

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

BE-15 Identification Number  $\longrightarrow$



**MANDATORY — CONFIDENTIAL**  
**2010 ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT**  
**IN THE UNITED STATES**  
**FORM BE-15(EZ)**

**DUE DATE: MAY 31, 2011**

**ELECTRONIC FILING:**

www.bea.gov/efile

**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

**FAX REPORTS TO:**

(202) 606-1905\*

**Name and address of U.S. business enterprise**

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

**FOR INFORMATION OR ASSISTANCE:**

**Email:** be12/15@bea.gov  
**Telephone:** (202) 606-5577  
**Copies of blank forms:** www.bea.gov/fdi  
**Please include your BE-15 Identification Number with all requests.**

**Who must file BE-15(EZ)** – Form BE-15(EZ) must be filed for a U.S. affiliate with total assets, sales or gross operating revenues, or net income greater than **\$40 million** (positive or negative) but not greater than **\$120 million** (positive or negative) if:

- (a) the affiliate has NOT filed a BE-12 or BE-15 for a fiscal year that ended BEFORE January 1, 2010; OR
- (b) the affiliate has been instructed in writing by BEA to file a BE-15 for the fiscal year that ended in calendar year 2010.

If you do not meet these filing criteria, see instruction I.A.1 on page 8 to determine which form to file.

**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 7 for more details.

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

**CERTIFICATION** — The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that, in accordance with instruction III.B. on page 9, estimates may have been provided.

1000 0	Name			Authorized official's signature		Date
1029 0	Address					
1030 0				0990 0		0991 0
1031 0				Print or type name		Print or type title
1001 0	Telephone number	Area code	Number	Extension	0992 0	0993 0
					Telephone number	FAX number

**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 e-mail address.)	$\longrightarrow$	Email address (Please print)
		2 <input type="checkbox"/> No		0
1032	FAX:	1 <input type="checkbox"/> Yes (If yes, please print your fax number.)	$\longrightarrow$	Fax number
		2 <input type="checkbox"/> No		1
				0999

## PART I – IDENTIFICATION OF U.S. AFFILIATE

### IMPORTANT

Please review the **Instructions** starting on page 7 before completing this form. **Insurance and real estate companies** see Special Instructions starting on page 11.

- **Accounting principles** – If feasible use U.S. Generally Accepted Accounting Principles to complete Form BE-15 unless you are requested to do otherwise by a specific instruction. References in the instructions to Financial Accounting Standards Board Accounting Standards Codification Topics are referred to as "FASB ASC."
- **U.S. affiliate's 2010 fiscal year** – The affiliate's financial reporting year that had an ending date in calendar year 2010.
- **Consolidated reporting** – A U.S. affiliate must file on a fully consolidated **domestic U.S.** basis, including in the consolidation ALL **U.S. affiliates** in which it directly or indirectly owns more than 50 percent of the outstanding voting interest. The consolidation rules are found in instruction IV.2. on page 10.
- **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

**1. Which financial reporting standards will be used to complete this BE-15 report?**

NOTE: Unless it is highly burdensome or not feasible, the BE-15 report should be completed using U.S. Generally Accepted Accounting Principles (U.S. GAAP).

- <sup>1399</sup> <sup>1</sup>  U.S. Generally Accepted Accounting Principles
- <sup>1</sup> <sup>2</sup>  International Financial Reporting Standards (as promulgated by, or adapted from, the International Accounting Standards Board)

**NOTE:** Do not prepare your BE-15 report using the proportionate consolidation method, except as noted in instruction IV.2.b. and c on page 10.

- <sup>1</sup> <sup>3</sup>  Other reporting standards—*Specify the reporting standards used.* ↘

**1a. If you use financial reporting standards other than U.S. GAAP, are you able to make adjustments to correct for any material differences between U.S. GAAP and the reporting standards used?**

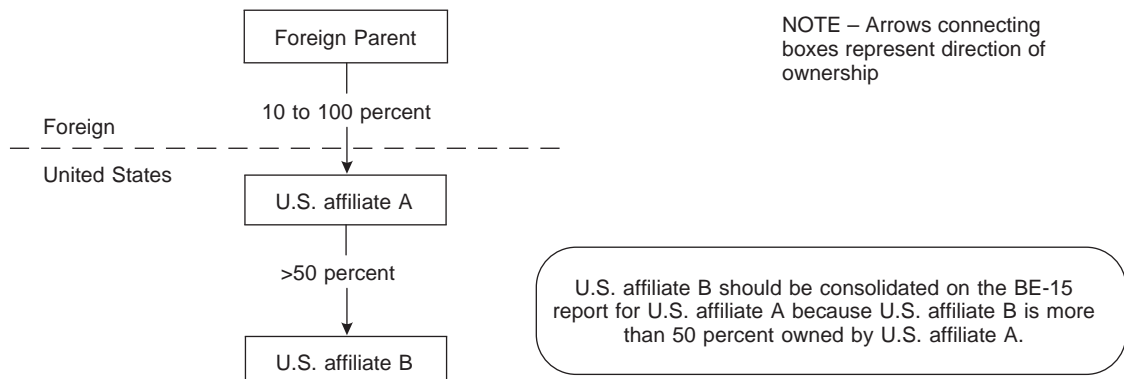
- <sup>1398</sup> <sup>1</sup>  Yes      <sup>1</sup> <sup>2</sup>  No

**2. Consolidated reporting by the U.S. affiliate – Is more than 50 percent of the voting interest in this U.S. affiliate owned by another U.S. affiliate of your foreign parent (see the diagram below for assistance in answering this question)?**

- <sup>1400</sup> <sup>1</sup>  Yes    If "Yes" – Do not complete this report unless exception 2c described in the consolidation rules on page 10 applies. If this exception does not apply, please forward this BE-15 survey packet to the U.S. business enterprise owning your company more than 50 percent, and notify BEA of the action taken by filing BE-15 Claim for Exemption with item 2(d) completed on page 3 of that form. The BE-15 Claim for Exemption can be downloaded from BEA's web site at: [www.bea.gov/fdi](http://www.bea.gov/fdi)

- <sup>1</sup> <sup>2</sup>  No    If "No" – Complete this report in accordance with the consolidation rules on page 10.

#### CONSOLIDATION OF U.S. AFFILIATES



**PART I – IDENTIFICATION OF U.S. AFFILIATE – Continued**

3. Enter Employer Identification Number(s) used by the U.S. affiliate to file income and payroll taxes.

Primary 1006 1	Other 2
1 -	2 -

4. **REPORTING PERIOD** – Reporting period instructions are found in instruction 4 on page 10. If there was a **change in fiscal year**, please review instruction 4.b. on page 10.

This U.S. affiliate's financial reporting year ended in **calendar year 2010** on \_\_\_\_\_ → <sup>1007 1</sup> Month Day Year  
 \_\_\_ / \_\_\_ / 2010

**Example** – If the financial reporting year ended on March 31, report for the 12-month period ended March 31, **2010**.

**NOTE** – Affiliates with a fiscal year that ended within the first week of January 2011 are considered to have a 2010 fiscal year and should report December 31, 2010 as their 2010 fiscal year end.

5. **Did the U.S. business enterprise become a U.S. affiliate during its fiscal year that ended in calendar year 2010?**

<sup>1008 1</sup>  Yes If "Yes" – Enter date U.S. business enterprise became a U.S. affiliate and see instruction 5 on page 10 to determine how to report for the first time.  
<sup>1 2</sup>  No

<sup>1009 1</sup> Month Day Year  
 \_\_\_ / \_\_\_ / \_\_\_\_\_

**NOTE** – For a U.S. business enterprise that became a U.S. affiliate during its fiscal year that ended in calendar year 2010, leave the close FY 2009 data columns blank.

