



# Annual Report 2021



AN COIMISIÚN UM ACHOMHAIRC CHÁNACH  
TAX APPEALS COMMISSION

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[www.taxappeals.ie](http://www.taxappeals.ie)



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# Chairperson's Statement

In 2021, the Commission continued to build on the work and innovation since my appointment in July 2020. The headline statistics demonstrate the significant progress made.

In 2021, the Commission closed the highest number of appeals since its formation of nearly 1800 appeals to a value of €3.14 billion. It has reduced the quantum under appeal from €4.5 billion to €1.65 billion by year end 2021. We have reduced our appeals on hand by a further 10 per cent to 2703. The number of appeals that can be heard, (not on hold due to other proceedings) fell by a further 18 per cent to 1525. The Commission issued determinations within measurable timelines affecting appeals to a value of €443 million.

The Commission continued to utilise the use of remote hearings and technology to good effect.

We have also continued to innovate with the use of robotics, our website being updated for better accessibility and search facilities, simplification of our procedures and the introduction of a new structure of appeal commissioner to match the appeal case base.

The wide spectrum of appeals from several hundred euro to many millions encapsulates the challenge for the Commission. There is no other quasi-judicial body or even a court dealing with such a range; from the volume of the Small Claims Court to the complexity and quantum of cases in the Commercial Court, and everything in between. As such, following sanction for a new tiered commissioner structure to match the appeals' case base, we advertised for a new tier of appeal commissioner in October 2021. Following a successful recruitment campaign, the first of our new commissioners commenced in January 2022.

As I reported to the Public Accounts Committee in July 2021, the Commission has completed all

the recommendations of the O'Donoghue Report of 2018 and the C&AG Report of 2019. We have continued to strengthen our governance framework and received a positive governance audit from our external auditors, as set out in this report. We have published our tender for a new case management system and we would anticipate that it will be functional in 2022.



***In 2021, the Commission closed the highest number of appeals since its formation of nearly 1800 appeals to a value of €3.14 billion.***

The Commission is dependent on many stakeholders for its operational success. I extend my appreciation to the Minister for Finance for his continued support and accessibility, despite his manifold national and international demands on his time. Appreciation is also extended to the Secretary General and the staff at the Department of Finance for their diligence and approachability, whilst respecting our independence at all times. I am also indebted for the assistance of Mr Barry Lowry, Chief Information Officer and his staff at the OCGIO, the Comptroller and Auditor General and his staff, the outgoing Chair, Mr Stephen McGovern of the Audit and Risk Committee and incoming Chair, Mr Gerard Moran, and their members.

In addition, stakeholders have continued to engage positively with the Commission. Appreciation is extended to the President of the Irish Taxation Institute, Ms Karen Frawley and her council and members; the Chair of the Chartered Accountants Tax Committee, Mr Peter Vale, and its members; the Chairman of the Revenue Commissioners, Mr Niall Cody, his fellow commissioners and staff at the Revenue Commissioners; the Chief Bureau Officer, Chief Superintendent Michael Gubbins and his staff at the Criminal Assets Bureau; all the partners and staff at the law firms, tax practitioners, accountants, in-house legal counsel and barristers across Ireland and in other jurisdictions and the general public, for whom we serve. I also extend my appreciation for the time and attention of the Chair, Mr Brian Stanley and the positive engagement of the members of the Public Accounts Committee at my first meeting at the Public Accounts Committee on 8th July 2021, to whom the Commission is accountable for the utilisation of its Vote.

Finally, I want to thank the appeal commissioners and my staff for their hard work and adaptability to the challenges of the last year.

The Commission has made progress and we are making strides in our throughput and output relative to the case base, contributing to the economy and the Exchequer. I look forward to 2022 building on the positive foundation of 2021.



