



Tax Compliance in a Changing World



1 June 2021

Chairperson

Anne Gunnell, *Irish Tax Institute*





Tax Compliance in a Changing World



Compliance Intervention Framework Sarah Waters



Compliance Intervention Framework – Background

- **Revenue Statement of Strategy 2021 – 2023**

- **Priority #3 – Maximising Timely Compliance**

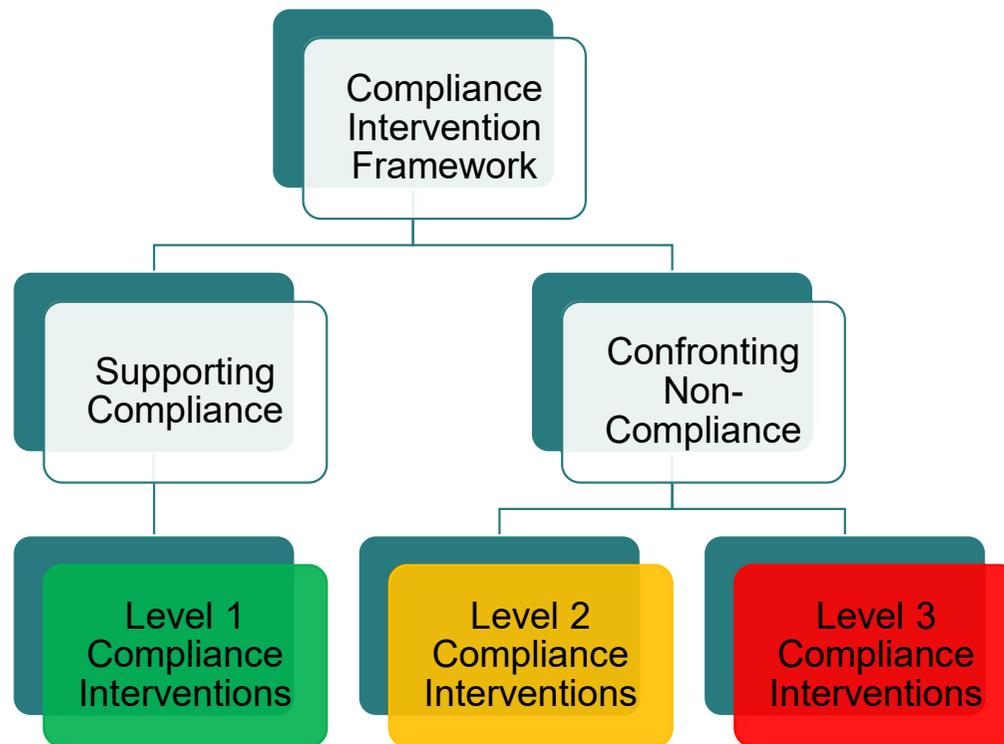
We will further enhance our real-time engagement and response to risk, building on the segmentation of our customer base. We will leverage our data holdings and capacity for advanced analytics. We will continue to encourage self-review and correction by taxpayers. We will implement a revised framework of compliance interventions that supports early and effective engagement to address non-compliance, based on the level of risk and taxpayer behaviour.

Compliance Intervention Framework – A Graduated Response to Taxpayer Behaviour

Self-assessment

- Self-correction without penalty.
- Unprompted Qualifying Disclosure – minimum level of penalty. No publication or prosecution.
- Prompted Qualifying Disclosure – significant mitigation of penalty with full cooperation. Potential to avoid publication or prosecution.
- No Qualifying Disclosure – opportunity for mitigation of penalty with full cooperation.