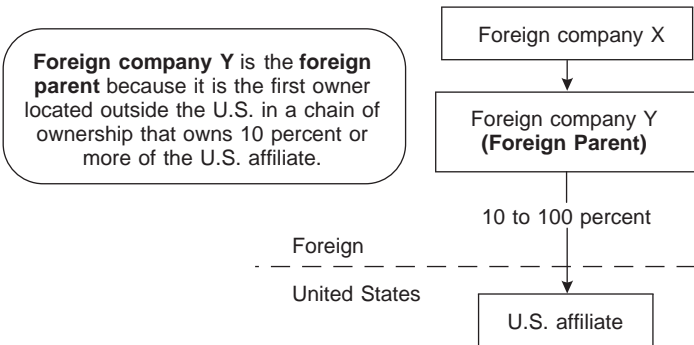
**Ownership** – Enter percent of ownership, in this U.S. affiliate, to a tenth of one percent, based on voting interest (or an equivalent interest if an unincorporated affiliate). "Voting interest" is defined in instruction 6a on page 10.

**Foreign parent** – A 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 (direct or indirect) in this U.S. affiliate. The country of foreign parent is the country of incorporation or organization if the parent is a business enterprise, or of residence if the parent is an individual. For individuals, see instruction 6b starting on page 10.

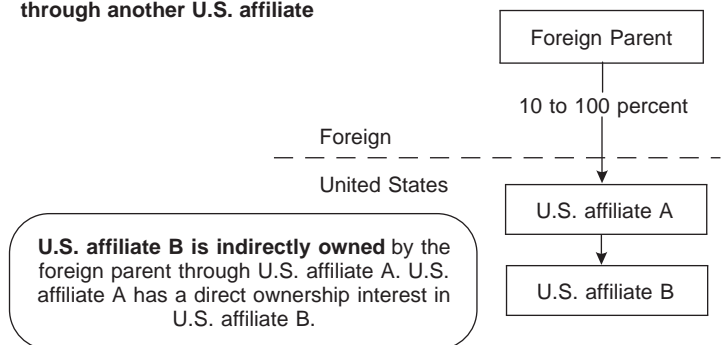
Name of each direct owner	Country of foreign parent	Voting interest		BEA USE ONLY
		Close FY 2010 (1)	Close FY 2009 (2)	
<b>Ownership held directly by foreign parent(s) of this affiliate</b> — see example 1 below. Enter name and country of each foreign parent with direct ownership — if more than 2, continue on separate sheet.				
6.		<sup>1017</sup> 1 ___ . ___ %	<sup>2</sup> ___ . ___ %	<sup>3</sup>
7.		<sup>1018</sup> 1 ___ . ___ %	<sup>2</sup> ___ . ___ %	<sup>3</sup>
<b>Ownership held indirectly by foreign parents of this U.S. affiliate through another U.S. affiliate</b> — see example 2 below. Enter name of each U.S. affiliate that owns this affiliate and the country of the foreign parent — if more than 2, continue on separate sheet.				
8.		<sup>1063</sup> 1 ___ . ___ %	<sup>2</sup> ___ . ___ %	<sup>3</sup>
9.		<sup>1064</sup> 1 ___ . ___ %	<sup>2</sup> ___ . ___ %	<sup>3</sup>
10.	<b>Direct ownership held by all other persons</b> (do not list names)		<sup>1061</sup> 1 ___ . ___ %	<sup>2</sup> ___ . ___ %
<b>TOTAL — Sum of items 6 through 10.</b>			<b>100.0%</b>	<b>100.0%</b>

**EXAMPLES OF DIRECT AND INDIRECT FOREIGN OWNERSHIP**

**Example 1 – Ownership held directly by a foreign parent**



**Example 2 – Ownership held indirectly by a foreign parent through another U.S. affiliate**



NOTE: Arrows connecting boxes represent direction of ownership

**PART I – IDENTIFICATION OF U.S. AFFILIATE – Continued**

**11. Enter the name and industry code of the foreign parent.** If there is more than one foreign parent, list each and its industry code on a separate sheet.

**11a. Enter name of foreign parent.** If the foreign parent is an individual enter "individual."

3011

**11b. Enter the foreign parent industry code** from the list of codes below that best describes the PRIMARY activity of the SINGLE entity named as the foreign parent. DO NOT base the code on the world-wide sales of all consolidated subsidiaries of the foreign parent. If the foreign parent is an individual, enter code "05."

3018

**12. For each foreign parent,** furnish the name, country and industry code of the ultimate beneficial owner (UBO) – see UBO definition and examples on page 5. If there is more than one foreign parent, list each on a separate sheet and give the name of its UBO, and the UBO's country and industry codes.

**12a. Is the foreign parent also the UBO?** If the foreign parent is owned or controlled more than 50 percent by another person or entity, then the foreign parent is NOT the UBO.

3019  **1**  **Yes** (as shown in example 1 on page 5) – Skip to 12d.  **2**  **No** (as shown in examples 2A and 2B on page 5) – Continue with 12b.

**12b. Enter the name of the UBO of the foreign parent.** If the UBO is an individual enter "individual." Identifying the UBO as "bearer shares" is not an acceptable response.

3021

**12c. Enter country of the UBO.** For individuals, see instruction 6b starting on page 10.

**BEA USE ONLY**

3022

**12d. Enter the industry code of the UBO** from the list of codes below. **NOTE** – Select the industry code that best reflects the consolidated world-wide sales of all majority-owned subsidiaries. If the UBO is an individual, enter code "05."

3023

DO NOT use code "14" unless you receive permission from BEA.

**PLEASE CONTINUE WITH QUESTION 13 ON PAGE 6**

**FOREIGN PARENT AND UBO INDUSTRY CODES**

**Note:** "ISI codes" are International Surveys Industry codes, as given in the *Guide to Industry Classifications for International Surveys, 2007* located at [www.bea.gov/naics2007](http://www.bea.gov/naics2007).