**Marie-Claire Maney**  
**Chairperson**

# The Year 2021

## Appeals Closed

**1,793**

valued at

**€3.146 billion**



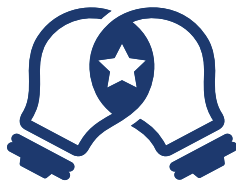
## Determinations Issued

**130** Determinations issued affecting

**157** appeals

valued at

**€443m**



## Settlements Agreed

**732**

valued at

**€2.247 billion**



## Withdrawn by Appellant

**558**

valued at

**€441m**



## Appeals Received

**1,476**

valued at

**€275m**



## Hearings Scheduled

**188** Hearings Scheduled

**95** remotely

valued at

**€1.962 billion**



## CMCs Scheduled

**164**

CMCs Scheduled all remotely valued at

**€4.7 billion**



## Appeals on Hand

At year end

**10% drop**

From 2020 to **2,703**

valued at

**€1,658m**

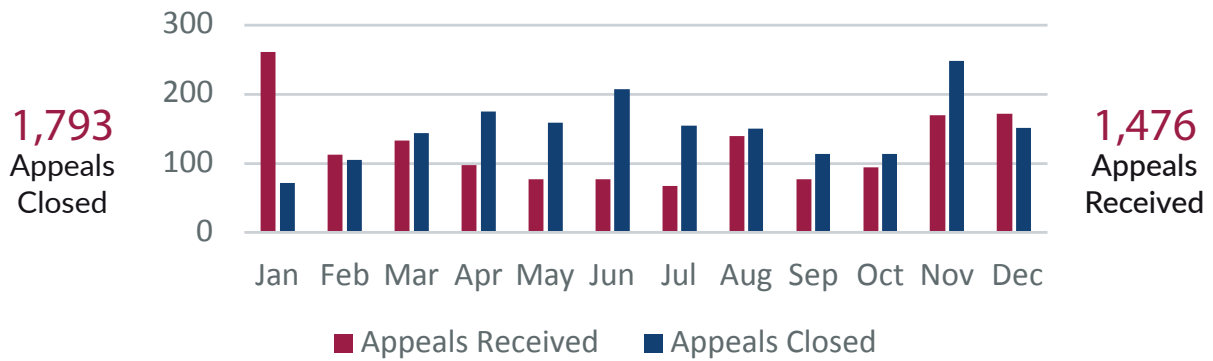
Appeals on hand less those "On Hold" or "Consolidated"

**1,525** (18% less than 2020)



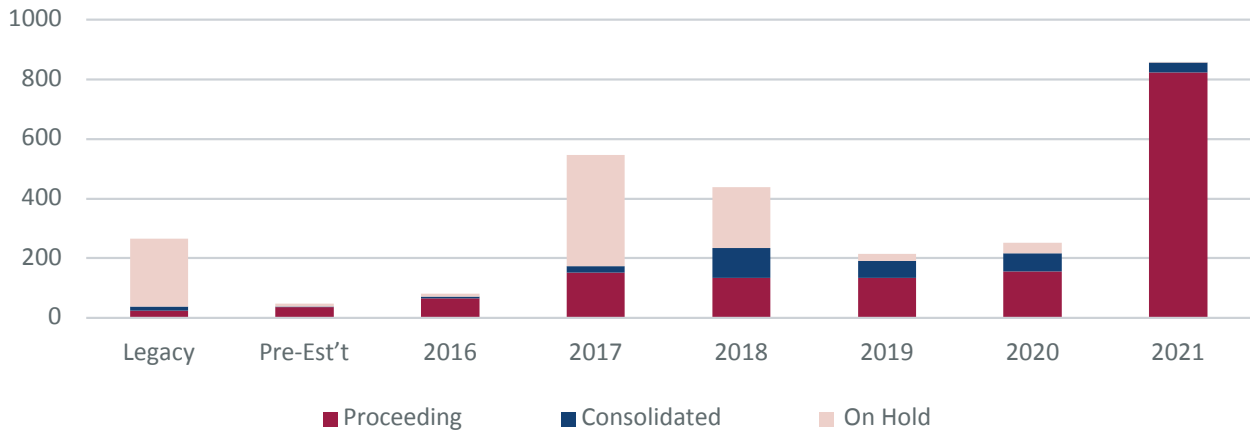
# Headline Statistics

## Appeals Received v. Closed by Month



## 2,703 Appeals on Hand at Year End

**10% drop from 2020**



Appeals on Hand as of 31/12/21, less those "On Hold" or "Consolidated" **1,525**

## Public Contacts

**32,564**  
Emails Issued

**17,934**  
Emails Received

**990**  
Requests for  
Additional Information

**1,577**  
Statements of  
Case Requested

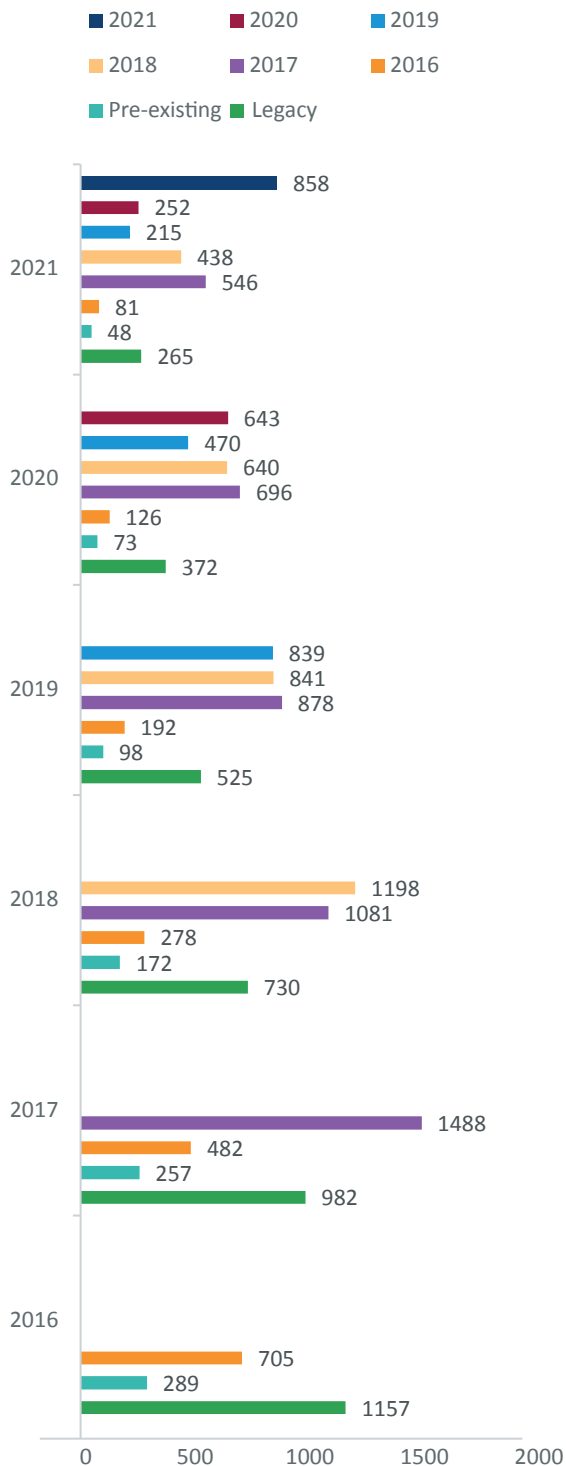
**533**  
Outlines of Argument  
Requested



