

# IMPORTANT NOTICE

**The Depository Trust Company**



**#:** 6290-10  
**Date:** March 9, 2010  
**To:** All Participants  
**Category:** Dividends  
**From:** International Services  
**Attention:** Operations, Reorg & Dividend Managers, Partners & Cashiers  
**Subject:** Tax Relief - Country: Ireland  
CRH, PLC. – CUSIP: 12626K203  
Record Date: 03/12/10 Pay Date: 05/20/10  
EDS Cut-Off Date: 03/19/2010

Participants can use DTC's Elective Dividend System (EDS) function over the Participant Terminal System (PTS) or TaxRelief option on the Participant Browser System (PBS) web site to certify all or a portion of their position entitled to the applicable withholding tax rate. Participants are urged to consult the PTS or PBS function TAXI or TaxInfo<sup>SM</sup> respectively before certifying their elections over PTS or PBS.

Important: Prior to certifying tax withholding elections, participants are urged to read, understand and comply with the information in the Legal Conditions category found on TAXI or TaxInfo in PTS or PBS respectively. Questions regarding this Important Notice may be directed to GlobeTax at 212-747-9100.

**\*\*Please Note\*\* The EDS window will open on March 15, 2010 and close on March 19, 2010.**

**\*\*Please Note\*\* There is no EDS window for Post Payables on this issue.**

**Important Legal Information:** *The Depository Trust Company ("DTC") does not represent or warrant the accuracy, adequacy, timeliness, completeness or fitness for any particular purpose of the information contained in this communication, which is based in part on information obtained from third parties and not independently verified by DTC and which is provided as is. The information contained in this communication is not intended to be a substitute for obtaining tax advice from an appropriate professional advisor. In providing this communication, DTC shall not be liable for (1) any loss resulting directly or indirectly from mistakes, errors, omissions, interruptions, delays or defects in such communication, unless caused directly by gross negligence or willful misconduct on the part of DTC, and (2) any special, consequential, exemplary, incidental or punitive damages.*

*To ensure compliance with Internal Revenue Service Circular 230, you are hereby notified that: (a) any discussion of federal tax issues contained or referred to herein is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code; and (b) as a matter of policy, DTC does not provide tax, legal or accounting advice and accordingly, you should consult your own tax, legal and accounting advisor before engaging in any transaction.*

Non-Confidential

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**BNY MELLON**  
DEPOSITARY RECEIPTS

**CRH**  
**CUSIP: 12626K203**  
**ADR RD: 03/12/2010**  
**ADR PD: 05/20/2010**

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

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

**NOTE: THE EDS WINDOW WILL OPEN ON MARCH 15, 2010 AND WILL CLOSE ON MARCH 19, 2010.**

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

**EXEMPT 0%**

The direct beneficial owner of the shares to be paid at the exempt rate has a U.S. address on the participant's books and records. (For these beneficial owners, supporting documentation for EDS certification of the exempt rate consists of the books and records of the participant, showing a U.S. address for the direct beneficial owner, and need not be supported by a certificate of U.S. tax residence or by an application for exemption from Irish dividend withholding tax.)

**UNFAVORABLE 20%**

For purposes of certifying via EDS on this dividend distribution, all shares that do not meet the criteria for the exempt rate noted above (ADR holder with U.S. address) will be paid at the unfavorable rate of 20%.

**THE ENTITY TYPES BELOW ARE NOT ELIGIBLE FOR RELIEF-AT-SOURCE VIA EDS, THOUGH THEY MAY CLAIM THE EXCESS TAX WITHHELD THROUGH BNY MELLON.**

**EXEMPTIONS FOR NON-LIABLE PERSONS**

Resident Exemptions for Excluded Persons – Ireland's tax legislation provides for an exemption from dividend withholding tax for relevant distributions made to a resident of Ireland who is beneficially entitled to the distributions 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 for relevant distributions made to a qualifying non-resident person who is beneficially entitled to the distributions and is within one of the following categories:

- Persons (other than companies) who are neither residents nor ordinarily residents in Ireland and who are residents for tax purposes in a treaty country or in an EU Member State other than Ireland
- Non-resident companies that are not controlled by Irish residents, and are resident for tax purposes in a country with which Ireland has a double taxation treaty or in an EU Member State other than Ireland.
- Non-resident companies, which are wholly owned by two or more companies, each of whose principal class of shares is substantially and regularly traded on one or more recognized stock exchanges in countries with which Ireland has a double taxation treaty or in an EU Member State other than Ireland.