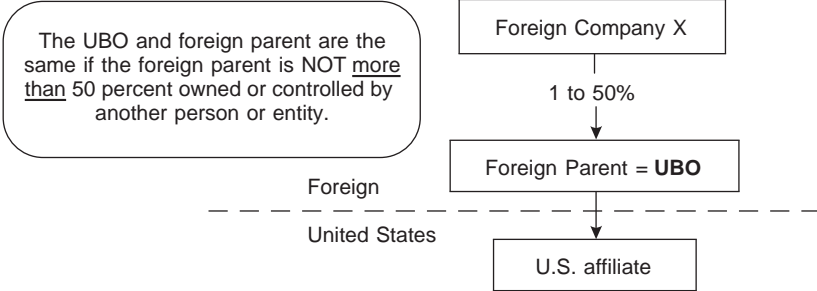
- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>01</b> Government and government-owned or -sponsored enterprise, or quasi-government organization or agency</p> <p><b>02</b> Pension fund — Government run</p> <p><b>03</b> Pension fund — Privately run</p> <p><b>04</b> Estate, trust, or nonprofit organization (that part of ISI code 5252 that is estates and trusts)</p> <p><b>05</b> Individual</p> <p><b>Private business enterprise, investment organization, or group engaged in:</b></p> <p><b>06</b> Insurance (ISI codes 5242, 5243, 5249)</p> <p><b>07</b> Agriculture, forestry, fishing and hunting (ISI codes 1110–1140)</p> <p><b>08</b> Mining (ISI codes 2111–2127)</p> <p><b>09</b> Construction (ISI codes 2360–2380)</p> <p><b>10</b> Transportation and warehousing (ISI codes 4810–4939)</p> <p><b>11</b> Utilities (ISI codes 2211–2213)</p> <p><b>12</b> Wholesale and retail trade (ISI codes 4231–4251 and 4410–4540)</p> <p><b>13</b> Banking, including bank holding companies (ISI codes 5221 and 5229)</p> <p><b>14</b> Holding companies, excluding bank holding companies (ISI codes 5512 and 5513)</p> <p><b>15</b> Other finance (ISI codes 5223, 5224, 5231, 5238, that part of ISI code 5252 that is not estates and trusts, and ISI code 5331)</p> | <p><b>16</b> Real estate (ISI code 5310)</p> <p><b>17</b> Information (ISI codes 5111–5191)</p> <p><b>18</b> Professional, scientific, and technical services (ISI codes 5411–5419)</p> <p><b>19</b> Other services (ISI codes 1150, 2132, 2133, 5321, 5329, and 5611–8130)</p> <p><b>Manufacturing, including fabricating, assembling, and processing of goods:</b></p> <p><b>20</b> Food (ISI codes 3111–3119)</p> <p><b>21</b> Beverages and tobacco products (ISI codes 3121 and 3122)</p> <p><b>22</b> Pharmaceuticals and medicine (ISI code 3254)</p> <p><b>23</b> Other chemicals (ISI codes 3251–3259, except 3254)</p> <p><b>24</b> Nonmetallic mineral products (ISI codes 3271–3279)</p> <p><b>25</b> Primary and fabricated metal products (ISI codes 3311–3329)</p> <p><b>26</b> Computer and electronic products (ISI codes 3341–3346)</p> <p><b>27</b> Machinery manufacturing (ISI codes 3331–3339)</p> <p><b>28</b> Electrical equipment, appliances and components (ISI codes 3351–3359)</p> <p><b>29</b> Motor vehicles and parts (ISI codes 3361–3363)</p> <p><b>30</b> Other transportation equipment (ISI codes 3364–3369)</p> <p><b>31</b> Other manufacturing (ISI codes 3130–3231, 3261, 3262, 3370–3399)</p> <p><b>32</b> Petroleum manufacturing, including integrated petroleum and petroleum refining without extraction (ISI codes 3242–3244)</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## PART I – IDENTIFICATION OF U.S. AFFILIATE – Continued

### EXAMPLES OF THE ULTIMATE BENEFICIAL OWNER (UBO)

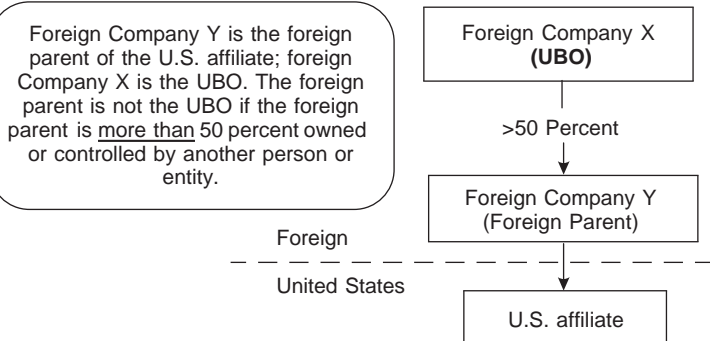
NOTE: Arrows connecting boxes represent direction of ownership

**Example 1 – The UBO and Foreign Parent are the same**

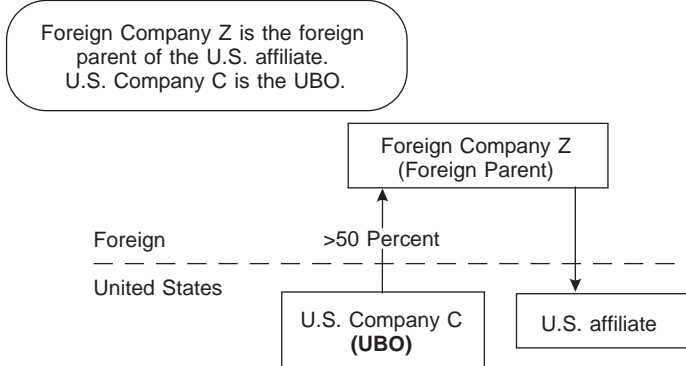


**Examples 2A and 2B – The Foreign Parent is NOT the UBO**

**A. The UBO is a foreign person or entity**



**B. The UBO is a U.S. person or entity**



### DEFINITION OF THE ULTIMATE BENEFICIAL OWNER (UBO)

**Ultimate beneficial owner** is that person, 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. Note: Stockholders of a closely or privately held corporation are normally considered to be an associated group and may be a UBO.

Remarks

**PART II – FINANCIAL AND OPERATING DATA OF U.S. AFFILIATE**

**13. What is (are) the major product(s) and/or service(s) of the fully consolidated 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

**14. Industry of this affiliate** – Enter the 4-digit International Surveys Industry (ISI) code of the industry with the largest sales or gross operating revenues.

1164 1

ISI Code

For a full explanation of each code see the *Guide to Industry Classifications for International Surveys, 2007* located at [www.bea.gov/naics2007](http://www.bea.gov/naics2007).

**15. Total sales or gross operating revenues, excluding sales taxes**

Report gross sales minus returns, allowances, and discounts; or gross operating revenues. **Exclude** sales or consumption taxes levied directly on the consumer and excise taxes levied directly on manufacturers, wholesalers, and retailers. **Include** revenues generated during the year from the OPERATIONS of a discontinued business segment, but **exclude** gains or losses from DISPOSALS of discontinued operations.

**Holding Companies (ISI code 5512)** should report total income on this line including income (loss) from equity investments in unconsolidated U.S. affiliates and all foreign entities, certain gains (losses), other income, plus sales and gross operating revenues, if any. Zero normally is NOT a correct entry for this line.

2149 1

Amount  
(1)

Bil. Mil. Thous. Dols.

\$				000

**BALANCE SHEET ITEMS**

**NOTE** – Foreign operations in which you own an interest of 20 percent or more, including those in which you own a majority interest, are to be unconsolidated. Include all unconsolidated foreign businesses in which you own a majority interest on the equity basis.

Close FY 2010 (1)			
Bil.	Mil.	Thous.	Dols.

**16. Total assets**

2109 1

\$			000
----	--	--	-----

**17. Total liabilities**

2114 1

\$			000
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Please check box if total liabilities are zero.

**18. Net income (loss)** – After provision for U.S. Federal, state, and local income taxes.

2159 1

Amount  
(1)

Bil. Mil. Thous. Dols.

\$			000
----	--	--	-----

**19. Number of employees at close of FY 2010** – Reporting employment (including how to report when employment is subject to unusual variations) is discussed in instruction 19 on page 11.

2700 3

Number

**20. Total employee compensation for FY 2010** – Employee compensation is defined in instruction 20 on page 11.

2253 1

Amount  
(1)

Bil. Mil. Thous. Dols.

