

Summary of Internal & External Review Decisions issued in 2019

	Type of Review	Summary of Request	Decision	Summary of Reviewer's findings
1.	External	Request for an External Review of the decision by Revenue to refuse to apply the "2012 Irish Agreement" to the taxation of benefits received, or to be received, by the beneficiaries of the Foundation.	Against Taxpayer	The Reviewer found in favour of Revenue. He expressed the view that "...the parties made every effort to derive a pragmatic and mutually acceptable settlement offer but have been caught out essentially by being too brief in what was formally documented in the agreement". He further states that "The practical effect of this potentially is, that it is difficult to claim post agreement distributions are sheltered from further taxation." He has also noted that appeals are pending against the Discretionary Trust Tax (DTT) assessments for 2011 to 2015 on the basis that the trust is not a discretionary trust and hence not liable to DTT. He feels that resolution of the appeals may possibly help to bring some clarity to the 'Agreement' and how it should be applied.
2.	External	Request for Review of Revenue's decision to raise a VAT assessment in respect of the supply of certain food supplements. The agents submit that pending the outcome of Revenue's policy review in respect of the appropriate rate of VAT on food supplements, that the Tax District does not have a fair or sound administrative basis or authority to apply Standard 23% VAT to their client's products or to raise any VAT assessments in respect of these products.	Against Taxpayer	The Reviewer noted that Revenue has been consistent in its view that any outcomes from the expert review commissioned by Revenue would not affect revenue's current guidance on VAT ratings and would only apply prospectively. In addition, he also noted that the expert review had recently been published by Revenue and that it supports Revenue Practice and guidance on VAT ratings. He therefore found in favour of Revenue's position
3.	External	Request for an External Review of Revenue's decision to refuse to make VAT rate determinations in respect of 38 separate applications under Section 51 of VAT Consolidation Act 2010.	Against Taxpayer	The Reviewer has stated that he "...has not seen any instances where Revenue's approach to dealing with your complaints has clearly contravened prevailing legislation (which is the test to be applied per Leaflet CS4), and as such your complaints fail".
4.	External	Request for Review of taxpayer's liability to a Household Charge in respect of an inherited Property.	Against Taxpayer	The Reviewer has found in favour of Revenue and noted that it is the usual and correct practice that before the completion of the sale or transfer of a residential property that a

				certificate of discharge or, of exemption or waiver for all Household Charge and Local Property Tax liabilities is obtained.
5.	External	Request for an External review of the imposition of a surcharge on the company for late filing of iXBRL financial statements.	Against Taxpayer	The Reviewer concluded that the penalty charges for the filing of an incorrect return by the taxpayer were within Revenue's powers and in line with its general application of those powers.
6.	External	Request for an External Review of Revenue's handling of the collection of arrears for 2017 and referral of outstanding debt to the Sheriff.	Against Taxpayer	The reviewer found that the requester was under the mistaken impression that a payment processed by his agent was part of an agreed instalment arrangement however, no such instalment arrangement had been sought from Revenue.
7.	External	Request for an External Review of Revenue's decision in relation to a contract of/for services issue as part of an audit intervention in this case. The only issue between the parties is the correct employment status applicable to the associates - whether they should be regarded as independent self-employed contractors in business on their own account or as employees of the business.	Partly Revised	The Reviewer has made a two stage decision in this case. In regard to the substantive issue he has found in favour of Revenue and concludes that "...the...practice is clearly operating as an employer and that the status of the associates is that of employees". He has however, also found partly in favour of the taxpayer, in regard to the overall conduct of the review. He has recommended that Revenue make an offer to the taxpayer to recommence the audit and to meet with the taxpayer and agent to go through all the key outstanding issues and allow each party to review their central position. He has also suggested that in the event of no agreement being reached that Revenue should raise an immediate assessment; the taxpayer may then either accept it or make a formal appeal to the Tax Appeals Commission.
8.	External	Request for an External Review of Revenue's decision to refuse to accept a revised Form P35 in respect of 2017.	Against Taxpayer	The Reviewer concluded that the company sought to amend the P35 Return not because of an error or mistake but, to adjust the company's accounts to show an improvement in the results of the company.
9.	External	Request for Review of Revenue's decision in respect of "the appropriate VAT treatment of vocational training provided by a company to trainees through a contractual arrangement with a connected company.	Against Taxpayer	The Reviewer has found that Revenue's position has not "...been demonstrated to be 'clearly incorrect', and hence he does not propose intervening on an issue for which appropriate recourse may possibly be to the Tax Appeals Commission."