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Section 1
Human Capital

1. Personal tax
2. Social welfare taxes
3. Employee remuneration

Your Ernst & Young contact is:

Jim Ryan
Partner - Human Capital
Tel: +353 (0)1 221 2434
Email: jim.ryan@ie.ey.com
## Human Capital

### 1. Personal tax

#### Personal income tax rates

<table>
<thead>
<tr>
<th></th>
<th>€</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>20% 0 - 32,800</td>
<td>41% 32,801 upwards</td>
</tr>
<tr>
<td>Single parent</td>
<td>20% 0 - 36,800</td>
<td>41% 36,801 upwards</td>
</tr>
<tr>
<td>Married/civil partnership - one income couple</td>
<td>20% 0 - 41,800</td>
<td>41% 41,801 upwards</td>
</tr>
<tr>
<td>Married/civil partnership - two income couple</td>
<td>20% 0 - 65,600*</td>
<td>41% 65,601 upwards</td>
</tr>
</tbody>
</table>

*Assumes the second spouse/civil partner has an income of at least €23,800 per annum. If the second spouse's/civil partner's income is less than €23,800, the €41,800 band (Married/civil partnership - one income couple) is increased by €1 for each €1 of income up to a maximum of €23,800.

#### Tax credits

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single person</td>
<td>1,650</td>
</tr>
<tr>
<td>Married person/civil partner</td>
<td>3,300</td>
</tr>
<tr>
<td>Single parent (additional)</td>
<td>1,650</td>
</tr>
<tr>
<td>PAYE</td>
<td>1,650</td>
</tr>
<tr>
<td>Home carers’ credit (maximum)</td>
<td>810</td>
</tr>
<tr>
<td>Incapacitated child (maximum)</td>
<td>3,300</td>
</tr>
<tr>
<td>Dependent relative (maximum)</td>
<td>70</td>
</tr>
</tbody>
</table>

**Widowed/surviving civil partner**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Year of bereavement</td>
<td>3,300</td>
</tr>
<tr>
<td>Subsequent years (no dependent children)</td>
<td>2,190</td>
</tr>
<tr>
<td>Subsequent years (with dependent children)*</td>
<td>1,650</td>
</tr>
</tbody>
</table>

**Age (65 or over in the tax year)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>245</td>
</tr>
<tr>
<td>Married/civil partnership</td>
<td>490</td>
</tr>
<tr>
<td><strong>Blind person</strong></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>---</td>
</tr>
<tr>
<td>Single/civil partner/widowed</td>
<td>1,650</td>
</tr>
<tr>
<td>Both spouses/civil partners</td>
<td>3,300</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>**Rent relief (for private accommodation) **</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single - under 55</td>
<td>200</td>
</tr>
<tr>
<td>Single - 55 or over</td>
<td>400</td>
</tr>
<tr>
<td>Married/civil partnership/widowed - under 55</td>
<td>400</td>
</tr>
<tr>
<td>Married/civil partnership/widowed - 55 or over</td>
<td>800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Medical insurance</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical insurance (relief granted at source)</td>
<td>@ 20%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Age related credit (ARC)</strong>*</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Aged 50 - 59</td>
<td>Nil</td>
</tr>
<tr>
<td>Aged 60 - 64</td>
<td>600</td>
</tr>
<tr>
<td>Aged 65 - 69</td>
<td>975</td>
</tr>
<tr>
<td>Aged 70 - 74</td>
<td>1,400</td>
</tr>
<tr>
<td>Aged 75 - 79</td>
<td>2,025</td>
</tr>
<tr>
<td>Aged 80 - 84</td>
<td>2,400</td>
</tr>
<tr>
<td>Aged 85 or over</td>
<td>2,700</td>
</tr>
</tbody>
</table>

*Qualifying for single parent credit.

Also, additional credit due (reducing from €3,600 in the first year of bereavement to €1,800 in the fifth year) for widowed individuals/surviving civil partners with dependent children for the 5 years after bereavement.

**The rent credit for the years 2011 onwards only applies to individuals who were renting a property on 7 December 2010. No rent credit is due to individuals who began renting a property after 7 December 2010.

*** With effect from 2013 the ARC is replaced by the Health Insurance Risk Equalisation Scheme.
Dental insurance @ 20%

Permanent health insurance (on premiums of up to 10% of total income) @ 41%*

Medical expenses incurred (since 1 January 2007, there is no de minimis in qualifying medical expenses) @ 20%**

Educational fees (relief is per course per annum in respect of qualifying courses for academic year). For 2013 the first €2,500 of fees per annum (€1,250 for part-time courses) is disregarded. *** @ 20%

Employment and Investment Incentive Scheme (maximum relief @ 41%) €150,000

Film investment (@ 41% – maximum relief per annum €50,000 x 100%) €50,000

*Assuming individual pays tax @ 41%; otherwise 20%.

**An individual may claim a deduction against total income in respect of medical expenses incurred for maintenance or treatment in a nursing home provided the nursing home provides qualified nursing care on-site on a 24 hour per day basis.

*** For 2014 the first €2,750 of fees per annum (€1,375 for part-time courses) is disregarded and from 1 January 2015 the first €3,000 of fees per annum (€1,500 for part-time courses) is disregarded.

Small income exemption thresholds

| Over 65 - Single/widowed/surviving civil partner | €18,000 |
| Over 65 - Married/civil partnership, jointly assessed | €36,000 |

Increase per dependent child

| For each of the first two children | €575 |
| For each subsequent child | €830 |

Universal Social Charge (USC)

A Universal Social Charge (USC) applies to total income before reliefs and allowances, with the exception of capital allowances arising in the active trade or profession of the taxpayer. Personal pension contributions are not deductible when calculating the income on which the USC is payable. In addition, the USC will be charged on all employee share scheme compensation. The USC will not be charged on social welfare payments or tax free termination payments.
With regard to self employed taxpayers (carrying on a trade or profession) claiming capital allowances, and where an asset (in respect of which capital allowances are allowable for calculation of USC) is disposed of, any balancing charge arising will be subject to the USC. This ensures the correct overall USC is paid where the asset is disposed of for a value in excess of its written down value.

Tax similar to income tax and should be included in the calculation of double taxation relief. This allows taxpayers to claim a credit for unrelieved foreign tax against USC on foreign income.

The USC rates are as follows:

<table>
<thead>
<tr>
<th>Employees</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earnings (€)</td>
<td></td>
</tr>
<tr>
<td>0 to 10,036*</td>
<td>2%</td>
</tr>
<tr>
<td>10,037 - 16,016</td>
<td>4%</td>
</tr>
<tr>
<td>&gt;16,016 (aged 70 and above and medical card holders with aggregate income less than or equal to €60,000 per annum)</td>
<td>4%</td>
</tr>
<tr>
<td>&gt;16,016 (aged under 70)</td>
<td>7%</td>
</tr>
<tr>
<td>&gt;16,016 (aged 70 and above and medical card holders with aggregate income in excess of €60,000 per annum)</td>
<td>7%</td>
</tr>
</tbody>
</table>

*Exempt if income does not exceed €10,036

<table>
<thead>
<tr>
<th>Self-employed</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income (€)</td>
<td></td>
</tr>
<tr>
<td>0 to 10,036*</td>
<td>2%</td>
</tr>
<tr>
<td>10,037 - 16,016</td>
<td>4%</td>
</tr>
<tr>
<td>16,017 - 100,000 (aged 70 and above and medical card holders with aggregate income less than or equal to €60,000 per annum)</td>
<td>4%</td>
</tr>
<tr>
<td>16,017 - 100,000 (aged 70 and above and medical card holders with aggregate income in excess of €60,000 per annum)</td>
<td>7%</td>
</tr>
<tr>
<td>16,017 - 100,000 (aged under 70)</td>
<td>7%</td>
</tr>
<tr>
<td>&gt;100,000 (aged under 70)</td>
<td>10%</td>
</tr>
</tbody>
</table>

*Exempt if income does not exceed €10,036
Mortgage interest

Apart from the exception outlined below, tax relief is available at the levels set out in the following tables in respect of interest paid on qualifying home loans taken out on or after 1 January 2004 and on or before 31 December 2012. Mortgage interest relief will no longer be available to those who purchase a home after 31 December 2012 and will be abolished entirely by the end of 2017.

Tax relief for first time buyers is given at a rate of 25% for years 1 and 2. For years 3, 4 and 5, relief is allowed at 22.5% and at the standard rate (currently 20%) for years 6 and 7. This applies to first time buyers who bought properties on or after 1 January 2004 and on or before 31 December 2012. A first time buyer is an individual who first purchased a residence up to 7 years preceding the current tax year.

<table>
<thead>
<tr>
<th>First time buyer</th>
<th>€</th>
<th>Maximum interest on which relief is granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>2,500</td>
<td>(10,000 x 25%) - Year 1</td>
</tr>
<tr>
<td>Married/civil partnership/widowed/surviving civil partner</td>
<td>5,000</td>
<td>(20,000 x 25%) - Year 1</td>
</tr>
</tbody>
</table>

For non first time buyers the rate of mortgage interest relief is 15% (with effect from 1 January 2009).

<table>
<thead>
<tr>
<th>Non first time buyer</th>
<th>€</th>
<th>Maximum interest on which relief is granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>450</td>
<td>(3,000 x 15%)</td>
</tr>
<tr>
<td>Married/civil partnership/widowed/surviving civil partner</td>
<td>900</td>
<td>(6,000 x 15%)</td>
</tr>
</tbody>
</table>

The mortgage provider should grant this relief at source, if in doubt contact your bank or building society.

Exception

Notwithstanding the rates of tax relief mentioned above, for first time buyers who drew down their first mortgage or paid their first mortgage interest payment during the boom years from 2004 to 2008 inclusive, the rate of mortgage interest relief is increased to 30% of the specified limit. This 30% rate applies for these individuals for 2012 and up to and including 2017.

Interest on loans to invest in a business

In certain circumstances, interest paid on loans taken out prior to 7 December 2010 on money borrowed to acquire shares in, or to lend to, a private trading or holding company, may be allowed as a deduction from total income. Interest on loans taken out with an EU-based financial institution is also allowable for tax relief purposes.
No relief is available for interest on loans taken out from 7 December 2010.

The relief granted for interest on loans taken out up to 7 December 2010 is reduced as follows:

<table>
<thead>
<tr>
<th>Tax year</th>
<th>% of interest paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>75%</td>
</tr>
<tr>
<td>2012</td>
<td>50%</td>
</tr>
<tr>
<td>2013</td>
<td>25%</td>
</tr>
<tr>
<td>2014</td>
<td>0%</td>
</tr>
</tbody>
</table>

These provisions do not affect loans taken out to invest in a partnership in which the borrower is an active partner. 100% relief will continue to be available.

**Employment and Investment Incentive (EIi) and Seed Capital Scheme**

Effective from 1 January 2012 the Employment and Investment Incentive (EIi) scheme has replaced the Business Expansion (BES) scheme. Where the required conditions are satisfied the EIi scheme allows an individual investor to obtain income tax relief on investments in certain Irish companies up to a maximum of €150,000 per annum in each tax year up to 2013. Relief is initially available to an individual at 30%. A further 11% tax relief will be available where it has been proven that employment levels have increased at the company at the end of the holding period (three years) or where evidence is provided that the company used the capital raised for expenditure on research and development. This additional 11% will not be subject to the high earners restriction. An investor who cannot obtain relief on all his/her investment in a year of assessment, either because his/her investment exceeds the maximum of €150,000, or his/her income in that year is insufficient to absorb all of it, can carry forward the unrelieved amount to following years up to and including 2013, subject to the normal limit of €150,000 on the amount of investment that can be relieved in any one year.

Subject to EU approval and a Ministerial Order, the EIi scheme is to be extended to 31 December 2020.

**Seed capital scheme**

This relief provides that an individual who leaves employment (or an unemployed person) to start their own business may claim a refund of tax on previous income for up to six tax years in respect of investment in the new business. An individual can select the tax years for which they may claim refunds from any or all of the six years prior to the year of investment. Maximum relief is €100,000 per annum at the individual’s top tax rate.
**Film investment**

An individual who invests in a qualifying film may claim a tax deduction at their top rate of tax. The deduction is capped at €50,000. Any unused deduction can be carried forward. The cut-off deadline for relief is 31 December 2015.

Detailed amendments to relief for investment in films are included in Finance Act 2013. The new provisions will be subject to EU approval and will therefore only be introduced subject to Ministerial Order. The expectation is that the provisions will apply from 2016 and the Act provides they will apply until 31 December 2020.

**Donations to charities and other approved bodies**

With effect from 1 January 2013 new rules apply in respect of tax relief for charitable donations to Revenue approved Irish charities and other Revenue approved Irish bodies, as follows:

- A uniform treatment will apply in respect of PAYE and self assessed taxpayers
- There will be no tax deduction available for the donors
- The donation will be deemed to be net of tax at a single 31% tax rate which the charity may recover
- Individuals will not be able to recover personal refunds of any income tax which has been repaid to the charity
- An annual limit of €1 million per individual will apply to tax relieved donations

**Donations of heritage items in lieu of payments**

Heritage items donated by an individual or company to a body approved by the State may be used to discharge income, capital gains, gift/inheritance or corporate tax liabilities arising in the year in which the gift is made.

To claim this relief, the items donated must have a minimum value of €150,000.

A scheme also exists for the donation of heritage property to the Irish Heritage Trust and Office of Public Works. The scheme provides for up to 50% of the total market value of the heritage properties donated to the Trust to be offset against the tax liabilities of the donor. Prior to 27 March 2013 a tax credit of 80% applied. There is a ceiling on the aggregate value of property (not per individual) qualifying for the scheme in any one year of €6m.

**Childminding relief**

Where an individual minds up to three children (excluding their own children) in the minder's own home, no tax will be payable on the childminding earnings received, provided the amount is not more than €15,000 per annum. If childminding income exceeds this, the total amount will be taxable, as normal, under self-assessment.
Principles of tax residence, ordinary residence and domicile

An individual who is resident, ordinarily resident and domiciled in Ireland is subject to Irish tax on their worldwide income and gains, subject to any relief under a relevant double tax treaty. An individual who is resident in Ireland, but who is not domiciled may be entitled to the remittance basis of assessment on investment income and capital gains arising outside Ireland.

The remittance basis ceased to apply to foreign employment income to the extent that duties were performed in the State since 1 January 2006. It was reintroduced in a limited form from 1 January 2009 and the conditions for relief were relaxed with effect from 1 January 2010. With effect from 1 January 2012 this limited remittance basis applicable to non-Irish domiciled individuals on employment income ceased and is replaced by the Special Assignee Relief Programme (SARP). However, for the tax years (calendar years) 2012 through to 2015 inclusive the relief may still apply to individuals who had an entitlement to this relief for the first time in the tax years (calendar years) 2009, 2010 or 2011.

With effect from 1 January 2012 the Special Assignee Relief Programme (SARP) was introduced. Where the required conditions are satisfied this relief reduces the Irish income tax liability of individuals who are transferred into Ireland to work for an associated company. For further details in relation to SARP please refer to the Employee Remuneration section of this guide.

Tax resident

An individual is tax resident for a tax year if present in Ireland for:

- A total of 183 days or more in the tax year
- Or
- A total of 280 days or more in aggregate in the current tax year and the preceding year (This test only applies where an individual has spent more than 30 days in Ireland in each year)

From 1 January 2009, an individual is considered as present for a day if he or she is present in the State at any time during that day.

Ordinarily resident

An individual becomes ordinarily tax resident in Ireland after being tax resident in Ireland for three consecutive tax years. An individual who is ordinarily tax resident and who ceases to be tax resident in Ireland will be treated as continuing to be ordinarily tax resident for three tax years after the tax year of departure and can therefore remain taxable in Ireland.

Where an individual is ordinarily tax resident, but not tax resident in Ireland, they are liable to Irish income tax on worldwide income with the exception of profits of a trade or profession or remuneration from employment where all the duties are exercised abroad (incidental duties performed in Ireland will not be taxable).
However, foreign investment income, if it exceeds €3,810, and capital gains in the tax year will continue to be liable to Irish tax while they remain ordinarily tax resident, subject to double tax treaty relief.

**Domicile**

An individual is domiciled in Ireland if their habitual ties are with the Republic of Ireland or their father was domiciled in the Republic of Ireland. Domicile of origin is retained unless the individual takes steps to acquire a domicile of choice elsewhere.