Compliance Intervention Framework

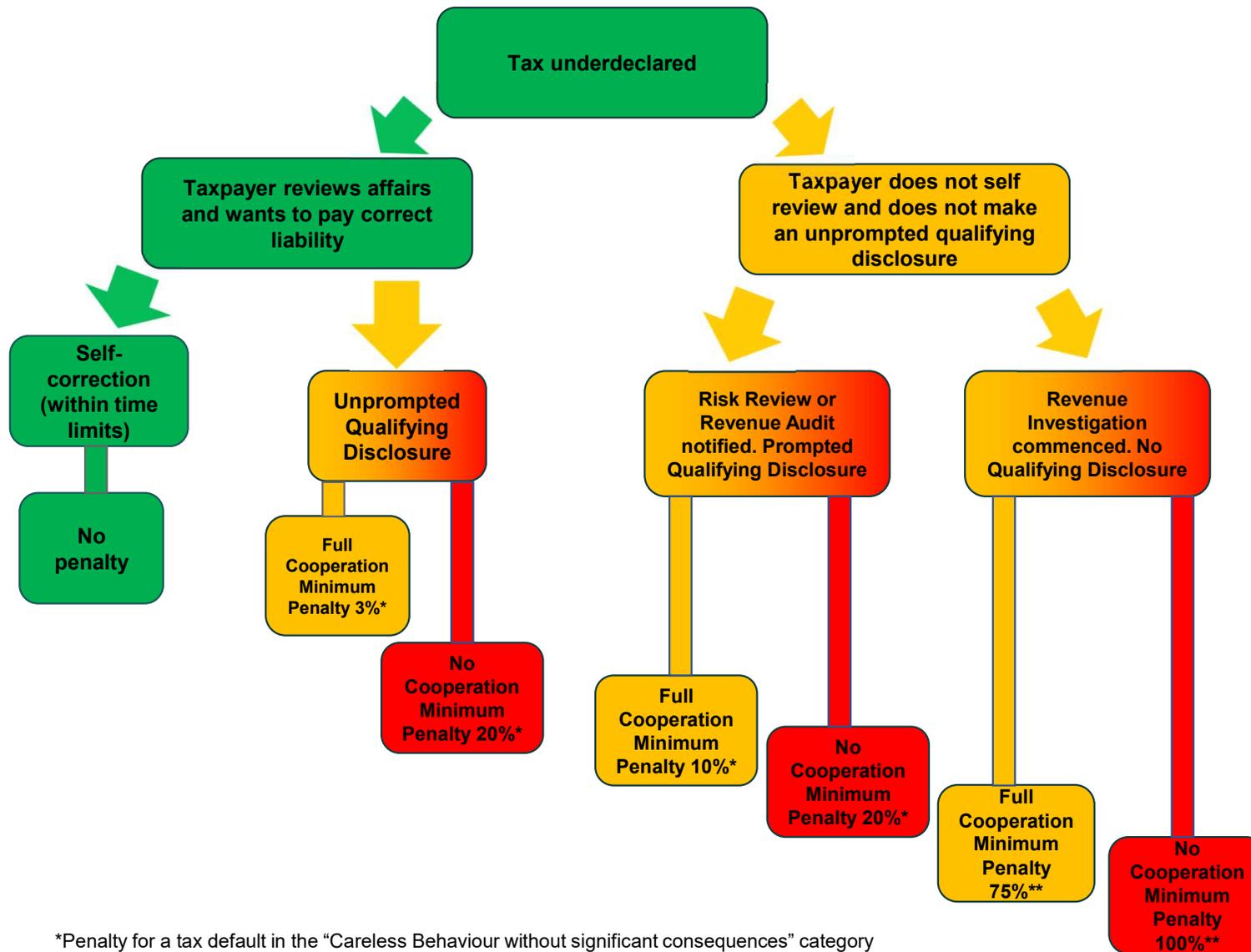


Compliance Intervention Framework

	Level 1	Level 2	Level 3
Objective	Support Compliance	Challenge Non-Compliance	Tackle High Risk Cases/Practice
Corrective Options	Payment of liability/self-correction	Payment of liability	Payment of liability
Disclosure Position	Unprompted Qualifying Disclosure	Prompted Qualifying Disclosure Available	No Qualifying Disclosure
Activity	Self-Reviews Profile Interview Bulk issue non-filer reminders CCF Engagements	Risk Review Audit	Investigation

Compliance Intervention Framework

- **Aspect Queries will cease to exist**
 - “In flight” interventions
- **Escalations between intervention types**



*Penalty for a tax default in the "Careless Behaviour without significant consequences" category

**Penalty for a tax default in the "Deliberate Behaviour" category

Compliance Intervention Framework

- **Code of Practice for Revenue Compliance Interventions being revised**
- **Effective early 2022**

Thank you



Tax Compliance in a Changing World



Compliance Intervention Framework
Julie Burke
BL

Revenue Statement of Strategy and Corporate Priorities 2021-2023

MAXIMISING TIMELY COMPLIANCE

“In 2021, we will

1. Finalise the review of our compliance intervention framework and implement changes needed to ensure the model operates to effectively foster taxpayer compliance.
2. Implement both sectoral and group-based approaches to understanding risk and maximising compliance.
3. Develop and implement proposals that deliver a more integrated approach to customer service, compliance management and debt management.”

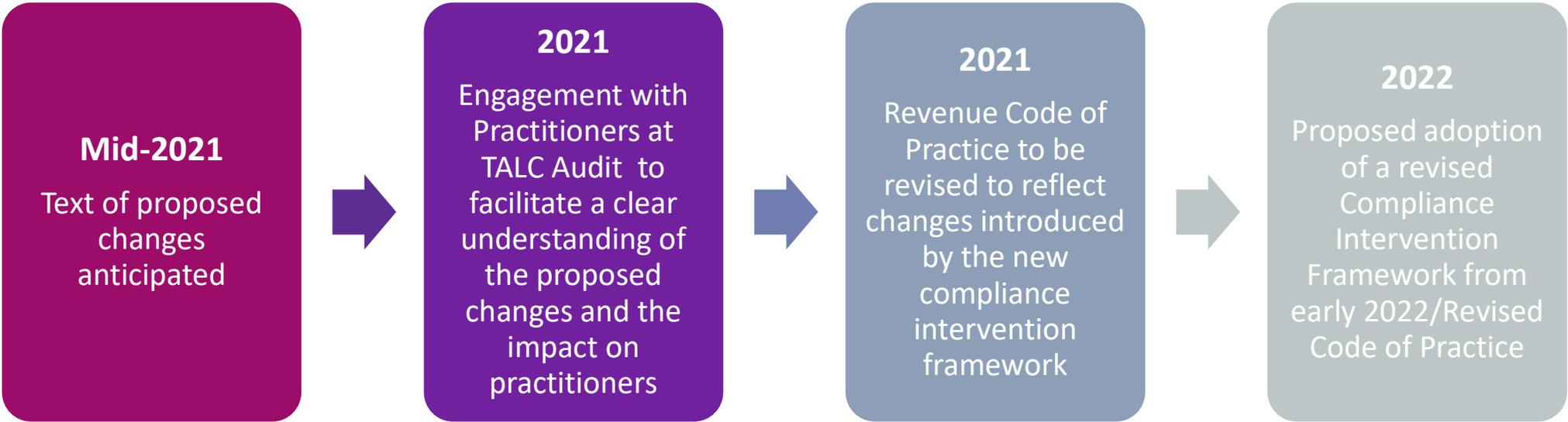
Rationale for the Proposed Strategy-led Changes?

- Stakeholder engagement crucial to the implementation of the new strategy.
- Key to this is understanding Revenue's requirement for and the objectives of such fundamental changes to the audit compliance framework.
- Particularly where Revenue's Annual Report 2020 states that...*“Despite the challenges of 2020, strong voluntary tax compliance levels were sustained with only a relatively marginal reduction on 2019. This reflects the positive engagement by businesses, individuals and tax practitioners throughout 2020 and the strong commitment to meeting tax obligations and ensuring vital services and supports are maintained”*¹
- From the briefing paper supplied², the proposed new Framework, from a taxpayer's perspective, appears to create additional risks with significant potential for increased penalties and publication on the list of tax defaulters. Safeguards would be welcomed to balance these new risks.
- Timing of these changes is also important in light of the widespread impact of Covid-19 and the reopening of the economy.
- Clear communication and education of all stakeholders prior to introduction of the revised Framework is critical.

¹<https://www.revenue.ie/en/corporate/press-office/annual-report/2020/ar-2020.pdf>, April 2020

²<https://www.revenue.ie/en/tax-professionals/documents/talc/audit/minutes-0421.pdf>, April 2021

Revenue Review of Compliance Intervention Framework Estimated Timelines



Revenue Powers Group Report 2003 Relevance in 2021?

“The Group considered that streamlining of the powers legislation is necessary to make **clear the gradations in powers appropriate for use in audit and investigation of tax liabilities**

Revenue powers in Ireland are generally in line with international norms. The Group accepted the need for far-reaching Revenue powers provided **that adequate safeguards apply to their use**

The legislation should carry the key restraints on the use of the powers, while it is accepted that these may be amplified in codes of practice and operations manuals”

Unprompted QD – pre and post Framework

Current Code – Non-audit interventions



Level 1 – New Compliance Intervention Framework

Unprompted QD:
Self-reviews
Profile Interview
Bulk issue non-filer reminders
CCF – large corporates



Opportunities for Qualifying Disclosure (QD)

Current Code of Practice	New Compliance Intervention Framework
Revenue audit <ul style="list-style-type: none">• Opportunity for prompted QD	Level 2 – Increased number of interventions <ul style="list-style-type: none">• Audit <u>or</u> Risk Review (previously an Aspect Query)• Opportunity for prompted QD <u>only</u>
Revenue investigation <ul style="list-style-type: none">• No QD	Level 3 – Revenue investigation <ul style="list-style-type: none">• No QD

Review of Safeguards in Code of Practice

The safeguard provisions in the Code were designed circa 10 years ago.

