

Minutes

TALC Sub-committee 'BEPS Implementation' Meeting

Date 10 January 2018

Location & Time Conference Room 1, Ground Floor, Blocks 8-10 10.30 am

Introduction

Minutes of meeting of 25 January 2017 were approved by all attendees.

Revenue emphasised the importance of the Séamus Coffey consultation process and will organise a meeting after this process is completed.

Item 1: Controlled Foreign Corporations

- Practitioners prepared a detailed note and gave a briefing on the interaction of potential ATAD design choices with some of the practicalities likely to be associated with compliance.
- Revenue welcomed the presentation of the paper to initiate discussions on the design of a CFC regime. Revenue assured practitioners that the issues discussed at this initial meeting will be explored further during the course of 2018.
- Practitioners asked Revenue to consider a discussion on hybrids.
- Revenue welcomed the suggestion and topic for the next meeting.

Item 2: Country by Country Reporting

- Revenue gave a presentation on the Country by Country Reporting Filing System.

Item 3: Multilateral Instrument

- Revenue asked practitioners to provide specific examples and fact patterns of anticipated problems arising from the adoption of the tie-breaker rule for dual resident companies under the MLI, in order to get as much information as possible on the issue. The purpose is to try and ensure that the changeover to the new rule would be as smooth as possible for companies. The more information Revenue had, the easier it would be to reach agreement with the competent authorities of its treaty partners on the residence of companies after the new rule came into effect. There will be an MLI meeting at the end of February in Paris and Revenue representatives will be setting up meetings with other treaty partners regarding Article 4; any information in advance of this would be helpful. .
- Practitioners expressed the view that the more common dual-resident companies are those with dual residence in jurisdictions that are not Irish treaty partners. There are also companies resident in treaty partners that are not taking on board MLI Article 4 The country of most concern was likely to be the UK, and would cover both Irish incorporated companies resident in the UK and UK

incorporated companies resident in Ireland. To date, the issue had not been given much thought by companies.

- Revenue stated that there is a generic email, taxtreaties@revenue.ie, that is available to collate information from practitioners on dual residence issues and encouraged practitioners to use it. Revenue also expressed the view that it intends to give as much information as possible on the effect of the MLI on individual treaties. .

Action Points:

- Revenue will organise the next meeting within 8 weeks to further explore CFC issues and to begin the process of exploring the hybrid issue.

Attendees of meeting of 10 January:

CCAB – I: Kimberley Rowan, Enda Faughnan, Derek Henry, Kevin Doyle

Revenue: Gerry Howard, Eamonn O’Dea, Alan Carey, Mary Giffney, Ann O’Driscoll, Maresa Hempenstall, Fay Kearney, Aoife Garry, Dennis Muldoon, Marta Alvarez, Aisling Dooley, Audrey Bridgeman

Law Society: Aidan Fahy, Caroline Devlin, Andrew Quinn

ITI: George Thompson, Sharon Burke, Rory MacIver, Anne Gunnell