**Domicile levy**

A €200,000 domicile levy applies to Irish domiciled individuals where:

- Their worldwide income exceeds €1m
- They own Irish assets worth more than €5m on 31 December in the relevant tax year
- Their Irish income tax liability is less than €200,000

Prior to 1 January 2012, this levy only applied to Irish domiciled individuals who were Irish citizens. However, effective from 1 January 2012 the Irish citizenship condition is removed. The due date for payment of this levy is 31 October in the year following the relevant tax year. Credit is available against the levy for any income tax paid in Ireland for the tax year, but a credit is not allowed for foreign tax paid.

**Remittance basis of assessment**

Individuals domiciled outside Ireland are entitled to a remittance basis of assessment in Ireland on investment income arising outside Ireland and income from employment duties exercised outside Ireland, to the extent the employment income is paid outside Ireland under a foreign contract.

From 1 January 2010 the remittance basis of assessment will no longer be available to Irish citizens who are not ordinarily resident in Ireland.

For details in relation to the capital gains tax (CGT) position please refer to Chapter 5.

For further information in relation to the reliefs that may apply to employment income see *Employee Remuneration* chapter.

Effective from 13 February 2013, where individuals domiciled outside Ireland transfer foreign sourced income to their spouse or civil partner, and where the income is subsequently remitted to Ireland, the remittance will be deemed to have been made by the individual who claimed the remittance basis of assessment and will still be chargeable to Irish tax when remitted. Similar provisions apply in relation to CGT.
Cross border relief

This relief is available to an individual who is tax resident in Ireland, but required to perform employment duties outside Ireland. In order to avail of the relief, the individual must exercise an employment outside Ireland in a country with which Ireland has a double tax treaty for a continuous period of at least 13 weeks in a tax year. For every week during which the individual works outside Ireland in a qualifying employment, the individual must be present in Ireland for at least one day in that week. From 1 January 2011 cross border relief also provides relief from the USC. The relief does not apply to a State employment or semi-State employment.

Professional services withholding tax

Individuals who are paid for professional services rendered to certain bodies (such as government departments, local authorities, semi-State companies, health boards) are paid net of tax at the standard rate of 20%. A Form F45 is issued as evidence of the tax withheld and this document should be submitted by the individual when filing their tax return. Professional advice should be sought in this regard.

Self-assessment

Tax returns

Proprietary directors, individuals who have been granted or exercised share options, and individuals with non-Pay As You Earn (PAYE) income (being self-assessed taxpayers) are obliged to file their annual tax returns by 31 October following the end of the tax year (i.e., the tax return for the year 31 December 2012 must be filed by 31 October 2013). If a completed tax return is not filed by the due date, a surcharge liability will arise. The surcharge is 5% of the tax liability if the tax return is submitted by 31 December (maximum €12,700) and 10% thereafter (maximum €63,500). The surcharge is calculated on the full tax liability even if the correct amount of tax has been paid.

For 2013 and onwards self-assessed taxpayers will be required to compute and declare their own tax liabilities (albeit with the possible assistance of Revenue calculators) rather than merely submitting returns and gains.

Payments

Income tax (including USC and PRSI) for those governed by the self-assessment regime, apart from share options, is due for payment by 31 October in the following tax year. Final income tax for 2012 is due by 31 October 2013. In addition, preliminary tax (a prepayment of the current year’s tax liability) is due for payment by 31 October for the relevant tax year, i.e., 31 October 2013 in respect of 2013. For ‘efilers’ who pay and file their tax return online via ROS the Revenue may extend the filing and payment date to mid-November. This is announced by the Revenue Commissioners on an annual basis.
Three options are available when calculating the amount of preliminary tax payable:

► 100% of the preceding year’s final income tax liability
► 90% of the current year’s final income tax liability
► 105% of the pre-preceding year’s final income tax liability. This option is only available to those who wish to pay preliminary tax by direct debit instalments and where they had a liability in the pre-preceding year.

Where the correct amount of preliminary tax is paid, any balance of income tax payable is due for payment no later than the due date for filing the tax return (i.e., 31 October following the tax year). The due date for any balance of tax payable for the 2012 tax year is 31 October 2013. If the amount of preliminary tax paid is incorrect, the shortfall will attract interest at a rate of 0.0219% per day from 31 October to the date of payment, subject to the ‘margin of error’.

**Margin of error**

When a taxpayer miscalculates their own liability in the absence of a Revenue assessment, the following margin of error is allowed where the taxpayer has otherwise made a correct return. The margin of error allowed is up to 5% of the actual liability, subject to a maximum of €3,175. For example, if the taxpayer’s actual liability for a year is €12,700 or less, the margin of error permitted is €635. In certain circumstances, interest and penalties will not apply where there is a small margin of error in the individual’s own calculation which results in too little tax being paid and the shortfall is paid on or before 31 December in that year (i.e., within two months of the tax return filing date).

**Taxation of married couples/civil partners**

There are three methods of taxation available to married couples/civil partners:

**Joint assessment:** Joint incomes are treated as belonging to the spouse/civil partner nominated by the couple. If neither spouse/civil partner is nominated, the spouse/civil partner with the greater income in the previous tax year is treated as being the nominated spouse/civil partner. The nominated spouse/civil partner is given all the credits and the rate bands applicable to married couples/civil partners, and assessed on the income and gains of both spouses/civil partners.

**Separate assessment:** Each spouse/civil partner is treated as a single person. However, an application can be made to apply to have the unused tax credits of one spouse/civil partner allocated to the other spouse/civil partner. An application for separate assessment must be made before 1 April in the relevant tax year or before 1 April in the tax year following the year of marriage.

**Single assessment:** Each spouse/civil partner has the option to be treated as a single person. However, excess income tax credits or allowances of one spouse/civil partner cannot be transferred and set against the income of the other. A married couple/civil partners must elect to be assessed on a single basis by the end of the relevant tax year.
Taxation of separated/divorced couples

Maintenance payments

Income tax and the USC is not to be deducted at source from legally enforceable maintenance payments. Maintenance payments are deductible for income tax and USC purposes in the hands of the payer, but chargeable to income tax and USC in the hands of the recipient. In such cases, both spouses/civil partners are assessed to income tax as single persons.

In the case of a separated person who makes an enforceable maintenance payment, PRSI is levied at the point at which it is earned as part of the person's earnings/income and also as income in the hands of the receiving spouse/civil partner. However, a refund of PRSI paid by the maintenance payer can be claimed by submitting a claim to the PRSI refunds section.

Separated spouses/civil partners (i.e., a marriage/civil partnership that has not been dissolved or annulled) may elect for joint assessment, provided that both spouses/civil partners are tax resident in Ireland. This election for joint assessment also applies to divorced couples who remain unmarried and tax resident in Ireland. If an election is made, the spouse/civil partner making the maintenance payments is assessed to income tax without regard to the maintenance payments and is granted the relevant married person's/civil partner's tax credit. If both spouses/civil partners have income in their own right, their respective income tax liabilities are calculated by the separate assessment procedures (see ‘Taxation of married couples/civil partners’), ignoring any maintenance payments. These procedures apply in respect of maintenance arrangements entered into on or after 8 June 1983.

Where payments are made to a spouse/civil partner for the maintenance or benefit of a child, the payment is to be made to the spouse/civil partner without deduction of income tax and USC and the payer's taxation liability is calculated without granting any deduction for the payment. The payment is not treated as income in the hands of the recipient.

Investment income

Rental income

Rental income is taxed on the basis of the amount receivable in a tax year less allowable expenses. Allowable expenses include mortgage interest, rates, repairs, insurance, mortgage protection, maintenance, wear and tear, and management charges.

75% of mortgage interest paid is allowable in full against rental income from residential premises.

In order to claim tax relief for interest paid on money borrowed for the purchase, improvement or repair of rented residential accommodation, owners are obliged to meet the registration requirements contained in Part 7 of the Residential Tenancies Act 2004 (registration of landlords with the Private Residential Tenancies Board).

Interest relief will be denied if these registration requirements are not met in respect of each tenancy in the rental property during the tax year.
Rent-a-room scheme
Rent received by an individual renting out a room for residential purposes in their principal private residence is exempt from income tax if the gross rental income does not exceed €10,000 per annum.

If the rental income from this source exceeds €10,000, the entire amount will be liable to income tax, subject to the deduction of allowable expenses (see above). The exemption does not apply where a child pays rent to a parent or where the person in receipt of the income is an office holder, or employee of the person making the payment.

Credit union savings accounts
Tax exemptions are available for certain medium and long-term savings accounts held in credit unions and other financial institutions. When the account holder is an individual, a tax exemption will apply for the first €480 per annum of interest/dividends paid on the account when the funds are invested for a period of three years. The limit increases to €635 per annum when invested for five years in a special term account. Any interest/dividends in excess of this amount is liable to deposit interest retention tax (DIRT) at 33%.

Deposit interest
The rate of DIRT on interest paid or credited is 33%. No additional tax is payable on interest received. However, liabilities to PRSI may arise. Deposit interest which is subject to DIRT is exempt from the USC.

Exit tax in respect of life assurance policies and investment funds is 36%.

Irish dividend income
Irish dividends are subject to withholding tax of 20% (unless considered as ‘Exempt Income’). Individuals are liable to income tax on the gross dividend (i.e., the amount received plus the tax withheld). A credit will be granted for the tax withheld. Thus, an additional liability to income tax will only arise where the individual is liable to income tax at 41%. Irish dividend income is liable to the USC. A liability to PRSI may also arise.

Foreign investment income
This includes foreign interest, dividends and rents. The source of income must be declared on an individual's Irish tax return. In certain cases, tax paid in the source country will be refunded to Irish tax resident taxpayers or may be claimed as a credit against Irish income tax payable on the same income. UK dividends are taxed in Ireland on the net amount received, with no relief available in respect of the tax credit attaching to the dividend. An additional liability to income tax may arise where the individual is liable to income tax at 41%. Foreign investment income is liable to the USC. A liability to PRSI may also arise.
Irish resident individuals in receipt of deposit interest from EU financial institutions are liable, under self-assessment, to Irish income tax at a rate of 33% provided the income is disclosed in the annual tax return and submitted to Revenue by the relevant 31 October.

**Exempt income**

The sources of income in Ireland that are exempt from income tax have been reduced. The exemption from income tax still remains for income arising from woodlands, subject to any restriction imposed by the high income earners restriction detailed opposite. Dividends paid from exempt sources are not subject to withholding tax of 20%. The recipient of profits or gains from exempt sources is required to report details to the Revenue on their annual tax return. It should be noted that there are quite stringent conditions to be met for these sources of income to qualify for an exemption from income tax. From 1 January 2011, the tax exemption for certain artists is subject to a limit of €40,000 per annum. Income arising from a qualifying patent which is paid on or after 24 November 2010 is no longer exempt from income tax. The tax exemption for stallion services and stud greyhound services ended on 31 July 2008.

**High net worth individuals**

**Restrictions on reliefs**

Since 1 January 2007, certain high income individuals who utilised specified tax reliefs (e.g., property based tax incentives, artist’s exemption, etc.) available to them have been restricted in the amount of tax relief which they can claim. The specified tax reliefs are restricted to €80,000 or 20% of the reliefs due before the restriction, whichever is the greater. An individual effectively pays income tax at approximately 30% (while the top rate is 41%) where total income exceeds €400,000 and there are sufficient specified tax reliefs. The effective tax rate for individuals with total income between €125,000 and €400,000 is less as the restriction applies on an incremental basis.

For individuals whose total income is less than €125,000 the restrictions to the tax relief do not apply.

For married couples/civil partners, the threshold of €125,000 is due independently to each spouse/civil partner, irrespective of how they are assessed for tax purposes. It is not possible to aggregate the threshold against aggregate income.

All individuals to whom restrictions apply to tax relief are subjected to self assessment provisions. In addition, those affected by restrictions must supply a statement to Revenue setting out details of reliefs and restrictions applied.

There are rules relating to the apportionment of relief between specified reliefs and other tax reliefs where relief is carried forward to the following year. These rules apply where the carried forward relief consists of restricted and unrestricted reliefs.
Annual charge on Non-Principal Private Residences (NPPR)

A €200 annual charge is imposed on any dwellings which are not the owner’s principal private residence, subject to a number of limited exemptions. This charge is due to the local authority and payment can be made online at www.nppr.ie. The charge is due on properties owned as at 31 March. The charge must be paid by 30 June in order to avoid late payment fees.

The NPPR will cease with effect from 1 January 2014. However, unpaid arrears together with any interest and penalties that have accrued will remain a charge on the property to which they relate.

Household charge

For 2012 a €100 annual charge was imposed on Irish residential properties held on 1 January 2012. The charge was due to be paid by 31 March 2012. The owner/landlord is generally the person liable. Thus, landlords of residential properties could be liable for both the household charge and the NPPR on the same property.

The household charge ceased with effect from 1 January 2013. However, unpaid arrears together with any interest and penalties that have accrued will remain a charge on the property to which they relate.

The arrears of the household charge for 2012 will be capped at €130 if paid to the Local Government Management Agency by 30 April 2013. Where the household charge for 2012 has not been paid by 1 July 2013 the arrears amount will be increased to €200 and will be included as part of the Local Property Tax (LPT) liability in respect of the property. In effect, the arrears of the household charge will be converted into LPT and collected through the LPT system. Interest and penalties under the LPT system will apply to the additional €200.

Local Property Tax (LPT)

Effective from 1 July 2013 an annual Local Property Tax (LPT) will be charged on all residential properties in the State will be introduced. LPT will be administered by Revenue and a half-year charge will apply in 2013. From 2014, LPT will apply on a full-year basis.

An owner of a residential property (including rental properties), or a person with substantial rights in a residential property, will be liable to pay the tax. These are known as ‘liable persons’.

If a property is a residential property on the ‘ownership date’ in a year, LPT is due to be paid on the property. For 2013 the ‘ownership date’ is 1 May 2013.
The owner of the property on 1 May 2013 is liable for LPT for 2013. If the property is sold after that date, the 2013 liability to LPT is payable in full at the time of sale.

The valuation of a property for LPT purposes on 1 May 2013 will stay the same for 2013, 2014, 2015 and 2016 (even if improvements are made to the property).

For 2013 the amount of LPT depends on the market value of the residential property on 1 May 2013 as assessed by the owner in accordance with Revenue guidelines. Property values are organised into a number of value bands of €50k up to €1m. The tax liability is calculated by applying 0.18% to the mid-point of the relevant band. Residential properties valued over €1m are assessed on the actual market value at 0.18% on the first €1m in value and at 0.25% on the portion of the value above €1m.

For more information on the LPT, including, who is liable to the tax, the exemptions available, how to value the property, the rates applicable and how to make the required return and payment see www.revenue.ie.
2. Social welfare taxes

PRSI contributions

Employees aged between 16-66 years who are in insurable employment must contribute to Pay Related Social Insurance (PRSI). In addition, their employer is also liable to PRSI. ‘Insurable employment’ means employment in Ireland under a contract of service. The normal rate at which contributions are made is Class A1.

PRSI applies to benefits-in-kind and is also charged on equity compensation and share incentive schemes. See share incentive scheme section in Chapter 3 for further details.

Both employed and self-employed individuals aged between 16-66 years are liable to PRSI on total income. The earnings cap for employees has been abolished.

The rates effective from 1 January 2013 are shown in the table below.

Social Insurance contribution rates for the 2013 tax year

<table>
<thead>
<tr>
<th>Contribution rate</th>
<th>Annual earnings ceiling</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employer Class A1</strong></td>
<td></td>
</tr>
<tr>
<td>Employer contribution (including training fund levy)</td>
<td>10.75%*</td>
</tr>
<tr>
<td><strong>Employee Class A1</strong></td>
<td></td>
</tr>
<tr>
<td>PRSI</td>
<td>4%*</td>
</tr>
<tr>
<td><strong>Self-employed contributions</strong></td>
<td></td>
</tr>
<tr>
<td>PRSI</td>
<td>4%**</td>
</tr>
</tbody>
</table>

*Where weekly earnings are €352 or less employee contribution is nil and where weekly earnings are €356 or less, employer’s PRSI is 4.25%.

**Minimum annual PRSI contribution of €500

PRSI and other income

PRSI will be extended to investment income such as rents and dividends from 2014. Self-employed contributors are already liable to pay PRSI on such income. PAYE earners and persons in receipt of occupational pensions are not currently required to pay PRSI on such unearned income.
3. Employee remuneration

Employment-related income

Employment-related income, such as salary, bonuses, expense allowances, benefits, share remuneration and other compensation payments are taxed through the Pay As You Earn (PAYE) system.

Special Assignee Relief Programme (SARP)

A Special Assignee Relief Programme (SARP) is available to inbound assignees to Ireland. However, the relief is only available where the assignment commences in 2012, 2013 or 2014.