\$			000
----	--	--	-----

**21. Gross book value (at historical cost) of all land and other property, plant, and equipment, at the close of the fiscal year that ended in calendar year 2010.**

2397 1

\$			000
----	--	--	-----

**22. Research and development (R&D) performed BY the U.S. affiliate** – R&D is defined in instruction 22 on page 11.

2403 1

\$			000
----	--	--	-----

**BEA USE ONLY**

1299 1

1200	1	2	3	4	5
1201	1	2	3	4	5
1202	1	2	3	4	5
1203	1	2	3	4	5

# 2010 ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

## BE-15(EZ) INSTRUCTIONS

**NOTE:** Instructions in section IV are cross referenced by number to the items located on pages 2 to 6 of this form.

**Authority** – This survey is being conducted pursuant to the International Investment and Trade in Services Survey Act (P.L. 94-472., 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended, hereinafter "the Act"), and the filing of reports is MANDATORY pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104).

A response is required from persons (in the broad sense, including companies) subject to the reporting requirements of the BE-15 survey, whether or not they are contacted by BEA. Also, persons contacted by BEA concerning their being subject to reporting, either by sending them a report form or by written inquiry, must respond pursuant to section 806.4 of 15 CFR, Chapter VIII. This may be accomplished by completing and submitting Form BE-15A, BE-15B, BE-15(EZ), or the BE-15 Claim For Exemption, whichever is applicable, **by May 31, 2011**.

**PENALTIES** – Whoever fails to report shall 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. These 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 violations, 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 BE-15(EZ) form is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours 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.

### I. REPORTING REQUIREMENTS

To determine which BE-15 report form to file, read the following sections on this page and review the flow chart on page 8.

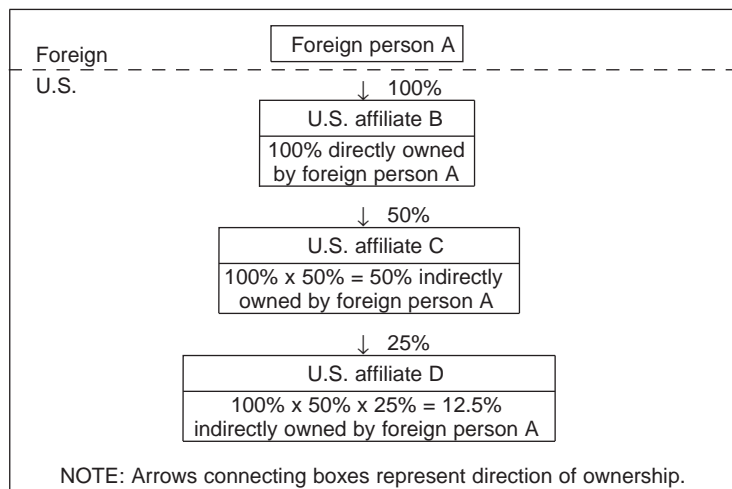
**A. Who must report** – A BE-15 report is required for each U.S. affiliate, i.e., for each U.S. business enterprise in which a foreign person or entity owned or controlled, directly or indirectly, 10 percent or more of the voting securities if an incorporated U.S. business enterprise, or an equivalent interest if an unincorporated U.S. business enterprise, at the end of the business enterprise's fiscal year that ended in calendar year 2010.

**Foreign ownership interest** – All direct and indirect lines of ownership held by a foreign person in a given U.S. business enterprise must be summed to determine if the enterprise is a U.S. affiliate of the foreign person for purposes of reporting.

**Indirect ownership interest in a U.S. business enterprise** is the product of the direct ownership percentage of the foreign parent in the first U.S. business enterprise in the ownership chain multiplied by that first enterprise's direct ownership percentage in the second U.S. business enterprise multiplied by each succeeding direct ownership percentage of each other intervening U.S. business enterprise in the ownership chain between the foreign parent and the given U.S. business enterprise.

**Example:** In the diagram below, foreign person A owns 100% of the voting stock of U.S. affiliate B; U.S. affiliate B owns 50% of the voting stock of U.S. affiliate C; and U.S. affiliate C owns 25% of the voting stock of U.S. affiliate D. Therefore, U.S. affiliate B is 100% directly owned by foreign person A; U.S. affiliate C is 50% indirectly owned by foreign person A; and U.S. affiliate D is 12.5% indirectly owned by foreign person A.

#### Calculation of Foreign Ownership



A report is required even though the foreign person's voting interest in the U.S. business enterprise may have been established or acquired during the reporting period.

Beneficial, not record, ownership is the basis of the reporting criteria. Voting securities, voting stock, and voting interest all have the same general meaning and are used interchangeably throughout these instructions and the report forms.

**Airline and ship operators** – U.S. stations, ticket offices, and terminal and port facilities of foreign airlines and ship operators that provide services ONLY to the foreign airlines' and ship operators' own operation are not required to report. Reports are required when such enterprises produce significant revenues from services provided to unaffiliated persons.

**Agencies and representative offices** – U.S. representative offices, agents and employees of a foreign person or entity that meet the criteria outlined below are not considered to be U.S. affiliates, and therefore, they should not be reported on Forms BE-15A, BE-15B, or BE-15(EZ). However, a foreign person's or entity's disbursements to maintain U.S. sales and representative offices must be reported on Form BE-125, Quarterly Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons. Copies of Form BE-125 are available on the BEA Web site at: [www.bea.gov/surveys/iussurv.htm](http://www.bea.gov/surveys/iussurv.htm)

A U.S. presence of a foreign person or entity (or their representative(s)) is considered a U.S. sales promotion or representative office if:

1. It is engaged only in sales promotion, representational activities, public relations activities, or the gathering of market information, on behalf of the foreign person or entity;
2. It does not produce revenue (other than funds from the foreign person or entity to cover its expenses); and
3. It has minimal assets held either in its own name or in the name of the foreign person or entity.

A U.S. presence of a foreign person or entity (or their representative(s)) that produces revenue for its own account from goods or services it provides to others is considered a U.S. affiliate and is subject to the BE-15 reporting requirements.

**I. REPORTING REQUIREMENTS – Continued**

**1. Which form to file** – Please review the questions and the flow chart below to determine if your U.S. business is required to file Form BE-15. Blank forms can be found at: [www.bea.gov/fdi](http://www.bea.gov/fdi)

**a.** 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 2010?

- Yes – Continue with question b. **NOTE: Your business is hereinafter referred to as a "U.S. affiliate."**
- No – You are not required to file Form BE-15(EZ). File Form BE-15 Claim for Exemption by May 31, 2011.

**b.** Were more than 50 percent of the voting rights in this U.S. affiliate owned by another U.S. affiliate at the end of this U.S. affiliate's fiscal year that ended in calendar year 2010?

- Yes – Continue with question c.
- No – Skip to question d.

**c.** Do different foreign persons hold a direct and an indirect ownership interest in this U.S. affiliate (exception c to the consolidation rules)? (The consolidation rules are found in instruction IV.2. on page 10.)

- Yes – Continue with question d.
- No – This U.S. affiliate must be consolidated on the BE-15 report of the U.S. affiliate that owns it more than 50 percent. File the BE-15 Claim for Exemption with page 1 and item 2(d) on page 3 completed by May 31, 2011, forward this survey packet to the U.S. affiliate that owns this affiliate more than 50 percent, and have them consolidate your data into their report.

**d.** 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 2010?

- Yes – Continue with question e.
- No – You are not required to file a Form BE-15(EZ). File Form BE-15 Claim for Exemption by May 31, 2011.

**e.** 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 \$120 million at the end of, or for, its fiscal year that ended in calendar year 2010?

- Yes – Skip to question h.
- No – Continue with question f.

**f.** Did you file either a BE-12 or a BE-15 for a fiscal year that ended BEFORE January 1, 2010?

- Yes – Continue with question g.
- No – File Form BE-15(EZ) by May 31, 2011.

