

Ireland

1. Ireland was first reviewed during the 2017/2018 peer review. This report is supplementary to Ireland's 2017/2018 peer review report (OECD, 2018^[1]). The first filing obligation for a CbC report in Ireland applies to reporting fiscal years commencing on or after 1 January 2016.

Summary of key findings

2. Ireland's implementation of the Action 13 minimum standard meets all applicable terms of reference (OECD, 2017^[2]).

Part A: The domestic legal and administrative framework

3. Ireland has primary law and secondary law in place to implement the BEPS Action 13 minimum standard, establishing the necessary requirements including the filing and reporting obligations.¹ Guidance has also been published in the form of answers to frequently asked questions (FAQs).² Ireland has provided an update with respect to effective implementation.

(a) Parent entity filing obligation

4. No changes were identified with respect to the parent entity filing obligation.

(b) Scope and timing of parent entity filing

5. No changes were identified with respect to the scope and timing of parent entity filing.

(c) Limitation on local filing obligation

6. No changes were identified with respect to the limitation on local filing obligation.³

(d) Limitation on local filing in case of surrogate filing

7. No changes were identified with respect to the limitation on local filing in case of surrogate filing.

(e) Effective implementation

8. Ireland's 2017/2018 peer review noted that it did not have specific processes in place that would allow Ireland to take appropriate measures in circumstances where it is notified by another jurisdiction that an error may have led to incorrect or incomplete information reporting by a Reporting Entity or that a Reporting Entity was non-compliant with respect to its filing obligation. Ireland indicates that it now has a procedure in place whereby the Irish Competent Authority will, upon receiving such notification, instruct the unit within the tax administration that is responsible for monitoring the Report Entity's compliance to investigate the issue. Once the facts have been determined, if necessary, the Irish Revenue will then take further action to ensure the correct information is obtained and

the Reporting Entity is compliant with CbCR requirements. In light of this specific procedure, the monitoring point in Ireland's 2017-2018 peer review is removed.

Conclusion

9. There is no change to the conclusion in relation to the domestic legal and administration framework for Ireland since the previous peer review. Ireland meets all the terms of reference relating to the domestic legal and administrative framework.

Part B: The exchange of information framework

(a) Exchange of information framework

10. As of 31 May 2019, Ireland has 67 bilateral relationships in place, including those activated under the CbC MCAA, under bilateral CAAs and under the EU Council Directive (2016/881/EU). Within the context of its international exchange of information agreements that allow automatic exchange of information, Ireland has taken steps to have qualifying competent authority agreements in effect with jurisdictions of the Inclusive Framework that meet the confidentiality, consistency and appropriate use conditions.^{4 5} Regarding Ireland's exchange of information framework, no inconsistencies with the terms of reference were identified.

(b) Content of information exchanged

11. Ireland has processes in place that are intended to ensure that each of the mandatory fields of information as required in the CbC template are present in the information exchanged. It has provided details in relation to these processes.

12. One jurisdiction provided peer input for the reviewed jurisdiction in relation to the content of information exchanged. No concerns were reported.

(c) Completeness of exchanges

13. Ireland has processes in place that are intended to ensure that CbC reports are exchanged with all tax jurisdictions listed in Table 1 of a CbC reporting template with which it should exchange information as per the relevant QCAAs. It has provided details in relation to these processes.

14. One jurisdiction provided peer input for the reviewed jurisdiction in relation to the completeness of exchanges. No concerns were reported.

(d) Timeliness of exchanges

15. Ireland has processes in place that are intended to ensure that the information to be exchanged is transmitted to the relevant jurisdictions in accordance with the timelines provided for in the relevant QCAAs and terms of reference. It has provided details in relation to these processes.

16. One jurisdiction provided peer input for the reviewed jurisdiction in relation to the timeliness of exchanges. No concerns were reported.⁶

(e) Temporary suspension of exchange or termination of QCAA

17. Ireland has written procedures in place that are intended to ensure that a temporary suspension of the exchange of information or termination of a relevant QCAA be carried out only as per the conditions set out in the QCAA. It has provided details in relation to those written procedures.

18. One jurisdiction provided peer input for the reviewed jurisdiction in relation to a temporary suspension of exchange or termination of a QCAA. No concerns were reported.