The SARP relief operates by granting an exemption from income tax on 30% of employment income between €75,000 and €500,000, equating to a maximum annual deduction of €127,500. For a marginal rate (41%) taxpayer, the net value of the relief would be €52,275. The relief can be claimed for the duration of the assignment up to a maximum of five years. The SARP does not reduce liability for the USC or PRSI (social insurance contributions).

To qualify for the relief the employee must:

► Earn a salary of at least €75,000 - this figure excludes bonuses, share awards and benefits-in-kind
► Work in Ireland for a minimum of 12 months
► Have been non-Irish resident for the five tax years immediately prior to the year of arrival in Ireland
► Have worked for at least 12 months for their foreign based employer prior to their arrival in Ireland and performed the duties for that employer outside Ireland
► Arrive in Ireland to take up duties in one of the following tax years; 2012, 2013 or 2014

In addition, the employer must be incorporated and resident in a country with which Ireland has a double tax treaty/tax information exchange agreement, or be an associated company of such a company.

Once a claim is made and approved by the Revenue Commissioners the relief can be granted at source under the PAYE system. Therefore, qualifying employees may not need to await a repayment after the tax year end to benefit from the relief. To retain the relief the affected employee must file a tax return for the relevant tax year by 31 October of the following tax year.

School fees

In addition to the deduction described above, provision is also made for payment of school fees of up to €5,000 per child by the employer on a tax free basis for those employees who qualify for SARP.
**Limited remittance basis**

Since 1 January 2009 a form of tax relief is available to certain non domiciled expatriate employees who are seconded to work in Ireland. The relief takes the form of a partial rebate of PAYE tax paid, and is subject to a number of conditions. PAYE will continue to operate on income related to Irish work days, however, the assignee may be entitled to apply for a partial refund of the tax paid at the year end.

This relief is being phased out as follows:

- Qualifying for first time in 2009 - extension to 2012 and 2013
- Qualifying for first time in 2010 - extension to 2012, 2013 and 2014

**Foreign Earnings Deduction (FED)**

This relief is applicable to companies expanding into emerging markets in the BRICS countries (Brazil, Russia, India, China, and South Africa) and certain African countries (Algeria, Democratic Republic of Congo, Egypt, Ghana, Kenya, Nigeria, Senegal and Tanzania) who assign Irish based employees to those markets. The relief provides for a reduction in the Irish income tax liability of the individual. While the relief will operate for three tax years commencing 1 January 2012 and ending on 31 December 2014 for those employees assigned to the BRICS countries, FED relief will only apply for 2013 and 2014 for those employees assigned to the relevant African countries.

The relief operates by way of a deduction against employment income for employees who spend at least 60 qualifying days in a year in a relevant country. To count as a qualifying day it must be a day which is one of at least 4 consecutive days throughout which the individual is working in the relevant countries.

The maximum deduction against employment income is €35,000 per annum, which is the equivalent of a maximum tax saving of €14,350 for a higher rate taxpayer. Where the individual is also entitled to claim a credit for foreign tax paid on the same income, the amount of the FED must be reduced by the amount of the income generating the foreign tax credit. Benefits-in-kind, termination payments, and restrictive covenants are excluded in calculating the amount of the deduction, however, the amount of the deduction itself may be offset against total employment income less allowable employee pension contributions for the year. The employment income can be from an Irish employment or from a foreign-source employment.

Employees claiming FED are not entitled to claim relief under the SARP outlined above, or relief under the Research and Development (R&D) credit provision discussed below.

**Key employees engaged in R&D activities**

Companies which qualify for R&D tax credits may elect to pass on the benefit of the credit to certain ‘key employees’.

---

Human Capital
Where the relief applies, the employee will be entitled to claim a credit equal to the amount surrendered by the employer against his or her income tax liability. The credit will only reduce income tax due on the earnings from the employment and will not reduce the employee’s liability to USC charge or PRSI.

The relief is subject to a number of significant restrictions. Directors and individuals holding more than 5% of the shares of the company, or an associated company, are excluded from claiming the relief. Employees will only be regarded as ‘key employees’, and therefore eligible for the relief if:

► They have performed 50% of their duties in ‘the conception or creation of new knowledge, products, processes, methods and systems’ in the accounting period during which the employer was entitled to claim R&D relief, and

► 50% of the cost of the earnings from his or her employment qualify as expenditure on research and development

The R&D credit surrendered to an employee may not reduce the income tax payable by the employee to an amount which is less than 23% of their total income. If the credit cannot be fully used by the employee in one year as a result of this restriction, it may be carried forward to the next and subsequent years until it is fully utilised.

Availability of this relief is contingent on the employing company having an eligible claim under the R&D rules.

**Benefits-in-kind (BIK)**

The tax due on BIK is also collected through the PAYE system, together with the appropriate USC and PRSI. From 1 January 2011 employer withholding applies for share based remuneration. See Share Incentive Scheme section in this chapter for further details.

All companies and employers with 10 or more employees must account for the PAYE electronically through Revenue’s Online System (ROS) by the 23rd of the month following the month in which the benefit is provided (e.g. bonus bond) or the expense is borne by the employer (e.g. medical insurance). For employers with 10 or less employees who do not account for the PAYE through ROS, a deadline of the 14th of the month will apply.

Where the total PAYE, USC and PRSI is €30,000 or less the employer may apply for a quarterly remittance basis. The payments would then be due by the 23rd of the month following the end of the quarter.

There are specific rules for calculating the value of the benefit (notional pay) where the benefit is in the form of a company vehicle, preferential loan, employer-provided accommodation or the use of an employer’s asset. The PAYE on notional pay is accounted for monthly throughout the period in which the benefit is enjoyed.

The employer must account for the PAYE as above irrespective of whether the PAYE has been withheld from the employee. Where the PAYE has not been recouped from the
employee by the end of the tax year, the tax becomes part of the individual’s notional pay in April following the end of the tax year and assessable to PAYE, USC and PRSI accordingly.

**Cars**

The calculation of the BIK charge on a company car provided to an employee is computed as follows:

- The assessable benefit is 30% of the original market value of the car. There is no reduction in BIK where the employee pays directly for private fuel, road tax, repairs or insurance. The benefit may be reduced by any contribution made by the employee to the employer towards the cost of providing the car.

- Employees with business mileage of less than 24,135 kilometres per annum who spend at least 70% of their time away from the business premises can claim a 20% reduction in their BIK figure.

- The BIK may also be reduced where the employee has business mileage in excess of 24,135 kilometres in a year. This relief operates by reducing the taxable benefit based on the table below.

<table>
<thead>
<tr>
<th>Annual business kilometric thresholds</th>
<th>Cash equivalent (% of OMV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>24,135 or less</td>
<td>30%</td>
</tr>
<tr>
<td>24,136 to 32,180</td>
<td>24%</td>
</tr>
<tr>
<td>32,181 to 40,225</td>
<td>18%</td>
</tr>
<tr>
<td>40,226 to 48,270</td>
<td>12%</td>
</tr>
<tr>
<td>48,271 and over</td>
<td>6%</td>
</tr>
</tbody>
</table>

In 2009, legislation (subject to Ministerial Order) was introduced which would reduce the rate of benefit in kind for cars with low CO₂ emissions. However, these provisions have not yet been brought into effect.

**Vintage cars**

The taxable benefit of an employer-provided vintage car is 30% of the original market value of the car when it was first registered in Ireland. As such, the taxable benefit will generally be much lower for such a car than for a new car.

**Pooled cars**

No liability to tax will arise for an employee who has use of a car from a company car pool, subject to certain conditions being met.
Company-provided vans

Where the following conditions are met, BIK will not apply to vans:

► The van is supplied for the purposes of the employee's work.
► There is an employer requirement to bring the van home.
► Any auxiliary private use of the van is prohibited.
► The employee spends most of their time working away from the employer's workplace.

Where any of the above conditions are not met, a BIK charge of 5% of the original market value applies.

Preferential loans

An employee or director who has a loan from their employer at a preferential rate of interest is regarded as having a taxable benefit. The value of the benefit is the difference between the rate of interest charged and the specified rate. The specified rate is 4% in the case of qualifying home loans and 13.5% for other loans.

Employer-provided accommodation

Where an employer provides accommodation for an employee, a BIK arises on the gross amount of the rent paid or on 8% of the current market value of the property where the property is owned by the employer. In addition, a BIK of 5% of the value of furniture arises where this is supplied by the employer. A limited tax credit may be claimed by the employee (as tenant) for rent paid.

Employer-provided assets

Where an employer provides an asset (other than a car or accommodation) for use by an employee, a BIK will be charged at 5% of the asset's market value at the date first provided by the employer.

Other taxable benefits

► Medical insurance cover (employee is liable to tax on the gross premium paid and is entitled to a credit of the gross premium at the standard rate of tax)
► Club subscriptions
► Holiday tickets/vouchers
► Bonus bonds
► Staff suggestion scheme awards
► Staff discount (on the difference between the cost to the employer and the price paid by the employee)
► Professional subscriptions subject to limited exceptions (see below)
► Crèche facilities provided or subsidised by an employer

Benefits exempt from the BIK provisions
► Employer contributions to a Revenue-approved Occupational Pension Scheme
► Bus/rail/LUAS/commuter ferry passes provided by the employer subject to certain conditions
► Course and exam fees, provided they are specifically required for the employment
► Provision of computers where private use is incidental to business use
► Provision of mobile phones where private use is incidental to business use
► Small benefit exemption of €250 per annum per employee for one-off non cash benefits where the value of the benefit does not exceed this amount
► Expenses borne by an employer in connection with an ‘asset’ or ‘service’ for the improvement of personal security where there is a threat to the personal physical security of the employee
► Housing provided to an individual assigned to Ireland from abroad for the first 12 months of the assignment, subject to conditions
► Provision of bicycles and associated safety equipment to employees who agree to use the bicycle to cycle to work, subject to a limit of €1,000 per employee in any five year period

Expenses
Expenses incurred by employees are only allowable as deductions for tax purposes where they are incurred wholly, exclusively and necessarily in performing the duties of the employment.

The following expenses are allowable subject to certain conditions:
► Motor
► Travel and subsistence
► Removal/relocation
► Professional subscriptions
► Protective clothing

Certain professions are entitled to flat rate expenses, which should be coded onto the employee’s tax credit certificate. The list of trades and professions to which this applies is provided annually by the Revenue.
**Professional subscriptions**

In certain situations an individual is entitled to claim the professional membership expense as a deduction ‘wholly, exclusively and necessarily’ incurred in the course of his or her employment.

Where the employee is entitled to claim the expense as a deduction, for ease of administration, Revenue has advised that employers need not make tax, USC and PRSI deductions. This action precludes the employee making a tax deduction claim.

Tax deduction in respect of annual membership fees of a professional body will be available in the following situations:

► Where there is a statutory requirement for membership of a professional body before the individual member can carry out the duties of their employment

► Where an individual is registered with a professional body and has a right, by virtue of that membership, to plead or be heard in a court or a tribunal on behalf of his or her client

► Where there is a requirement for a current practicing certificate or licence, issued by the professional body, for the individual to carry out the duties of their employment

In addition, the employer need not operate PAYE, USC and PRSI in the following circumstances where the employee would be entitled to claim a deduction, as follows:

► Where the duties of the employee and the duties of the employment require the exercise or practice of the occupation or profession in respect of which the annual membership fee refers

► The employee so exercises or practices the occupation or profession in respect of which the annual membership fee refers

► Membership of the professional body is an indispensable condition of the tenure of the employment

From 1 January 2011, where the expense of a professional membership subscription is not wholly, exclusively and necessarily incurred in the course of an employment, it is no longer a deductible expense. If paid or reimbursed by an employer, the payment/reimbursement is therefore subject to benefit in kind, and the employer is obliged to deduct PAYE, USC and PRSI.

**Parking levy**

To date the proposed annual €200 parking levy for employer provided parking has not become law.
Flight crew in international traffic

PAYE applies in respect of income arising from any employment exercised aboard an aircraft which is operated in international traffic by an enterprise that has its effective management in Ireland. The charge applies regardless of whether the individual is tax resident in Ireland. An aircraft operating solely between places within a single country is excluded from the provisions.

Excess Bank Remuneration Charge

The Excess Bank Remuneration Charge (EBRC) applies to any remuneration, in cash or in kind, that is variable and determined by reference to the individual or the institution’s performance. This variable remuneration is subject to EBRC at a rate of 45% (instead of the USC).

The EBRC applies to employees of institutions that have received financial support under Section 6(1) of the Credit Institutions (Financial Support) Act 2008 or the National Pensions Reserve Fund Act 2000. The EBRC will apply to any employee resident in Ireland or an employee who performs some of their duties in Ireland.

The EBRC affects all payments made on or after 6 February 2011, except where the employee’s variable remuneration does not exceed €20,000 in a tax year.

Termination of employment

Payments exempt from tax

► Statutory redundancy
► Payments not exceeding €200,000 made in connection with the termination of the holding of an office or employment due to the death of the holder or on account of injury or disability of the holder of the office or employment

Payments on leaving employment

Where a payment is made in connection with the termination of an employment, which falls liable to Irish income tax, exemptions are available to reduce or eliminate the liability. The amount of tax relief on ex-gratia payments is restricted to a lifetime limit of €200,000.

The individual may claim the most favourable of the following (subject to the €200,000 lifetime limit):

► Basic exemption = €10,160 + €765 for each complete year of service
► Increased exemption = basic exemption + €10,000 where no claim for relief for the increased exemption was made in the previous 10 years*
Standard Capital Superannuation Benefit (SCSB)*, which is calculated as follows:

\[
\text{Average remuneration for last 3 years} \times \text{no. of complete years of service} / 15
\]

*The increased exemption or the SCSB must be reduced by any tax-free lump sum received or the net present value of a future tax-free lump sum receivable under an approved pension scheme, unless the claimant waives their right to the lump sum.

Top slicing relief

A tax refund may be due where the rate of income tax suffered on the taxable lump sum is higher than the individual's effective rate of tax for the previous three years.

From 1 January 2013, Top Slicing Relief (TSR) will not apply to any lump sum payment in excess of €200,000.

Foreign service relief

Foreign Service Relief has been abolished with respect to termination payments, effective from 27 March 2013. Previously, employees may have been entitled to either a full or partial exemption from taxes on any payment made in connection with the termination of their employment where they worked abroad for part of their period of employment.

Share incentive schemes

From 1 January 2012, employee PRSI (at 4%) and the USC (up to 7%) will apply to all income gains arising on share awards, irrespective of whether the awards were granted under a Revenue-approved plan or an unapproved plan. Share awards are specifically exempt from employer PRSI.

Employers may have an obligation to withhold income tax, USC and PRSI on share based remuneration via the Pay As You Earn (PAYE) system. This is dependent on the type of scheme and is summarised below.

Approved Profit Sharing Scheme (APSS) and Save As You Earn scheme (SAYE) - USC and PRSI must be withheld by the employer via the PAYE system. The amount liable to USC and PRSI, and the due date for payment is explained below in the Save As You Earn and Approved Profit Sharing sections.

Stock option scheme - the employee retains the obligation to pay income tax and the USC via the self assessment system through filing Form RTSO1. However, up to 30 June 2012 the employer had an obligation to withhold PRSI. From 1 July 2012, employee PRSI is payable directly to the Revenue Commissioners by the employee along with their income tax and USC liability through filing Form RTSO1 within 30 days of exercise.

Other non-approved share schemes - Income Tax, USC and PRSI must be withheld by the employer via the PAYE system.
The charge to Income Tax (IT), the USC and PRSI is summarised below.

<table>
<thead>
<tr>
<th></th>
<th>2012 and subsequent years</th>
<th>Reporting*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IT</td>
<td>PAYE</td>
</tr>
<tr>
<td>APSS</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>SAYE</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Stock options*</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Other (e.g. unapproved awards, RSUs)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*The filing deadline for Forms ESS1, SRSO1 and RSS1 is 31 March in the tax year following the tax year in which the taxable event occurs.

Save As You Earn (SAYE)

SAYE schemes allow employees to save a fixed amount of their salary (after tax), between €12 – €500 per month, over a period of at least three years. At the end of the savings period, the accumulated savings are used to purchase shares in the employer or parent company at a predetermined price. This predetermined price is the market value of the shares at the beginning of the savings period less a discount of up to 25%.

On the occasion of shares being purchased, there is no income tax charge despite the fact that the shares may have been purchased at a price substantially below the market value of the shares on that date. However, USC and PRSI are due on an amount equal to the difference between the price paid and the market value of the shares at the date of purchase. Both USC and PRSI must be withheld through the PAYE system and accounted for by the employer electronically through ROS by the 23rd day of the month following the month in which the shares are purchased. When the shares are sold or otherwise disposed of, their market value, less the base cost to the shareholder, will be subject to capital gains tax. Please see table on the previous page for a summary of the employee and employer requirements.

