



Mr Martin Lambe
Chief Executive
Irish Tax Institute
South Block
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24 May 2021

Re: Qualifying Disclosures and exchanges of information with the ODCE

Dear Martin,

Thank you for your letter of 17 May regarding qualifying disclosures and the exchange of information between Revenue and the Office of the Director of Corporate Enforcement (ODCE).

Section 957 of the Company Law Enforcement Act, 2001, allows an officer of Revenue to provide information to the ODCE relating to an offence, which, in the opinion of the officer, may have been committed under the Companies Acts.

Under the terms of the Memorandum of Understanding concluded in 2016 between the ODCE and Revenue, the organisations are committed to the exchange of information in relation to serious breaches of the relevant Acts.

In line with this commitment, where information indicating a possible serious offence under the Companies Acts comes to our attention, including through a qualifying disclosure, we will refer this information to the ODCE. I should stress that we will only initiate such referral in cases where the information relates to the apparent commission of serious offences.

Additionally, and in line with the MOU, we also provide information to the ODCE on foot of lawful requests from that body.

In both cases, where the information in our possession arises from a qualifying disclosure, we will advise the ODCE of that fact, and the ODCE has committed, under the terms of the MOU, to have regard to the fact that the information was disclosed voluntarily in considering what action to take in response to any offences identified.



I fully appreciate the necessity for taxpayers and their representative to have clarity in relation to the consequences of disclosing information. In that context the Tax and Duty Manual dealing with exchanges of information with the ODCE will be republished shortly and will provide up-to-date information on this matter.

Yours sincerely

Brian Boyle