(f) Consultation with other Competent Authority before determining systemic failure or significant non-compliance

19. Ireland has written procedures in place that are intended to ensure that the Competent Authority consults with the other Competent Authority prior to making a determination that there is or has been significant non-compliance with the terms of the relevant QCAA or that the other Competent Authority has caused a systemic failure. It has provided details in relation to those written procedures.

20. One jurisdiction provided peer input for the reviewed jurisdiction in relation to the requirement for a consultation before determining systemic failure or significant non-compliance. No concerns were reported.

(g) Format for information exchange

21. Ireland confirms that it uses the OECD XML Schema and User Guide (OECD, 2017^[3]) for the international exchange of CbC reports.

22. No information or peer input was received for the reviewed jurisdiction in relation to the format for information exchange. No concerns were reported.

(h) Method for transmission

23. Ireland indicates that it uses the Common Transmission System to exchange CbC reports.⁷

24. One jurisdiction provided peer input for the reviewed jurisdiction in relation to the method for transmission. No concerns were reported.

Conclusion

25. Ireland has in place the necessary processes to ensure that the exchange of information is conducted in a manner consistent with the terms of reference relating to the exchange of information framework. Ireland meets all the terms of reference regarding the exchange of information.

Part C: Appropriate use

26. No changes were identified in respect of appropriate use. There were no recommendations issued in the 2017/2018 peer review.

27. One jurisdiction provided peer input for the reviewed jurisdiction in relation to appropriate use. No concerns were reported.

Conclusion

28. Ireland meets all the terms of reference relating to the appropriate use of CbC reports.

Summary of recommendations on the implementation of country-by-country reporting

Aspect of the implementation that should be improved		Recommendation for improvement
Part A	Domestic legal and administrative framework	-
Part B	Exchange of information framework	-
Part C	Appropriate use	-

Notes

¹ Primary law consists of Section 891H of the Taxes Consolidation Act 1997 (No. 39 of 1997). Secondary law consists of regulations introduced by a Statutory Instrument No. 653 of 2016: the *Taxes (Country-By-Country Reporting) Regulations 2016*.

² The Irish Revenue Commissioners have produced some technical guidelines on CbC Reporting, in the form of frequently asked questions (FAQs). Ireland indicates that these are designed to provide guidance on the legislation and practical assistance to taxpayers in relation to their CbC reporting obligations. The FAQs are a ‘living document’ and are continually updated to reflect ongoing developments and guidance from the OECD and the EU, as well as practical issues experienced by taxpayers in relation to CbC Reporting. This document provides the taxpayer with guidance on CbC reporting but cannot create obligations that go beyond the legislation. The FAQs and relevant appendices are available on the Irish Revenue website: www.revenue.ie/en/tax-professionals/tdm/income-tax-capital-gains-tax-corporation-tax/part-38/38-03-21.pdf.

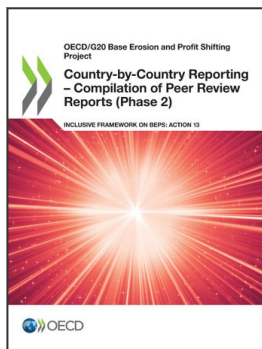
³ Ireland’s 2017/2018 peer review included a monitoring point relating to the conditions under which local filing may be required (paragraph 8 (c) iv. b) of the terms of reference). This monitoring point remains in place.

⁴ No inconsistency with the terms of reference will be identified where a QCAA is not in effect with one or more jurisdictions of the Inclusive Framework that meet the confidentiality, consistency and appropriate use conditions, but this is due to circumstances that are not under the control of the reviewed jurisdiction. This may include, for example, where the other jurisdiction intends to exchange CbC reports using the MCAA but it does not have the Convention in effect for the relevant fiscal period, or where the other jurisdiction has declined to have a QCAA in effect with the reviewed jurisdiction.

⁵ It is also noted that Ireland deposited a Unilateral Declaration on “the effective date for exchanges of information under the Multilateral Competent Authority Agreement on the exchange of Country-by-Country Reports” with the Depository of the Convention on Mutual Administrative Assistance in Tax Matters to allow for an earlier date of entry into effect of the Convention for jurisdictions that will sign the Convention at a later date.

⁶ Delays due entirely to the fact that an exchange partner was not able to participate in the exchange of CbC reports are not considered to raise concerns with respect to the jurisdiction under review.

⁷ Countries exchanging under the EU Council Directive (2016/881/EU) use the Common Communication Network (CCN).



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