The tax landscape has fundamentally changed since then, with some of the more significant developments including:

- Real-time reporting
- Transfer pricing
- Foreign Income and Assets Disclosure regime
- Co-operative Compliance Framework
- E-Audits

Each of these developments are relevant in the context of Revenue interventions. In reshaping the Code, consideration needs to be given to whether the current safeguards are fit for purpose in the context new developments.

Safeguards to balance increase in Level 2 interventions

For Discussion:

- Self correction without penalty – issues with real-time audits in current period
- Concept of “genuine error”
- Technical adjustment – review of technical adjustment provision
- Review of method of calculation of publication limit of taxpayers name on list of tax defaulters

Audit process:

- Review of timeframes
- Notification of audit – more serious consequences
- Identification of risk – if the objective of Risk Reviews is to encourage voluntary compliance/self-reviews/disclosures, it would be beneficial for all parties if the Risk Review notification disclosed details of the risks that Revenue is seeking to appraise. This transparency would enable taxpayers to carry out a more targeted review of the perceived risks.
- Improving transparency and reducing audit duration expediting closing of audit.
- Where Revenue is considering issuing an assessment in respect of matters identified during an intervention, a findings to the taxpayer setting out each amount being assessed and the technical basis for same would help streamline the settlement process and enable the taxpayer to better assess the merits of initiating an appeal.

Next steps with taxpayers and their advisers

- Communication with all stakeholders is crucial to the implementation of the new Framework.
- Provision for Transitional Measures and advance signalling of a clear commencement date is recommended.
- In light of the hardship borne by certain sectors during 2020/2021, if consideration could be given to completion of on-going audit of Covid-19 supports, i.e. before the implementation of the new Framework to the extent possible.
- Prior to commencement of the new Framework, Stakeholders will need to be aware of Revenue's planned resumption of on-site visits and the extent to which interventions will continue to be conducted remotely.

Session 2 Chairperson

Brian Boyle, *Revenue*





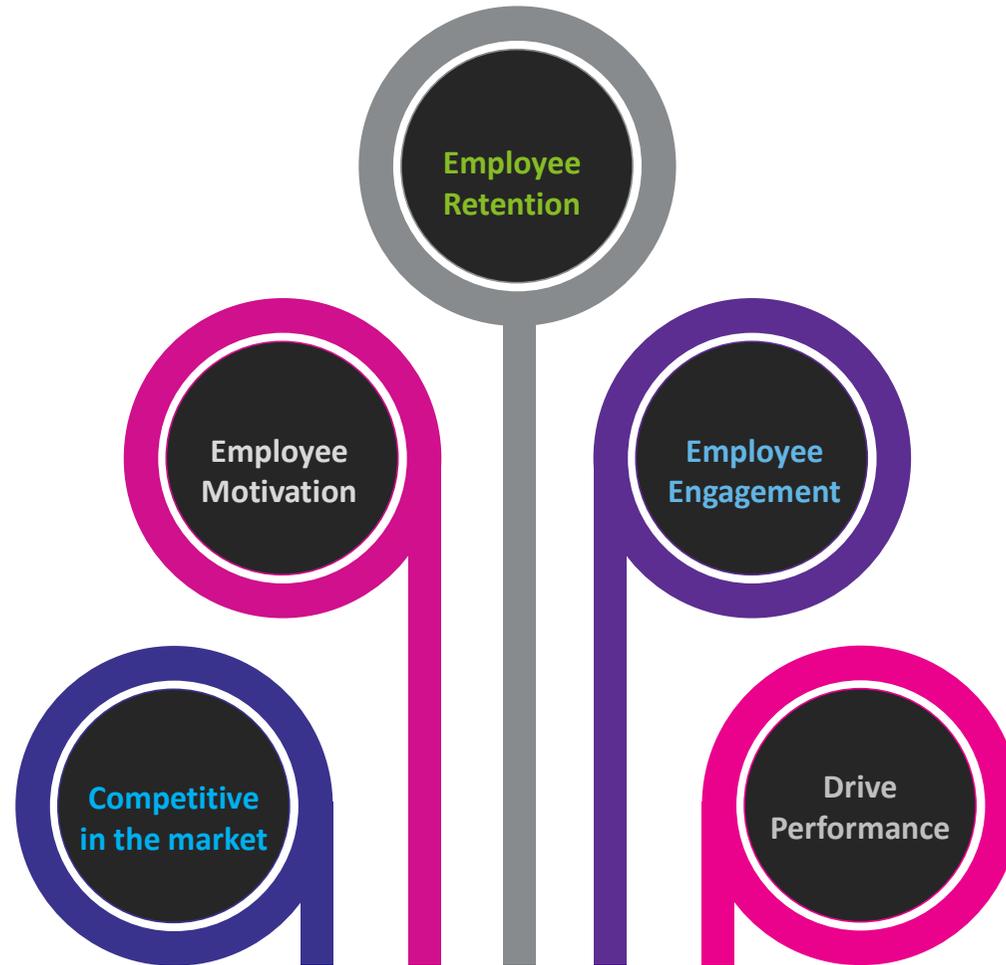
Tax Compliance in a Changing World



Share-Based Remuneration Sarah Conry

Deloitte.

Benefits of Share Remuneration



Share Remuneration

Common Plans in Listed Companies

Restricted Stock Units

Performance Shares

Share Options

Employee Share Purchase Plans (ESPP) – US companies

Approved Plans - Listed Companies

Listed companies often implement approved plans

- Approved Profit Share Schemes
- SAYE Schemes

Limited choice as SAYEs currently not viable due to lack of savings providers post Brexit

Share Remuneration



Restricted Stock Units

- Taxable on vest
- Taxed on market value
- Employer withholding obligation through payroll

- USC applies
- Withheld through payroll

- Employee PRSI applies
- Withheld through payroll
- No Employer PRSI

- New reporting obligation introduced – duplication as taxable value reported via payroll already
- Deadline for 2020 reporting is 31 August 2021

Share Options

- Taxable on exercise
- Taxed on market value less price paid
- Income tax payable by employee within 30 days
- Form RTSO1

- USC applies
- Payable with income tax via Form RTSO1

- Employee PRSI applies
- Payable with income tax via Form RTSO1
- No Employer PRSI

- Employer must report on Form RSS1 by 31 March following year of exercise

ESPPs (generally)

Share Remuneration

Plans in Private Companies

Share Options

Restricted Shares

Forfeitable Shares

Growth Shares

Typically most share plans for private companies will incorporate some forfeiture provisions

Very limited uptake of KEEP



Share Remuneration – Private Companies

Restricted Shares

A Restricted Share is a share which is restricted for a set period of time. It must be held in Trust and cannot be assigned, sold or utilised as security during the restricted period.

Incentivise key employees to grow the company.

