

# The Depository Trust Company

# **IMPORTANT**

**B#:** 3124

**DATE:** March 06, 2002

**TO:** All participants

**CATEGORY:** Dividends

**FROM:** Lucy DiPaolo, Supervisor, Dividend Department

**ATTENTION:** Operations, Reorg & Dividend Managers, Partners & Cashiers

**SUBJECT:** Tax Relief - Country: Ireland  
Jefferson Smurfit Group PLC CUSIP: 47508W107  
Record Date: 04/05/02 Pay Date: 05/03/02  
EDS Cut-Off Date: 04/11/02

DTC has been notified by J. P. Morgan Chase Bank, the depository bank for the above issue, that Jefferson Smurfit Group PLC will pay a cash dividend to holders of record April 5, 2002 (the "Record Date") payable on May 3, 2002 (the "Payment Date"). **The Jefferson Smurfit Group PLC dividend is subject to the dividend withholding tax ("DWT") of 20% (unfavorable rate), which applies to dividends paid by Republic of Ireland companies.**

Participants can elect to receive this distribution with 0% (tax-exempt rate) tax withheld on behalf of American Depositary Receipt ("ADR") beneficial owners with a U.S. address on the participant's books and records. All others will be subject to a DWT of 20% (unfavorable).

Participants can use DTC's Elective Dividend System (EDS) function over the Participant Terminal System (PTS) to certify all or a portion of their positions entitled to the applicable tax rate.

**NOTE: THE DEADLINE FOR CERTIFYING OVER EDS IS APRIL 11, 2002.**

By certifying the applicable tax rate, the participant is certifying that the criteria listed below have been met:

**U.S. BENEFICIAL OWNERS ENTITLED TO RECEIVE THE 100% DIVIDEND RATE (EXEMPT 0% RATE)**

The ultimate beneficial owner of the shares must have a U.S. address in the ADR register of the participant, to be paid at the 0% exempt rate. (There is no need to provide a certificate of U.S. tax residence or an application for exemption from Irish dividend withholding tax if this condition is met).

**PARTICIPANTS WHO DO NOT CERTIFY THROUGH EDS FOR THE FAVORABLE RATE WILL RECEIVE THE DIVIDEND WITH THE 20% IRISH DIVIDEND WITHHOLDING TAX (“DWT”) WITHHELD.**

The participant will indemnify J. P. Morgan Chase Bank (and its local custodian) for any liability they may incur as a result of their reliance on the information certified by the participant through EDS and will be responsible for any refunds of withholding tax to the Irish tax authorities through J. P. Morgan Chase Bank, the depository. The participant will be liable for any foreign exchange fluctuations impacting the amount of refunds or claims with the Irish tax authorities.

**The entity types below are not eligible for favorable rate relief via EDS, though they may claim the entitled withholding tax through J. P. Morgan Chase Bank /Globe Tax Services.**

Resident Exemptions for Excluded Persons - Ireland’s tax legislation provides for an exemption from any dividend withholding tax (DWT) made to a resident of Ireland who is a beneficial dividend recipient and is within one of the following categories: an Irish resident company, a pension scheme, a qualifying employee share ownership trust, a collective investment undertaking, or a charity.

Qualifying Non-Resident Persons - Ireland’s tax legislation provides for an exemption from dividend withholding tax to qualifying non-resident persons who are beneficially entitled to the relevant distributions and are within one of the following categories:

- Persons (other than companies) who are neither resident nor ordinarily resident in Ireland and who are resident for tax purposes in an EU Member State, other than Ireland, or in a country in which Ireland has a Double Taxation Agreement.
- Non-resident companies which are ultimately controlled by persons who are resident for tax purposes in an EU Member State, other than Ireland, or in a country with which Ireland has a Double Taxation Agreement.
- Non-resident companies, whose principal class of shares or shares of another company of which the company which is a 75% subsidiary, is substantially and regularly traded on a recognized stock exchange in an EU Member State, other than Ireland, or in countries with which Ireland has a Double Taxation Agreement.

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**(Individual residents of Ireland may not benefit from the favorable rate program.)**

**Participants who miss the EDS certification deadline, as well as non-United States holders, may contact the following for information concerning filing a tax reclamation:**

**J. P. Morgan Chase Bank  
c/o Globe Tax Services  
90 Broad Street – 8<sup>th</sup> Floor  
New York, NY 10004  
Attn: Clay Christensen  
Telephone: 1-800-929-5484**

Please Note: Tax Reclaims are subject to a depository service charge equal to 0.003 per ADR with a minimum of \$25.00 and a maximum of \$2,500.00.

Eligibility rules and all other legal conditions with respect to the use of EDS are contained in DTC's **TAXINFO** (TAXI) function over the Participant Terminal System (PTS).

Participants who fail to meet the EDS deadline or have other beneficial holders that are not eligible for the EDS process for whom they wish to file a reclaim may use DTC's **TaxReclaim** form preparation service, available by using the Tax Reclaim System (TAXR) function over PTS. **TaxReclaim** is DTC's proprietary withholding tax form preparation service that calculates reclaim entitlements and prepares the standard tax reclamation form for filing with the foreign taxing authorities or other designated agent. To enroll in **TaxReclaim**, please contact your Relationship Manager.

Questions regarding this Important Notice may be directed to Mr. Raymond Romain or myself of DTC's Dividend Department at (212) 855-4537 or 4531 respectively.