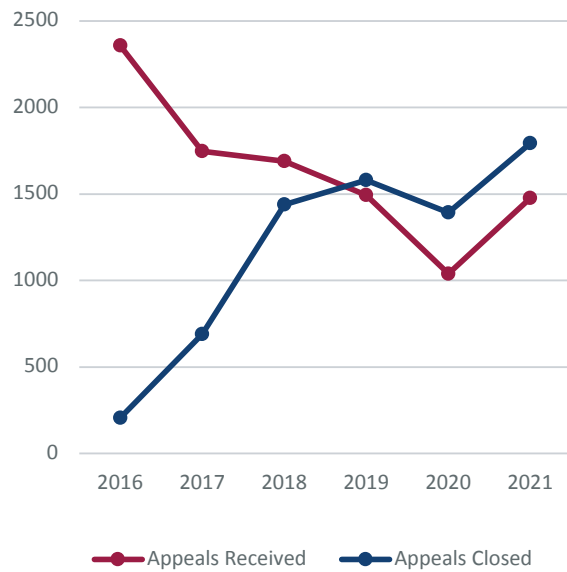
# Appeal Trends in the Commission Since Establishment

## Appeals on Hand

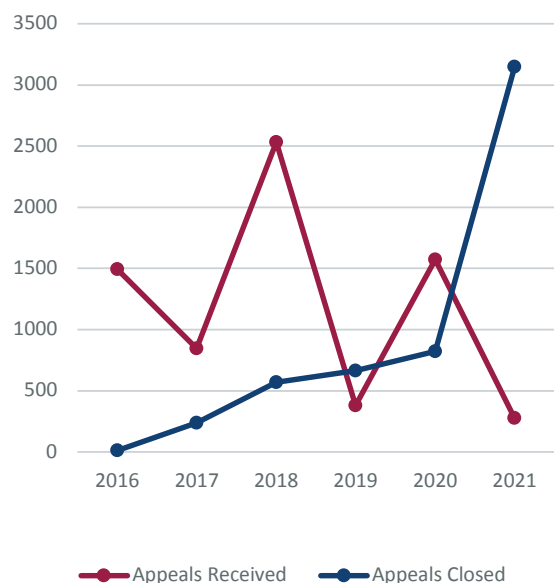
As of year end 2016-2021  
By year/category