Taxable value will be reduced by reference to the restricted period. 10% reduction per year to a maximum of 60%.

Capital Gains Tax payable on the disposal of the shares. The base cost for CGT will depend on whether the shares were newly issued or pre-existing on award.

Flexibility in determining rights attaching to the shares and good/bad leaver provisions.

Growth Shares

A Growth Share is a share with restricted rights based only on the future growth of the company above a specified level.

Incentivise key employees to grow the company.

Lower upfront value than an ordinary share so reduce upfront cost for the employee

Existing shareholders retain the value already built up in the company.

Capital Gains Tax payable on any growth in the shares (payable on a disposal of the shares).

Flexibility in determining rights attaching to the shares and good/bad leaver provisions.



Tax Compliance in a Changing World



Share Based Remuneration Declan Rigney

Slido.com
#JW2021



Share Based Remuneration – Content

- Introduction
- Legislation and Revenue Guidance
- Approved v Unapproved Share Schemes
- Reported amounts of share based remuneration
- Compliance Risk Overview
- Compliance Risk Framework – Employer & Employee
- Employer's Share Awards (ESA) Return
- Practitioners can help

Share Based Remuneration Legislation & Revenue Guidance

Share award	Relevant legislation	Revenue's Consolidated Share Scheme Manual
Restricted Stock Unit (RSU)	Section 112 TCA 1997	Chapter 2
Unapproved Share Option	Section 128 and 128B TCA 1997	Chapter 3
Employee Share Purchase Plan (ESPP)	Section 112 TCA 1997 or 128 TCA 1997	Chapter 4
Convertible Securities	Section 128C TCA 1997	Chapter 5
Forfeitable Shares	Section 128E TCA 1997	Chapter 6
Shares acquired at less than Market Value (undervalue), notional loans	Section 112, 122 and 122A TCA	Chapter 7

Share Based Remuneration Legislation & Revenue Guidance

Share award	Relevant legislation	Revenue's Consolidated Share Scheme Manual
Restricted Shares	Section 128D TCA 1997	Chapter 8
Key Employee Engagement Programme (KEEP)	Section 128F TCA 1997	Chapter 9
#Approved Profit Share Scheme (APSS)	Sections 509 – 518 TCA 1997 and Schedule 11 TCA 1997	Chapter 10
#Employee Share Ownership Trust (ESOT)	Sections 519 TCA 1997 and Schedule 12	Chapter 11
#Save As You Earn Scheme (SAYE)	Sections 519A to 519C and Schedule 12A and 12B	Chapter 12

Share Based Remuneration Approved v Unapproved Share Schemes

Approved Schemes – Revenue approval required

- Approved Profit Sharing Schemes (APSS)
- Employee Share Ownership Trusts (ESOTs)
- Save as You Earn schemes (SAYE)

Unapproved Schemes – Revenue approval not required

- Share awards (free shares or discounted shares)
- Share options (option to buy shares in the future at a pre-agreed price)
- Employee Share Purchase Plan (ESPP)
- Key Employee Engagement Programme (KEEP)
- Restricted shares
- Convertible securities
- Forfeitable shares

Share Based Remuneration Approved v Unapproved Share Schemes

Taxation of share/share option schemes

- Income Tax:
 - Chargeable where acquired free of charge or at a discounted price
 - Relief available if a tax efficient employee share scheme, subject to conditions being satisfied
- USC/PRSI apply
- No Employer PRSI in most cases
- CGT on any uplift

Filing requirements

- Year-end reporting obligations
- Filing deadline for employers/trustees: 31 March following the year in which the activity arose

Share Based Remuneration 2019 (collected through payroll)

Employer's Division	Value of awards €	No. of Employers	No. of Employees
Business	12,561,702	77	354
LCD	1,030,965,798	380	32,026
MED	159,283,789	214	6,846
Personal	2,926,900	20	38
Totals	1,205,738,191	692	39,262

Share Based Remuneration 2020 (collected through payroll)

Employer's Division	Value of awards €	No. of Employers	No. of Employees
Business	11,039,822	90	505
LCD	1,021,377,652	372	41,111
MED	202,394,663	221	8,488
Personal	1,835,870	18	37
Totals	1,254,648,009	701	50,139

Shared Based Remuneration 2021 to May (collected through payroll)

Division	Value of awards €	No. of Employers	No. of Employees
Business	11,133,001	64	425
LCD	624,379,641	297	34,607
MED	108,058,696	170	6,504
Personal	730,730	9	24
Totals	744,302,069	540	41,560

Value of Shares Received in 2019

Share Scheme	Value of Shares received/ MV of shares or options €
Unapproved Share Options	234,969,761
Approved Profit Share Scheme (APSS)	167,917,748
Save As You Earn Scheme (SAYE)	12,798,424

Value of Shares Received in 2020

Share Scheme	Value of Shares received €
Unapproved Share Options	292,184,466
Approved Profit Share Scheme (APSS)	Approx. 400 schemes currently in existence
Save As You Earn Scheme (SAYE)	Approx. 100 schemes currently in existence

Share Based Remuneration – Compliance Risk Overview

- Returns compliance
- Operation of PAYE by employer on certain share awards schemes
- Tax treatment can depend on whether shares are acquired as part of a share scheme or an option
- Capital Gains Tax implications for employees (incl. Revenue approved share schemes)
- Employee confusion that share awards subject to PAYE deductions
- Twin tax risks for unapproved share options
 - IT on acquisition
 - CGT on uplift on disposal
- Full records of options granted and exercised to calculate liabilities
- Employer confusing Restricted Share Awards with RSUs
- RSU based **cash settled awards** liable to Employer PRSI while RSU based **share settled awards** are not

Share Based Remuneration – Compliance Risk Framework

Share award	Employer	Employee
**Restricted Stock Unit (RSU)	X	X (CGT)
**Unapproved Share Option		X (IT & CGT)
**Employee Share Purchase Plan (ESPP)	X	X (CGT)
**Convertible Securities		X (IT & CGT)
**Forfeitable Shares	X	

Share Based Remuneration – Compliance Risk Framework

Share award	Employer	Employee
**Restricted Shares	X	X (CGT)
**Key Employee Engagement Programme (KEEP)		X (CGT) <i>Post 1/1/2024 IT also arises</i>
#Approved Profit Share Schemes (APSS)		X (CGT)
#Employee Share Ownership Trusts (ESOT)		<i>As for APSS</i>
#Save As You Earn Schemes (SAYE)	X	X (CGT)

Employer's Share Awards (ESA) Return

- Section 8 Finance Act 2020
- Extension of the mandatory annual e-filing requirement by employers to additional share awards – s897B TCA 1997
- Effective 1 January 2021
- First reporting period: return year 2020
- Purpose to gather information regarding the operation of share schemes
- Return year 2020 filing date – **31 August 2021**
- 2021 onwards – **31 March following the relevant tax year, i.e. return year 2021 due by 31 March 2022**