Approved Profit Sharing Scheme (APSS)

Employees and full-time directors may be entitled to receive shares in their employer company or employer’s parent company without incurring an income tax liability. To achieve this, the employer must seek Revenue approval to implement the APSS and establish a special trust for the purposes of acquiring shares on behalf of employees. An employee or full-time director may then sacrifice an element of their bonus (plus, in certain cases, salary), which is paid into the trust to purchase shares on their behalf. The shares must be retained within the trust for a period of three years to avoid an income tax charge.

The maximum value of shares that can be purchased on behalf of any one employee or full-time director per annum is €12,700.
No income tax arises when the shares are transferred to the employee. However, USC and PRSI is chargeable on the initial market value of the shares at the time they are placed in the trust on the employee’s behalf. In cases where employees have entered into a salary foregoing arrangement to fund the purchase of shares, the USC and PRSI may be deducted from earnings when salary is foregone. Alternatively, employers and employees may fund the payment of the USC and PRSI out of other non-share net earnings. These liabilities must be accounted for by either the employer or the trustees in the same manner as PAYE i.e., electronically through ROS by the 23rd day of the month following the month in which the shares are placed in the trust on the employee’s behalf. For capital gains tax purposes, the allowable cost is the market value of the shares at the date they were purchased by the trust on behalf of the employee or director. See table on the previous page for a summary of the employee and employer requirements.

Employee share ownership

A company may claim a deduction for the costs of establishing and making contributions to an Employee Share Ownership Trust. The trust must be established for the purpose of acquiring shares in the founding company for distribution to employees or a charity at a future date. If the shares in the trust are transferred at a future date into an Approved Profit Sharing Scheme, this transfer will not be treated as a disposal for capital gains tax purposes. See table on previous page for a summary of the employee and employer requirements.

Share options

Any differential between the option price and the market value of the shares at the date of exercise is liable to income tax, USC and PRSI. Gains arising on the exercise of options granted on or after 5 April 2007 will be subject to income tax, USC and PRSI by reference to the number of work days the option holder spent in the Republic of Ireland between the grant date and vesting date.

Where an option is capable of being exercised more than seven years from the date of grant and the option price is less than the market value of the shares at the date of grant, the taxable event is the date of grant and not the date of exercise.

Restricted shares

Where employees are granted free or discounted shares which are subject to a restriction on disposal, the taxable value will be reduced in accordance with the table below. During the period of restriction, the shares must be held in a trust or held under such other arrangements as the Revenue Commissioners may allow.

<table>
<thead>
<tr>
<th>Period of restriction (years)</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>5+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discount</td>
<td>10%</td>
<td>20%</td>
<td>30%</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
</tr>
</tbody>
</table>

The trust in which the shares are held must be established in Ireland or in another EEA member state and the trustees must also be resident in that state.
Employee in receipt of share options

Chargeable person for self-assessment purposes

Irish tax legislation treats an employee or director who exercises share options under a share option scheme as a ‘chargeable person’.

This means that the individual is automatically within the self-assessment system and is obliged to file an income tax return by 31 October after the end of the tax year in which the share option is exercised. Where a tax return is not filed by this date, a surcharge of up to 10% of the person’s tax liability may be applied (see Chapter 1).

Share options exercised

Income tax payments

Relevant Tax on Share Options (RTSO) must be paid within 30 days of the exercise of all share options. A Form RTSO1 must be filed by the individual, together with the relevant RTSO payment. The RTSO payment includes both income tax, USC and employee PRSI. Income tax at the top rate (currently 41%) must be paid in respect of the option gain unless the individual can satisfy the Revenue that they are liable to income tax at the standard rate (20%) on the full amount of the gain.

The onus is on the individual to seek advance clearance from the Revenue for the standard rate of tax to apply.

USC at a rate of 7% and employee PRSI at a rate of 4% are also due and payable within the same 30 day period. Failure to pay RTSO by the due date carries an interest exposure of 0.0219% per day, or part thereof, from the due date.

Valuation of shares in unlisted companies

Revenue has stated a valuation service is not provided for shares in private companies. The employer should make a ‘best estimate’ for the valuation of the relevant shares, using the most appropriate valuation method(s) for the circumstances. In the event of a Revenue audit, the employer should be in a position to show how the value of the shares was determined and provide detailed workings.

Employer filing requirements

The Revenue introduced new reporting requirements for employers in respect of employee share schemes in 2010. A summary of the forms to be used are set out in the table on page 33.
Section 2
Private Client Services

4. Pensions
5. Capital allowances and tax-based property incentives
6. Capital gains tax
7. Capital acquisitions tax
8. Stamp duty

Your Ernst & Young contact is:

John Heffernan
Partner - Private Client Services
Tel: +353 (0)61 317 784
Email: john.heffernan@ie.ey.com
4. Pensions

Pension contributions

Tax relief on pension contributions can be claimed by the self-employed and by members of Occupational Pension Schemes (OPS) in any one tax year on the following basis:

<table>
<thead>
<tr>
<th>Age</th>
<th>% of Net Relevant Earnings/Remuneration*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 30</td>
<td>15</td>
</tr>
<tr>
<td>30-39</td>
<td>20</td>
</tr>
<tr>
<td>40-49</td>
<td>25</td>
</tr>
<tr>
<td>50-54</td>
<td>30</td>
</tr>
<tr>
<td>55-59</td>
<td>35</td>
</tr>
<tr>
<td>60 and over</td>
<td>40</td>
</tr>
</tbody>
</table>

*Net Relevant Earnings (NRE) applies to self-employed individuals, while Remuneration applies to members of Occupational Pension Schemes (OPS).

A single earnings cap of €115,000 remains for all types of pension contributions made by individuals in 2013, but not for employers' contributions to an OPS.

Prior to 1 January 2011, tax relief generally included relief from PRSI. However, with effect from 1 January 2011, contributions made by individuals to pension plans which previously qualified for relief from PRSI will no longer qualify. Relief from the Universal Social Charge (USC) is also not available.

Employer contributions to an OPS do not result in an income tax, USC or PRSI liability for the employee. However, a liability to the USC arises where an employer makes a contribution to a Personal Retirement Savings Account (PRSA) for an employee.

For employers, a charge to employer PRSI will arise on employee pension contributions. This change is effective from 1 January 2012.

Self-employed

For the self-employed, tax relief can be obtained by contributing to a personal pension plan via a Retirement Annuity Contract (RAC) and/or to a PRSA. Net Relevant Earnings (NRE) can be defined as earnings from trades, professions and non-pensionable employments, less certain payments and deductions.
For those individuals under age 50, the limit is increased to 30%, where the individual’s NRE is derived wholly or mainly from certain listed occupations, such as athletes, boxers, rugby players, cricketers or swimmers. The earnings of a husband and wife are treated separately for the purpose of determining NRE; the relief is available in respect of each spouse with non-pensionable earnings.

A self-employed individual may avail of tax relief for the immediately preceding year by making a pension contribution by 31 October following that year and subject to the age-related scale and earnings cap outlined above. If the individual files and pays tax through the Revenue Online System (ROS), the 31 October deadline for this purpose is extended to the ROS filing deadline.

**Employees**

Contributions may be made by an employee to an Occupational Pension Scheme (OPS) in any tax year for tax relief purposes. These contributions must be made to a Revenue approved OPS.

Remuneration broadly means basic salary, plus any fees, commission, bonuses, taxable share incentive benefits and benefits-in-kind. Relief is currently available at the employee’s top income tax rate (20% or 41%).

Employees may, subject to guidelines prescribed by the Revenue, make special contributions to an OPS or make Additional Voluntary Contributions (AVCs) to avail of any unused relief between 15% – 40% as per the age-related scale (see table on previous page). For example, under the rules of an OPS, an individual aged 35 may be required to make a personal contribution to the scheme of 5% of their salary. If the scheme rules allow and subject to certain conditions as advised by the Revenue, the individual may also make an AVC of 15% of their remuneration to an AVC Fund to increase pension benefits at retirement.

A member of an OPS may also avail of tax relief for the immediately preceding year by making a pension contribution by 31 October following that year and subject to the age-related scale and earnings cap. If the individual files and pays tax through the Revenue Online System (ROS), the 31 October deadline for this purpose is extended to the ROS filing deadline.

**Note:** Any individual who joins an OPS and who has a personal pension plan (as described under ‘Self-employed’ above) may continue such contributions, but will not receive tax relief unless they can demonstrate separate earnings for such contributions.

From 27 March 2013, it is possible to access up to 30% of the value of an AVC fund or AVC PRSA early. The amount withdrawn will be subject to the individual’s top income tax rate. There will be no liability to the USC or PRSI on the amount withdrawn.
Options on retirement

Self-employed individuals can:

► Use all of the retirement fund to purchase a retirement annuity

Or

► Withdraw up to 25% of the total retirement fund as a tax-free lump sum and with the balance of the fund, either:
  
  ► Purchase a retirement annuity
  
  ► Draw down the balance subject to their top income tax rate

Or

► Invest in an ARF, subject to the AMRF provisions

Members of an OPS can:

► Use the entire retirement fund to purchase an annuity (subject to a maximum pension of 66.67% of final remuneration)

Or

► Withdraw up to 150% of final remuneration as a tax-free lump sum and with the balance of the fund purchase a retirement annuity

Note 1: For proprietary directors (with more than 5% shareholding), there is the option to withdraw up to 25% of the total fund as a tax-free lump sum and invest the balance in an AMRF or ARF (see below). The 2011 Finance Act extended the AMRF or ARF option to all members of defined contribution pension schemes.

Note 2: For lump sum payments, the maximum tax-free lump sum for an individual retiring has been capped at €200,000 (as reduced by any tax-free lump sums taken on or after 7 December 2005). The portion between €200,001 and up to €375,000 is taxed at the standard rate of income tax (currently 20%) and is ring fenced so that no reliefs, allowances or deductions can reduce the taxable amount. Any further excess will be taxed at the taxpayer’s top income tax rate. USC will be due on any further excess, but not on the amount subject to income tax at 20%. This change applies from 1 January 2011.

Note 3: With effect from 7 December 2010 the standard fund threshold (i.e., the maximum allowable pension fund for tax purposes) is set at €2.3 million. Higher thresholds may apply where the pension fund, as valued on 7 December 2010, is greater than €2.3 million, but less than €5,418,085 (the previous standard fund threshold limit). Any excess is subject to a tax charge of currently 41% on drawdown. The excess tax charge applies to the aggregate of all pension products held by the individual. It is important to note that the net, after tax excess is again subject to tax on receipt by the individual.

Note 4: As outlined at Note 2, pension lump sums in excess of a lifetime limit of €200,000 are subject to income tax and USC. An amount exceeding the standard fund threshold (SFT) or individual’s higher personal fund threshold (PFT) will also give rise to a tax charge (the chargeable excess). For lump sums paid on or after 1 January 2011, the
pension scheme administrator is required to offset tax arising on the lump sum against the tax arising on the chargeable excess with provision for carry forward of any unused amount. The credit applies only to that part of the lump sum which has been subject to tax at 20%.

**Approved Minimum Retirement Fund (AMRF) and Approved Retirement Fund (ARF)**

The retirement fund monies of self-employed individuals, AVC contributors, proprietary directors (who own more than a 5% shareholding of the company) and members of defined contribution pension schemes may be invested in post-retirement funds (AMRFs or ARFs) after drawing down up to 25% of the total fund as a tax-free lump sum. If people are availing of such funds, certain criteria must be met. Both types of fund are managed by qualifying fund managers.

Funds invested in an ARF can be withdrawn at any stage and in any amount, either by lump sum or by regular income, but subject to the investor’s top rate of income tax (together with USC and PRSI where applicable).

Before being permitted to invest the balance of a pension fund in an ARF or take the funds by way of a taxable lump sum, the individual may be required to first invest an amount in an AMRF or an annuity payable for life. This requirement does not apply if the individual is, at the time of taking benefits, in receipt of pension or annuity income guaranteed for life equal to 1.5 times the maximum annual rate of the state pension (contributory) i.e., €18,000 approximately. Where an individual does not meet this minimum annual income test, when taking benefits from the fund, he or she may have to invest a specified amount of ten times the maximum annual rate of the contributory state pension payable at the time the ARF option is being availed of (€120,000 approximately) in an AMRF or annuity. From 27 March 2013 the pre 6 February 2011 pension or annuity income requirement of €12,700 will be reinstated for a temporary period and where this test is not satisfied, €63,500 must be invested in an AMRF or annuity.

The initial capital invested in AMRF cannot be withdrawn until 75 years of age, but any income or gains may be drawn before then. All withdrawals from an AMRF are subject to income tax, USC and PRSI, if applicable.

If, on death, there are residue funds from an AMRF or ARF, these can be passed on by will to dependents subject to inheritance tax and/or income tax implications.

Where applicable, ARFs are deemed to make an annual imputed (deemed) distribution of 5% of the value of their assets and this amount is taxed at the individual's top income tax rate. USC and PRSI is also due if relevant. The imputed distribution regime also applies to vested PRSAs. Where the aggregate value of assets held in an ARF(s) and/or a vested PRSA(s) exceeds €2 million at 30 November 2012 and subsequent tax years, the imputed distribution rate increases to 6% of the entire aggregate value (not just the portion that exceeds €2 million). Any actual distributions in the year are deducted from the imputed distribution.
5. Capital allowances and tax-based property incentives

Incentives

Capital allowances

Capital allowances are granted to individuals and companies on the purchase of certain assets. These allowances write off, against taxable profits, the cost of the asset over a certain period of time at a predetermined rate.

Capital allowances are given under three main headings:

- Wear and tear allowances
- Industrial buildings allowances
- Special incentive property schemes

Wear and tear allowances: Plant and machinery

Expenditure incurred on the purchase of plant and machinery, used for the purposes of a trade, profession, vocation or employment, qualifies for wear and tear allowances. The current rate of capital allowances for plant and machinery is 12.5% on a straight line basis. This rate is applicable to expenditure incurred on or after 4 December 2002.

Wear and tear allowances: Motor vehicles

The annual rate of wear and tear allowances for motor vehicles (other than taxis and short term hire vehicles) is 12.5% on a straight line basis. This rate is applicable to expenditure incurred on or after 4 December 2002.

The maximum qualifying cost of motor vehicles purchased on or after 1 January 2007 is €24,000. This restriction applies to both new and second-hand motor vehicles.

A CO₂ emissions-based scheme of capital allowances applies in respect of mechanically propelled road vehicles, other than vehicles provided or hired wholly or mainly for the purposes of carriage of members of the public, e.g., taxis or hire cars. The scheme of allowances applies to vehicles purchased or leased on or after 1 July 2008. Allowances are granted based on the following scale:

<table>
<thead>
<tr>
<th>CO₂ emissions (CO₂ g/km)</th>
<th>Allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>0g/km up to and including 155g/km</td>
<td>An amount equal to the specified amount</td>
</tr>
<tr>
<td>More than 155 g/km up to and including 190g/km</td>
<td>The lower of 50% of the specified amount or 50% of the vehicle cost</td>
</tr>
<tr>
<td>More than 190 g/km</td>
<td>None</td>
</tr>
</tbody>
</table>

The specified amount is €24,000 (regardless of the cost of the car).
Capital allowances for certain energy efficient equipment

Finance Act 2008 provided for accelerated capital allowances in respect of expenditure by companies on certain energy efficient equipment bought for the purposes of the trade. The scheme runs until 31 December 2014. Equipment eligible under the scheme is published in a list established by the Minister for Communications, Energy and Natural Resources and maintained by the Sustainable Energy Authority of Ireland. Capital allowances at the accelerated rate of 100% are available in the first year in which the expenditure is incurred. It does not apply to equipment that is leased, or hired.

Examples of energy efficient equipment that qualify for 100% allowances include: energy efficient motors, drives, heating, lighting, energy management systems as well as heating and air conditioning control systems.

Capital allowances on provision or acquisition of intangible assets

Capital allowances are available on a broad range of specified intangible assets acquired on or after 8 May 2009. For further details refer to Chapter 9 Corporation tax.

Industrial buildings allowances

These allowances are granted to people who hold the ‘relevant interest’ in an industrial building. An industrial building is a building or structure used, inter alia, for the purposes of a trade carried on in a factory or similar premises. Several types of buildings or structures can qualify. The annual allowance for a qualifying building is 4%, with accelerated allowances being available in certain circumstances, these are dealt with below.