## Appeals Received v. Closed Since 2016

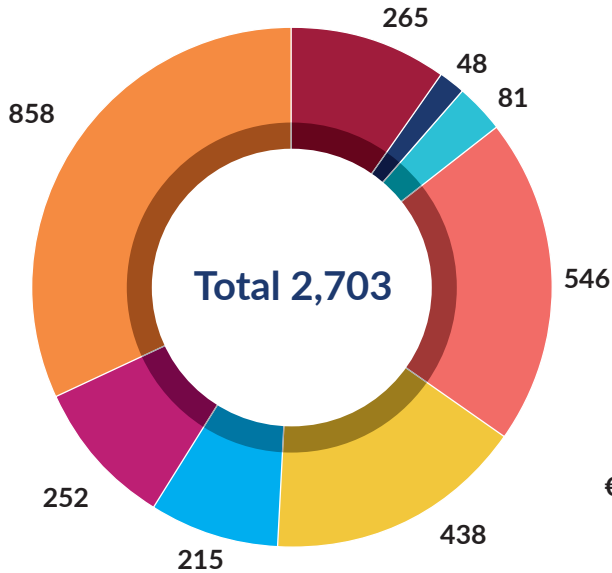


## Quantum of Appeals Received V. Closed since 2016 (€m)

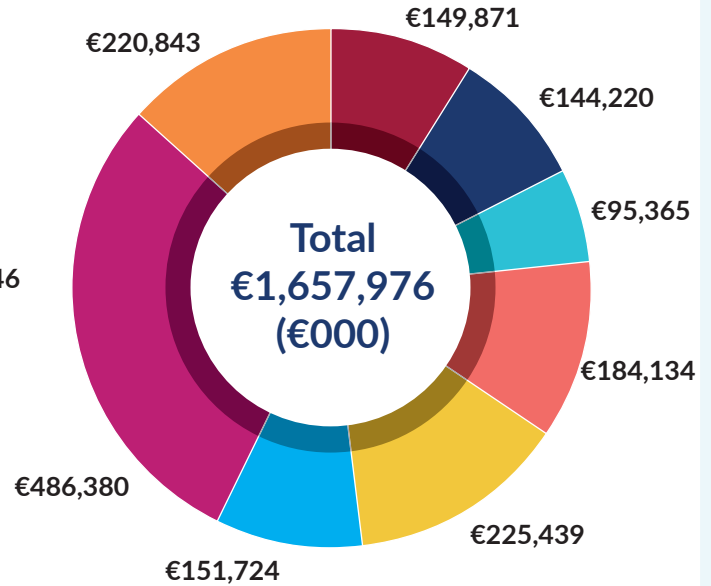


# Current Position of the Commission

## Open Appeals Breakdown



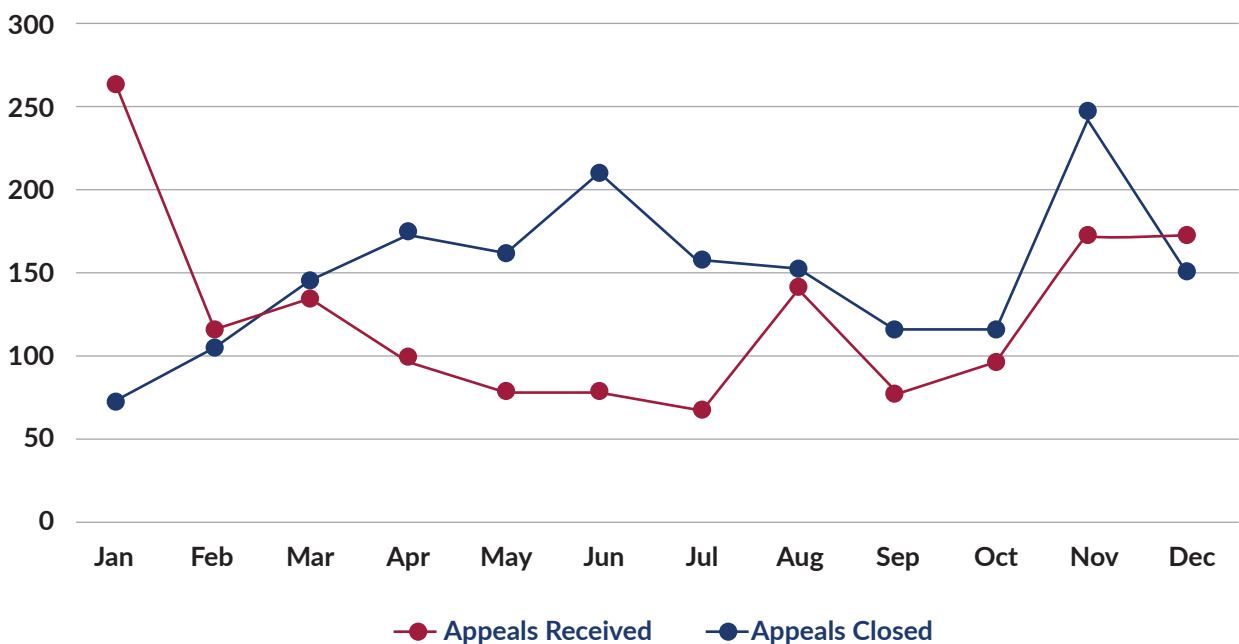
## Open Appeals Quantum Breakdown



- Legacy
- 2016
- 2018
- 2020
- Pre-Est't
- 2017
- 2019
- 2021

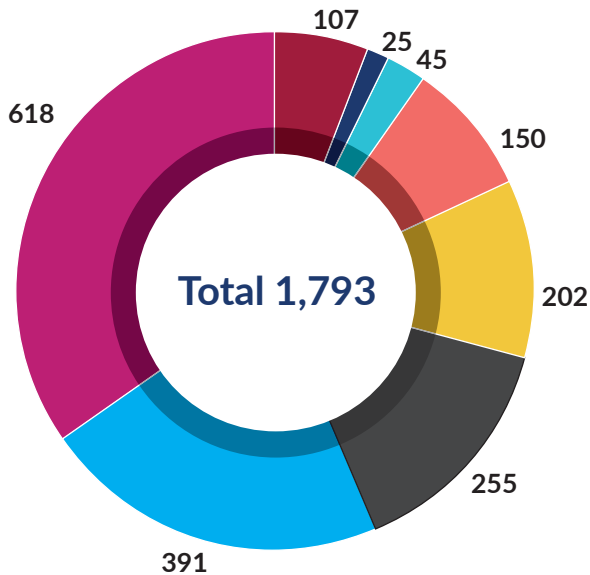
## Developments in 2021

### Appeals Received v. Closed by Month 2021

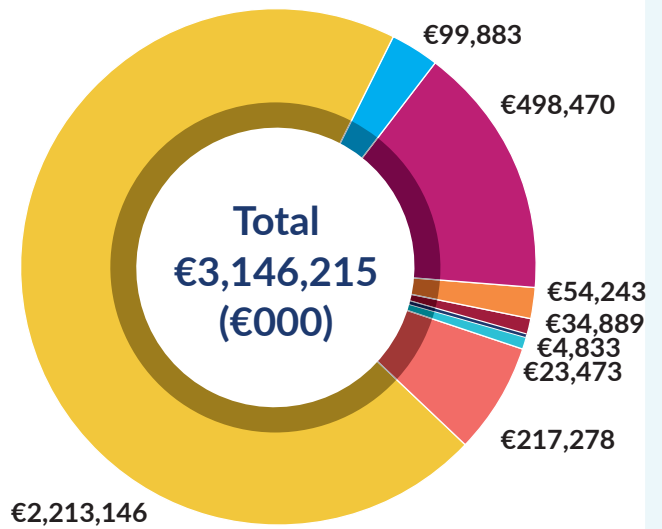


# Appeals Closed in 2021

Total 1,793

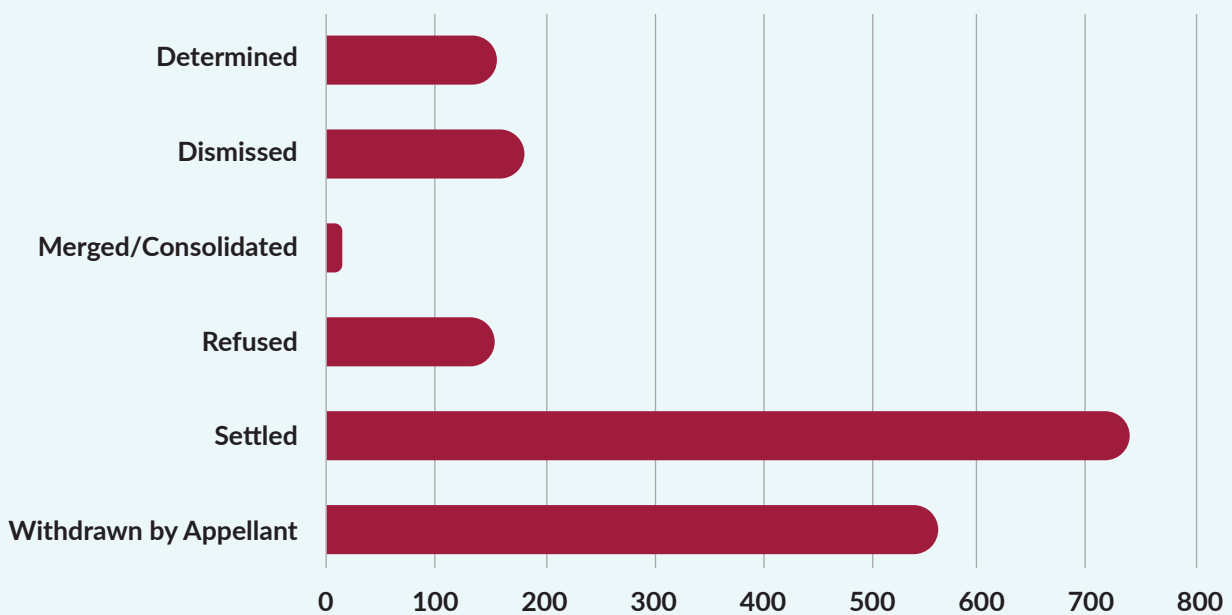


Quantum Breakdown



Legacy
2016
2018
2020  
Pre-Est't
2017
2019
2021

Reason for Appeal Closures Total 1,793





# Key Outputs

# Key Outputs

The objective of the Tax Appeals Commission (“The Commission”) is to fulfil its obligations under the Finance (Tax Appeals) Act 2015 and the Taxes Consolidation Act 1997 (“TCA 1997”), thereby ensuring that all taxpayers may exercise, where appropriate, their right of appeal to an independent body against decisions and assessments of the Revenue Commissioners and the Criminal Assets Bureau (“CAB”).

The following key outputs and public service activities provide performance information to support the Commission in assessing the outputs and outcomes from public expenditure.

