

## Minutes of Main TALC Meeting

2 February 2016

Office of the Revenue Commissioners, Dublin Castle, Dublin 2 at 12pm

### Item 1 – Approval of minutes of meeting held 14 December 2015

- The minutes were approved.

### Item 2 – Matters arising

#### 1. Update on Consultations

- Consultation on *“The use of Intermediary-Type Structures and Self-employment Arrangements”*: The Department of Finance and the Department of Social Protection launched a joint-publication on 28 January 2016. The closing date for receipt of submissions is 31 March 2016. Revenue is considering making a submission to the consultation.
- Consultation on *“Tax Treatment of Expenses of Travel and Subsistence for Employees and Office Holders”*: Revenue confirmed that the submissions are still being considered by the Department of Finance. A written response to the consultation will issue once this process has concluded.
- Consultation on *“4<sup>th</sup> EU Anti-Money Laundering Directive and Funds Transfer Regulation”*: The Department of Finance and the Department of Justice and Equality launched a joint-publication in relation to member state discretions contained in the Directive (EU) 2015/849. Practitioners may wish to consider certain tax aspects of trusts in the consultation. The closing date for receipt of submissions is 4 March 2016.
- Consultation on *“Appropriate treatment for tax purposes of trade union subscriptions and professional body fees”*: It was pointed out that this review was announced in the budget papers. Revenue were unable to confirm the current status but undertook to seek an update from the Department of Finance and revert.

#### 2. iXBRL

- Revenue responded to CCAB-I's submission on a number of issues which had been raised at the TALC iXBRL subcommittee last October. Surcharges: taxpayers and agents are advised to contact the relevant case manager if they wish to request the removal of a late filing surcharge in respect of their iXBRL returns.
- iXBRL taxonomy: work is ongoing on the FRS 101/102 taxonomy update but there is some way to go. Business Reporting Ireland Limited, a company formed to promote the development and adoption of XBRL in Ireland, is working on the taxonomy. Efforts are being made by the various stakeholders in Business Reporting Ireland Ltd to put in place a sustainable mechanism to ensure timely XBRL taxonomy updates are carried out in future years.

- DPL: Revenue advised that they are reviewing iXBRL returns submitted since 1 December 2015 without the DPL and plan to raise the matter, in general, at the next iXBRL subcommittee meeting.
- It was agreed that any general iXBRL-related matters (as distinct from operational issues concerning specific financial statements which should be raised with the Region/Division responsible) arising are more appropriate for inclusion on the Agenda of the TALC iXBRL subcommittee.

### **Item 3 – Priority items for Main TALC/Subcommittees for 2016**

- One speaker per representative body made suggestions regarding priority items for 2016.
- Main TALC's priority items for 2016 include:
  1. Update on Revenue's Statement of Strategy following the General Election and the formation of the next Government
  2. Series of presentations/updates on roll out of Revenue's Customer Engagement Strategy
  3. Alignment of TALC subcommittees with Main TALC work plan
  4. Co-operative compliance
  5. Finance (Tax Appeals) Act 2015
- The TALC subcommittee's priority items for 2016 are attached.

### **Item 4 – EU Anti-Tax Avoidance Package**

- It was noted that Main TALC is a forum for discussing tax administration issues between Revenue and practitioners. TALC does not deal with the formation of legislation or policy.
- It was agreed that any administrative matters arising from the EU Anti-Tax Avoidance Directive are appropriate for inclusion as an item on the Main TALC Agenda.

### **Item 5 – Revenue Services and Customer Engagement Strategy**

- It was agreed that Revenue would provide a series of presentations during 2016 on the operational developments/roll out of Revenue's Customer Engagement Strategy, which includes Revenue's eService developments, to provide practitioners with an overview of the activities undertaken by Revenue in this important area of tax administration.
- Revenue provided an overview of proposed eService developments for 2016.

