

2004

Instructions for Schedule P (Form 5500)

Annual Return of Fiduciary of Employee Benefit Trust

General Instructions

Purpose of Schedule

You may use this schedule to satisfy the requirements under Code section 6033(a) for an annual information return from every section 401(a) organization exempt from tax under section 501(a). The statute of limitations under section 6501(a) for any trust described in section 401(a), which is exempt from tax under section 501(a), will not start to run until you file this schedule.

Who May File

Schedule P (Form 5500) may be completed by every trustee of a trust created as part of an employee benefit plan as described in Code section 401(a), and by every custodian of a custodial account described in Code section 401(f).

How To File

File Schedule P for the trust year ending with or within any participating plan's plan year. Attach it to the Form 5500 or 5500-EZ filed by the plan for that plan year. **A separately filed Schedule P will not be accepted.** If the trust or custodial account is used by more than one plan, file one Schedule P. If a plan uses more than one trust or custodial account for its funds, file one Schedule P for each trust or custodial account.

Check the Schedule P box on the Form 5500 (Part II, line 10b(7)), and enter the number attached in the space provided if one or more Schedules P are attached to the Form 5500.

If using an official hand print form, do not write on or near the bar code or in the upper right hand corner of the form as this will interfere with processing. Abbreviate if necessary. Use black or blue ink. Check boxes should be filled in completely or clearly marked with an "X".

Trust's Employer Identification Number

Enter the trust employer identification number (EIN) assigned to the employee benefit trust or custodial account, if one has been issued to you. The trust EIN should be used for transactions conducted for the trust. If you do not have a trust EIN, enter the EIN you would use on **Form 1099-R**, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc., to report distributions from employee benefit plans and on **Form 945**, Annual Return of Withheld Federal Income Tax, to report withheld amounts of income tax from those payments.

Note. Trustees who do not have an EIN may apply for one on **Form SS-4**, Application for Employer Identification Number.

You must be consistent and use the same EIN for all trust reporting purposes.

Do not use a social security number on this schedule in lieu of an EIN. The Schedule P and its attachments are open to public inspection, and the contents are public information and are subject to publication on the Internet. Because of privacy concerns, the inclusion of a social security number on this Schedule P or any of its attachments may result in the rejection of the filing.

EINs may be obtained by applying for one on **Form SS-4**, Application for Employer Identification Number, as soon as possible. You can obtain Form SS-4 by calling **1-800-TAX-FORM** (1-800-829-3676) or at the IRS Web Site at www.irs.gov. The EBSA does **not** issue EINs.

Signature

The fiduciary (trustee or custodian) must sign this schedule. If there is more than one fiduciary, the fiduciary authorized by the others may sign.

Other Returns and Forms That May Be Required

The following forms (if applicable) must be filed with the appropriate IRS Service Center:

Form 945, Annual Return of Withheld Federal Income Tax. If you made payments or distributions to individual beneficiaries of a plan, you may be required to withhold income tax from those payments. Use Form 945 to report taxes withheld from nonpayroll items. (See **Circular E**, Employer's Tax Guide (Pub. 15), for more information.)

Form 990-T, Exempt Organization Business Income Tax Return. A trust described in Code section 401(a) that derives income from a business that is unrelated to the purpose for which the trust received a tax exemption may be subject to tax on its unrelated income under Code section 511. For example, a trust that trades stock on margin may be subject to tax on such debt-financed income. In addition, a trust that invests in a partnership may be subject to tax on the trust's distributive share of the partnership's income. For details on reporting the income and figuring any tax the trust may owe, see Form 990-T and its instructions. Also, see Code sections 511 through 514 and the related regulations.

Form 1099-R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc. If you made payments or distributions to individual beneficiaries of a plan, report those payments on Form 1099-R. (See the Instructions for Forms 1099, 1098, 5498, and W-2G.)