Indicator	2018	2019	2020	2021	Output Target 2022
<b>Processing Tax Appeals</b>					
No. of Determinations Issued*	42	111	171	130	200
No. of Appeals on Hand at year-end	3,459	3,373	3,020	2,703	2,500
No. of Hearings scheduled	167	224	229	188	300
Quantum of Appeals on Hand	€4bn	€3.7bn	€4.5bn	€1.7bn	€1.4bn
<b>Organisational Capacity</b>					
No. of staff members at the Commission	19	31.5	33.5	26	37

\* One determination issued in 2019 was related to 32 individual appeals.

**Note 1:** Some of the tables included in the following pages display the “quantum in dispute” for appeals received by the Commission. This quantum figure should be viewed as an estimate on the following basis:

- the original quantum of tax under appeal may be modified post filing of the notice of appeal (i.e. where an aspect of the appeal is settled or withdrawn),
- the parties may disagree in relation to the precise quantum of tax in dispute, or
- the monetary value of an appeal is not always calculable (e.g. in appeals where the rate of tax is in dispute or where the quantum in dispute represents a refusal of loss relief or of deductions or in appeals in relation to the refusal of Tax Clearance Certificates).

**Note 2:** It is important to note that statistics in relation to appeals are continually evolving and are updated on a daily basis in line with correspondence and notifications received. As at Q1 of 2022, this report presents as accurate a picture as possible in relation to statistics in respect of the calendar year, 2021.

## Context and Impact Indicators:

Indicator	2018	2019	2020	2021
Establishing finality and certainty for Appellants and Respondents in respect of tax disputes – (Metric: Number of appeals closed)	1,439	1,580	1,392	1,793
Establishing certainty for the exchequer and PAC in respect of the quantum of tax due – (Metric: Quantum of taxes regarding Appeals Closed)	€569m	€664m	€820m	€3,146m
Providing clarity on the interpretation of Irish Tax Law and assisting in its refinement and effectiveness – (Metric: Quantum of Determinations Issued)	€9m	€59m	€610m	€443m



# Overview of Appeals

# Overview of Appeals

The Commission was established on 21 March 2016. The system of characterisation of appeals reflected the appeals prior to the establishment of the Commission ('pre-establishment appeals'), appeals received post establishment of the Commission ('current appeals') and aged appeals transferred from the Revenue Commissioners ('legacy appeals'). The appeal groups are described accordingly.

## Current Appeals

For the purpose of this report, "current appeals" are those which were received on or after 1 January 2016.

Current appeals are received, processed and determined in accordance with the provisions of Part 40A of TCA 1997. During 2021, the Commission continued to monitor progress of the current appeal files and made decisions (and where appropriate, gave directions) in relation to holding Case Management Conferences ("CMCs"), seeking further information and/or Statements of Case and/or Outlines of Argument. Where possible, appeals were listed for hearing.

The following table provides an overview of the progress made in 2021 in respect of current appeals:

Overview of Current Appeals in 2021		
	No. of Appeals	Quantum* €
Original Total No. of Appeals Received in 2016	901	331m
Original Total No. of Appeals Received in 2017	1,747	848m
Original Total No. of Appeals Received in 2018	1,689	2,532m
Original Total No. of Appeals Received in 2019	1,494	379m
Original Total No. of Appeals Received in 2020	1,039	1,581m
Original Total No. of Appeals Received from 2016 to 2020	6,870	5,671m
Opening Balance - 1 January 2021	2,575	4,195m
No. of Appeals Received in 2021	1,476	275m
No. of Appeals Closed in 2021	(1,661)	(3,106m)
<b>Closing Balance - 31 December 2021</b>	<b>2,390</b>	<b>1,364m</b>
Hearings		
No. of hearings scheduled	137	1,911m
Withdrawn/Settled before hearing	(24)	(1,793m)
Deferred in advance of hearing	(62)	(60m)
Case Management Conferences (CMCs)		
No. of CMCs scheduled (affecting 146 individual appeals)	98	4,628m
Withdrawn/Settled before hearing	(7)	(300m)
Deferred in advance by either party	(19)	(308m)
Determinations		
No. of determinations issued in 2021	111	422m

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

Included in the closing figure at the end of 2021, there are 645 appeals 'On Hold' amounting to €209m and 281 appeals with a status of 'Consolidated' or 'Merged' amounting to €438m. If the overall year-end figures were amended to reflect this, then the year-end number of current appeals on hand that the Commission is able to actively progress would be reduced to 1,464 with a quantum of approximately €717m.

## Legacy Appeals

Legacy appeals are aged appeals that were made directly to the Revenue Commissioners prior to the establishment of the Commission. In the second half of 2016, 2,758 legacy appeals were transferred to the Commission in accordance with Part 40A TCA 1997. Following a detailed initial review of the files, 1,600 of the appeals were grouped with related appeals or with lead-follower appeals. In light of this review, the number of individual appeals reduced from 2,758 to 1,158.

