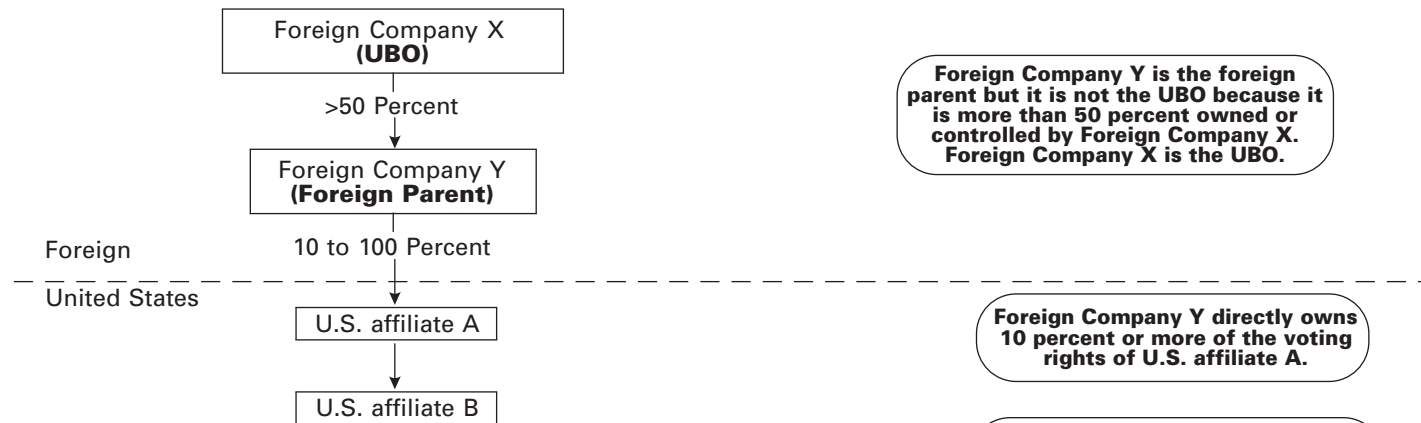
**h. Please enter the country of the ultimate beneficial owner (UBO) in the box below.** The UBO is that person or entity, proceeding up the ownership chain beginning with and including the foreign parent, that is not more than 50 percent owned or controlled by another person or entity. See diagram below for an illustration of UBO.

Country of UBO

**BEA USE ONLY**

1

**ILLUSTRATION OF FOREIGN PARENT AND ULTIMATE BENEFICIAL OWNER (UBO)**



**Foreign Company Y is the foreign parent but it is not the UBO because it is more than 50 percent owned or controlled by Foreign Company X. Foreign Company X is the UBO.**

**Foreign Company Y directly owns 10 percent or more of the voting rights of U.S. affiliate A.**

**U.S. affiliate B is indirectly owned by Foreign Company Y through U.S. affiliate A.**

**NOTE: Arrows connecting boxes represent direction of ownership. In the illustration above, if Foreign Company Y does not have at least a 10 percent indirect voting interest in U.S. affiliate B, then U.S. affiliate B is exempt from filing Form BE-15. In addition, if U.S. affiliate A owns more than 50 percent of U.S. affiliate B, then the data for U.S. affiliate B should be consolidated on the BE-15 report filed for U.S. affiliate A.**

Select one type of exemption either based on one of the reasons listed under **Other Exemptions (#2 below)** or based on **Value (#1 on page 2)**. Please check box corresponding to the type of exemption you are claiming.

This U.S. business enterprise is exempt from filing a Form BE-15A, BE-15B, or BE-15(EZ) because:

**2. Other Exemptions (check box below)**

(a) 0170 1  This U.S. business enterprise was a U.S. affiliate of a foreign person or entity at some time during calendar year 2008 but ceased to be a U.S. affiliate before the end of the fiscal year that ended in calendar year 2008.

Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.

7012	Month	Day	Year
1			

(b) 0110 1  This U.S. business enterprise was not a U.S. affiliate of a foreign person or entity at any time during calendar year 2008 but had been a U.S. affiliate of a foreign person at some time before January 1, 2008.

Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.

7010	Month	Day	Year
1			

(c) 0180 1  This U.S. business enterprise is a U.S. affiliate of a foreign person or entity, but became a U.S. affiliate after the end of its fiscal year that ended in calendar year 2008, or if a newly formed company, its first fiscal year did not or will not end until after the end of calendar year 2008. Complete items (1) and (2) below.

(1) Give date when the U.S. business enterprise became a U.S. affiliate of a foreign person.

7013	Month	Day	Year
1			

(2) Give the ending date of the U.S. business enterprise's fiscal year that ended in calendar year 2008. If a newly formed company give the ending date of the U.S. business enterprise's first fiscal year. NOTE: For a newly formed company this must be a date in calendar year 2009.

7014	Month	Day	Year
1			

(d) This U.S. business enterprise was a U.S. affiliate of a foreign person or entity during the fiscal year that ended in calendar year 2008 but was (please check appropriate box (1) or (2)):

(1) 0112 1  **Fully consolidated** into the 2008 BE-15 report filed for another U.S. affiliate; **OR** (2) 0112 2  **Merged** into another U.S. affiliate and its operations are included on the 2008 BE-15 report filed for the other U.S. affiliate.

On the lines below give the name, address, and BEA Identification Number of the U.S. affiliate into which this U.S. affiliate is fully consolidated or merged.

Name

0120 0

Street or P.O. Box

0130 0

City

0140 0

State

0141 0

ZIP Code

0150 0

BEA Identification Number of the U.S. affiliate into which this U.S. affiliate is fully consolidated or merged.

7011 0

(e) 0190 1  Other – Specify and include reference to section of regulations or instructions on which claim is based.

7015 0

Remarks

**Authority** – This survey is being conducted under the International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended), and the filing of reports is MANDATORY pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104). The implementing regulations are contained in Title 15, CFR, Part 806.

**Penalties** – Whoever fails to report may be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. The civil penalties are subject to inflationary adjustments. Those adjustments are found in 15 CFR 6.4. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both. (22 U.S.C. 3105)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. The control number for this survey is at the top of page 1 of this form.

**Respondent Burden** – Public reporting burden for this form is estimated to vary from 20 to 75 minutes per response with an average of 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0034, Washington, DC 20503.

**Confidentiality** – The Act provides that your report to this Bureau is CONFIDENTIAL and may be used only for analytical or statistical purposes. Without your prior written permission, the information filed in your report CANNOT be presented in a manner that allows it to be individually identified. Your report CANNOT be used for purposes of taxation, investigation, or regulation. Copies retained in your files are immune from legal process.

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## DEFINITIONS OF KEY TERMS

**Affiliate** means a business enterprise located in one country that is directly or indirectly owned or controlled by a person or entity of another country to the extent of 10 percent or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch.

**Direct investment** means the ownership or control, directly or indirectly, by one person or entity of 10 percent or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.

**U.S. affiliate** means an affiliate located in the United States in which a foreign person or entity has a direct investment.