Employer's Share Awards (ESA) Return

- Share Schemes covered:
 - ❖ Restricted Stock Units (RSUs) share based
 - ❖ Convertible Securities
 - ❖ Restricted Shares
 - ❖ Forfeitable Shares
 - ❖ Discounted, free or matching shares
 - ❖ Employee Share Purchase Plans (ESPPs)
 - ❖ Growth shares
 - ❖ Cash-based share awards, e.g.:
 - ✓ Restricted Stock Units (RSUs)

Employer's Share Awards (ESA) Return

- Spreadsheet format for filing similar to KEEP1, RSS1, ESS1
- Offline functionality to facilitate completion
- Mandatory electronic filing – Upload via ROS
- Mid-June ESA return available for download on Revenue website
- Engagement with ITI and other stakeholders – very useful
- Failure to make a return subject to:
 - €3,000 penalty - s1052(1)(b) and Schedule 29 TCA 1997
 - €1,000 penalty in the case of a secretary – s1054 TCA 1997

Share Based Remuneration – Practitioners Can Help

- Employer Risks
 - Encourage self-review
 - Are all relevant awards going through payroll?
 - Inform employers re ESA Return obligations
 - Employer PRSI in certain instances
- Employee Risks
 - Encourage employer to educate & inform
 - Retain all relevant documentation to validate tax/USC/PRSI and CGT liabilities
 - Refer to Revenue website