Special incentive property schemes

A number of special incentive property schemes have been available over recent years, most of which have now terminated. The incentive schemes provided for capital allowances or Section 23 type relief in respect of the development of certain types of building (in some cases restricted to certain areas). The main schemes are set out below with the latest date for incurring qualifying expenditure on their construction or refurbishment. In order to qualify for the expenditure deadlines listed below, in most cases it is necessary to fall within transitional provisions. The specifics of these transitional provisions differ depending on the particular scheme.

In some cases allowances are available in respect of 50%/75% of expenditure incurred after 1 January 2007.

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Latest expenditure deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban renewal</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Town renewal</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Rural renewal</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Scheme</td>
<td>Latest expenditure deadline</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Living over the shop</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Accelerated capital allowances for hotels</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Holiday camps</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Holiday cottages</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Student accommodation</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Multi-story car parks</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Park and ride facilities</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>General Rent Refurbishment Schemes (“Section 23 type”)</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Third level educational buildings</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Sports injury clinics</td>
<td>31 July 2008</td>
</tr>
<tr>
<td>Residential units associated with nursing homes</td>
<td>30 April 2010</td>
</tr>
<tr>
<td>Nursing homes</td>
<td>30 June 2011</td>
</tr>
<tr>
<td>Mental health centres</td>
<td>30 June 2011</td>
</tr>
<tr>
<td>Convalescent homes</td>
<td>30 June 2011</td>
</tr>
<tr>
<td>Childcare facilities</td>
<td>31 March 2012</td>
</tr>
<tr>
<td>Mid-shannon corridor</td>
<td>31 May 2013</td>
</tr>
<tr>
<td></td>
<td>Extension to 31 May 2015 subject to Ministerial Order</td>
</tr>
<tr>
<td>Private hospitals</td>
<td>31 December 2013</td>
</tr>
<tr>
<td>Specialist palliative care units</td>
<td>Ministerial Order required for commencement</td>
</tr>
<tr>
<td>Living City Initiative*</td>
<td>Ministerial Order required for commencement</td>
</tr>
<tr>
<td>Accelerated capital allowances for aviation sector**</td>
<td>Ministerial Order required for commencement</td>
</tr>
</tbody>
</table>

* The Living City Initiative was introduced in Finance Act 2013. It provides tax relief for urban regeneration, focusing on refurbishment of Georgian buildings located in Irish cities. The scheme will apply to refurbishment and conversion expenditure incurred by owner occupiers of residential premises as well as to owner occupiers or landlords of certain commercial premises. Owner occupiers of residential premises will be entitled to offset an annual allowance against total income of 10% of qualifying expenditure per annum over a 10 year period. An owner occupier or landlord of commercial premises will be entitled to capital allowances on qualifying expenditure of 15% per annum for six years and 10% in year 7. The urban areas will be described by order of the Minister of Finance with the regime initially focusing on Waterford and Limerick cities. Due to the...
requirement to obtain the EU State Aid approval, this will be commenced by Ministerial Order. It will apply to qualifying expenditure incurred within five years of that date.

**Finance Act 2013 introduced a provision for accelerated capital allowances over seven years for capital expenditure incurred on the construction or refurbishment of a building used for aircraft maintenance, repair or overhaul. The scheme will commence by Ministerial Order and will apply to expenditure incurred within five years of that date.**

The expenditure deadlines set out above refer to the deadlines for construction, refurbishment etc., of the property. A purchaser of a property on a date later than the above date may qualify for allowances or reliefs.

Restrictions on use of allowances

1. **Use against total income**

   In many cases the ability of passive investors in buildings qualifying for allowances under one of the above special incentive schemes to offset the allowances against total income is restricted. Instead in many cases the allowances can be offset against rental income only.

   Where Section 23 type relief is available this is allowed only against rental income.

2. **Restriction of relief for high earners**

   The property and capital allowance schemes noted above are regarded as 'specified tax reliefs' for the purposes of restrictions on relief for high net worth individuals as set out in Chapter 1 Personal tax.

3. **Finance Act 2012 provisions**

   An economic impact assessment of special incentive property schemes was initiated by the Government following Finance Act 2011. As a result of this, significant legislation that was included in Finance Act 2011 (but subject to a commencement order) was repealed. However, Finance Act 2012 introduced new provisions as follows:

   - From 1 January 2012 a 5% property relief surcharge (in the form of an increased Universal Social Charge) applies to property investors with an annual gross income of €100,000 per annum or more. The surcharge applies to income sheltered by property reliefs in any given year.

   - Investors in accelerated capital allowances schemes are no longer able to use unutilised capital allowances beyond the respective tax life of the property concerned where that tax life ends after 1 January 2015. Where the tax life of a property ends before 1 January 2015, unutilised allowances may not be carried into 2015. This restriction only applies to passive investors.
Balancing adjustments

If an asset, on which capital allowances have been claimed, is disposed of before the end of the tax life, a balancing adjustment must be calculated, resulting in either a balancing allowance or balancing charge.

Real Estate Investment Trusts (REITs)

Finance Act 2013 contains measures facilitating the establishment of Irish REIT structures. REITs are a globally recognised standard for investing in real property assets. Initially a REIT will have to meet certain criteria to enter into the regime, and then meet additional criteria annually at the end of the specified accounting period where it has applied to be a REIT. REITs that meet these conditions will not be charged to Irish corporation tax on their net rental profits or on property gains from their property rental business.

The main conditions are:

► A REIT must be an Irish tax resident company, quoted on a main stock exchange of an EU member state, derive at least 75% of its profits from carrying on a property rental business and distribute at least 85% of its net rental profits by way of a property income dividend.

The introduction of REITs should facilitate foreign investment in the Irish property market as it provides for a tax efficient collective ownership structure for holding Irish property.
6. Capital gains tax

Scope of tax

The following individuals are liable to capital gains tax (CGT):

- Individuals resident or ordinarily resident and domiciled in Ireland – on the disposal of worldwide assets
- Individuals who are resident or ordinarily resident in Ireland, but non-domiciled – on Irish gains and on all other gains to the extent that the proceeds are remitted to Ireland
- Non-resident, non-domiciled individuals – on the disposal of Irish-specified assets (e.g., Irish land or shares deriving the greater part of their value from Irish land)

Calculation of gains

The gain is calculated by deducting the acquisition costs from the sales proceeds. Costs of disposal are also deductible. If the asset has been owned for more than 12 months and was acquired prior to 31 December 2002, the acquisition cost may be indexed to account for inflation up to 2003.

Indexation factors for disposals are outlined in the table below.

<table>
<thead>
<tr>
<th>Year expenditure incurred</th>
<th>Indexation factor</th>
<th>Year expenditure incurred</th>
<th>Indexation factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974/75</td>
<td>7.528</td>
<td>1989/90</td>
<td>1.503</td>
</tr>
<tr>
<td>1975/76</td>
<td>6.080</td>
<td>1990/91</td>
<td>1.442</td>
</tr>
<tr>
<td>1978/79</td>
<td>4.418</td>
<td>1993/94</td>
<td>1.331</td>
</tr>
<tr>
<td>1979/80</td>
<td>3.742</td>
<td>1994/95</td>
<td>1.309</td>
</tr>
<tr>
<td>1980/81</td>
<td>3.240</td>
<td>1995/96</td>
<td>1.277</td>
</tr>
<tr>
<td>1981/82</td>
<td>2.678</td>
<td>1996/97</td>
<td>1.251</td>
</tr>
<tr>
<td>1982/83</td>
<td>2.253</td>
<td>1997/98</td>
<td>1.232</td>
</tr>
<tr>
<td>1983/84</td>
<td>2.003</td>
<td>1998/99</td>
<td>1.212</td>
</tr>
<tr>
<td>1984/85</td>
<td>1.819</td>
<td>1999/00</td>
<td>1.193</td>
</tr>
<tr>
<td>1985/86</td>
<td>1.713</td>
<td>2000/01</td>
<td>1.144</td>
</tr>
<tr>
<td>1986/87</td>
<td>1.637</td>
<td>2001</td>
<td>1.087</td>
</tr>
<tr>
<td>1987/88</td>
<td>1.583</td>
<td>2002</td>
<td>1.049</td>
</tr>
<tr>
<td>1988/89</td>
<td>1.553</td>
<td>2003 et seq</td>
<td>1.000</td>
</tr>
</tbody>
</table>
Exemptions and reliefs

► Annual exemption of €1,270.
► Gains made on tangible moveable assets sold for €2,540 or less.
► Gains made on wasting tangible moveable assets.
► Gains on the disposal of a principal private residence (or a dwelling house occupied rent free by a dependent relative), provided the proceeds of sale do not reflect any development value.
► Prize bonds and lottery winnings.
► Gains from the sale of Irish Government securities.
► Gains arising to a sporting body where the gain is applied solely for the promotion of games and sports and the proceeds are applied for the promotion of sporting activity within a period of five years.
► Gains arising to a registered trade union or approved body where the gain is applied solely towards the objectives of the body in question.
► Gains made by a superannuation fund.
► Gains from compensation under the cessation of turf cutting scheme.
► Gains on the transfer of a site from parent to child to enable the child to construct a principal private residence, provided the market value of the site does not exceed €500,000 and the site area transferred does not exceed 1 acre exclusive of the site on which the residence is to be built. The relief will be clawed back if the child disposes of the site without having constructed a dwelling house on the site and occupied it as a principal private residence for a period of at least three years.
► Gains made by Irish companies on the disposal of substantial shareholdings in trading subsidiaries where the subsidiaries are located in EU countries or countries with which Ireland has signed a tax treaty.
► Retirement relief on the disposal of chargeable business assets or farming assets owned for 10 years or more by an individual aged at least 55 years. The relief is restricted to proceeds of €750,000 where the sale is to a third party and takes place before 31 December 2013. Where the disposal to a third party takes place after that date and where the disponer is aged between 55 and 65 years the relief will continue to apply to proceeds of €750,000, but for disponers aged 66 years or over, the relief will be restricted to proceeds of €500,000.

There is currently no restriction on a disposal to a child, including a niece or nephew, who has worked full-time in the business or farm for five years prior to the transfer (to include children of civil partners). On or after 1 January 2014, a cap will apply to the relief for disponers aged 66 years and over. The relief will only apply to the market value of the qualifying assets being transferred up to a value of €3 million.
The value of the qualifying assets in excess of the €3 million cap will be liable to CGT. Full relief will continue to apply for disponers aged between 55 and 65 years.

Relief will be clawed back if the assets are disposed of by the child within six years of the original transfer.

► Gains on the disposal of certain fine art objects where the object has been on loan to and on public display in a gallery or museum in the State for the previous 10 years. In order to qualify, the object must have had a market value of not less than €31,740 when it was loaned to the approved body.

► Gains on the disposal of small sites are exempt from the 80% tax rate applicable to windfall gains on rezoned land (see below). A small site is one that does not exceed 0.4037 hectares (one acre) in size and whose market value at the time of disposal does not exceed €250,000. This exemption applies to disposals made on or after 30 October 2009.

► Properties acquired between 7 December 2011 and 31 December 2013 for market value, or if from a relative, for 75% of market value, and situate in an EEA State (including Ireland), and where held for seven years, will be exempt from CGT on the gains accrued in the seven year holding period. Income, profit or gains derived from the property in the seven year period are subject to income tax or corporation tax.

► Subject to a Commencement Order, farm restructuring, being a sale and purchase or exchange of agricultural lands between farmers, pursuant to certification from Teagasc, will not be liable to CGT where the consideration for the sale and purchase or exchange is equal. If the consideration is unequal proportional relief will apply. The first sale, purchase or exchange must take place between 1 January 2013 and 31 December 2015 and the subsequent sale purchase or exchange within 24 months.

Windfall tax - Rezoning

Gains on land that are attributable to a ‘material contravention’ decision by a planning authority are subject to an 80% windfall tax rate. This applies to land disposals by individuals or companies which take place following a ‘material contravention’ decision that is made on or after 4 February 2010.

A ‘material contravention’ decision refers to the granting of planning permission by a planning authority which contravenes, in a significant way, the Development Plan for a particular area (i.e., rezoning).

Losses

Losses that arise on the sale of assets can be offset against chargeable gains arising in the same year. Unused losses may be carried forward and offset against future gains. Losses arising on a disposal of development land may only be offset against gains made on the disposal of development land.
Indexation cannot be used to:

- Convert an actual gain into an allowable loss
- Or
- Increase an actual loss

Any losses that arise from arrangements where the main purpose or one of the main purposes is to secure a tax advantage are disallowed i.e., no real economic loss has occurred. This applies to disposals made on or after 4 February 2010.

**Rate of tax**

The rate of CGT for disposals on or after 6 December 2012 is 33%. Certain foreign life assurance policies are taxable at 40%.

**Clearance certificates**

A clearance certificate is required where sales proceeds from certain assets, such as land, exceed €500,000. Otherwise, the purchaser (or his agent) must deduct CGT at 15% from the sales proceeds and pay this to the Collector-General. This must be paid within 30 days of sale and will be allocated as a credit against the CGT payable by the vendor.

**Companies and chargeable gains**

Chargeable gains realised by resident companies are subject to corporation tax at an effective rate of 33% for disposals on or after 6 December 2012. For details of preliminary tax and filing dates, see Chapter 9: Corporation Tax. However, gains deriving from disposals of development land (assuming such a gain is not taxable as part of a trade of dealing in developing land) are subject to CGT, as are chargeable gains made by non-resident companies on disposal of Irish-specified assets.

**Payment of CGT**

<table>
<thead>
<tr>
<th>Disposal of asset</th>
<th>Payment of CGT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between 1 January and 30 November</td>
<td>Due 15 December in that tax year</td>
</tr>
<tr>
<td>Between 1 December and 31 December</td>
<td>Due by the following 31 January</td>
</tr>
</tbody>
</table>

**CGT returns**

Capital gains for a year of assessment must be included in the tax return due for filing by 31 October in the year following the year of assessment.
7. Capital acquisitions tax

Scope of tax

Capital acquisitions tax (CAT) is a tax levied on the recipient of gifts and inheritances.

In respect of gifts and inheritances received on or after 1 December 1999, a charge to CAT arises where:

- The disponer is resident or ordinarily resident in Ireland
  or
- The beneficiary is resident or ordinarily resident in Ireland
  or
- The gift or inheritance consists of Irish situate property

From 1 December 2004, if a disponer or beneficiary is non-Irish domiciled, they will not be treated as resident or ordinarily resident unless they have been resident in Ireland for the five consecutive years immediately preceding the year of the gift or inheritance and are also resident or ordinarily resident in that year.

In respect of gifts or inheritances received prior to 1 December 1999, a charge to CAT arose where either:

- The disponer was domiciled in Ireland at the date of the gift or the date of the inheritance
  or
- The gift or inheritance consisted of Irish situate property

Specific rules apply to trusts and appointments from certain trusts settled prior to 1 December 1999 which remain chargeable under the pre-December 1999 charging provisions.

Tax-free thresholds

The beneficiary is allocated a tax-free threshold depending on their relationship with the disponer. There are three tax-free threshold groups and the table below shows the group threshold amounts applying to gifts and inheritances taken on or after 6 December 2012.

<table>
<thead>
<tr>
<th>Group</th>
<th>Relationship to disponer</th>
<th>Group threshold from 6 December 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Applies where the beneficiary is a child (including adopted child, step-child, child of a civil partner, and certain foster children) or minor child of a predeceased child or that predeceased child’s civil partner. Parents also fall within this threshold where they take an inheritance of an absolute interest from a child.</td>
<td>€225,000</td>
</tr>
</tbody>
</table>
### Group Relationship to disponer Group threshold from 6 December 2012

<table>
<thead>
<tr>
<th>Group</th>
<th>Relationship to disponer</th>
<th>Group threshold from 6 December 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Applies where the beneficiary is a brother, sister, a child of a brother or a child of a sister, a child of the civil partner of a brother or sister, or lineal ancestor or lineal descendant of the disponer.</td>
<td>€30,150</td>
</tr>
<tr>
<td>C</td>
<td>Applies in all other cases</td>
<td>€15,075</td>
</tr>
</tbody>
</table>

### Calculation of tax

Any prior benefit (gift/inheritance) received since 5 December 1991 within the same group threshold is aggregated with the current benefit for the purposes of determining whether any tax is payable on the current benefit.

