

Tax Incentives / Expenditures

Introduction

1. This paper highlights the changes that have been made since last year in relation to tax incentives / expenditures under a number of headings. These include further changes in line with recommendations of the Commission on Taxation.

Property Based Schemes - Legacy Reliefs

2. With effect from 1 January 2012, a USC surcharge will be introduced on all investors with annual gross incomes over €100,000. The surcharge will apply at a rate of 5% on the amount of income sheltered by property reliefs in a given year and will be in addition to any normal USC payable on this income. This USC surcharge will apply to all investors with this level of gross income regardless of whether they invested in Section 23 type investments or accelerated capital allowance schemes.

3. In addition, investors in accelerated capital allowance schemes will no longer be able to use any capital allowances beyond the tax life of the particular scheme where that tax life ends after 1 January 2015. Where the tax life of a scheme has ended before 1 January 2015 no carry forward of allowances into 2015 will be allowed. The delayed implementation of this measure is designed to give individuals time to adjust to the absence of the carry forward provision.

Film Relief

4. The Department of Finance conducted a consultation with interested parties as part of an economic impact assessment of the operation, status and future of the Section 481 tax relief otherwise known as 'film relief'.

5. A separate presentation will be made to the Group on this topic.

Tax Credits - Part of Basic Tax System

6. Mortgage Interest relief was increased to 30% for first-time buyers who took out their first mortgage between 2004 and 2008 (approximate cost to the Exchequer €52m).
7. Removal of the 36 day tax exemption for illness benefit is estimated to yield €13m.
8. A separate paper on income tax (TSG 12/06) has already been discussed by the Group.

Pensions

9. The estimated net cost of tax and various other reliefs on private pension provision can change from year to year, depending on variables such as the levels of individual/employer pension contributions made and the accrued returns on pension fund investment. The latest year for which the most up-to-date estimates are available is 2009 and the net estimated cost for that year amounts to over €2.4 billion.
10. A separate paper on pension taxation will be presented to the Group later this month.

Commission on Taxation recommendations

11. While many of the recommendations made by the Commission had already been addressed, progress has been made on others in the past year. A full list of tax expenditure recommendations is included in Annex 1 to 3 (where significant changes since last year are highlighted in **bold**) but the key developments include:

- Public consultation has been undertaken in 2012 with a view to simplifying the scheme relating to relief for donations to charities (relates to Recommendations 8.39 – 8.42);
- The R&D tax credit scheme was extended (8.49) this, allows the credit to be used towards remuneration of ‘key employees’ and allows the first €100,000 of expenditure to benefit from the tax credit on a volume basis. Also, the outsourcing

limits for sub-contracted R&D costs were increased to the greater of 5 or 10% as appropriate or €100k to provide a targeted benefit to SMEs;

- The BES (Business Expansion Scheme) has been replaced by EII (Employment & Investment Scheme) which significantly reduces the administrative burden for companies (8.53);
- Stock relief for farming businesses has been retained for 2012 (8.54);
- Accelerated capital allowances for energy efficient equipment and relief for investment in renewable energy generation were extended for a further three years (8.60 & 8.61);
- Stamp Duty relief for transfer of land to young trained farmers will cease after 2012 (8.73).
- Stamp Duty consanguinity relief will cease after 2014 for non-residential property (8.111);

Other reliefs

12. Annex 4 sets out a number of major reliefs and allowances and their associated costs that were largely not covered by the Commission on Taxation report, significant updates since last year are again in **bold**.

13. The Tax Strategy Group may wish to discuss the issues raised in this paper.

Fiscal Policy Division,
Department of Finance.
October 2012.