Session 3 Chairperson

Shane Coleman, *Newstalk*

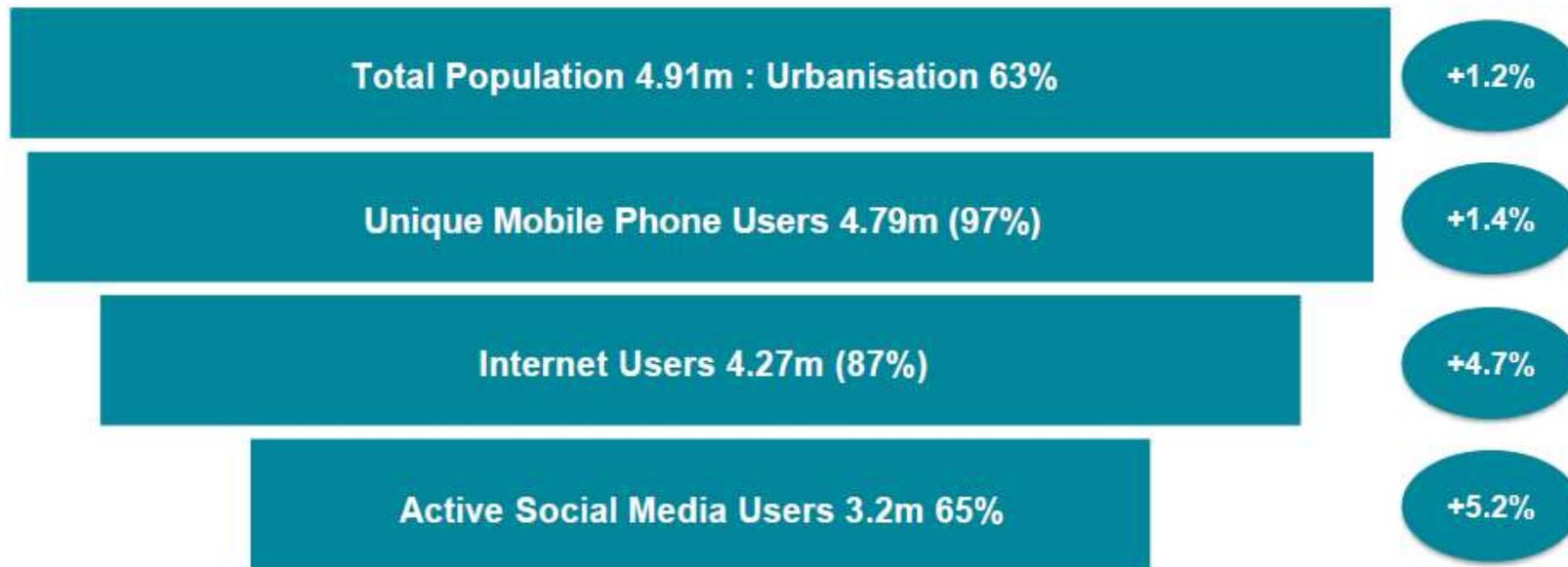




The Digital Transformation of Tax Administration John Barron

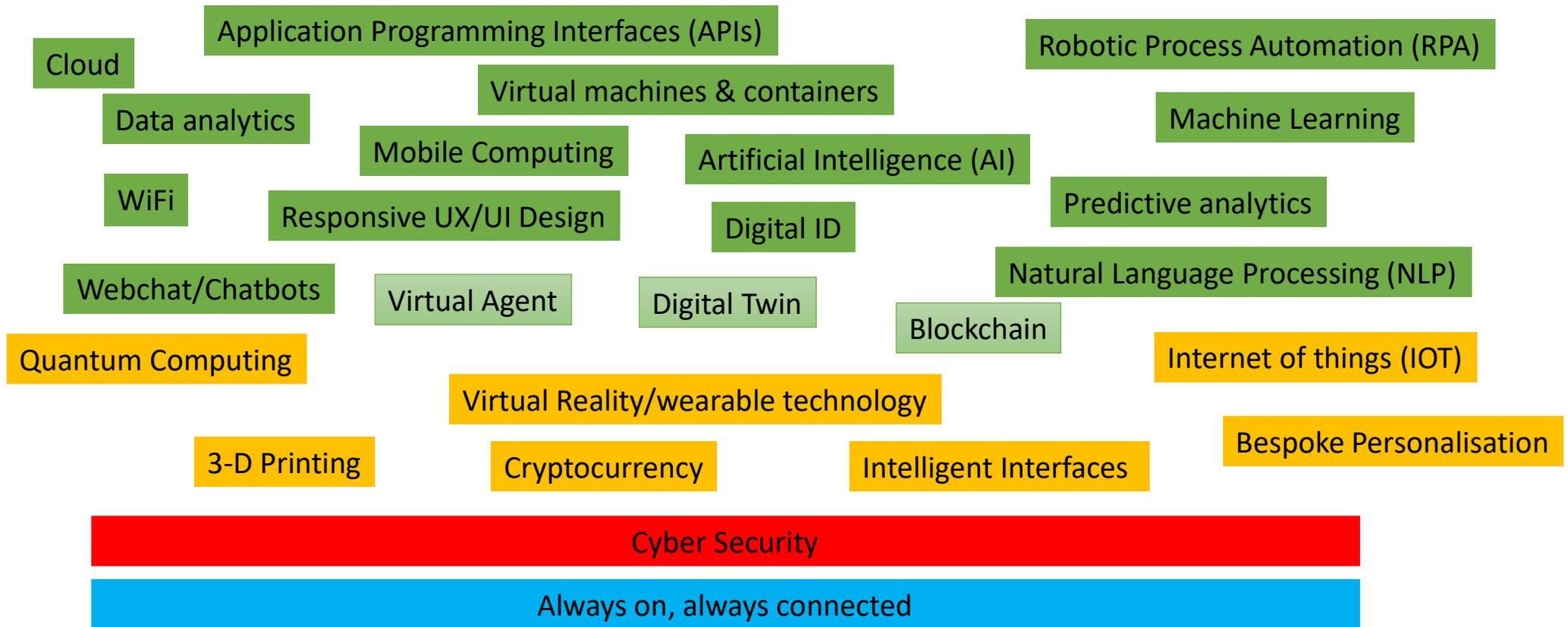
Ireland's Digital Audience

Digital in Ireland 2020



Source: Hootsuite Jan 2020

What is Digital Transformation?



There are lots of buzzwords and technology - all of which form part of the answer.

The term has 2 words; Digital covers the ICT aspect and Transformation relates to the organisational and stakeholder aspects. It is these two together that really define Digital Transformation.

Digital Transformation is a journey

The process of improvement is ongoing. New taxes, technologies, new requirements and new opportunities will emerge as well as improved processes.

Innovation

Creating new ways of doing things better. This can be done incrementally or in large steps forward such as producing a new technology

Digital Transformation

The adaptations an organisation or business makes to be competitive, efficient and effective in a digital world

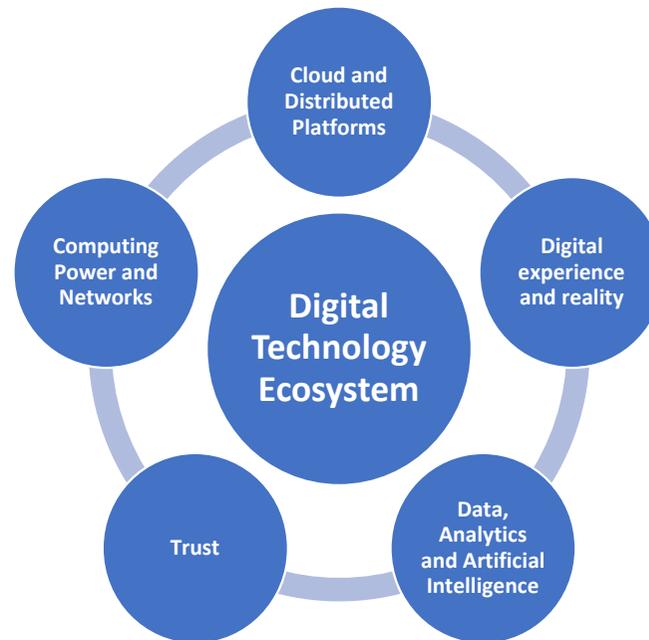
Business Process

Use digital technologies to enhance the business model providing enhanced services which improve overall efficiencies.

Digitalisation

Converting analog processes/data into electronic systems/data. Removing paper, allows shared information and BI.

Digital Ecosystem



This ecosystem is much stronger and functional than its individual components because they all interoperate with and complement one another, opening up new possibilities.

Each technology alone can bring its own opportunities and challenges, but the biggest potential lies in their combination within one digital technology ecosystem.

Digital Trends (1)

Cloud and Distributed Platforms

- API Economy – elevated from a development technique to a business model driver.
- Everything as a Service - convert one-time buyers into service subscribers who receive ongoing benefits from the product
- Blockchain - open, distributed ledger that can record transactions between two parties efficiently and in a verifiable and permanent way.

Data, Analytics and Artificial Intelligence

- Predictive Analytics - making predictions about future outcomes based on historical data and analytics techniques.
- Natural Language Processing - to read, decipher, understand, and make sense of the human languages in a manner that is valuable.
- Digital Twin - a virtual model of a process, product or service

Digital experience and reality

- Bespoke Personalisation- highly personalized, in-person experiences without sacrificing the convenience of online transactions.
- Intelligent Interfaces - combine the latest in human centred design techniques with leading-edge technologies such as computer vision, conversational voice, auditory analytics, and advanced augmented reality and virtual reality.
- Internet of Things - a giant network of connected things and people – all of which collect and share data about the way they are used and about the environment around them.

Digital Trends (2)

Trust

- Digital Identity - can be authenticated unambiguously through a digital channel
- Zero Trust - every access request should be validated based on all available data points, including user identity, device, location, and other variables that provide context to each connection and allow more nuanced, risk-based decisions

Computing Power and Networks

- High-performance computing (HPC) - the aggregation of processing power to deliver far higher performance than would be possible with an ordinary computer
- Quantum computing (QC) - ability to process information at almost unthinkably fast speeds versus today's ICTs would make it perfect for AI and cloud computing.
- Next Generation Wireless Networks - A major difference with 5G is that it is designed to connect not just people, but things, underpinning a world of M2M communication that takes place largely hidden from human eyes

Why Change?

- Ireland has held its position at the top of the EU league table for ease of paying taxes, according to the 2020 PwC-World Bank Paying Taxes report. Ireland continues to be the most effective EU country in which to pay taxes and the fourth most effective worldwide.
- The report reconfirms Ireland as an attractive location in which to establish a business. According to the study, a typical Irish domestic company spends just over a quarter of its total commercial profits in taxes, spends just over two weeks dealing with its tax affairs and makes a tax payment nearly every six weeks.
- Limitations of the current system of tax administration, in particular as regards:
 - The ability for current service offerings and enforcement tools to narrow tax gaps substantially; and
 - The difficulty of making further substantial reductions in compliance burdens.

