

## **IRELAND**

### **TRANSFER PRICING PROFILE**

#### **1. Reference to the Arm's Length Principle**

Section 835C of the Taxes Consolidation Act 1997 (as inserted by Section 42 of the Finance Act 2010).

The Taxes Consolidation Act 1997 (and Finance Acts amending that Act) may be accessed on Irish Statute Book.

#### **2. Reference to the OECD Transfer Pricing Guidelines**

Section 835D of the Taxes Consolidation Act 1997 (as inserted by Section 42 of the Finance Act 2010).

#### **3. Definition of related parties**

Section 835B of the Taxes Consolidation Act 1997 (as inserted by Section 42 of the Finance Act 2010).

#### **4. Transfer pricing methods**

Section 835D of the Taxes Consolidation Act 1997 (as inserted by Section 42 of the Finance Act 2010).

#### **5. Transfer pricing documentation requirements**

Section 835F of the Taxes Consolidation Act 1997 (as inserted by Section 42 of the Finance Act 2010). See also Revenue e-brief No. 41/10.

Implementation of the Code of Conduct on Transfer Pricing documentation for associated enterprises in the European Union (EU TPD) - summary of Member States' responses to the 2013 JTPF questionnaire on the implementation of the EU TPD:

[http://ec.europa.eu/taxation\\_customs/resources/documents/taxation/company\\_tax/transfer\\_pricing/forum/jtpf/2013/summary-ms.pdf](http://ec.europa.eu/taxation_customs/resources/documents/taxation/company_tax/transfer_pricing/forum/jtpf/2013/summary-ms.pdf)

#### **6. Specific transfer pricing audit procedures and / or specific transfer pricing penalties**

None

#### **7. Information for Small and Medium Enterprises on TP**

Information relevant for SMEs in tackling transfer pricing matters is available on the JTPF webpage at: [http://ec.europa.eu/taxation\\_customs/resources/documents/taxation/company\\_tax/transfer\\_pricing/forum/profiles/profile-ie.pdf](http://ec.europa.eu/taxation_customs/resources/documents/taxation/company_tax/transfer_pricing/forum/profiles/profile-ie.pdf)

## 8. Information on dispute resolution

<b>Competent Authority</b>	Director, International Tax Branch Corporate Business and International Division Office of the Revenue Commissioners Stamping Building, Dublin Castle Dublin 2, Ireland For Non-Transfer Pricing MAPs: Tel: + 353 1 7024108 or 674 8211 Fax: + 353 1 679 3314 For Transfer Pricing MAPs/APAs: Tel: + 353 1 674 8020 or 674 8639 Fax: + 353 1 679 3314
<b>Organisation</b>	Office of the Revenue Commissioners
<b>Scope of MAP &amp; MAP APA</b>	<ul style="list-style-type: none"> <li>• Relief of double taxation</li> <li>• Interpretation and application of the Treaty</li> </ul>
<b>Domestic guidelines &amp; administrative arrangements</b>	<u>Revenue e-brief No. 41/10</u> covers transfer pricing documentation.
<b>Time for filing</b>	The domestic time limit for repayment of tax is 4 years after the end of the chargeable period (Section 865 of the Taxes Consolidation Act 1997). The provisions in double taxation treaties may override this – many of Ireland’s treaties contain OECD Model Article 25 (Mutual Agreement Procedure). Taxpayers should also bear in mind other countries’ time limits.
<b>Form of request</b>	We have no specific form.
<b>Documentation requirement</b>	<p>The MAP request should:</p> <ul style="list-style-type: none"> <li>• quote the legal basis for the MAP i.e. the relevant Article in Ireland’s double taxation agreements and/or EU Arbitration Convention;</li> <li>• explain why a MAP is considered necessary;</li> <li>• explain the issues involved (attaching relevant background documentation);</li> <li>• set out what the requester considers to be the correct outcome (attaching any documents, case law, etc, backing up the requester’s view).</li> </ul> <p>If the MAP request(s) is being made to more than one competent authority, we would expect that the other competent authority would receive the same information as the Irish competent authority. Any company that is considering making an APA request is invited to contact us – see competent authority contact details above.</p>
<b>User fees</b>	None
<b>Tax collection / penalty / interest</b>	No specific provisions - general rules apply.
<b>Other dispute resolution mechanisms</b>	EU Arbitration Convention for transfer pricing cases.
<b>Government Website</b>	<a href="http://www.revenue.ie">www.revenue.ie</a>

Dispute resolution under the Arbitration Convention does not need to be initiated and may be suspended if one of the enterprises involved is subject to a 'serious penalty' for the transactions giving rise to the profit adjustment (Article 8).

Unilateral Declaration of Ireland on Article 8 of the Arbitration Convention (*Official Journal L 225, 20/08/1990 P. 0010 – 0024*)

'Serious penalties' shall include penalties for:

- (a) failing to make a return;
- (b) fraudulently or negligently making an incorrect return;
- (c) failing to keep proper records;
- (d) failing to make documents and records available for inspection;
- (e) obstructing persons exercising statutory powers;
- (f) failing to notify chargeability to tax;
- (g) making a false statement to obtain an allowance.

The legislative provisions governing these offences, as at 3 July 1990, are as follows:

- Part XXXV of the Income Tax Act, 1967,
- Section 6 of the Finance Act, 1968,
- Part XIV of the Corporation Tax Act, 1976,
- Section 94 of the Finance Act, 1983.

Any subsequent provisions replacing, amending or updating the penalty code would also be comprehended."

## 9. Relevant regulations on Advance Pricing Arrangements

None

## 10. Links to relevant government websites

<http://www.revenue.ie/>

## 11. Other relevant information

Secondary and compensating year-end adjustments may result in double taxation. Two questionnaires launched by the EU Joint Transfer Pricing Forum (JTPF) in 2011 took stock of the situation prevailing in each EU Member State with respect to secondary and compensating year-end adjustments as on 1 July 2011.

[Secondary Adjustments - overview on the legal and administrative/practical aspects in the different Member States](#)

[Compensating/year-end Adjustments - overview on the legal and administrative/practical aspects in the different Member States](#)

The competent authority for transfer pricing MAPs/APAs is the: Director, International Tax Branch, Corporate Business and International Division, Office of the Revenue Commissioners, Stamping Building, Dublin Castle, Dublin 2, Ireland.

Tel: + 353 1 674 8020 or 674 8639

Fax: + 353 1 679 3314