The following table provides an overview of the progress made in 2021 in respect of legacy appeals:

Overview of Legacy Appeals in 2021		
	No. of Appeals	Quantum* €
Original Total No. of Appeals Received	1,158	798m
Opening Balance - 1 January 2021	372	185m
No. of Appeals Closed in 2021	(107)	(35m)
<b>Closing Balance - 31 December 2021</b>	<b>265</b>	<b>150m</b>
Hearings		
No. of hearings scheduled	36	47m
Withdrawn/Settled before hearing	(6)	(4m)
Deferred in advance of hearing	(20)	(24m)
Case Management Conferences (CMCs)		
No. of CMCs scheduled (affecting 113 individual appeals)	49	76m
Withdrawn/Settled before hearing	(3)	(6m)
Deferred in advance by either party	(9)	(11m)
Determinations		
No. of determinations issued in 2021	7	10m

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

Included in the closing figure at the end of 2021, there are 226 appeals 'On Hold' amounting to €47m and 14 appeals with a status of 'Consolidated' or 'Merged' amounting to €9m. If the overall year-end figures were amended to reflect this, then the year-end number of legacy appeals on hand that the Commission is able to actively progress would be reduced to 25 with a quantum of approximately €94m. Of the 25 remaining active appeals, 11 of these have been progressed to an advanced stage.





## Pre-Establishment Appeals

Pre-Establishment appeals are appeals which were on hand in the Office of the Appeal Commissioners prior to the establishment of the Commission in 2016.

The following table provides an overview of the progress made in 2021 in respect of Pre-Establishment appeals:

Overview of Pre-Establishment Appeals in 2021		
	No. of Appeals	Quantum* €
Original Total No. of Appeals Received	298	363m
Opening Balance - 1 January 2021	73	149m
No. of Appeals Closed in 2021	(25)	(5m)
<b>Closing Balance - 31 December 2021</b>	<b>48</b>	<b>144m</b>
Hearings		
No. of hearings scheduled	15	4m
Withdrawn/Settled before hearing	(2)	
Deferred in advance of hearing	(11)	(3m)
Case Management Conferences (CMCs)		
No. of CMCs scheduled (affecting 54 individual appeals)	17	17m
Deferred in advance by either party	(4)	(0.2m)
Determinations		
No. of determinations issued in 2021	12	11m

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

Included in the closing figure at the end of 2021, there are 9 appeals 'On Hold' amounting to €2m and 3 appeals with a status of 'Consolidated' or 'Merged'. If the overall year-end figures were amended to reflect this, then the year-end number of Pre-Establishment appeals on hand that the Commission is able to actively progress would be reduced to 36 with a quantum of approximately €142m. Of the 36 remaining active appeals, 20 of these have been progressed to an advanced stage.

## Number of Appeals per Year Received

The following table provides an outline of the number of appeals received and closed since the Commission was established in 2016:

	Total	Legacy	Pre- Est't	Current					
				2016	2017	2018	2019	2020	2021
<b>2016</b>									
Appeals received in 2016*	2,357	1,158	298	901					
Closed in 2016	(206)	(1)	(9)	(196)					
<b>Balance (31/12/16)</b>	<b>2,151</b>	<b>1,157</b>	<b>289</b>	<b>705</b>					
<b>2017</b>									
Appeals received in 2017	1,747				1,747				
Closed in 2017	(689)	(175)	(32)	(223)	(259)				
<b>Balance (31/12/17)</b>	<b>3,209</b>	<b>982</b>	<b>257</b>	<b>482</b>	<b>1,488</b>				
<b>2018</b>									
Appeals received in 2018	1,689					1,689			
Closed in 2018	(1,439)	(252)	(85)	(204)	(407)	(491)			
<b>Balance (31/12/18)</b>	<b>3,459</b>	<b>730</b>	<b>172</b>	<b>278</b>	<b>1,081</b>	<b>1,198</b>			
<b>2019</b>									
Appeals received in 2019	1,494						1,494		
Closed in 2019**	(1,580)	(205)	(74)	(86)	(203)	(357)	(655)		
<b>Balance (31/12/19)</b>	<b>3,373</b>	<b>525</b>	<b>98</b>	<b>192</b>	<b>878</b>	<b>841</b>	<b>839</b>		
<b>2020</b>									
Appeals received in 2020	1,039							1,039	
Closed in 2020	(1,392)	(153)	(25)	(66)	(182)	(201)	(369)	(396)	
<b>Balance (31/12/20)</b>	<b>3,020</b>	<b>372</b>	<b>73</b>	<b>126</b>	<b>696</b>	<b>640</b>	<b>470</b>	<b>643</b>	
<b>2021</b>									
Appeals received in 2021	1,476								1,476
Closed in 2021	(1,793)	(107)	(25)	(45)	(150)	(202)	(255)	(391)	(618)
<b>Balance (31/12/21)</b>	<b>2,703</b>	<b>265</b>	<b>48</b>	<b>81</b>	<b>546</b>	<b>438</b>	<b>215</b>	<b>252</b>	<b>858</b>
<b>Summary</b>									
Appeals received	9,802	1,158	298	901	1,747	1,689	1,494	1,039	1,476
Appeals Closed	(7,099)	(893)	(250)	(820)	(1,201)	(1,251)	(1,279)	(787)	(618)
<b>Balance (31/12/21)</b>	<b>2,703</b>	<b>265</b>	<b>48</b>	<b>81</b>	<b>546</b>	<b>438</b>	<b>215</b>	<b>252</b>	<b>858</b>

\* As a result of the review of the legacy files in 2017, the Commission reduced the original number of legacy appeals received from 2,758 to 1,158 by grouping tax years of assessments relating to the same appellants and by grouping related issues.