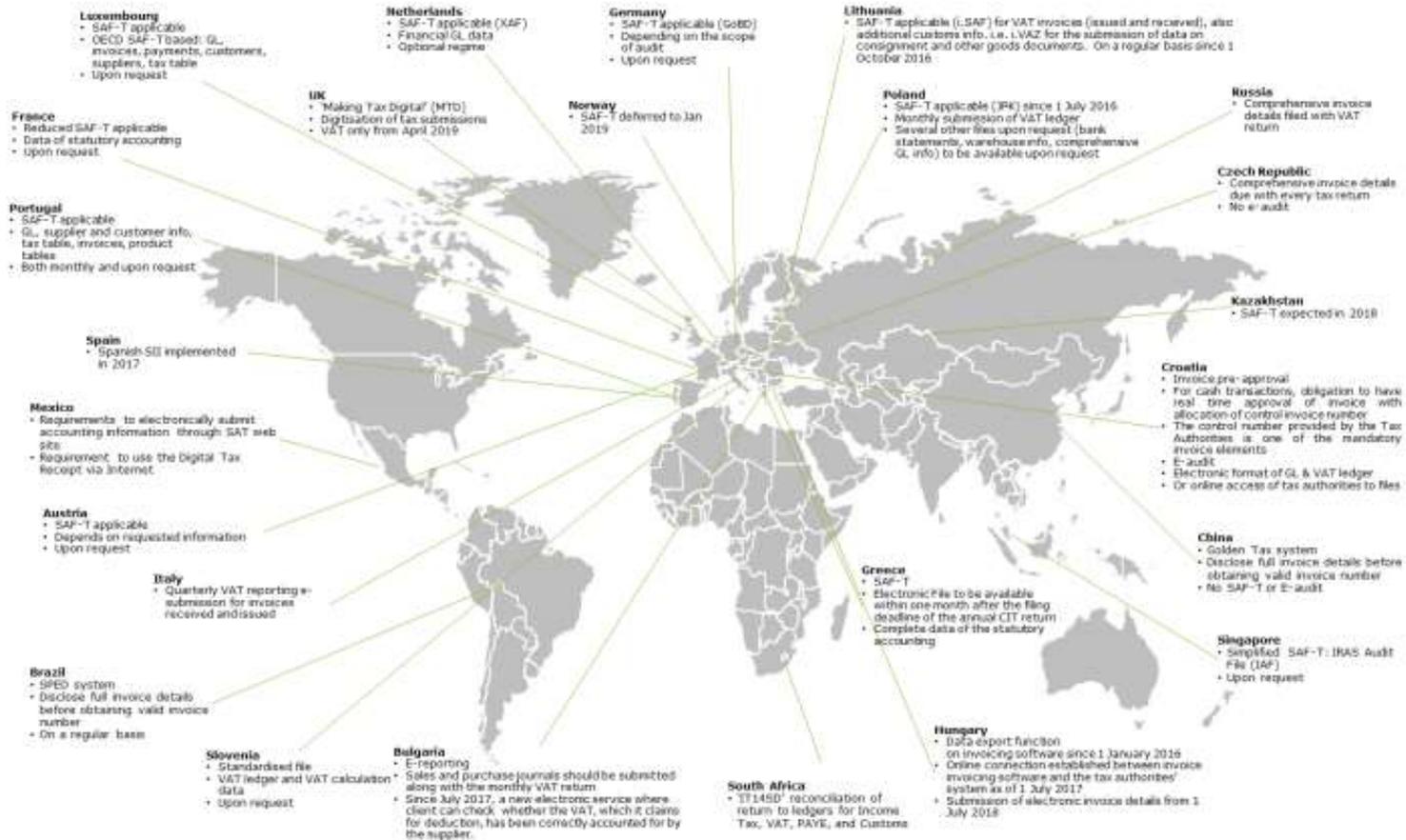
PwC, the World Bank and International Finance Corporation. (2019). *Paying Taxes 2020*. Washington: PwC, the World Bank and International Finance Corporation.



We have done a lot – eStamps, eRCT, PMOD but Revenue needs to continuously improve our performance, make it easier and more convenient to comply, reduce compliance costs and target those who try to avoid paying the correct taxes and duties. Digitally transforming our tax administration is a key step along this road.

We are not alone!

Figure 1. Tax Administrations are digitizing across the globe (not exhaustive)



Tax Administration 3.0

Towards Tax Administration 3.0

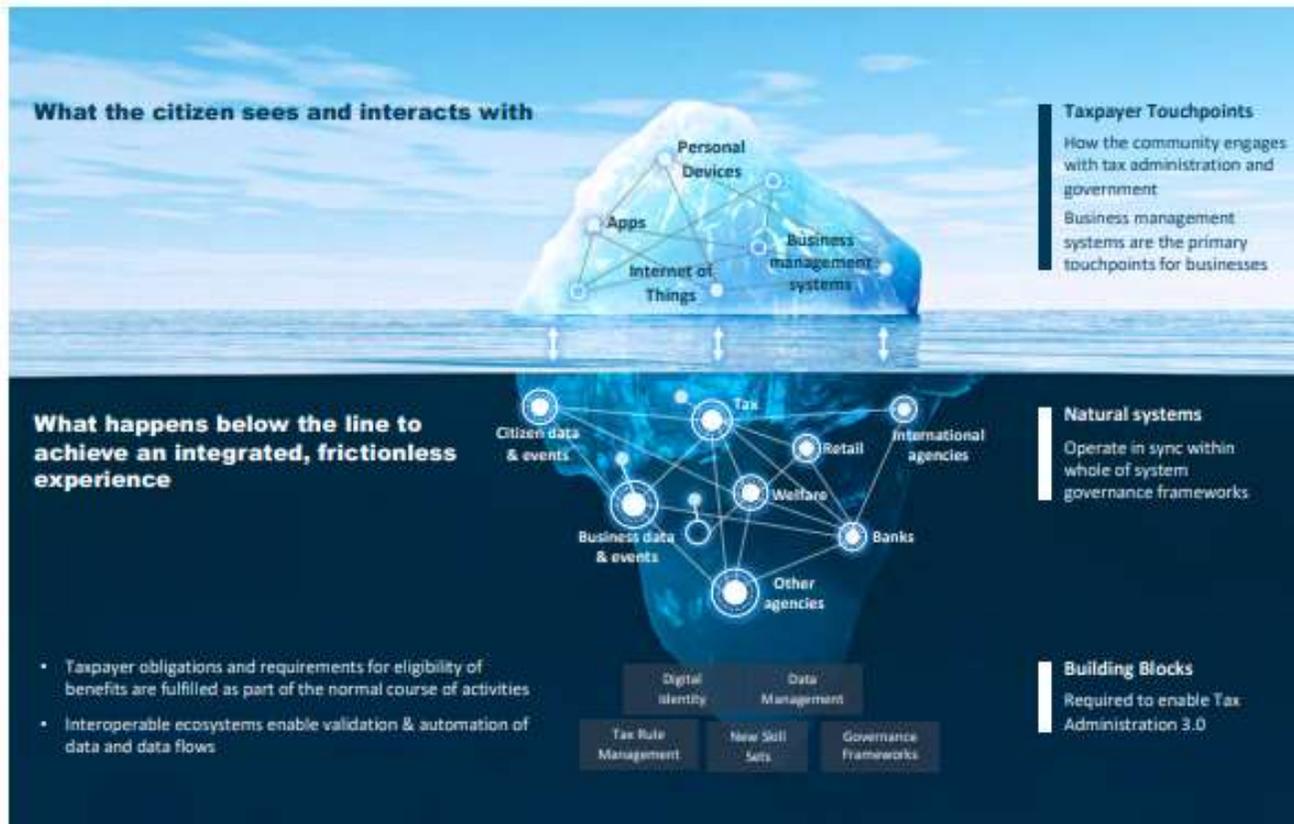


- *Forms driven (electronic & paper)*
- *Periodic, historical, aggregated data*
- *Manual, slow & costly*
- *Retrospective risk treatment*
- *Disconnected ecosystems*

- *Data driven*
- *Event based, detailed & real-time data*
- *Enables validation & automation*
- *Enables assured data*
- *Interoperable ecosystems*
- *Enables international co-operation*

<https://www.oecd.org/tax/forum-on-tax-administration/publications-and-products/tax-administration-3-0-the-digital-transformation-of-tax-administration.htm>

Tax Administration 3.0



Core elements of Tax Admin 3.0

Adaptive organisation

Embedded within Natural systems

Part of a resilient system of systems

Transparent & Trustworthy

Real-time tax certainty

Core Building Blocks

Six core building blocks of future tax administration were identified by the tax administrations which led the work on this model.