**g.** Did you receive a request in writing from BEA to file a BE-15 for the fiscal year that ended in calendar year 2010?

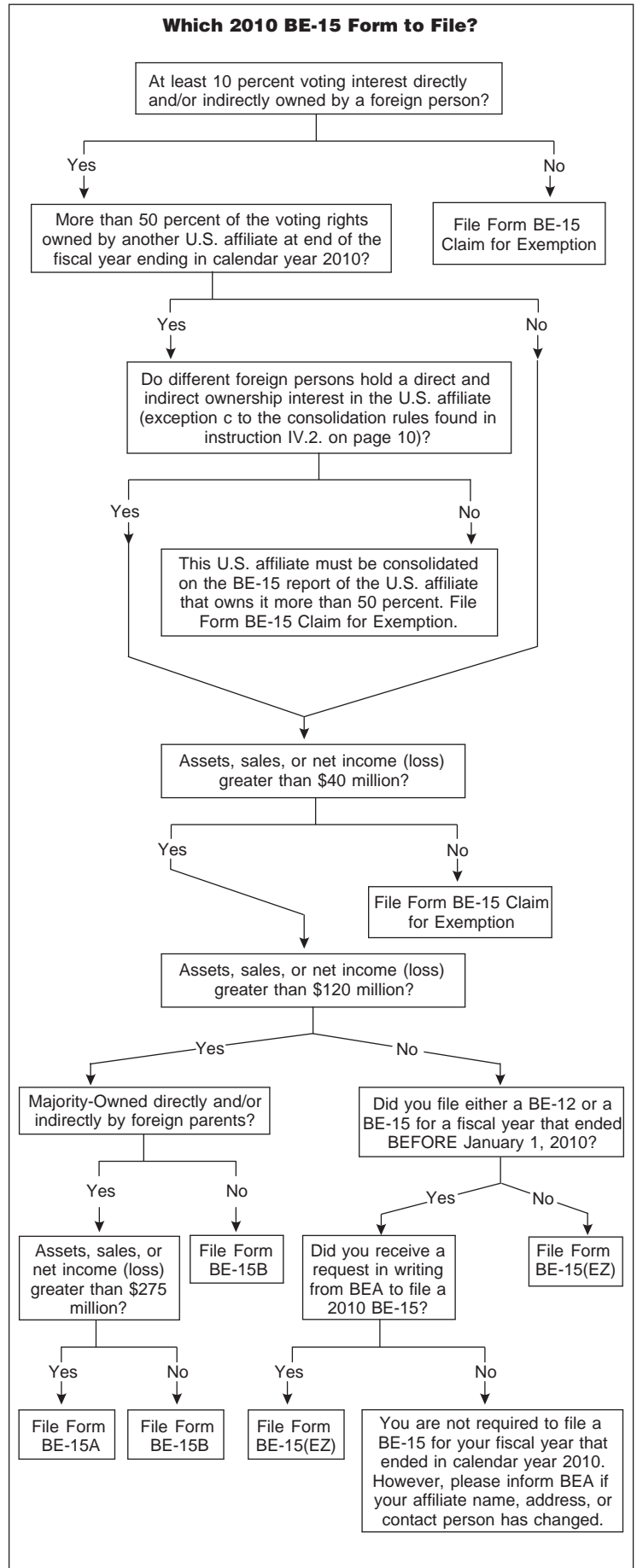
- Yes – File Form BE-15(EZ) by May 31, 2011.
- No – You are not required to file a BE-15 for your fiscal year that ended in calendar year 2010. However, please inform BEA if your affiliate name, address, or contact person has changed.

**h.** Was the U.S. affiliate **majority-owned** by its foreign parent(s) at the end of its fiscal year that ended in calendar year 2010? (A U.S. affiliate is "majority-owned" if the combined direct and indirect ownership interests of **all** foreign parents of the U.S. affiliate exceed 50 percent.)

- Yes – Continue with question i.
- No – File Form BE-15B by May 31, 2011.

**i.** 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 \$275 million at the end of, or for, its fiscal year that ended in calendar year 2010?

- Yes – File Form BE-15A by May 31, 2011.
- No – File Form BE-15B by May 31, 2011.





## I. REPORTING REQUIREMENTS – Continued

### 2. Who must file Form BE-15(EZ) – 2010 Annual Survey of Foreign Direct Investment in the United States?

Form BE-15(EZ) must be filed for a U.S. affiliate with total assets, sales or gross operating revenues, or net income greater than \$40 million (positive or negative) but not greater than \$120 million (positive or negative) if:

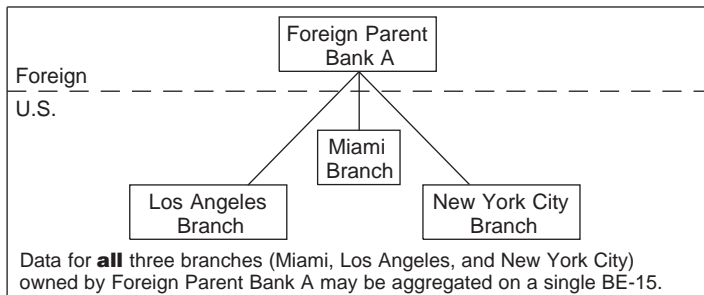
- (a) the affiliate has NOT filed a BE-12 or BE-15 for a fiscal year that ended BEFORE January 1, 2010; OR
- (b) the affiliate has been instructed in writing by BEA to file a BE-15 for the fiscal year that ended in calendar year 2010.

**B. Aggregation of real estate investments** – Aggregate all real estate investments of a foreign person for the purpose of applying the reporting criteria. Use a single report form to report the aggregate holdings, unless BEA has granted permission to do otherwise. Those holdings not aggregated must be reported separately. Real estate is discussed more fully in instruction V.B. starting on page 11.

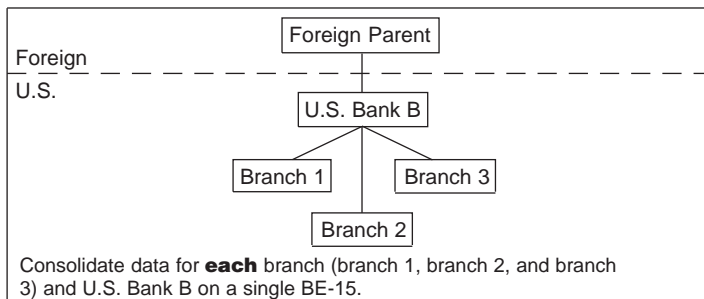
**C. Aggregated reporting for banks** – All U.S. branches and agencies (including International Banking Facilities) directly owned by a foreign bank may be aggregated on a single BE-15. See example A.

(Note that subsequent filings of Form BE-605 quarterly reports with BEA, if required, must be on the same aggregated basis.) If all U.S. branches and agencies directly owned by a foreign bank are not aggregated on a single report, then each branch or agency must file a separate BE-15.

#### Example A



#### Example B



## II. DEFINITIONS

- A. United States**, when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.
- B. Foreign**, when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States.
- C. Person**, means any individual, branch, partnership, association, associated group, estate, trust, corporation, or other organization (whether or not organized under the laws of any state), and any government (including a foreign government, the U.S. Government, a state or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government sponsored agency).
- D. Associated group** means two or more persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a business enterprise. The following are deemed to be associated groups:
1. Members of the same family.

2. A business enterprise and one or more of its officers or directors.
3. Members of a syndicate or joint venture.
4. A corporation and its domestic subsidiaries.