Annex 1

Ref	Commission on Taxation Recommendations - Tax Expenditures for ABOLITION	Yield Estimate €m
8.12	TAX EXPENDITURES - CHILDREN The capital allowances for childcare facilities should be discontinued.	12
8.13	The income tax exemption for childcare service providers should be discontinued.	<1
8.14	The exemption of employer-provided childcare from the benefit-in-kind charge should be discontinued	Abolished in FA 2011
8.16	TAX EXPENDITURES - HOUSING Income tax relief for rent paid for private rented accommodation should be discontinued.	Abolished in FA 2011 with gradual withdrawal and complete cessation in 2018
8.18	Income tax relief for service charges should be discontinued.	Abolished in FA 2010
8.19	The rent-a-room relief should be discontinued.	5.6
8.20	The capital gains tax and stamp duty exemptions on the disposal of site to a child should be discontinued.	CGT relief costs €2m; SD relief abolished in Budget 2011
8.26	TAX EXPENDITURES – HEALTH Tax relief for long-term care policies should be discontinued.	Abolished Finance Act 2010
8.29	The dependent relative tax credit should be discontinued. <ul style="list-style-type: none"> • The entitlement to mortgage interest relief that is derived from entitlement to the credit in relation to a principal private residence occupied by a dependent relative should continue. A person should be able to avail of first-time buyer levels of relief once in respect of himself or herself and once in respect of a dependent relative who has not claimed for himself or herself. • The separate entitlement to CGT relief on the disposal of a principal private residence occupied by a dependent relative should be discontinued. 	1
8.36	RELATING TO PHILANTHROPY Income tax relief for expenditure on heritage buildings and gardens should be discontinued	3 Modified by FA 2010 to exclude passive investors

Ref	Commission on Taxation Recommendations - Tax Expenditures for ABOLITION	Yield Estimate €m
8.37	The benefit-in-kind exemption on employer-provided art objects in a heritage building or garden should be discontinued.	-
8.47	TAX EXPENDITURE - ENTERPRISE (INCLUDING FARMING) The restriction of balancing charges on a building to the relevant holding period for that building should be discontinued for future acquisitions.	-
8.50	Tax exemption for patent royalties should be discontinued.	Abolished FA 2011
8.54	Stock relief for farming businesses should be discontinued.	2 (Extended to 2012 in FA 2011)
8.57	The tax relief for the purchase of milk quota should be discontinued.	-
8.59	The tax exemption for payments to National Co-operative Farm Relief Services Ltd. and payments made to its members should be discontinued.	Abolished FA 2011
8.63	The investment allowance for machinery and plant and for exploration expenditure should be discontinued.	Abolished FA 2011
8.76	TAX EXPENDITURES – EMPLOYMENT Income tax relief for trade union subscriptions should be discontinued.	Abolished in FA 2011
8.91	The PRSI exemption for employee (unapproved) share options should be discontinued.	Employee PRSI and USC charge applied in FA 2011
8.94	<ul style="list-style-type: none"> • The income tax exemption for approved share option schemes (APSOs) should be discontinued. • The taxable value of option gains should also be liable to both employer and employee PRSI and to the health contribution levy and the income levy. 	Abolished in FA 2011
8.97	The income tax exemption for new shares purchased on issue by employees should be discontinued.	Abolished in FA 2011
8.98	The artist's exemption should be discontinued; consideration should be given to introducing income averaging in the taxation of income from creative work.	8 Annual exemption ceiling of €40,000 applied in FA 2011
8.100	The seafarer's allowance should be discontinued.	0.3
8.102	The income tax exemption for payments under Scéim na bhFoghlaimoirí Gaeilge should be discontinued	-