**Item 6 – Companies Act 2014 (required tax legislation)**

- A Working Group will be established between Revenue and practitioners in order to assess the impact of the Companies Act 2014 on tax law and identify any necessary legislative amendments that may be required.
- It was agreed that any tax matters arising from the Companies Act 2014 are appropriate for the TALC Direct/Capital Taxes subcommittee.

**Item 7 – Appeals update**

- Some practitioners queried the procedures for tax appeals pending commencement of the Finance (Tax Appeals) Act 2015. Revenue confirmed that until the Act is commenced the existing procedures for tax appeals operate in the normal course. An appeal must be lodged within the statutory time limit on giving notice in writing to the Revenue inspector.
- Revenue noted that pending commencement of the Finance (Tax Appeals) Act 2015 in any case where an appeal is mistakenly lodged to the Tax Appeals Commission, as opposed to the Revenue inspector, the appeal will not be considered an invalid appeal provided the appeal is lodged within the statutory time limit.
- In accordance with section 31 of the Finance (Tax Appeals) Act 2015, before transmitting an existing appeal to the Appeal Commissioners, Revenue will write to the appellant inviting the appellant to discuss settlement of the appeal or have the appeal transmitted to the Appeal Commissioners. This is a genuine opportunity for taxpayers to seek to settle cases, in particular those cases that have been outstanding for some time.
- Revenue will issue an eBrief on the status of the appeal system in due course.
- It was agreed that this matter would remain an item on Main TALC agenda for regular updates.

**Item 8 – Impact of State Aid on Revenue opinions/confirmations**

- Revenue confirmed that it continues to be Revenue policy to issue opinions/confirmations on tax matters in accordance with published guidelines.

**Item 9 – Reversal of Revenue opinions/confirmations (consultation with TALC before issuance of relevant eBriefs)**

- Some practitioners suggested that it would be beneficial if Revenue consulted with TALC before it issues relevant eBriefs in order to provide advance notice to the representative bodies of a change in Revenue practice.

- Revenue confirmed that it would endeavour to share its views with the relevant TALC subcommittee in advance of issuing an eBrief in circumstances where Revenue is aware that such an eBrief represents a change to established or accepted practice. However, in certain circumstances, e.g. where immediate intervention is required, it may not be either appropriate or possible to consult in advance of issuing an eBrief.

**Item 10 – Presentation on Automatic Exchange of Information, CRS**

- Revenue made a presentation on Automatic Exchange of Information and Common Reporting Standards which was followed by a ‘questions and answers’ session.

**Item 11 – Presentation on Country-by-Country Reporting Implementation Plan**

- Revenue made a presentation on its Country-by-Country Reporting implementation plan which was followed by a ‘questions and answers’ session.

**Item 12 – Review of subcommittees: Chairs, representatives, work plans and procedures for 2016**

- The committee reviewed each of the subcommittees work plans for 2016.

**Item 12 – Meeting Schedule 2016**

- The committee agreed the Main TALC meeting schedule for 2016.
- The next meeting is scheduled for 5 April 2016.

**Item 13 – AOB**

- Revenue advised that the case management of certain Accounting and Legal firms will be managed in future by Revenue’s South West Region based in Cork. Revenue will be writing shortly to the relevant firms/partners with further details.

Action Points	Responsible	Timescale
1. Seek an update from Department of Finance on the proposed Consultation on “ <i>Appropriate Treatment for Tax Purposes of Trade Union Subscriptions and Professional Body Fees</i> ”	Revenue	By 5 April 2016

Approved by Main TALC Committee Members

Attendees at the meeting of 2 February 2016

CCAB-I	Paul Dillon Sharon Burke Enda Faughnan Brian Purcell Brian Keegan Kimberley Rowan
ITI	David Fennell Mary Healy Cora O'Brien
Revenue	Eugene Creighton – Chair Michael Gladney Declan Rigney Brian Boyle Céire Moynihan