- E. Foreign person** means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.
- F. Direct investment** means the ownership or control, directly or indirectly, by one person of 10 percent or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.
- G. Foreign direct investment in the United States** means the ownership or control, directly or indirectly, by one foreign person of 10 percent or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.
- H. Business enterprise** means any organization, association, branch, or venture which exists for profit making purposes or to otherwise secure economic advantage, and any ownership of any real estate.
- I. Branch** means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity.
- J. Affiliate** means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 percent or more of its voting securities for an incorporated business enterprise or an equivalent interest for an unincorporated business enterprise, including a branch.

- K. U.S. affiliate** means an affiliate located in the United States in which a foreign person has a direct investment.
1. **Majority-owned U.S. affiliate** means a U.S. affiliate in which the combined direct and indirect voting interest of all foreign parents of the U.S. affiliate exceeds 50 percent.
  2. **Minority-owned U.S. affiliate** means a U.S. affiliate in which the combined direct and indirect voting interest of all foreign parents of the U.S. affiliate is 50 percent or less.
- L. Foreign parent** means the foreign person, or the first person outside the United States in a foreign chain of ownership, which has direct investment in a U.S. business enterprise, including a branch.
- M. Foreign parent group** means (i) the foreign parent, (ii) any foreign person, proceeding up the foreign parent's ownership chain, which owns more than 50 percent of the person below it up to and including that person which is not owned more than 50 percent by another foreign person, and (iii) any foreign person, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 percent by the person above it.
- N. U.S. corporation** means a business enterprise incorporated in the United States.
- O. Intermediary** means any agent, nominee, manager, custodian, trust, or any person acting in a similar capacity.

## III. GENERAL INSTRUCTIONS

- A. Required information not available** – Make all reasonable efforts to obtain the information required for reporting. Answer every question except where specifically exempt. Indicate when only partial information is available.
- B. Estimates** – If actual figures are not available, please provide estimates and label them as such. When items cannot be fully subdivided as required, provide totals and an estimated breakdown of the totals. Information necessary to complete some of the items on Form BE-15(EZ) may not be available from a company's customary accounting records. Precise answers for these items may present the respondent with a substantial burden beyond what is intended by BEA. Therefore, the answers may be reasonable estimates based upon the informed judgement of persons in the responding organization, sampling techniques, prorations based on related data, etc. However, the estimating procedures used should be consistently applied on all BEA surveys.
- C. Space on form insufficient** – When space on a form is insufficient to permit a full answer to any item, provide the required information on supplementary sheets, appropriately labeled and referenced to the item number on the form.

#### IV. INSTRUCTIONS FOR SPECIFIC SECTIONS OF THE REPORT FORM

**NOTE:** Instructions in section IV. are cross referenced by number to the items located on pages 2 to 6 of this form.

#### PART I – IDENTIFICATION OF U.S. AFFILIATE

##### 2. Consolidation Rules

**Consolidated reporting by the U.S. affiliate** – A U.S. affiliate must file on a fully consolidated **domestic U.S.** basis, including in the full consolidation all **U.S. business enterprises** in which it directly or indirectly owns more than 50 percent of the outstanding voting interest. The fully consolidated entity is considered one U.S. affiliate.

A foreign person holding real estate investments that are reportable on the BE-15 must aggregate all such holdings. See Instruction V.B. starting on page 11 for details.

Do not prepare your BE-15 report using the proportionate consolidation method. Except as noted in IV.2.b. and c. below, consolidate all majority-owned U.S. affiliates into your BE-15 report.

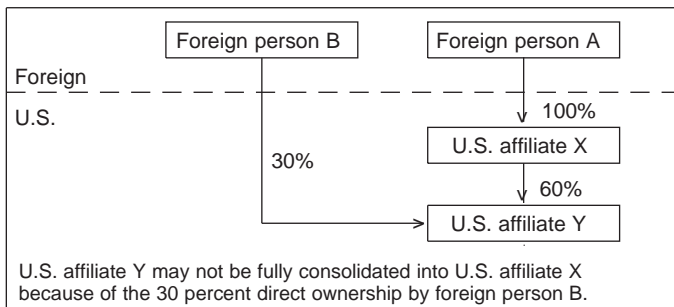
**Unless the exceptions discussed below apply, any deviation from these consolidation rules must be approved in writing each year by BEA.** If you file deconsolidated reports, you must file the same type of reports that would have been required if a consolidated report was filed. Report majority-owned subsidiaries, if not consolidated, on the BE-15(EZ) using the equity method of accounting. **DO NOT** eliminate intercompany accounts (e.g., receivables or liabilities) for affiliates not consolidated.

**Exceptions to consolidated reporting** – Note: If a U.S. affiliate is not consolidated into its U.S. parent's BE-15 report, then it **must** be listed on the Supplement B of its parent's BE-15 report (unless the report is a BE-15(EZ) which does not have a Supplement B) and each U.S. affiliate not consolidated **must** file its own Form BE-15.

**a. DO NOT CONSOLIDATE FOREIGN SUBSIDIARIES, BRANCHES, OPERATIONS, OR INVESTMENTS NO MATTER WHAT THE PERCENTAGE OWNERSHIP.** Include foreign holdings owned 20 percent or more using either the equity method or **fair value accounting**. **DO NOT** report employment, land, and other property, plant, and equipment and **DO NOT** eliminate intercompany accounts for holdings reported using the equity method or **fair value accounting**.

**b. Special consolidation rules apply to U.S. affiliates that are limited partnerships or that have an ownership interest in a U.S. limited partnership.** These rules can be found on our web site at: [www.bea.gov/ltdpartner15](http://www.bea.gov/ltdpartner15)

**c.** A U.S. affiliate in which a direct ownership interest and an indirect ownership interest are held by **different** foreign persons should not be fully consolidated into another U.S. affiliate, but must complete and file its own BE-15 report. (See diagram below.)



If this exception applies, reflect the indirect ownership interest, even if more than 50 percent, on the owning U.S. affiliate's BE-15 report on an equity basis. For example, using the situation shown in the diagram above, U.S. affiliate X must treat its 60 percent ownership interest in U.S. affiliate Y as an equity investment.

**4. Reporting period** – The report covers the U.S. affiliate's 2010 fiscal year. The affiliate's 2010 fiscal year is defined as the affiliate's financial reporting year that had an ending date in calendar year 2010.

##### Special Circumstances:

**a. U.S. affiliates without a financial reporting year** – If a U.S. affiliate does not have a financial reporting year, its fiscal year is deemed to be the same as calendar year 2010.

##### b. Change in fiscal year

**(1) New fiscal year ends in calendar year 2010** – A U.S. affiliate that changed the ending date of its financial reporting year **should file a 2010 BE-15 report that covers the 12 month period prior to the new fiscal year end date.** The following example illustrates the reporting requirements.

**Example 1:** U.S. affiliate A had a June 30, 2009 fiscal year end date but changed its 2010 fiscal year end date to March 31. Affiliate A should file a 2010 BE-15 report covering the 12 month period from April 1, 2009 to March 31, 2010.

**(2) No fiscal year ending in calendar year 2010** – If a change in fiscal year results in a U.S. affiliate not having a fiscal year that ended in calendar year 2010, the affiliate **should file a 2010 BE-15 report that covers 12 months.** The following example illustrates the reporting requirements.