CAT is charged on the excess of the aggregate current and prior benefits after deducting the relevant threshold amount at the following rates for gifts and inheritances taken between:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 December 1999 and 19 November 2008</td>
<td>20%</td>
</tr>
<tr>
<td>20 November 2008 and 7 April 2009</td>
<td>22%</td>
</tr>
<tr>
<td>8 April 2009 and 6 December 2011</td>
<td>25%</td>
</tr>
<tr>
<td>On or after 7 December 2011</td>
<td>30%</td>
</tr>
<tr>
<td>On or after 6 December 2012</td>
<td>33%</td>
</tr>
</tbody>
</table>

### Exemptions

- A gift or inheritance received from a spouse or civil partner
- First €3,000 of all gifts taken from each disponer in any one calendar year
- An inheritance taken by a parent on the death of a child to whom either parent had made a taxable gift or inheritance in the previous five years
- A gift or inheritance for public or charitable purposes
- A gift or inheritance of a dwelling house owned by the disponer where the beneficiary had occupied the house as his/her main residence for three years prior to the gift or inheritance, and continues to occupy it as his/her main residence for a further six years may be exempt
- Heritage property, subject to conditions

### Reliefs

- Where a gift or inheritance consists of agricultural property, the market value of the agricultural property may be reduced by 90% for the purposes of calculating the
CAT and provided certain conditions are met. The beneficiary must be a ‘farmer’ as defined in the legislation (80% of the gross assets owned by the beneficiary including the benefit must be agricultural assets. A debt on an off-farm dwelling is allowed as a deduction for the purposes of the ‘farmer test’ subject to certain conditions).

► Where a gift or inheritance consists of business property, the value of the business may be reduced by 90% provided certain conditions are met, for the purposes of calculating the tax.

► Where capital gains tax (CGT) and capital acquisitions tax (CAT) arise on the same event, the CGT paid can be credited against the CAT liability arising, provided the property is not disposed of within two years commencing on the date of the gift/inheritance.

Administration and payment

Mandatory efiling

Electronic filing of CAT returns through Revenue’s Online Service (ROS) is mandatory as and from 14 June 2010. A paper return may only be filed where no relief/exemption/credit is being claimed (other than the small gift exemption) and the benefit taken is an absolute benefit without conditions or restrictions.

Compliance - Fixed pay and file date

<table>
<thead>
<tr>
<th>Valuation date</th>
<th>Pay and file date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 January - 31 August</td>
<td>31 October of the same year</td>
</tr>
<tr>
<td>1 September - 31 December</td>
<td>31 October of the following year</td>
</tr>
</tbody>
</table>

Failure to pay and file

Failure to deliver a return and discharge a CAT liability by the specified pay and file date will give rise to interest and a surcharge also being charged.

Payment of CAT

Payment of CAT and approved retirement fund tax may be facilitated by the use of certain approved insurance policies, the proceeds of which are exempt from CAT provided they are used to pay the tax liability.

A beneficiary may opt when completing their return to pay their CAT liability by monthly instalments over a period not exceeding five years in certain circumstances. Where the instalment option is availed of interest on the outstanding tax accrues.
**Discretionary trust tax**

A once-off charge to discretionary trust tax arises at a rate of 6% on the value of the assets held in a discretionary trust or similar entity on the latest of the following dates:

- The date on which the property becomes subject to the trust (if a will trust this is deemed to be the date of death of the settlor)
- The date of death of the settlor
- The date on which there are no principal beneficiaries of the trust aged under 21 years

The principal beneficiaries are the spouse or civil partner of the settlor, the children of the settlor or settlors civil partner, or if these children are predeceased their children and their civil partner’s children. A refund of 3% of the tax may apply where trust assets are appointed out of the trust within five years. The tax must be paid and a return lodged within four months of the valuation date.

A 1% annual charge applies to property held in a chargeable discretionary trust on 31 December each year (the ‘chargeable date’).

A ‘chargeable discretionary trust’ is one where:

(i) The disponer is dead, and

(ii) None of the principal beneficiaries (see above for definition) are under the age of 21.

A return should be delivered and the annual charge paid within four months of the chargeable date i.e., by the end of April.
8. Stamp duty

Rate of tax

The stamp duty rate depends on the property being transferred.

Stocks and marketable securities

The rate applicable is 1%.

Non-residential property

Non-residential property is any property other than residential property, stocks or marketable securities or policies of insurance e.g., non-residential land and buildings, goodwill, book debts, cash on deposit and the benefit of contracts.

A single rate of 2% applies in respect of stampable instruments executed on or after 7 December 2011.

Contracts for the sale of an estate or interest in land, licence agreements for development over land and agreements for a lease for any term exceeding 35 years are within the charge to stamp duty where the contract or agreement is executed on or after 13 February 2013 and where at least 25% of the consideration (or the market value in the case of a licence agreement) has been paid. A charge to stamp duty will not arise where the instrument is executed on or after 13 February 2013 on foot of a binding contract entered into before that date.

Residential property

Residential property includes both new and second hand dwellinghouses and apartments and the rates apply to all purchaser types regardless of whether they are first time purchasers, owner occupiers or investors.

The stamp duty rates applicable from 8 December 2010 are:

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Rate of stamp duty on residential property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to €1,000,000</td>
<td>1%</td>
</tr>
<tr>
<td>Over €1,000,000</td>
<td>2% of the excess over €1,000,000</td>
</tr>
</tbody>
</table>

The new charging provisions applying to contracts or agreements of non-residential property also apply to contracts or agreements of residential property where the contract or agreement is executed on or after 13 February 2013.

Leases

Stamp duty is paid on (1) the rent and (2) the premium, on the granting of a lease.

(1) The rate of stamp duty paid on the rent depends on the term of the lease.
<table>
<thead>
<tr>
<th>Term of lease</th>
<th>Rate of stamp duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 35 years or indefinite</td>
<td>1% of average annual rent</td>
</tr>
<tr>
<td>36 - 100 years</td>
<td>6% of average annual rent</td>
</tr>
<tr>
<td>Over 100 years</td>
<td>12% of average annual rent</td>
</tr>
</tbody>
</table>

(2) Any premium payable under the lease is assessed to duty under either the residential or non-residential property rates accordingly (see above).

No stamp duty is payable on a lease of residential property for a term of less than 35 years or for an indefinite term, provided the rent does not exceed €30,000 per annum.

### Cheques, bank cards, policies of insurance

<table>
<thead>
<tr>
<th>Type of card</th>
<th>Stamp duty per annum (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit card</td>
<td>30</td>
</tr>
<tr>
<td>ATM card</td>
<td>2.50</td>
</tr>
<tr>
<td>Laser card</td>
<td>2.50</td>
</tr>
<tr>
<td>Combined ATM and Laser card</td>
<td>5</td>
</tr>
<tr>
<td>Cheque</td>
<td>0.50 per cheque</td>
</tr>
<tr>
<td>Insurance policy (Non-life)</td>
<td>1 per policy</td>
</tr>
<tr>
<td>Non-life Insurance levy on premiums</td>
<td>3% of premium</td>
</tr>
<tr>
<td>Life assurance levy on premiums</td>
<td>1% of premium</td>
</tr>
<tr>
<td>(excludes amounts received in respect of pension business and reinsurance)</td>
<td></td>
</tr>
<tr>
<td>Levy on pension schemes</td>
<td>0.6% on the aggregate market value of assets on 30 June for the years 2011, 2012, 2013 and 2014</td>
</tr>
</tbody>
</table>
**Health Insurance levy**

| New/renewed contracts entered into in the period from 1 January 2013 to on/before 30 March 2013 | ► 95 (insured person < 18 years)  
► 285 (insured person >/= 18 years) |
| New/renewed contracts entered into after 30 March 2013 | ► 100 - non-advanced cover (insured person < 18 years)  
► 120 - advanced cover (insured person < 18 years)  
► 290 - non-advanced cover (insured person >/= 18 years)  
► 350 - advanced cover (insured person >/= 18 years) |

**Exemptions and reliefs**

- Transfers of property between spouses/civil partners are exempt.
- Transfers of property between former spouses under any court order of the Family Law or Family Law Divorce Acts on the dissolution of a marriage and transfers between civil partners following the dissolution of the civil partnership are exempt.
- Transfers of non-residential property between certain related persons are subject to stamp duty at half the usual rate (provided the instrument is executed prior to 1 January 2015).
- Transfers of land to young trained farmers are exempt where certain conditions are met provided the instrument is executed on or before 31 December 2015.
- Transfers of property between associated companies where certain conditions are satisfied are exempt.
- Transfers of shares or businesses as part of a reconstruction or amalgamation of companies provided certain conditions are satisfied are exempt.
- Transfers of intellectual property as defined are exempt.
- The transfer of assets pursuant to a merger, a cross-border merger or an SE merger are exempt.
- Transfers of shares the value of which does not exceed €1,000 are exempt.
- Intermediary relief is available on transfers of securities through the CREST system by recognised intermediaries subject to conditions.
- Transfers of certain financial services instruments are exempt.
- Transfers of stocks or marketable securities in foreign companies or other foreign bodies corporate, provided the transfer does not relate to Irish land or Irish stock/marketable securities, are exempt.
Transfers of foreign immovable property provided the transfer does not relate to Irish land or Irish stock/marketable securities are exempt.

The issue, transfer or redemption of an investment certificate as defined is exempt.

Conveyance or transfer of units in investment undertakings and units in certain unit trusts as defined are exempt.

Transfer of assets within an investment undertaking as defined are exempt.

Transfers of the assets of pension schemes and charities between certain investment vehicles are exempt.

Reconstructions or amalgamations of unit trusts and offshore funds are exempt in certain circumstances.

Transfer of assets to effect a cross border merger of investment funds are exempt.

The transfer of loan capital of a company is exempt provided certain conditions are fulfilled.

The transfer of a ‘greenhouse gas emission allowance’ is exempt.

**Administration and payment**

An electronic stamp duty return must be filed in respect of every stampable instrument. The stamp duty liability must be paid within 30 days of execution of the instrument, but in practice Revenue allow 44 days to pay and file.

All stamp duty returns for instruments executed on or after 7 July 2012 are filed on a self-assessed basis and adjudication no longer applies.

**Penalties and interest**

- Interest is charged at a daily rate of 0.0219% from the date of execution to the date of payment.

- A late filing surcharge applies where a return is not filed within 44 days of execution and applies even though the stamp duty liability has been paid. Returns filed late (after 44 days) are liable to a duty surcharge of 5% up to a maximum of €12,695. The duty surcharge increases to 10% if the return is filed later than 62 days after the specified return date i.e., 92 days after the date of execution, up to a maximum of €63,495. Daily interest is levied on the total of the original stamp duty liability plus the late-filing surcharge amount.

- A fixed penalty of €3,000 is charged on each accountable person for failure to deliver a correct return on time.

- A penalty of €3,000 is imposed on the filer where a return does not reflect the facts and circumstances of which he/she aware.
Section 3
Corporate Tax Services

9. Corporation tax

Your Ernst & Young contact is:

Kevin McLoughlin
Partner - Corporate Tax Services
Tel: +353 (0)1 221 2478
Email: kevin.mcloughlin@ie.ey.com
9. Corporation tax

Tax residency

Companies, regardless of their place of incorporation, are Irish tax resident if they are managed and controlled in Ireland. In addition, Irish-incorporated companies are treated as being Irish tax resident unless either of the following applies:

- The company or a related company carries on a trade in Ireland and either of the following conditions is satisfied:
  - The company is ultimately controlled by persons resident in an EU member state, or in
  - A country with which Ireland has a double tax treaty, or
  - The company or related company is traded on a recognised stock exchange in an EU member state or in a treaty country, or
- The company is regarded as not resident in Ireland under a double tax treaty.

Charge to corporation tax

A company resident in Ireland for tax purposes is subject to corporation tax on its worldwide profits (income plus capital gains). A non-resident company trading through a branch or agency in Ireland is subject to corporation tax on trading profits of the branch or agency, other income from property or rights used and chargeable gains on the disposal of Irish assets used or held for the purposes of same. A non-resident company is liable to income tax in Ireland on Irish source income not derived from a branch or agency.

Rates of tax

The following rates of corporation tax apply:

<table>
<thead>
<tr>
<th>Corporation tax</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard rate (applies to trading income)</td>
<td>12.5%</td>
</tr>
<tr>
<td>Higher rate (applies to income other than trading income)</td>
<td>25%</td>
</tr>
<tr>
<td>Foreign dividends</td>
<td>0%/12.5%/25%*</td>
</tr>
</tbody>
</table>

*The 0% rate applies to certain ‘portfolio investment’ distributions received from non-resident companies resident in an EU or treaty country, where the distribution is treated as trading income in the hands of the Irish recipient.
The 12.5% rate applies in general to dividends out of trading profits earned by companies resident in:

- A treaty partner country

- An EU member state

- A country that has ratified the OECD Convention on Mutual Assistance in Tax Matters

- Which are not resident in a treaty or EU country but which are owned directly or indirectly by a company which is publicly quoted

**Start-up companies**

A three-year exemption from taxation on certain trading profits and capital gains (subject to conditions) applies to new companies commencing to trade on or before 31 December 2014. For accounting periods ending on or after 1 January 2013 any unused relief may be carried forward beyond the initial three years for use in subsequent years. The relief is linked to the amount of employer's PRSI paid in the accounting period, subject to a maximum of €5,000 per employee and an overall limit of €40,000.

**Close companies**

Undistributed investment and rental income of a closely held company may be subject to a 20% surcharge if it is not distributed within 18 months of the end of the accounting period in question. A closely held professional services company is additionally subject to a 15% surcharge on 50% of its undistributed trading income.

**Relief for trading losses**

Subject to restrictions, the general rule is that trading losses may be used to reduce other income and chargeable gains in the current year or the preceding year (provided the same trade was then carried on) or they may be carried forward, without time-limit, for offset against future income from the same trade. However, trading losses incurred in a 12.5% activity cannot be set against income taxed at the 25% rate, but may be used to offset corporation tax payable in the current or preceding period on a value basis.

**Groups of companies**

Group relief for trading losses and excess charges on income is available if all of the companies are in a 75% group and the claimants/surrendering companies are tax resident in the European Economic Area (excluding Liechtenstein).
Loss relief was historically restricted to losses incurred in a business carried on by a company subject to Irish corporation tax. However, group relief is now available for certain ‘trapped’ trading losses incurred by non-Irish 75% subsidiaries resident in the European Economic Area (except Liechtenstein). In this regard a ‘trapped’ loss is basically a loss that cannot theoretically ever be used elsewhere.

In a 75% group, assets can be transferred without generating a chargeable gain. A non-resident company that is resident in an EU member state, Iceland or Norway may be considered when determining whether a group exists for chargeable gains purposes. Assets transferred to or from Irish branches of EU, Icelandic or Norwegian resident companies can qualify subject to certain conditions.

A 51% subsidiary resident in Ireland may pay dividends free of dividend withholding tax (see below) without the Irish resident parent company making a formal declaration. Withholding tax is not imposed on interest and royalty payments between members of a 51% group.

**Dividend Withholding Tax (DWT)**

Dividend Withholding Tax (DWT) applies at a rate of 20% to dividends and other distributions made by Irish resident companies. Exemptions apply to dividends and other distributions to certain shareholders, such as:

- Irish resident companies
- Certain residents of EU member states or tax treaty countries
- Non-resident companies controlled by residents of EU member states or tax treaty countries
- Non-resident companies whose shares are regularly traded on a recognised stock exchange in an EU member state (including Ireland), in a tax treaty country or in another country approved by the Minister for Finance, or 75% subsidiaries of such companies (Exemptions are also available where the recipient is wholly owned by two or more such quoted companies)

The above ‘treaty country’ references extend to any country with which Ireland has signed a double taxation agreement.

Detailed certification procedures currently apply to some exemptions from DWT. However, a self-assessment system applies in respect of distributions to non-resident corporate shareholders. Therefore, audit certificates and certificates of residence are not required to be provided by the non-resident to support the position that the DWT exemption applies.
DWT does not apply to dividends covered by the EU Parent-Subsidiary Directive, although anti-avoidance provisions prevent the use of EU holding companies to avoid DWT. Distributions paid out of certain types of exempt income, such as exempt woodland income are not subject to DWT.

Companies must file a DWT return within 14 days after the end of the calendar month of distribution. The return is required regardless of whether DWT applies to the distributions. Any DWT due must be paid to the Collector-General when the return is filed.

**Irish transfer pricing rules**

The key features of this regime are as follows:

► The regulations are effective for accounting periods beginning on or after 1 January 2011.

► The regulations apply to any ‘arrangement’ between associated enterprises involving goods, services, money or intangible assets, but only where those transactions meet the definition of being an Irish trading transaction for one or both of the parties.

► The regulations only apply where Irish trading receipts are understated or trading expenses are overstated.