Digital Identity: supporting secure and unique identification of taxpayers and citizens in a joined-up way, helping to reduce burdens and helping to move processing into the background, connecting taxpayers' natural systems.

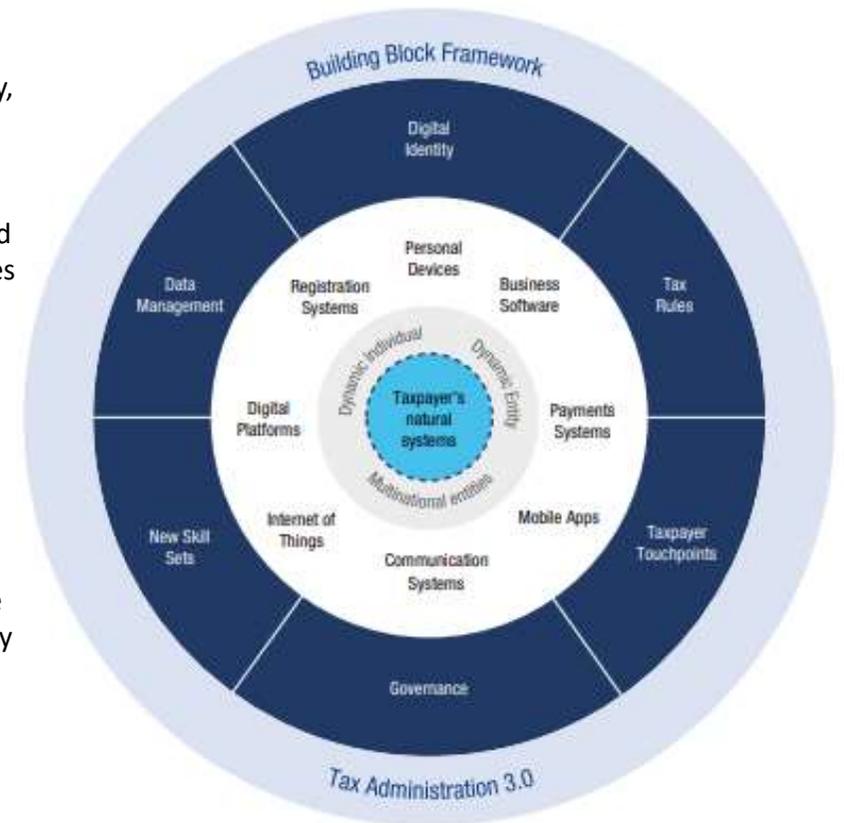
Taxpayer touchpoints: facilitating the engagement of taxpayers with tax administration processes as and when necessary (for example through access to real-time support), increasingly looking for opportunities to put such touchpoints into taxpayers' natural systems, including in more automated ways.

Data management and standards: creating the framework for how the administration manages data most effectively to maximise compliance and minimise burdens. In particular, this concerns the choices around where data is processed for different tax functions (within the administration, within the taxpayers' natural systems or both), and the requirements for quality, availability and reporting of tax relevant data as well as metadata on the operation of taxpayers' systems.

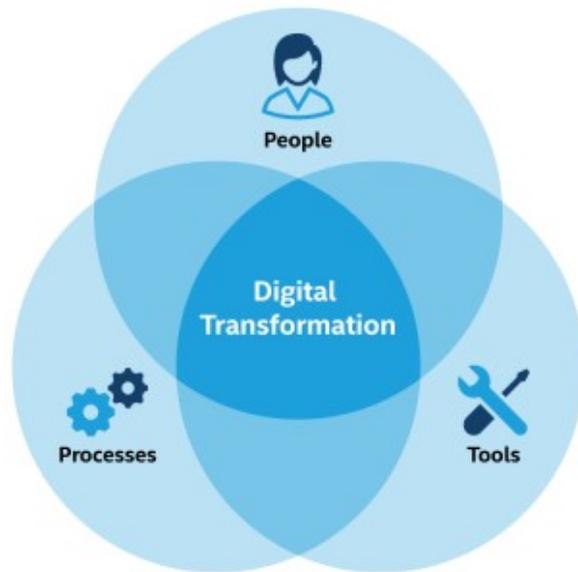
Tax rule management and application: creating and distributing tax laws in administrable and verifiable formats to allow stakeholders to integrate tax rules within their own preferred systems, including as they evolve, while providing robust and increasingly remote reassurance to the administration.

New skill sets: planning for the new skills that will be required for the development and operation of digitally transformed tax administration, with human intervention taking place less frequently and with increasing support from artificial intelligence processes.

Governance frameworks: guiding the development, implementation and connectivity of the other building blocks both within the tax administration and in co-operation with other actors, both domestically and internationally.



Driving Digital Transformation



- Digital Transformation is as much about organisational culture and mindset as it is about technology
- Need to understand your starting point and consider the diversity of views and issues within the organisation and those of stakeholders
- Develop a vision and plan to implement – this is a long journey and is best implemented incrementally
- Customer centric
- Benchmark progress against the plan to provide confidence and help build stakeholder support
- Digital transformation requires full buy-in from the top and organisational support
- Change management is key

Benefits & Challenges



Benefits

- Reduced scope for error and omissions
- Reduced Administrative Burden
- Reduced customer contacts
- Compliance by Design
- Transparency
- Taxpayer Certainty
- Digital Ecosystem Development



Challenges

- Organisational design
- Skills and capabilities
- Organisational buy-in
- Real time response to real time data
- Stakeholder engagement and buy-in
- Ambidexterity Requirement
- Cost (but spend to save)
- Security



The Digital Future of Tax Administration and Compliance

Reflecting on the past year

Moderator: Shane Coleman, *Newstalk*

Panellists: Niall Cody, *Chairman of the Board of the Revenue Commissioners*

Sandra Clarke, *President, Irish Tax Institute*



Tax Compliance in a Changing World



1 June 2021