**Example 2:** U.S. affiliate B had a December 31, 2009 fiscal year end date but changed its next fiscal year end date to March 31. Instead of having a short fiscal year ending in 2010, affiliate B decides to have a 15 month fiscal year running from January 1, 2010 to March 31, 2011. Affiliate B should file a 2010 BE-15 report covering a 12 month period ending in calendar year 2010, such as the period from April 1, 2009 to March 31, 2010.

##### 5. Reporting for a U.S. business that became a U.S. affiliate during fiscal year 2010 –

**a. A U.S. business enterprise that was newly established in fiscal year 2010** should file a report for the period starting with the establishment date up to and ending on the last day of its fiscal year that ended in calendar year 2010. **DO NOT** estimate amounts for a full year of operations if the first fiscal year is less than 12 months.

**b. A U.S. business enterprise existing before fiscal year 2010 that became a U.S. affiliate in fiscal year 2010** should file a report covering a full 12 months of operations.

##### 6a. Voting interest and Equity interest

**(1) Voting interest** – is the percent of ownership in the voting equity of the U.S. affiliate. Voting equity consists of ownership interests that have a say in the management of the company. Examples of voting equity include capital stock that has voting rights, and a general partner's interest in a partnership.

**(2) Equity interest** – is the percent of ownership in the total equity (voting and nonvoting) of the U.S. affiliate. Nonvoting equity consists of ownership interests that do not have a say in the management of the company. An example of nonvoting equity is preferred stock that has no voting rights.

**Voting interest and equity interest are not always equal.** For example, an owner can have a 100 percent voting interest in a U.S. affiliate but own less than 100 percent of the affiliate's total equity. This situation is illustrated in the following example.

**Example:** U.S. affiliate A has two classes of stock, common and preferred. There are 50 shares of common stock outstanding. Each common share is entitled to one vote and has an ownership interest in 1 percent of the total owners' equity amount. There are 50 shares of preferred stock outstanding. Each preferred share has an ownership interest in 1 percent of the total owners' equity amount but has no voting rights. Foreign parent B owns all 50 shares of the common stock. U.S. investors own all 50 shares of the preferred stock. Because foreign parent B owns all of the voting stock, foreign parent B has a 100 percent voting interest in U.S. affiliate A. However, because all 50 of the nonvoting preferred shares are owned by U.S. investors, foreign parent B has only a 50 percent interest in the owners' equity amount of U.S. affiliate A.

**6b. Determining place of residence and country of jurisdiction of individuals** – An individual is considered a resident of, and subject to the jurisdiction of, the country in which he or she is physically located. The following guidelines apply to individuals who do not reside in their country of citizenship.

**(1)** Individuals who reside, or expect to reside, outside their country of citizenship for less than one year are considered to be residents of their country of citizenship.

#### IV – INSTRUCTIONS FOR SPECIFIC SECTIONS OF THE REPORT FORM – Continued

- (2) Individuals who reside, or expect to reside, outside their country of citizenship for one year or more are considered to be residents of the country in which they are residing, except as provided in paragraphs (3) and (4) below.
- (3) If an owner or employee of a business enterprise resides outside the country of location of the enterprise for one year or more for the purpose of furthering the business of the enterprise, and the country of the business enterprise is the country of citizenship of the owner or employee, then the owner or employee is considered a resident of the country of citizenship, provided there is the intent to return to the country of citizenship within a reasonable period of time.
- (4) Individuals and members of their immediate family who are residing outside their country of citizenship as a result of employment by the government of that country - diplomats, consular officials, members of the armed forces, etc. - are considered to be residents of their country of citizenship.

#### PART II – SELECTED FINANCIAL AND OPERATING DATA OF U.S. AFFILIATE

**19. Number of employees at close of FY 2010** – Employment is the number of full-time and part-time employees on the payroll at the end of FY 2010, excluding contract workers and other workers not carried on the payroll of the U.S. affiliate. A count taken during, rather than at the end of, FY 2010 may be used provided it is a reasonable estimate for the end of FY 2010 number. If employment at the end of FY 2010, or the count taken at some other time during FY 2010, was unusually high or low because of temporary factors (e.g., a strike), give the number of employees that reflects normal operations. If the business enterprise's activity involves large seasonal variations, give the average number of employees for FY 2010. If given, the average should be the average for FY 2010 of the number of persons on the payroll at the end of each payroll period, month, or quarter. If precise figures are not available, give your best estimate.

**20. Total employee compensation** – Base compensation on payroll records. Employee compensation must cover compensation charged as an expense on the income statement, charged to inventories, or capitalized during the reporting period. Exclude employee compensation related to activities of a prior period, such as compensation capitalized or charged to inventories in prior periods. Employee compensation consists of:

**a. Wages and salaries** – are the gross earnings of all employees before deduction of employees' payroll withholding taxes, social insurance contributions, group insurance premiums, union dues, etc. Include time and piece rate payments, cost of living adjustments, overtime pay and shift differentials, bonuses, profit sharing amounts, and commissions. Exclude commissions paid to persons who are not employees.

**b. Employee benefit plans** – are employer expenditures for all employee benefit plans, including those required by government statute, those resulting from a collective-bargaining contract, or those that are voluntary. Employee benefit plans include Social Security and other retirement plans, life and disability insurance, guaranteed sick pay programs, workers' compensation insurance, medical insurance, family allowances, unemployment insurance, severance pay funds, etc. If plans are financed jointly by the employer and the employee, include only the contributions of the employer.

**22. Research and development (R&D) performed BY the U.S. affiliate** – Report all research and development (R&D) performed BY the U.S. affiliate for its own account or for others, including the foreign parent group and affiliates owned by the U.S. affiliate. Include all costs incurred in performing R&D, including depreciation, amortization, wages and salaries, taxes, materials and supplies, allocated overhead, and indirect costs. Exclude the cost of all R&D funded by the U.S. affiliate but performed by others.

R&D includes activities carried on by persons trained, either formally or by experience, in engineering, the physical sciences such as chemistry and physics, the biological sciences such as medicine, the mathematical and statistical sciences, and computer science. R&D includes these activities if the purpose is to do one or more of the following:

- a.** The planned, systematic pursuit of new knowledge or understanding toward general application (**basic research**);

- b.** The acquisition of knowledge or understanding to meet a specific, recognized need (**applied research**); or
- c.** The application of knowledge or understanding toward the production or improvement of a product, service, process, or method (**development**).

R&D includes the activities described above whether assigned to separate R&D organizational units of the company or carried out by company laboratories and technical groups not a part of an R&D organization.

#### V. SPECIAL INSTRUCTIONS

**A. Insurance companies** – Reporting should be in accordance with U.S. Generally Accepted Accounting Principles not Statutory Accounting Practices (SAP). For example, the BE-15 report should include the following assets even though they are not acceptable under SAP:

- 1.** non-trusted or free account assets, and **2.** nonadmitted assets such as furniture and equipment, agents' debit balances, and all receivables deemed to be collectible.

**B. Real Estate** – The ownership of real estate is defined to be a business enterprise, and if the real estate is foreign owned, it is a U.S. affiliate of a foreign person. A BE-15 report is required unless the enterprise is otherwise exempt.

Residential real estate held exclusively for personal use and not for profit making purposes is not subject to the reporting requirements. A residence that is an owner's primary residence that is then leased by the owner while outside the United States, but which the owner intends to reoccupy, is considered real estate held for personal use and therefore not subject to the reporting requirements. Ownership of U.S. residential real estate by a corporation whose sole purpose is to hold the real estate for the personal use of the owner(s) of the corporation is considered to be real estate held for personal use and therefore not subject to the reporting requirements.