► ‘Grandfathering provisions’ apply generally to all existing transactions where the terms are agreed prior to 1 July 2010

► New arrangements entered into after this time or changes in the agreed pricing terms of existing arrangements are within the scope of the new rules.

► To establish an arm’s length price, the OECD Transfer Pricing Guidelines for multinational enterprises and tax administrations is adopted.

► Records need to be kept sufficient to support the arm’s length nature of the price.

► Transfer pricing documentation where required should be prepared on a timely basis.

► The rules apply to both domestic and cross-border transactions involving a company carrying on an Irish trade.

► There are exemptions from the rules for small and medium sized enterprises, specifically companies with fewer than 250 employees and either turnover of less than €50m or assets of less than €43m (on a group-wide consolidated basis).

► In 2012 the Revenue announced a transfer pricing compliance review programme. This is a self-review carried out by the company/group of its compliance with regulations.

► There is a mechanism to eliminate double taxation in domestic transactions.
Headquarters and holding companies

An exemption from capital gains tax applies where an Irish holding company disposes of shares in another company (the ‘investee’ company) where, at the time of disposal, the following tests are met:

► The investee company is resident for tax purposes in Ireland, in another EU member state or in a country with which Ireland has a tax treaty.

► The holding company has held, directly or indirectly, for a period of at least 12 months ending in the previous 24 months, a minimum holding of 5% of the shares in the investee company. This test may be met by including shareholdings held by other members of the same 51% group.

► The investee company is wholly or mainly a trading company or, taken together, the holding company and its 5% group and the investee company are wholly or mainly a trading group.

If a loss occurs, where a gain would have been exempt, the loss cannot be used to shelter other gains. The exemption applies automatically. There is no claim, election or ruling required.

Distributions between Irish tax resident companies are treated as franked investment income and not liable to corporation tax. The 12.5% standard rate of corporation tax applies (upon election) to certain ‘trading’ dividends received from companies resident in:

► EU member states

or

► Tax treaty countries

or

► A country that has ratified the OECD convention on mutual assistance in tax matters

or

► Which is controlled directly or indirectly by a publicly quoted company (see above)

Otherwise, the 25% rate applies.

With effect from 1 January 2013 an additional foreign tax credit (AFTC) may be available if the dividend is received from a company resident in the European Economic Area (except Liechtenstein) - see Foreign tax relief section below for more details.

Foreign tax relief

Irish companies in receipt of foreign dividends are taxed at a rate of 25%, 12.5%, or 0% with a credit for any underlying tax. Foreign tax relief is available as either a deduction in calculating taxable income or as a credit against Irish tax. Ireland has implemented
the EU Parent - Subsidiary Directive (as amended). These provisions, which overlap to a significant extent with the unilateral credit relief measures (described below), have been extended to Switzerland.

Unilateral credit relief may be available for Irish resident companies, or Irish branches of companies resident in the EU, Iceland or Norway, receiving dividends from foreign subsidiaries. Under the measures, such a company receiving a dividend from a 5% subsidiary is entitled to reduce the Irish tax on the dividend by any direct or withholding tax imposed on the dividend and by an appropriate portion of the foreign tax imposed on the income underlying the dividend. For this purpose, a 5% subsidiary relationship exists if the parent company owns, directly or indirectly, 5% of the voting rights. Unilateral credit relief may be claimed even if a double tax treaty applies. This is useful if the relief provided under a tax treaty is not as beneficial as unilateral tax relief.

A parent company receiving a dividend from its 5% subsidiary (whether resident in a tax treaty country or not) that itself has subsidiaries is entitled to reduce the Irish tax by an appropriate amount of tax (direct or withholding) and by the underlying tax borne by that subsidiary and its subsidiaries, and so on down through the chain of companies.

This relief is subject to the following conditions: the payer of the dividend must be a 5% subsidiary of the recipient of the dividend; and the distributing company must be connected with the ultimate parent company. A company is connected if 5% of its voting rights are held, directly or indirectly, by the ultimate parent company.

With effect from 1 January 2013, to comply with European Treaty objectives, an additional foreign tax credit (AFTC) is available where the dividend is received from a company resident in the EEA (except Liechtenstein). The AFTC tops up the normal tax credits (if any) to an amount that represents the dividend taxed at the lower of the Irish and foreign statutory rates (subject to conditions). This is beneficial where the effective tax rate in the EEA state is lower than the statutory rate in that state due for example, to losses.

The holding company regime allows companies to ‘mix’ the credits for foreign tax on different dividend streams (from 5% subsidiaries) for the purpose of calculating the overall tax credit in Ireland (this is called ‘onshore pooling’). Any excess credit balance unused can be carried forward indefinitely and offset in subsequent periods.

The dividend-paying company can be resident in any country. However, excess tax credits on dividends at 12.5% can only be offset against tax on dividends taxed at this rate. These provisions apply to shareholdings of companies resident anywhere, unlike the rules for capital gains tax relief (see Headquarters and holding companies section), which apply only to treaty partners and EU member states.

An Irish unilateral tax credit for taxes equivalent to corporation tax and capital gains tax paid by a branch in a country with which Ireland does not have a tax treaty, or where the treaty may not provide for relief, is available.

Where an Irish company has branches in more than one country, the Irish company can pool its foreign tax credits between different branches. Excess unilateral credits on branch profits may be carried forward for use in a subsequent period.

Unilateral credit relief is available for tax suffered on royalty flows received from non-
treaty countries. This relief is available where such royalty flows are treated as trading income in the hands of the Irish taxpayer. For royalty income received after 1 January 2012 provision is made for a limited corporate tax deduction for foreign tax suffered which would not otherwise qualify for double tax relief or unilateral credit relief.

Unilateral credit relief exists for capital gains arising in countries where the tax treaty between Ireland and that country predates the introduction of capital gains tax in 1975.

**Research and development credit**

Incremental expenditure on qualifying research and development (R&D) incurred by companies in respect of R&D activities carried on by them in the European Economic Area qualifies for a corporation tax credit of 25% (20% for accounting periods commencing before 1 January 2009). The qualifying incremental expenditure is calculated by reference to the base year spend in 2003. For accounting periods commencing on or after 1 January 2013, the first €200,000 of group R&D expenditure is excluded from the incremental basis of calculation (the first €100,000 for accounting periods commencing in the period 1 January 2012 to 31 December 2012).

This credit is in addition to any existing deduction or capital allowances for R&D expenditure and means an effective benefit of up to 37.5% of R&D expenditure.

R&D credits that cannot be utilised in an accounting period can be carried forward indefinitely to future accounting periods. Excess R&D credits can be carried back against corporation tax paid in the immediately preceding accounting period. Any remaining excess credits can be refunded over a three year period. This enhancement of the R&D credit regime represents a significant cash-flow opportunity for loss-making companies. However, a 12 month time limit for submitting R&D claims applies.

The reward scheme which allows companies to use all or part of the R&D credit to reward key R&D employees was further enhanced in Finance Act 2013 - for further details see Chapter 3. *Employee remuneration – Key employees engaged in R&D activities.*

**Tax relief for acquisition of intangible assets**

The intangible assets regime enables Irish companies to claim tax relief in respect of capital expenditure incurred after 7 May 2009 on acquiring (both internally and externally) certain 'specified' intangible assets. The definition of specified intangible assets is broad and includes, but is not limited to, brands, trademarks, patents, copyright, designs, know-how, some computer software, pharmaceutical authorisations and related rights, licenses and attributable goodwill.

Relief is available in accordance with the write-off period of the assets for accounting purposes or an election may be made to allow the write-off over 15 years. The relief may be used to offset income of the trade of exploiting the intangible assets and this ‘trade’ is ring-fenced for the purposes of this relief. Therefore, excess allowances may be carried forward indefinitely, but may only be offset against future trading income of the same trade which is derived from the use of the specified intangible assets.
Allowances and associated interest relief are capped at 80% of taxable profits from the exploitation of the specified intangible assets. On the disposal of a specified intangible asset, a balancing allowance or charge applies where the disposal occurs within 5 years of the beginning of the accounting period in which the asset was first provided (10 years for expenditure incurred in the period 5 February 2010 to 14 February 2013 and 15 years for expenditure incurred before 5 February 2010).

**International Financial Reporting Standards (IFRS)**

The starting point in preparing a corporation tax computation is the accounts of a company prepared under the ordinary principles of commercial accounting. Therefore, any change to these principles will have a tax impact.

The change in Irish accounting principles to International Financial Reporting Standards (IFRS), or to Irish Generally Accepted Accounting Practice (GAAP) embodying IFRS, may result in major changes to the tax treatment of certain items. Detailed rules have been introduced to address this transition.

**Self-assessment – Pay and file**

A company’s corporation tax liability is determined by self-assessment. Preliminary tax is payable in two instalments if the company is not a ‘small company’ (see below). The first instalment is due on the 21\textsuperscript{st} day of the sixth month of the accounting period (assuming the accounting period ends after the 21\textsuperscript{st} day of a month). This instalment must be the lower of 50\% of the tax liability for the preceding year or 45\% of the tax liability for the current year. The second instalment is due 31 days before the end of the accounting period (see below) and must bring the aggregate preliminary tax payments up to 90\% of the tax liability for the year. If the due date of this final instalment of preliminary tax falls after the 21\textsuperscript{st} day of the month, the 21\textsuperscript{st} day of that month becomes the due date.

For ‘small companies’ (see below), preliminary tax is payable in a single instalment 31 days before the end of the accounting period. If the due date for payment falls after the 21\textsuperscript{st} of the month, the 21\textsuperscript{st} day becomes the due date.

The preliminary tax payment must normally amount to at least 90\% of the tax liability for the year. However, a ‘small company’ may either follow the above rule or pay preliminary tax equal to 100\% of its tax liability for the preceding year. A company qualifies as a ‘small company’ if its corporation tax liability for the preceding year did not exceed €200,000.

Any balance of corporation tax due is payable by the due date for the filing of the corporation tax return (Form CT1). This is normally nine months after a company’s accounting year end. When the nine-month period ends on or after the 21\textsuperscript{st} day of a month, the 21\textsuperscript{st} day of that month becomes the due date for filing the Form CT1 and the payment of any balance of corporation tax.

In addition, a start-up company with a corporation tax liability of less than €200,000 is relieved from having to make any corporation tax payment until its tax return filing date.
A company that pays more than 90% of its corporation tax liability for a period as preliminary tax can elect jointly with another group company that has not met the 90% test to treat the excess as having been paid by that latter company for interest calculation purposes only. Certain conditions apply.

Similar relieving provisions apply in respect of companies obliged to pay a first instalment of preliminary tax.

Corporation tax returns (CT1) and payments made on or after 1 June 2011 must normally be filed electronically via Revenue Online Services (ROS). Electronic filers may avail of a maximum two day extension to return filing and payment deadlines.

Companies that do not comply with filing obligations are subject to a surcharge of 5% or 10% of the tax payable, up to a maximum ceiling depending on how late the return is filed. Late filers may also suffer a restriction on offsetting losses against their own profits and those of group companies.

Any failure to pay and file local property tax (LPT), where relevant, will result in the company being deemed not to have complied with its corporation tax filing obligations.

**Chargeable gains**

See Chapter 6: Capital gains tax.

**Irish tax treaty network**

The following 64 double tax treaties are in force:

<table>
<thead>
<tr>
<th>Albania</th>
<th>Czech Republic</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>Denmark</td>
<td>Korea</td>
</tr>
<tr>
<td>Australia</td>
<td>Estonia</td>
<td>Latvia</td>
</tr>
<tr>
<td>Austria</td>
<td>Finland</td>
<td>Lithuania</td>
</tr>
<tr>
<td>Bahrain</td>
<td>France</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>Belarus</td>
<td>Georgia</td>
<td>Macedonia</td>
</tr>
<tr>
<td>Belgium</td>
<td>Germany</td>
<td>Malaysia</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Greece</td>
<td>Malta</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Hong Kong</td>
<td>Mexico</td>
</tr>
<tr>
<td>Canada</td>
<td>Hungary</td>
<td>Moldova</td>
</tr>
<tr>
<td>Chile</td>
<td>Iceland</td>
<td>Montenegro</td>
</tr>
<tr>
<td>China</td>
<td>India</td>
<td>Morocco</td>
</tr>
<tr>
<td>Croatia</td>
<td>Israel</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Cyprus</td>
<td>Italy</td>
<td>New Zealand</td>
</tr>
<tr>
<td>Country</td>
<td>Country</td>
<td>Country</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Norway</td>
<td>Serbia</td>
<td>Turkey</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Singapore</td>
<td>United Arab Emirates</td>
</tr>
<tr>
<td>Panama</td>
<td>Slovakia</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>Poland</td>
<td>Slovenia</td>
<td>USA</td>
</tr>
<tr>
<td>Portugal</td>
<td>South Africa</td>
<td>Vietnam</td>
</tr>
<tr>
<td>Romania</td>
<td>Spain</td>
<td>Zambia</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Sweden</td>
<td></td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>Switzerland</td>
<td></td>
</tr>
</tbody>
</table>

Agreements have been signed with Egypt, Kuwait, Qatar and Uzbekistan, but are not yet in force. However, certain Irish domestic tax exemptions available to residents of treaty countries are extended to residents of such countries where a double taxation agreement has been signed but is not yet in force (as and from the date of signature of that agreement). The entry into force provision in the proposed tax treaty with Kuwait provides that the treaty will apply for income tax and corporation purposes from 1 January of the year in which the treaty enters into force. Consequently, if this treaty enters into force in 2013, it will apply retrospectively from 1 January 2013.

Ireland is also negotiating new double taxation treaties with Azerbaijan, Thailand, Tunisia, and Ukraine.
Section 4
Indirect Tax Services

10. VAT

11. Customs duty, excise duty, vehicle registration tax and carbon tax

Your Ernst & Young contact is:

Jarlath O’Keefe
Partner - Indirect Tax Services
Tel: +353 (0)1 221 2463
Email: jarlath.okeefe@ie.ey.com
Indirect Tax Services

10. Value Added Tax (VAT)

Taxable transactions

Value Added Tax (VAT) is chargeable on the supply of certain goods and services, and applies to each stage of the production and distribution cycle within Ireland.

Goods imported into Ireland from countries outside the EU are subject to VAT at the point of entry at the same rate applicable to the sale of these goods within Ireland.

Irish VAT-registered traders must self-account for VAT on receipt of goods from other EU member states (known as intra-Community acquisitions). If the goods are used for the purpose of the trader’s taxable activities, the trader will be entitled to claim a simultaneous VAT input deduction. Most services received from abroad by traders in Ireland are subject to Irish VAT. Traders that obtain such services from abroad must self-account for VAT on the amount charged for those services. They are entitled to claim a simultaneous VAT input deduction depending on the use for which the services are purchased. If they are engaged in exempt activities only, they must register for VAT in order to account for VAT on the receipt of the service and will not be entitled to any input VAT deduction in this regard.

Taxable persons

Any person, other than an employee, who supplies taxable goods or services within Ireland in the course of business and whose annual turnover exceeds, or is likely to exceed, €37,500 from the supply of services or €75,000 from the supply of goods, must register and account for VAT. Most non-established traders supplying taxable goods or services in Ireland are obliged to register and account for Irish VAT. Such traders not established in Ireland must register regardless of the value of supplies.

A person whose annual taxable turnover is below the appropriate threshold is not required to account for VAT, but may voluntarily elect to do so. The potential advantage in electing to register is that VAT-registered traders may claim a refund or credit for VAT paid on business purchases to the extent that such VAT relates to its taxable activities.

Exempt transactions

A trader engaged in the provision of an exempt supply (including certain financial and insurance related services and specific medical and educational services) is not required to charge VAT on these supplies and is not entitled to deduct VAT on associated purchases, unless the person incurs VAT in connection with what are termed ‘qualifying activities’. In this context, qualifying activities include supplies of certain financial services to non-EU customers and the transport of passengers outside Ireland.
Rates of tax

VAT rates vary according to the goods or services supplied, as follows:

<table>
<thead>
<tr>
<th>Goods or services</th>
<th>VAT rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard rate (goods or services not specifically categorised as exempt or subject to VAT at any of the rates listed below)</td>
<td>23%</td>
</tr>
<tr>
<td>Construction services, short-term car rentals, electricity, general agricultural and veterinary services, driving tuition, general repair and maintenance services</td>
<td>13.5%</td>
</tr>
<tr>
<td>Hotel accommodation, newspapers, magazines, cinema admission, hairdressing services, hot take-away food and drink, food and drink supplied in the course of catering or by a vending machine</td>
<td>9%*</td>
</tr>
<tr>
<td>Livestock, greyhounds and the hire of horses</td>
<td>4.8%</td>
</tr>
<tr>
<td>Items including children's clothing, certain food items excluding confectionery, oral medicines, books, certain medical equipment and appliances, and exported goods</td>
<td>0%</td>
</tr>
</tbody>
</table>

*For the period from 1 July 2011 to 31 December 2013. From 1 January 2014 the rate on these goods and services will revert to 13.5%.

