

Minutes
TALC Indirect Meeting
7th December 2016 @10.30 am
Basement Conference Room
Stamping Building
Dublin Castle

Item 1 – Minutes of the last meeting

- The draft minutes of meeting of 5th October 2016 were approved.

Item 2 – Larentia and Minerva

- Revenue will need further time to consider all the issues.
- It was stated by practitioners that there were cases which they believe fall within the confines of the decision that could be progressed. Revenue advised guidance is being provided to Districts in respect of individual cases.
- Revenue stated draft guidance would be circulated to the committee for their observations in advance of publication.

Item 3 – Transfer of Business

- Revenue continues to examine the issues. Substantial progress has been made to date and Revenue will identify any changes required and will circulate suggested amendments prior to publication.
- The question of whether a vacant property which had been previously let or which had been used as part of a ceased business can come within TOB was raised. There was broad consensus on the part of the representative bodies that a vacant property was essentially an asset rather than a business and therefore should not come within the TOB provisions. It was also suggested that a timeframe for the period of letting or the period of vacancy prior to transfer could be considered if TOB rules were to continue to apply to vacant properties.
- It was noted that practitioners would appreciate if the guidelines included a number of examples of transactions which qualify and do not qualify for TOB. They also asked Revenue to further consider the issue of the application of TOB being restricted to situations where the person acquiring the asset is an accountable person.
- It was noted that the ITI VAT on property book is due for publication soon but that TOB guidance would not be available before this date.
- It was agreed that a separate meeting between Revenue and some committee members with particular interest in the issues would be useful. However, Revenue needs to complete their own research prior to any such meeting.

Item 4 – Education Services Exemption

- Revenue stated that guidance is almost ready and agreed to circulate a draft of the guidelines to the committee for observations prior to publication.

Item 5 – VAT registration Issue

- Practitioners asked why a re-registration had to be completed by paper instead of online.
- Revenue explained that the automated registration system does not allow this because of risk concerns and there are no plans to change the system. Also, the very low level of re-registrations would not justify a system enhancement.
- Practitioners stated that this issue had only arisen in one case to date.

Item 6 – Website Redesign

- Revenue briefed the committee on the redeveloping of its website which will be more accessible and user friendly and which is due to be launched in May 2017. With regard to VAT, the content will be placed in its own section of the website and will be restructured and re-written. It is intended to maintain the majority of the VAT content while focusing on removing duplicate content and making the content easier to find, navigate and read. Leaflets and Q&A will no longer be used on the new website, therefore the existing leaflet or Q&A content will be either copied into Revenue Tax and Duty Manuals or it will be moved into the new formatting of the website.
- Practitioners welcomed the development however some concerns were raised in relation to the removal of Q&A and leaflets from the website.

Item 7 – EU Update

- Revenue noted that there is a lot happening in the EU since the publication of the VAT Action Plan. A number of proposals were published in the VAT Digital Single Market package. Revenue undertook to circulate a note to the committee in relation to these - attached.
- It was noted that Revenue had circulated a note in relation to Council Directive (EU) 2016/1065 and vouchers. The Commission has initiated a review and they are asking Member States to provide them with details of issues we have encountered or will encounter with the legislative change. Practitioners agreed to flag issues that will be problematic prior to 31 January 2017.
- Revenue noted that they had circulated an OECD Business Survey on Tax Certainty to the ITI and really wanted to encourage participation. Indirect Tax TALC members confirmed they had further circulated the survey and were also encouraging participation.

Item 8 – AOB

- Invoices – Issue was raised again regarding the requirement for invoices to be included in the VAT return to which the invoice related. Revenue confirmed that there had not been any change in policy in this area. Revenue accepted that while it does happen that invoices are included in later returns, it is for Districts to determine if this is appropriate on a case by case basis. It was agreed that this was not a major issue but Revenue agreed to raise the issue at the VAT Network.
- Finance Bill – Revenue briefed practitioners in relation to all Finance Bill 2016 Indirect Taxes amendments. Dual use inputs were discussed briefly with Revenue confirming that they did not expect the legislative amendments to affect businesses as there was no change in VAT policy.
- Chair for 2017 - Michael O'Connor (Law Society)

Action Points	Responsible	Timescale
Revenue to circulate initial points on TOB.	H O'S	Next meeting
Revenue to circulate L+M guidelines.	M O'M	Next meeting
Revenue to circulate note on EU Update.	DD	

Submitted for approval by Secretary – Sinéad O'Meara

Approved by TALC Committee Members

ITI

Brian Butler (Chair)

David Duffy

Alma O'Brien

Law Society

David Lawless

Michael O'Connor

Donal Kennedy

CCABI

Kevin Elliot

Norah Collender

Revenue

Gerard Moran*

Ita Foster

Dermot Donegan

Maeve O'Malley

Humphrey O'Sullivan

Donal Barry

Pauline Doherty

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