**Aggregation of real estate investments** – A foreign person holding real estate investments that are reportable on the BE-15 must aggregate all such holdings for the purpose of applying the reporting criteria. If the aggregate of such holdings exceeds one or more of the exemption levels, then the holdings must be reported even if individually they would be exempt. In such a case, file a single Form BE-15(EZ) to report the aggregated holdings. If permission has been received in writing from BEA to file on an non-aggregated basis, the reports should be filed as a group and you should inform BEA that they are all for one owner.

On page 1, name and address of U.S. business enterprise, BEA is not seeking a legal description of the property, nor necessarily the address of the property itself. Because there may be no operating business enterprise for a real estate investment, what BEA seeks is a consistently identifiable name for the investment (i.e., the U.S. affiliate) together with an address to which report forms can be mailed so that the investment (affiliate) can be reported on a consistent basis for each reporting period and for the various BEA surveys.

Thus, on page 1 of the BE-15 survey forms the "name and address" of the U.S. affiliate might be:

XYZ Corp. N.V., Real Estate Investments  
c/o B&K Inc., Accountants  
120 Major Street  
Miami, FL XXXXX

If the investment property has a name, such as Sunrise Apartments, the name and address on page 1 of the BE-15 survey forms might be:

Sunrise Apartments  
c/o ABC Real Estate  
120 Major Street  
Miami, FL XXXXX

There are questions throughout the Form BE-15(EZ) that may not be applicable to certain types of real estate investments, such as the employer identification number and the number of employees. In such cases, mark the items "none".

**Joint ventures and partnerships** – If a foreign person has a direct or indirect voting ownership interest of 10 percent or more in a joint venture, partnership, etc., that is formed to own and hold, develop, or operate real estate, the joint venture, partnership, etc., in its entirety, not just the foreign person's share, is a U.S. affiliate and must be reported as follows:

## V. SPECIAL INSTRUCTIONS – Continued

1. If the foreign interest in the U.S. affiliate is directly held by the foreign person then a BE-15 report must be filed by the affiliate (subject to the aggregation rules discussed above).
2. If a voting interest of more than 50 percent in the U.S. affiliate is owned by another U.S. affiliate, the owned affiliate must be fully consolidated in the BE-15 report of the owning affiliate.
3. If a voting interest of 50 percent or less in the U.S. affiliate is owned by another U.S. affiliate, and no U.S. affiliate owns a voting interest of more than 50 percent, then a separate BE-15 report must be filed by the owned affiliate. The BE-15 report(s) of the owning affiliate(s) must show an equity investment in the owned affiliate.

**C. Farms** – For farms that are not operated by their foreign owners, the income statement and related items should be prepared based on the extent to which the income from the farm accrues to, and the expenses of the farm are borne by, the owner. Generally this means that income, expenses, and gain (loss) assignable to the owner should reflect the extent to which the risk of the operation falls on the owner. For example, even though the operator and other workers on the farm are hired by a management firm, if their wages and salaries are assigned to, and borne by, the farm operation being reported, then the operator and other workers should be reported as employees of that farm operation and the wages and salaries should be treated as an expense.

### D. Estates, trusts, and intermediaries

**A FOREIGN ESTATE** is a person and therefore may have direct investment, and the estate, not the beneficiary, is considered to be the owner.

**A TRUST** is a person but it is not a business enterprise. The trust is considered to be the same as an intermediary, and reporting should be as outlined below. For reporting purposes, the beneficiary(ies) of the trust, is (are) considered to be the owner(s) for purposes of determining the existence of direct investment, except in two cases: **(1)** if there is, or may be, a reversionary interest, and **(2)** if a corporation or other organization creates a trust, designating its shareholders or members as beneficiaries. In these two cases, the creator(s) of the trust is (are) deemed to be the owner(s) of the investments of the trust (or succeeding trusts where the presently existing trust had evolved out of a prior trust), for the purposes of determining the existence and reporting of direct investment.

This procedure is adopted in order to fulfill the statistical purposes of this survey and does not imply that control over an enterprise owned or controlled by a trust is, or can be, exercised by the beneficiary(ies) or creator(s).

#### FOR AN INTERMEDIARY:

1. If a U.S. intermediary holds, exercises, administers, or manages a particular foreign direct investment in the United States for the beneficial owner, such intermediary is responsible for reporting the required information for, and in the name of, the U.S. affiliate. Alternatively, the U.S. intermediary can instruct the U.S. affiliate to submit the required information. Upon so doing, the intermediary is released from further liability to report, provided it has informed BEA of the date such instructions were given and provides BEA the name and address of the U.S. affiliate, and has supplied the U.S. affiliate with any information in the possession of, or which can be secured by, the intermediary that is necessary to permit the U.S. affiliate to complete the required reports.

When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with a foreign beneficial owner are considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner. To the extent such transactions or accounts are unavailable to the U.S. affiliate, BEA may require the intermediary to report them.

2. If a foreign beneficial owner holds a U.S. affiliate through a foreign intermediary, the U.S. affiliate may report the intermediary as its foreign parent but, when requested, must also identify and furnish information concerning the foreign beneficial owner. Accounts or transactions of the U.S. affiliate with the foreign intermediary are considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner.

## VI. FILING THE BE-15

- A. Due date** – File a fully completed and certified Form BE-15(EZ) no later than May 31, 2011. If the U.S. affiliate is exempt from filing Form BE-15(EZ) based on the criteria in instruction I starting on page 7, complete and file the BE-15 Claim for Exemption by May 31, 2011.
- B. Mailing report forms to a foreign address** – BEA will accommodate foreign owners that wish to have forms sent directly to them. However, the extra time consumed in mailing to and from a foreign place may make meeting filing deadlines difficult. In such cases, please consider using BEA's electronic filing option. Go to our web site at [www.bea.gov/efile](http://www.bea.gov/efile) for details about this option. To obtain forms online go to: [www.bea.gov/fdi](http://www.bea.gov/fdi)
- C. Extensions** – For the efficient processing of the survey and timely dissemination of the results, it is important that your report be filed by the due date. Nevertheless, reasonable requests for extension of the filing deadline will be granted. Requests for extensions of more than 30 days **MUST be in writing** and should explain the basis for the request. You may request an extension via email at [be12/15@bea.gov](mailto:be12/15@bea.gov). For extension requests of 30 days or less, you may call BEA at (202) 606-5577. All requests for extensions must be received **NO LATER THAN** the due date of the report.
- D. Assistance** – For assistance, telephone (202) 606-5577 or send email to [be12/15@bea.gov](mailto:be12/15@bea.gov). Forms can be obtained from BEA's web site at: [www.bea.gov/fdi](http://www.bea.gov/fdi)
- E. Annual stockholders' report or other financial statements** – Please furnish a copy of your FY 2010 annual stockholders' report or Form 10K when filing the BE-15 report. If you do not publish an annual stockholders' report or file Form 10K, please provide any financial statements that may be prepared, including the accompanying notes. Information contained in these statements is useful in reviewing your report and may reduce the need for further contact. Section 5(c) of the International Investment and Trade in Services Survey Act, Public Law 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended, provides that this information can be used for analytical and statistical purposes only and that it must be held strictly confidential.
- F. Number of copies** – File a single original copy of the form. If you are not filing electronically, this should be the copy with the address label on page 1, if such a labeled copy has been provided by BEA. (Make corrections to the address on the label, if necessary.) You should also retain a file copy of each report for three years to facilitate resolution of any questions that BEA may have concerning your report. (Both copies are protected by law; see the statement on confidentiality on page 7.)