Taxable persons who derive 75% or more of their sales from the intra-Community supply of goods from Ireland to VAT-registered traders in the EU and/or from the export of goods from Ireland to outside the EU may be entitled, subject to attaining the necessary authorisation, to receive most goods, services and imports at the zero rate (0%). This facility is known as either a VAT 13B authorisation or a VAT 56B authorisation and provides a cash flow benefit to qualifying businesses which avail of this mechanism.

Deductible VAT

A taxable person may deduct VAT paid on the purchase of most goods and services, as well as VAT paid on imported goods that are used for the purposes of its taxable activities. No deduction is allowed for tax paid on the purchase of goods and services used for any other purpose, including acquisitions for the provision of exempt supplies or any non-business purpose. VAT incurred on any of the following goods or services is not deductible whether the acquisition of the goods or services is for a taxable or other purpose:

► Food and drink (unless for resale by a VAT registered trader)
► Hotel and other accommodation with the exception of specific VAT incurred in connection with attendance at ‘qualifying conferences’ (which are defined in VAT legislation)
► Personal services for an employee, even if the expense is incurred for business purposes
► Entertainment expenses
► Purchase and hire of passenger motor vehicles with the exception of certain low CO₂ emission cars used for at least 60% business purposes, on which 20% of the VAT incurred on the purchase or hiring can be recovered

► Purchase or importation of petrol (other than as stock in trade)

**VAT compliance**

**Periodic VAT returns**

The standard period for making a VAT return is bi-monthly. Returns and payments due must be filed with the Collector-General no later than the 19th of the month following the end of each 2-month period. For example, a January/February VAT return must be filed by 19 March. Where returns and payments are made electronically, the deadline is extended by four days to the 23rd of the month. All companies are now required to submit returns electronically. Estimated or preliminary returns are not permitted.

For smaller traders, the frequency with which VAT returns can be filed depends on the annual VAT liability of the business. Traders with a yearly liability of €3,000 or less have the option of filing returns twice a year. For traders with a yearly liability between €3,001 and €14,400, the option of filing returns every four months is available.

Authorisation may be obtained to file VAT returns on a monthly basis where a taxpayer is in a permanent VAT repayment position.

Certain traders may be authorised to submit an annual return if they agree to pay a monthly amount by flexible direct debit. If a trader’s liability for a year is less than the total of the direct debits, a refund of excess VAT will be paid. If the liability is greater, the excess must be paid with the final VAT return for a 12-month period. If the outstanding liability at year end exceeds 20% of the total liability for the year, the excess will be subject to interest charges of 0.0274% per day on outstanding amounts, backdated to the mid-point of the year.

Traders with low VAT liabilities may be permitted to make one annual VAT return without entering into a direct debit arrangement. Participation (not obligatory) is not available on the request of taxable persons, but is at the discretion of the Collector-General.

If a repayment of VAT arises, a registered trader is entitled to a refund. This will be made by the Collector-General and is normally paid directly to the bank account of the trader.

At year-end, an annual return of trading details is also required to be submitted, but this is a purely statistical return with no associated VAT liability. This annual return of trading details is a detailed analysis of the net amounts of supplies, purchases, imports and acquisitions of goods and services for the previous 12 months.
EU sales listings

Traders who engage in intra-Community supplies of goods to VAT registered recipients must complete periodic EU sales listings (known as VIES statements) that provide specific details of their trade (i.e. intra Community supplies of goods and certain transfers of goods) with traders in other member states.

In general, EU sales listings in relation to intra-Community supplies of goods are due to be submitted on a monthly basis. However, where the total value of intra-Community supplies to VAT registered traders for a calendar quarter or any of the previous four calendar quarters does not exceed €50,000, the trader is allowed to submit EU sales listings on a quarterly basis. Returns are due by the 23rd day of the month following the end of the period of return.

Traders who supply taxable services to VAT registered customers in other EU member states are required to complete EU sales listings reporting the intra-EU supplies of services falling under the business to business reverse charge procedure. The principal reporting timeframe is quarterly, but traders may elect to file monthly and, as above, the deadline in relation to these returns is the 23rd of the month following the end of the period of return.

EU sales listings must be completed electronically through the Revenue On-line System (ROS). In the case where there are different filing periods for goods and services i.e., the trader is required to file monthly EU sales listings for goods and quarterly EU sales listings for services, the details regarding services will be included in the third EU sales listing of the quarter.

INTRASTAT

Traders who engage in intra-Community supplies or acquisitions of goods are obliged, subject to certain thresholds, to submit detailed statistical returns (known as INTRASTAT declarations). These provide information on the movement of goods from VAT-registered traders in EU member states to other EU member states.

The INTRASTAT threshold for arrivals is €191,000 per annum.

The INTRASTAT threshold for dispatches is €635,000 per annum.

INTRASTAT declarations (arrivals and dispatches) must be submitted for every calendar month. The due date for submission is the 23rd day of the month following the filing period to which the return relates. Returns must be submitted electronically through ROS.

Cross border refund applications

An electronic VAT refund procedure (EVR) applies in respect of all claims for refunds of VAT by EU established traders where the trader is not VAT registered in the EU member state in which the VAT is incurred. In respect of Irish established traders, this procedure means that such traders will be required to submit an electronic application directly to
the Revenue Commissioners for a refund of VAT incurred in other EU member states. The Revenue Commissioners will then forward the claim electronically to the tax authorities in the relevant EU Member States for processing. In respect of EU established, but non-Irish VAT registered traders, when seeking a refund of Irish VAT, a claim must be submitted directly to the tax authorities in the Member State in which they are established and this will be forwarded from these tax authorities to the Irish Revenue Commissioners for processing. Applications must be submitted by 30 September in the year following that in which the expenditure was incurred.

In respect of traders established outside the EU, refunds of Irish VAT continue to be made by way of 13th Directive refund applications. Application for a refund in this regard must be submitted within six months after the end of the calendar year in which the relevant invoices were issued i.e., before 1 July each year.
11. Customs duty, excise duty, vehicle registration tax and carbon tax

Customs duty

Import/tariff classification

Goods imported into the EU must be declared to the Customs authorities at the time of import. Customs duty is normally paid at the time of import and is calculated on the value of the goods and the duty rate appropriate to the tariff classification of the goods in question. Since the tariff classification of the goods determines the rate of duty, it is important that the correct 10-digit tariff code is used. It is possible to obtain a Binding Tariff Information (BTI) ruling from the customs authorities in relation to the tariff classification of all imported goods. BTI rulings are legally binding throughout the 27 EU member states.

Origin duty relief

Depending on the origin of the goods, there may be preferential duty rates available for imported goods. For example, the EU has negotiated a series of bilateral agreements with many countries (e.g., Chile, Iceland, Israel, Mexico, Norway, South Africa and Switzerland) whereby goods that meet certain origin criteria qualify for duty-free entry into the EU, with reciprocal treatment for EU goods upon arrival in the respective country. The EU has also agreed to grant preferential treatment to goods that originate in the developing countries of the world (e.g., most African and South American countries). It is necessary to have the relevant ‘Certificate of Origin’ to avail of this duty relief.

Duty relief procedures

The EU operates different procedures whereby manufacturers can benefit from a duty relief on imported raw material. These procedures, which require prior authorisation, are designed to help increase or maintain employment in the EU.

Manufacturers that import raw material and subsequently re-export the manufactured product outside the EU can benefit from these procedures. Duty relief is also available when the duty rate applicable to the manufactured product is less than the duty rate applicable to the imported raw material.

Excise duty

Excise duty is imposed on a very select range of goods, known as excisable goods. In Ireland, excise duties are the third largest source of taxation, after VAT and income tax. The traditional excisable goods in Ireland are alcoholic beverages, mineral oils and tobacco products.
Excise duty also extends to a number of particular activities requiring a license including:

► Betting
► Brewing of beer
► Retailing spirits (both ‘on’ license and ‘off’ license)
► Operating as a wine dealer
► Selling liquefied petroleum gas (lpg)
► Operating gaming machines
► Operating amusement machines

In most cases, excise duty is imposed on the manufacturer of the excisable goods, such as a brewery producing beer or a tobacco manufacturer making cigarettes. The excise duty is then passed on in the price of the goods to the ultimate consumers of the products.

**Electricity**

The supply of electricity to non residential customers is liable to electricity tax.

**Coal**

Coal is liable to mineral oil tax in certain circumstances.

**Vehicle Registration Tax (VRT)**

VRT applies to new and used vehicles that are registered for the first time in Ireland.

The amount of VRT payable on any particular vehicle depends essentially on the category of the vehicle:

► Category A - Cars
► Category B - Car-derived vans, jeep-derived vans, certain crew cabs and motor caravans
► Category C - Commercial trucks
► Category D - Special vehicles, such as ambulances, fire engines and refuse carts
► Motorcycles

In relation to categories A and B above, the VRT is calculated on the Open Market Selling Price (OMSP) at the appropriate VRT rate. The OMSP is determined by the Revenue Commissioners.
The rates of VRT are as follows:

**Category A (cars)**

With effect from 1 July 2008, the VRT payable is based on the CO\textsubscript{2} (carbon dioxide) emissions of the engine. There are now 11 emission bands:

<table>
<thead>
<tr>
<th>CO\textsubscript{2} emission band</th>
<th>CO\textsubscript{2}g/km</th>
<th>VRT rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>0 to 80</td>
<td>14% of OMSP</td>
</tr>
<tr>
<td>A2</td>
<td>81 to 100</td>
<td>15% of OMSP</td>
</tr>
<tr>
<td>A3</td>
<td>101 to 110</td>
<td>16% of OMSP</td>
</tr>
<tr>
<td>A4</td>
<td>111 to 120</td>
<td>17% of OMSP</td>
</tr>
<tr>
<td>B1</td>
<td>121 to 130</td>
<td>18% of OMSP</td>
</tr>
<tr>
<td>B2</td>
<td>131 to 140</td>
<td>19% of OMSP</td>
</tr>
<tr>
<td>C</td>
<td>141 to 155</td>
<td>23% of OMSP</td>
</tr>
<tr>
<td>D</td>
<td>156 to 170</td>
<td>27% of OMSP</td>
</tr>
<tr>
<td>E</td>
<td>171 to 190</td>
<td>30% of OMSP</td>
</tr>
<tr>
<td>F</td>
<td>191 to 225</td>
<td>34% of OMSP</td>
</tr>
<tr>
<td>G</td>
<td>Over 225</td>
<td>36% of OMSP</td>
</tr>
</tbody>
</table>

The minimum amount of VRT payable on a Category A vehicle will be €280.

**Category B (car-derived vans)**

The VRT rate is 13.3% of the OMSP or €125, whichever is the greater.

**Category C (commercial trucks)**

The current VRT rate is a flat €200, regardless of the value of the vehicle.

**Category D (special vehicles, e.g., ambulances)**

These vehicles are exempt from VRT.

**Hybrid electric vehicles**

A hybrid electric vehicle is a vehicle that derives its power from a combination of an electric motor and an internal combustion engine, and is capable of being driven on electric propulsion alone for a material part of its normal driving cycle. The vehicles must be series production vehicles. Remission or repayment of VRT up to a maximum of €1,500 applies in respect of certain hybrid electric vehicles until 31 December 2013. Remission or repayment of VRT up to a maximum of €2,500 applies in respect of certain plug-in hybrid electric vehicles until the same date.
Flexible fuel vehicles

A flexible fuel vehicle is a vehicle that can achieve vehicle propulsion from an engine that is capable of using a blend of ethanol and petrol where such blend contains a minimum of 85% ethanol. The vehicle must be series production vehicle. Remission or repayment of VRT up to a maximum of €1,500 will apply in respect of certain flexible fuel vehicles.

Certain electric vehicles and motorcycles are exempt from VRT until 31 December 2013.

Energy efficient cars

The use of environmentally friendly motor vehicles was made more attractive by the extension of the existing VRT exemption for certain electric vehicles and the VRT reliefs for plug-in hybrid vehicles up to 31 December 2013.

Motorcycles

In respect of motorcycles, scooters and certain all terrain vehicles, VRT is charged by reference to the cubic capacity of the engine as follows:

<table>
<thead>
<tr>
<th>Engine capacity</th>
<th>VRT rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 350cc</td>
<td>€2 per cc</td>
</tr>
<tr>
<td>351cc upwards</td>
<td>€2 per cc for the first 350cc, plus €1 per cc for every cc over 350cc</td>
</tr>
</tbody>
</table>

The VRT chargeable can be reduced depending on the age of the vehicle e.g., VRT is reduced by 70% for vehicles over 5 years old and less than or equal to 7 years old.

Carbon tax

A carbon tax at a rate of €20 per tonne applies to fossil fuels. The tax applies to petrol and auto-diesel and to home heating oils, gas and electricity. Exemption from the tax applies to participants in the EU Emissions Trading Scheme (ETS). With effect from 1 May 2013, carbon tax will be extended to solid fuels (e.g., peat, coal) at an initial rate of €10 per tonne and it will increase to €20 per tonne with effect from 1 May 2014.
Section 5
Tax Services contacts

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About Ernst & Young Tax Services

Your business will only achieve its true potential if you build it on strong foundations and grow it in a sustainable way. At Ernst & Young, we believe that managing your tax obligations responsibly and proactively can make a critical difference. Our global teams of talented people bring you technical knowledge, business experience and consistent methodologies, all built on our unwavering commitment to quality service – wherever you are and whatever tax services you need.

Effective compliance and open, transparent reporting are the foundations of a successful tax function. Tax strategies that align with the needs of your business and recognise the potential of change are crucial to sustainable growth. So we create highly networked teams who can advise on planning, compliance and reporting and maintain effective tax authority relationships – wherever you operate. You can access our technical networks across the globe to work with you to reduce inefficiencies, mitigate risk and improve opportunity. Our 25,000 tax people, in over 135 countries, are committed to giving you the quality, consistency and customisation you need to support your tax function. It’s how Ernst & Young makes a difference.
Contacts

Dublin
Ernst & Young,
Ernst & Young Building,
Harcourt Centre, Harcourt Street,
Dublin 2, Ireland.
Telephone: +353 (0) 1 475 0555
Fax: +353 (0) 1 475 0599

Human Capital
Jim Ryan, Partner
Email: jim.ryan@ie.ey.com
Pat O’Brien, Director
Email: pat.obrien@ie.ey.com

Private Client Services
John Heffernan, Partner
Email: john.heffernan@ie.ey.com

Corporate Tax Services
Kevin McLoughlin, Partner
Email: kevin.mcloughlin@ie.ey.com
Joe Bollard, Partner
Email: joe.bollard@ie.ey.com
Sandra Dawson, Partner
Email: sandra.dawson@ie.ey.com
Eamonn O’Doherty, Partner
Email: eamonn.odoherty@ie.ey.com
Declan O’Neill, Partner
Email: declan.oneill@ie.ey.com
Donal O’Sullivan, Partner
Email: donal.osullivan@ie.ey.com
David Smyth, Partner
Email: david.smyth@ie.ey.com
Aidan Walsh, Partner
Email: aidan.walsh@ie.ey.com

Indirect Tax Services
Breen Cassidy, Partner
Email: breen.cassidy@ie.ey.com
Jarlath O’Keefe, Partner
Email: jarlath.okeefe@ie.ey.com

Cork
Ernst & Young,
City Quarter, Lapps Quay,
Cork, Ireland.
Telephone: +353 (0) 21 480 5700
Fax: +353 (0) 21 427 2465
Frank O’Neill, Partner
Email: frank.oneill@ie.ey.com

Waterford
Ernst & Young,
Annville House, Newtown,
Waterford, Ireland.
Telephone: +353 (0) 51 872 094
Fax: +353 (0) 51 872 392
Paul Fleming, Director
Email: paul.fleming@ie.ey.com

Limerick
Ernst & Young,
Barrington House, Barrington Street,
Limerick, Ireland.
Telephone: +353 (0) 61 319 988
Fax: +353 (0) 61 319 865
John Heffernan, Partner
Email: john.heffernan@ie.ey.com

New York (Irish Tax Desk)
5 Times Square,
New York, NY 10036
Telephone: (212) 773 8744
Fax: (212) 773 6672
Karl Doyle, Senior Manager
Email: karl.doyle@ey.com

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