**Special Notes on U.S. entities that are ineligible to claim through EDS.**

U.S. Partnerships and Trusts are entitled for tax relief via EDS as follows:

**U.S. PARTNERSHIPS**

For Irish Dividend Withholding Tax (DWT) purposes, a partnership is viewed as a U.S. resident only to the extent that all of the partnership's underlying partners are U.S. residents. If all partners are U.S. residents, the partnership is entitled to exemption from DWT. If at least one partner is not a U.S. resident, no part of the partnership's position is entitled to exemption from DWT.

Withholding rate with Participant EDS certification for partnerships whose partners are all U.S. residents: 0%

Withholding rate without Participant EDS certification and for partnerships with at least 1 partner that is not a U.S. resident: 20%

**TRUSTS**

Taxable Trusts (for DWT purposes, "discretionary trusts"): If a trust is taxable at the entity level and falls within one of the exempt categories set out above at the level of the trust, it is entitled to exemption from DWT

Non-taxable trusts (for DWT purposes, "non-discretionary trusts"): If a trust is not taxable at the entity level, eligibility for exemption from DWT depends on the residency of its underlying beneficiaries. If all beneficiaries are residents of relevant territories, the trust is entitled to exemption from DWT. If at least one beneficiary is not a resident of a relevant territory, no part of the trust's position is entitled to exemption from DWT and the trust's entire position is subject to the 20% DWT.

Withholding rate with Participant EDS certification for taxable trusts and non-taxable trusts whose beneficiaries are all residents of relevant territories: 0%

Withholding rate without Participant EDS certification and for Non-taxable trusts with at least one resident not in a relevant territory: 20%

**\*NOTE: The DWT provisions are set out in the (Irish) Taxes Consolidation Act 1997, Sections 172A-172M, as modified by changes therein contained in the (Irish) Finance Bill 2000, Sections 26 to 29.**

A dividend withholding tax (“DWT”) of 20% applies to dividends paid by Republic of Ireland companies from April 6, 1999, however, in the case of ADS holders such dividends may be paid at gross, (i.e. without deduction of DWT) where the underlying ADS holder’s address is:

- a) A United States address on the register of ADS maintained by a United States Depository Bank. BNY Mellon acts as “Depository Bank” (and acts as “Qualified Intermediary” as defined in Irish legislation\*).
- b) A United States address on the records of a specified intermediary, located in the United States, of the Depository Bank, through which the dividend is paid (DTC acts as “Specified Intermediary” as defined in Irish legislation\*).

To ensure that underlying ADS holders with U.S. addresses receive their CRH dividends gross please notify DTC, via EDS, no later than **MARCH 19, 2010**, as to the declaration of the ADS amount representing Exempt and Liable ADR holders of record date **MARCH 12, 2010**

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

**Please note: The simplified tax relief is subject to a depository service charge of \$0.0035 per ADR share claimed at the exempt withholding rate.**

For information about filing reclaims for non-U.S. entities or for information concerning filing a tax reclaim after the EDS certification deadline, as well as receiving the appropriate tax forms, please contact:

BNY Mellon c/o GlobeTax  
90 Broad Street – 16<sup>th</sup> Floor  
New York, NY 10004  
Attn: Becky Zhang  
Telephone: 1-800-915-3536

For DTC participants who filed incorrectly via the DTC EDS process and wish to amend their filing, please call BNY Mellon / Globe Tax Services at 800-915-3536. Late filings are subject to a service charge of \$0.005 per ADR with a minimum service charge of \$25.00 withheld by the ADR Depository

**NOTE: THE DEADLINE FOR CERTIFYING OVER EDS IS MARCH 19, 2010.**

**If Participants do not certify through EDS for the exempt rates, they will receive the dividend with 20% withheld.**

**Please note:** Claimants will not benefit from the accelerated tax refund procedure if they file after the deadline of **MARCH 19, 2010**, but may submit claims to BNY Mellon / GlobeTax, who is available to assist in claiming refunds from the Ireland Revenue Office under the traditional long form process until **December 1, 2014**, or to the Ireland Revenue Office. Be advised that it is generally more advantageous to file a claim earlier, specifically under the accelerated tax refund procedure, as refunds claimed through the traditional long form procedure customarily experience extensive costs and delays before being obtained.