

Securitisation Regulation: Notification of investment

Part 38-03-30

This document should be read in conjunction with [Regulation \(EU\) 2021/557 of the European Parliament and of the Council of 31 March 2021](#).

Document created July 2022

Revenue

Cáin agus Custaim na hÉireann
Irish Tax and Customs



The information in this document is provided as a guide only and is not professional advice, including legal advice. It should not be assumed that the guidance is comprehensive or that it provides a definitive answer in every case.

Introduction

This TDM relates to a reporting obligation introduced by Regulation (EU) 2021/557 of the European Parliament and of the Council of 31 March 2021 entered into force on 9 April 2021 (Regulation (EU) 2021/557), which amended [Regulation \(EU\) 2017/2402 of the European Parliament and of the Council of 12 December 2017](#) (Regulation (EU) 2017/2402).

The purpose of Regulation (EU) 2021/557 is to lay down a general framework for securitisation and to create a specific framework for simple, transparent and standardised securitisation to help the recovery from the COVID-19 crisis.

Recital 7 of Regulation (EU) 2021/557 explains that an investor in a Securitisation Special Purpose Entity (“SSPE”)¹, established after 9 April 2021, in a jurisdiction listed in Annex II of the Council of the European Union’s list of non-cooperative jurisdictions, for the reason of operating a harmful tax regime should notify the competent tax authority of the Member State in which it is resident for tax purposes. This information may be used to assess whether the investor derives a tax benefit from such an investment.

1 Notification of investment (‘NOI’)

Under Article 4(c) of Regulation (EU) 2017/2402 as amended by Regulation (EU) 2021/557, an NOI must be made to Revenue when a person invests in an SSPE, established after 9 April 2021, in a jurisdiction listed in Annex II for the reason of operating a harmful tax regime.

The NOI provides for the submission of details of both the investor and investment and all relevant panels should be completed in full.

The [NOI](#) is available on the Revenue website.

1.1 Annex II list

Since 2020 the Member States have agreed to review and update, if appropriate, the Council of the European Union’s list of non-cooperative jurisdictions twice annually. The current list of Annex II jurisdictions for the reason of operating a harmful tax regime and to which this reporting requirement applies (referred to in this TDM as the ‘relevant Annex II jurisdictions’), is available [here](#).

Refer to [Appendix 1](#) for the previous lists of relevant Annex II jurisdictions from the introduction of this obligation.

¹ Article 2 of Regulation (EU) 2017/2402 provides that an SSPE ‘means a corporation, trust or other entity, other than an originator or sponsor, established for the purpose of carrying out one or more securitisations, the activities of which are limited to those appropriate to accomplishing that objective, the structure of which is intended to isolate the obligations of the SSPE from those of the originator’.

1.2 Filing Deadlines

Otherwise than as provided in [1.2.1](#) or [1.2.2](#), the NOI should be submitted to Revenue, via MyEnquiries, on or before the applicable return filing date for the investor in respect of the period in which the investment is made (e.g. for a company, this will be the date on which the Form CT1 for the accounting period in which the investment is made is due for filing, for an investment undertaking this will be the date on which the IUT return for the period in which the investment is made is due for filing etc.)

1.2.1 A jurisdiction is no longer a relevant Annex II jurisdiction

Where a jurisdiction is a relevant Annex II jurisdiction, at the time of the making of an investment in that jurisdiction, but that jurisdiction is subsequently removed from Annex II after the investment was made but prior to the submission of the required NOI, the NOI should still be submitted to Revenue.

In instances where, the applicable filing date passed prior to the NOI being available, the NOI should be submitted to Revenue by 30 September 2022.

For example, an individual invests in an SSPE established on 30 April 2021 in Australia. A requirement to notify Revenue of such an investment is required even though Australia is no longer a relevant Annex II jurisdiction, the individual should complete and submit an NOI to Revenue by 30 September 2022.

1.2.2 A jurisdiction becomes a relevant Annex II jurisdiction after an investment is made in that jurisdiction

Where an investment is made after 9 April 2021 and at the time of investment, the jurisdiction is not a relevant Annex II jurisdiction, but subsequently becomes a relevant Annex II jurisdiction, an NOI is required to be submitted to Revenue.

In instances where, an obligation to submit an NOI only applies from the time the jurisdiction becomes a relevant Annex II jurisdiction, and the applicable filing date (in relation to the date the investment was actually made) has passed, the NOI should be submitted to Revenue by the next relevant filing date for that particular investor.

For example, an investment undertaking makes an investment in an SSPE established on 1 November 2021 in Russia. Russia subsequently becomes a relevant Annex II jurisdiction in February 2022. Therefore, a requirement to report this investment to Revenue is required from February 2022. The relevant filing date with respect to the period in which the **investment was actually made**, was 30 January 2022. However, the investment undertaking was not required to submit an NOI to Revenue in January 2022 as Russia was not yet a relevant Annex II jurisdiction. Therefore, the investment undertaking should submit the NOI to Revenue by 30 July 2022, being the next relevant filing date.

2 Submission of the NOI

The NOI should be completed and attached to a new enquiry and submitted to Revenue via MyEnquiries.

For users accessing MyEnquiries through the Revenue Online Service (ROS), please categorise your enquiry by selecting the following options from the dropdown menus:

- Under the 'My Enquiry relates to' field select 'Other Than The Above'.
- Under the 'More Specifically' field select 'Notification of investment'.

For users accessing MyEnquiries through myAccount, categorisation dropdown menus may not be available. Where this is the case, users should include "Notification of Investment" in the Enquiry Details text box.

For further guidance on using MyEnquiries, please see [Tax and Duty Manual \(TDM\) 37-00-36](#).

Appendix 1

List of previous relevant Annex II Jurisdictions

As of 26 February, 2021², the relevant Annex II jurisdictions are:

- Australia
- Jordan
- Jamaica.

As of 12 October 2021, the relevant Annex II jurisdictions are:

- Costa Rica
- Jamaica
- Jordan
- Hong Kong
- Malaysia
- North Macedonia
- Qatar
- Uruguay.

² Noting that the requirement to report an investment in an SSPE established in these jurisdictions, only became a requirement from the date Regulation (EU) 2021/557 entered into force on **9 April 2021**.