



Tax Appeals Commission - Response to PAC correspondence dated 23 October, 2018

Paddy O'Keeffe

to:

[pac@oireachtas.ie](mailto:pac@oireachtas.ie)

07/11/2018 17:09

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From: "Paddy O'Keeffe" <[Paddy.OKeeffe@taxappeals.ie](mailto:Paddy.OKeeffe@taxappeals.ie)>

To: "pac@oireachtas.ie" <[pac@oireachtas.ie](mailto:pac@oireachtas.ie)>,

History: This message has been replied to.

2 Attachments



PAC - Request for Update - 23 Oct 2018.pdf PAC - TAC Update - 7 Nov 2018.pdf

### **Re: Tax Appeals Commission – Vote 10**

Dear Ms Falsey,

I refer to the PAC letter seeking additional information on 23 October, 2018 from the Tax Appeals Commission.

Attached please find a response to the request from the Chairperson and committee members of the Public Accounts Committee, as requested.

Kind regards

Paddy

**Paddy O'Keeffe | Tax Appeals Commission |**

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## PAC - Update on 17 High-Value Appeals as at 6 November, 2018

Tax Type	No. of Active Appeals	Total Quantum per Tax Type	Quantum per Appeal	Matter in dispute	Target timeline for conclusion
CT	11	€606,162,145	€138,746,516	This appeal relates to corporation tax and concerns the disallowance of trading losses. The Appellant says they do not understand the basis of the Respondent's Notice of Assessment (NOA).	Case not sufficiently advanced to ascertain timeline to conclusion but there is a possibility that this appeal could be settled in the meantime. Parties are currently in discussions with a view to settling so this appeal is on hold until January, 2019 pending the outcome of these discussions.
			€119,754,970	This is an appeal against the refusal of a corporation tax deduction in the cumulative amount of circa €120 million.	Scheduled for hearing in February, 2019 and expected to be determined before the end of April, 2019.
			€103,000,000	This is an appeal against the refusal of a corporation tax deduction.	Scheduled for hearing in February, 2019 and expected to be determined before the end of April, 2019.
			€68,000,000	This is an appeal against the refusal of a corporation tax deduction in respect of professional fees associated with capital restructuring.	Scheduled for hearing in February, 2019 and expected to be determined before the end of April, 2019.
			€45,643,105	This appeal relates to corporation tax and concerns the disallowance of trading losses. The Appellant says they do not understand the basis of the Respondent's Notice of Assessment (NOA).	Case not sufficiently advanced to ascertain timeline to conclusion but there is a possibility that this appeal could be settled in the meantime. Parties are currently in discussions with a view to settling so this appeal is on hold until January, 2019 pending the outcome of these discussions.
			€30,444,575	This is an appeal against the denial of corporation tax group loss relief.	This appeal was originally scheduled for hearing on 22 January, 2019 but the Appellant has asked for a deferment until June, 2019 when overseas witnesses will be available.
			€28,327,290	This appeal concerns the assessment to corporation tax in respect of recharge payments arising from the issue of share capital in the Appellant.	Parties currently in the process of agreeing available dates in March, 2019 so expected to be heard in March, 2019 and determined before the end of June, 2019.
			€23,117,361	This appeal relates to corporation tax and concerns the disallowance of trading losses.	Closed. Withdrawn by the Appellant in October, 2018.

<b>Tax Type</b>	<b>No. of Active Appeals</b>	<b>Total Quantum per Tax Type</b>	<b>Quantum per Appeal</b>	<b>Matter in dispute</b>	<b>Target timeline for conclusion</b>
CT (cont'd)			€19,137,943	This appeal concerns the disallowance of trading losses forward relating to interest paid on a refinancing debt. Currently on hold pending the determination of linked case.	Determination is expected before the end of April, 2019.
			€19,090,508	This appeal relates to corporation tax and concerns the disallowance of trading losses.	Closed. Withdrawn by the Appellant in October, 2018.
			€10,899,877	This appeal related to the deductibility of withholding tax and the allowance of R&D tax credit.	Closed. Settled between parties in September, 2018.

VAT	3	€53,198,826	€29,130,053	This appeal relates to a denial of VAT input credit.	Parties currently in the process of agreeing available dates in March, 2019 so expected to be heard in March, 2019 and determined before the end of June, 2019.
VAT			€12,145,517	This appeals relates to the denial of VAT input credit in a group context.	Case not sufficiently advanced to ascertain timeline to conclusion but there is a possibility that this appeal could be settled in the meantime. Parties are currently in discussions with a view to settling so this appeal is on hold until the end of November, 2019 pending the outcome of these discussions.
VAT			€11,923,256	This appeal relates to the place of supply of goods for VAT purposes.	Case not sufficiently advanced to ascertain timeline to conclusion. This appeal is currently on hold until January, 2019 at the request of the Appellant, who is awaiting a decision from the CJEU on a similar case.

<b>Tax Type</b>	<b>No. of Active Appeals</b>	<b>Total Quantum per Tax Type</b>	<b>Quantum per Appeal</b>	<b>Matter in dispute</b>	<b>Target timeline for conclusion</b>
Customs & Excise	1	€20,650,007	€20,650,007	This appeal relates to excise duty. It concerns the applicability of Irish legislative provisions in light of case law of the ECJ and the European Court of Human Rights. It also seeks to test the constitutionality of a charging section in excise law.	Scheduled for hearing in January, 2019 and expected to be determined before the end of April, 2019.
IT	1	€19,090,508	€19,090,508	This appeal relates to the taxation of certain monies found at the Appellant's dwelling during the course of an audit which the Respondent contends relates to untaxed self-employment income. The Appellant submits the monies represent accumulated savings which are not taxable.	Scheduled for hearing in January, 2019 and expected to be determined before the end of April, 2019.
CGT	1	€12,042,038	€12,042,038	This appeal relates to whether disposals made by a company owned by an offshore trust are liable to CGT, and whether Revenue are time-barred from issuing CGT assessments in relation to those disposals.	A determination is expected to be issued before December, 2018.
<b>Total</b>		<b>€711,143,524</b>	€711,143,524		