Ref	Commission on Taxation Recommendations - Tax Expenditures for AMENDMENT
8.40	The relief for individuals under Recommendation 8.39 should be at the standard rate in all cases. Public consultation undertaken in 2012 with a view to simplifying the scheme.
8.41	An upper limit of €500,000 per person on the annual value of donations which may attract tax relief is recommended. This limit should be enforced using the principles of self-assessment and audit. Limit already imposed by the high earners restriction. Public consultation undertaken in 2012 with a view to simplifying the scheme.
8.42	The self-employed should be treated in the same way as PAYE earners under the scheme with the tax relief being paid to the charity or approved body. Public consultation undertaken in 2012 with a view to simplifying the scheme.
8.43	In relation to donations from companies, the amount that would attract tax relief should be the same as for individuals, i.e. a maximum of €500,000 per annum. The rate of tax relief on corporate donations should be the corporate tax rate and, as with donations from individuals, the tax relief should be paid to the charity or approved body. xxx.
8.44	The tax relief scheme available on donations to sports bodies should be modified. The tax relief regime that is recommended in respect of donations to charities and other approved bodies should also apply in relation to relief for donations to sports bodies and aggregate limits should apply to both reliefs. xxx.
8.46	The tax-exempt status of philanthropic and sports bodies should continue. However, the capital gains tax exemption should be discontinued where development land is disposed of. Amended in FA2012 to provide that a donation by a sports body for a separate charitable purpose would qualify for relief, subject to certain conditions.
8.56	TAX EXPENDITURE - ENTERPRISE (INCLUDING FARMING) The accelerated allowance for capital expenditure on farm buildings for pollution control should not be continued when it expires in 2010. For subsequent years, normal capital allowances should apply. Abolished FA 2011

Ref	Commission on Taxation Recommendations - Tax Expenditures for AMENDMENT
8.65	<p>The relief from tax for start-up companies should be continued. However, the scheme should be modified so that companies who begin trading in 2010 or 2011 would benefit from the exemption for two-years or one-year, respectively, within the existing three-year timeframe for the relief. In addition, the exclusion which applies to service companies should be removed.</p> <ul style="list-style-type: none"> • A new scheme for unincorporated businesses should be established which would have its own three-year time cycle in line with the approach we recommend for the existing scheme. • Both the existing scheme and the proposed new one for unincorporated business should be subject to review in accordance with our general principles as set out in Section 5 of this Part after a reasonable period of time. <p>This scheme was modified in 2011, so that the value of the relief is linked to the amount of employers' PRSI paid by a company, and was extended in Finance Act 2012 to include start-up companies which commence a new trade in 2012, 2013 or 2014.</p>
8.66	<p>The tax treatment of venture fund managers should be modified such that in the case of an individual who is a venture capital fund manager:</p> <ul style="list-style-type: none"> • Where the investment return on a carried interest represents income, it should be taxed at the appropriate marginal rate, and • Where the investment return on a carried interest is a capital gain, it should be subject to capital gains tax at the normal rate (25%).
8.68	<p>The capital gains tax relief for family transfers should be continued but limited so that it applies to asset values up to €3 million. Where the value of the asset transferred exceeds €3 million, only the part of the gain that is attributable to the excess over €3 million should be charged to tax. c. €5m if capped at €3m; see also "additional expenditure No. 22" below . [Modified in FA12, Retirement relief for transfers within the family – with effect from 1 January 2014, no upper consideration limit for ages 55 to 66 (as is the current position for everyone over 55); upper consideration limit for ages 66 and over €3 m]</p>
8.70	<p>For business relief for CAT, a reduction of no more than 75% of the value of the business should be allowed before tax is calculated. The reduction should be subject to an overall monetary limit of €3 million. €12 m for reduction to 75% (cap can't be costed)</p>
8.71	<p>For agricultural relief for CAT, a reduction of no more than 75% of the value of the property should be allowed before tax is calculated. The reduction should be subject to an overall monetary limit of €3 million. A condition of the relief should be that a farm asset is owned and operated as a farm for a period of six years after the transfer. €18m for reduction to 75% (cap can't be costed)</p>

