

This technical query paper was submitted to Revenue in response to their invitation at a meeting of the TALC BEPS Implementation Subcommittee on 9 December 2021 for written feedback on areas for consideration in developing updated Revenue guidance on the Transfer Pricing Rules.



Issues for Clarification in updated Revenue Guidance on Transfer Pricing Rules 28 January 2022

1. We would ask that updated guidance on the transfer pricing domestic exclusion would provide clarification on the application of section 835E TCA 1997 for the two preceding years to 1 January 2022 (i.e., Finance Act 2019 and Finance Act 2020). Even though Revenue has previously confirmed at TALC that the Finance Act 2021 version of the section will apply to prior periods, it would be helpful for taxpayers and their agents if this matter is clearly addressed in the updated Transfer Pricing Tax & Duty Manual (TDM).
2. We would ask that the updated Transfer Pricing TDM include examples of the type of loans that do not qualify for the domestic inclusion in an intra-group financing context to assist taxpayers and their agents understand the application of the new section 835E TCA 1997 (Finance Act 2021 version).