Ref	<p style="text-align: center;">Commission on Taxation Recommendations - Tax Expenditures for AMENDMENT</p>
8.72	Business relief and agricultural relief should be amalgamated into a single relief. Can't be costed (no specific proposal)
8.84	<p>TAX EXPENDITURES - EMPLOYMENT</p> <p>Income tax relief for <i>ex-gratia</i> termination payments should continue but the quantum of the exempt payment should be limited to €200,000 and the reliefs for Standard Capital Superannuation Benefit and top-slicing relief should be simplified. Limited to €200k in FA 2011.</p>
8.85	<i>Ex-gratia</i> termination payments related to death or disability should be subject to a limit in relation to the tax-free amount permissible
8.86	Income tax relief for termination payments where an employment involves foreign service should continue. However, it should be subject to an overall monetary cap of €200,000 in line with our recommendation for termination payments in excess of the statutory redundancy amount. Limited to €200k in FA 2011.
8.92	Continue the income tax exemption for approved profit-sharing schemes (APSSs) and remove the PRSI, health contribution levy and income levy exemptions. Yield of €14m. Employee PRSI and USC charge applied in FA 2011.
8.95	Continue the income tax exemption for the save as you earn (SAYE) schemes and remove the PRSI, health contribution levy and income levy exemptions. Yield of €1m. Employee PRSI and USC charge applied in FA 2011.
8.96	Extend the SAYE rules to permit a broader range of employee stock purchase plans (offered to all employees on similar terms and subject to an overall share purchase limit) to be eligible for income tax relief.
8.99	<p>The sportsperson's relief should continue.</p> <ul style="list-style-type: none"> • The total repayment of tax for any 10-year period should be capped at €350,000 as adjusted for inflation. • The sportsperson can only select a block of 10 consecutive years for which to claim the relief as opposed to the best 10 non-continuous years. • The relief should be subject to review after five years of operation under these new arrangements.
8.101	<p>The expenses of members of the Oireachtas should be treated in the same way under the tax code as expenses paid to employees and office holders generally.</p> <ul style="list-style-type: none"> • A monetary limit should be put in place on the dual abode allowance and the flat rate element of the relief which applies in relation to hotel and guesthouse accommodation should be discontinued.

Annex 3

Ref	Commission on Taxation Recommendations - Tax Expenditures to CONTINUE	Cost Estimate €m
8.8	TAX EXPENDITURES - CHILDREN The exemption of foster care payments from income tax should continue	30
8.10	The home carer tax credit should continue.	70
8.11	The widowed parent tax credit should continue.	7
8.17	TAX EXPENDITURES - HOUSING The capital gains tax exemption on the disposal of a principal private residence should be continued.	2440 (very hard to cost as most disposals of PPRs don't have to be returned to Revenue)
8.21	TAX EXPENDITURES - HEALTH Medical insurance relief should be continued on a more limited basis.	321
8.22	Relief for health expenses should continue at the standard rate.	145
8.23	Once the Fair Deal system for nursing home care has been implemented, removal of the tax relief for nursing home expenses should be considered.	NA
8.24	The range of treatments contained within the scope of the relief for health expenses should be subject to regular review.	-
8.25	Tax relief for contributions paid to permanent health benefit schemes should continue.	4
8.27	When direct expenditure support at the appropriate level is in place, the incapacitated child tax credit should be discontinued.	34
8.28	The allowance for employing a carer for an incapacitated individual should continue. However, the rate of relief should be the same as that available under health expenses relief. Yield of €6m. Linked to the rate of relief available for nursing home fees.	
8.30	When direct expenditure support at the appropriate level is in place, the blind person's tax credit should be discontinued.	2
8.38	RELATING TO PHILANTHROPY The CAT exemption of heritage property and heritage property of companies should be retained.	1
8.45	Relief for gifts made to the Minister for Finance should continue.	-

Ref	Commission on Taxation Recommendations - Tax Expenditures to CONTINUE	Cost Estimate €m
8.48	<p>TAX EXPENDITURE - ENTERPRISE (INCLUDING FARMING)</p> <p>Grants to meet revenue expenditure should be taken into account in calculating taxable trading income and capital allowances should be available on expenditure net of capital grants. However, in the case of employment related grants, there may be a case for postponing the approach we suggest until more favourable labour market conditions apply.</p>	
8.49	<p>The tax credit for research and development should continue.</p> <p>The R&D tax credit regime was extended in Finance 2012 to:</p> <ul style="list-style-type: none"> • allow the R&D tax credit to be used towards remuneration of 'key employees' • to allow the first €100,000 of expenditure to benefit from the tax credit on a volume basis • The outsourcing limits for sub-contracted R&D costs were increased to the <u>greater</u> of 5 or 10% as appropriate or €100k to provide a targeted benefit to SMEs. 	268
8.51	The tax deduction for capital expenditure on scientific research should continue.	
8.52	Film relief should be continued but should be subject to regular review in accordance with our principles as set out in Section 5 of this Part.	65 (Extended to 2015 in FA 2011)
8.53	<p>The Business Expansion and Seed Capital schemes should remain in place up to their 2013 deadline.</p> <p>The schemes should be reviewed to evaluate their effectiveness and the extent to which market failure exists in advance of any further extension beyond 2013</p> <p>The administrative burden placed on companies seeking to benefit from the schemes is onerous and should be reviewed.</p> <p>BES replaced by EII significantly reduces the administrative burden for companies.</p>	45
8.55	Income tax relief for farm land leasing income should be continued. However, the measure should be reviewed in 2012 in accordance with our principles as set out in Section 5 of this Part.	5
8.58	The restructuring aid for sugar beet growers should continue	10

Ref	Commission on Taxation Recommendations - Tax Expenditures to CONTINUE	Cost Estimate €m
8.60	The accelerated capital allowances for energy efficient equipment should continue.	2 Extended in Finance Act 2011 for a further 3 years
8.61	Relief for investment in renewable energy generation should continue. Any extension should adhere to our general principles as set out in Section 5 of this Part.	1 Extended in Finance Act 2011 for a further 3 years
8.62	The Mid-Shannon corridor scheme should not be continued beyond its current expiry date.	7
8.64	The tax treatment of the decommissioning of fishing vessels should continue.	-
8.67	The tonnage tax regime should be continued.	-
8.69	Capital gains tax relief for disposal of a business or a farm on retirement should continue. . [Modified in FA12, Retirement relief for transfers outside the family – with effect from 1 January 2014, upper consideration limit for ages 55 to 66 €750,000 (as is the current position for everyone over 55); upper consideration limit for age 66 and over €500,000]	-
8.73	Stamp duty relief for transfers of land to young trained farmers should continue. [Due to expire on 31/12/2012]	71
8.74	The stamp duty exemption relating to the sale or transfer of EU Single Farm Payment Entitlements should be continued.	-
8.75	The tax incentives relating to forestry should be continued.	13.6
8.77	TAX EXPENDITURES - EMPLOYMENT The relief for benefit-in-kind for employer-provided personal security assets and services should continue to apply where arrangements are made for all employees at risk.	-
8.78	The relief for benefit-in-kind and PRSI exemption for employer-provided public transport travel passes should continue.	-
8.79	The relief for benefit-in-kind and PRSI exemption on employer-provided bicycles and related safety equipment should continue.	7.5
8.80	The income tax exemption for scholarships should continue.	1

Ref	Commission on Taxation Recommendations - Tax Expenditures to CONTINUE	Cost Estimate €m
8.81	The income tax relief for fees paid for third-level education should continue.	13
8.82	Income tax relief for fees paid for training courses should continue.	-
8.83	The exemption from income tax of statutory redundancy payments should continue.	85
8.87	The exemption from income tax for retraining on redundancy should continue.	-
8.88	There are grounds for discontinuing the systematic short-time relief for equity reasons. However, discontinuation should not be implemented until more favourable labour market conditions apply.	2
8.89	Income tax relief for long-term unemployed and double deduction in respect of payroll costs should continue.	0.3
8.90	Income tax relief for employees on payments related to compensation for loss of future earnings should continue.	-
8.93	The tax treatment which applies to employee share ownership trusts (ESOTs) should continue	6
8.103	TAX EXPENDITURES - SAVINGS AND INVESTMENTS Tax exemption for the income of credit unions should be continued.	-
8.104	The annual exemptions for interest and dividends on special term accounts and special term share accounts should be continued.	-
8.105	TAX EXPENDITURES - OTHER The age tax credit should continue.	33
8.106	The age exemption and marginal relief should continue.	77
8.107	The tax relief for income under dispositions for short periods (deeds of covenant) should continue.	-
8.108	The tax relief available to Veterans of the War of Independence should continue.	1
8.109	The relief from income tax of military and other pensions, gratuities and allowances should continue. In future, the tax treatment of military service gratuities should be consistent with the tax treatment of lump sum payments in other public service employments.	2
8.110	The exemption from income tax of profits from lotteries should continue.	-

Ref	Commission on Taxation Recommendations - Tax Expenditures to CONTINUE	Cost Estimate €m
8.111	Consanguinity relief within the stamp duty code should continue.	€14m (abolished for residential property in FA 2011) and will cease for non-residential property after 31/12/2014 (FA 2012)

Annex 4 Other Tax Expenditures

Reference	Measure/Recommendation	Yield if Abolished (+ €m)
1	Payments made by the HSE to foster parents and relatives in respect of children in their care are exempt from income tax: Rates of up to €17,992 per annum per child.	€29m
2	Permanent health benefit schemes tax relief	€3.1m
3	Mortgage Interest Relief	€414m (includes FA12 changes)
4	One-Parent Family Tax Credit (Limit to one-parent or Abolish altogether)	€145m (abolish) €60m (limit)
5	Single Persons Tax Credit	€2,142m
6	Married Persons Tax Credit	€2,478m
7	Widows Persons Tax Credit	€156.8m
8	Widowed Parent Tax Credit	€7.2m
9	PAYE Tax Credit	€2,698m
10	Age Credit	€28.3m
11	Age Exemptions	€77m
12	Flat Rate Expenses	€71m
13	Income Levy lower exemption threshold (reduce or remove)	N/A - replaced by USC in FA2011
14	Removal of Income levy age exemption	N/A - replaced by USC in FA2011
15	Removal of Income levy medical card exemption	N/A - replaced by USC in FA2011
16	Health levy entry point (reducing threshold by €500)	N/A - replaced by USC in FA2011
17	Remove medical card exemption from Health Levy	N/A - replaced by USC in FA2011
18	Abolish Cycle to Work scheme	€7.5m
19	Abolish deeds of covenant for incapacitated individuals	€20m
20	Abolish tax relief on commuter tickets	€12m
21	Increase on preferential loans rates (0.5% mortgage & 2.0% others)	€3m
22	CGT retirement relief for transfers outside the family (The Commission in Taxation recommendation 8.68 only refers to "retirement relief" on transfers within the family) - reduce €750 k consideration limit	Requires further analysis; c. €3m outside family if restricted to €400k;
23	CGT retirement relief on transfers within and outside family - interaction with 10.9 lump sums taken on retirement, and 8.84, termination payments and income tax - provide that an individual can avail of either the CGT relief or the IT relief but not both	
24	CGT loss relief - restrict	
25	CGT annual exemption - reduce/abolish	€4m yield if abolished
26	CAT tax free thresholds - reduce	5% reduction yields €8m in full year
27	Stamp Duty - First Time Buyer relief	Abolished by Finance Act

		2011
28	Stamp Duty - Consanguinity relief	See Annex 3
29	Stamp Duty - New houses under 125 sq m	Abolished by Finance Act 2011
30	Stamp Duty - Minimum valuation threshold (houses under €127k)	Abolished by Finance Act 2011
31	Remove the income tax exemption on the first 6 weeks payment of Illness/Occupational Injury Benefit.	Abolished by Finance Act 2012