In many instances, an appellant will appeal the same issue over multiple tax years of assessment and in such instances, these appeals are grouped as one appeal. In appeals where a taxpayer has appealed to the Revenue Commissioners prior to the establishment of the Commission (a 'legacy appeal') and subsequently appeals a post-establishment tax year of assessment, these appeals may be grouped as one appeal. For administrative purposes, appeals are grouped if appropriate however, not all related appeals are suitable for grouping.

\*\*One appeal that was closed in 2019, was subsequently re-opened in 2020 at the request of the Appellant. However, in 2021, the Appellant informed the Commission that the original closure date of 2019 be re-instated which has resulted in the figure for appeals closed in 2019 differing slightly to the Annual Report 2020.

- Approximately 26% of appeals (open and closed) in 2021 are, or were, managed by an agent for the appellant.
- Approximately 21.5% of the appeals have multiple tax years of assessment or periods of assessment in dispute.
- Nearly 700 appeals currently on hand are identified as part of groups of appeals, where a similar issue(s) are under appeal.

### Appeals 'On Hold' and 'Consolidated'

Some appeals have a current status of 'On Hold' for various reasons e.g. pending High Court decisions, the outcome of another 'lead' appeal or parties requiring time for settlement discussions. Other appeals may have a status of 'Consolidated' or 'Merged' which are appeals in relation to one appellant but are of a similar issue so the Commission can progress all of the appeals at the same time as if they were just one appeal.

In light of the above, there are 880 appeals 'On Hold' amounting to €258m and 298 appeals with a status of 'Consolidated' or 'Merged' amounting to €448m. If the overall year-end figures were amended to reflect this, then the year-end number of appeals on hand that the Commission is able to actively progress would be reduced to 1,525 with a quantum of approximately €953m.

The following table provides an outline of the current number of appeals on hand that require progression as at 31 December 2021:

	Total	Legacy	Pre-Est't	Current					
				2016	2017	2018	2019	2020	2021
<b>Balance (31/12/21)</b>	<b>2,703</b>	<b>265</b>	<b>48</b>	<b>81</b>	<b>546</b>	<b>438</b>	<b>215</b>	<b>252</b>	<b>858</b>
Appeals 'On Hold'	(880)	(226)	(9)	(9)	(372)	(203)	(23)	(36)	(2)
Appeals 'Consolidated / Merged'	(298)	(14)	(3)	(6)	(23)	(101)	(57)	(60)	(34)
<b>Amended Balance</b>	<b>1,525</b>	<b>25</b>	<b>36</b>	<b>66</b>	<b>151</b>	<b>134</b>	<b>135</b>	<b>156</b>	<b>822</b>

## Appeals Received in 2021

The Commission received 1,476 appeals in 2021, which was 437 (or 42%) more than the number received in 2020. All appeals received have been reviewed and are being processed through the stages. An outline of appeals received and the quantum of tax under appeal in 2021 is broken down as follows:

2021 Month	No. of Appeals Received	Quantum* €000
Jan	261	58,453
Feb	112	7,225
Mar	133	3,742
Apr	97	5,945
May	77	1,256
Jun	77	3,702
Jul	67	1,985
Aug	139	6,778
Sep	77	6,954
Oct	94	33,267
Nov	170	42,492
Dec**	172	103,287
<b>TOTAL</b>	<b>1,476</b>	<b>275,086</b>

Tax Type of Appeals Received***	No. of Appeals Received	% of Total	Quantum* €000
IT	755	51	65,212
VAT	93	6	14,416
VRT	132	9	408
CT	59	4	133,352
Other****	155	11	14,670
CGT	109	7	41,200
CAT	8	1	292
Covid-Related*****	165	11	5,536
<b>TOTAL</b>	<b>1,476</b>	<b>100</b>	<b>275,086</b>

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

\*\* Two appeals received in the last two weeks of December 2021 amounted to approximately €63 million. Had these appeals been omitted from the annual total, the quantum figure for appeals received in 2021 would have totalled €212 million.

\*\*\* For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head. An analysis of multiple tax types can be found later in this chapter.

\*\*\*\* Other includes C&E, DIRT, DWT, LPT, RCT and Stamp Duty.

\*\*\*\*\* Covid-Related includes CRSS, EWSS & TWSS.

## Appeals Closed in 2021

The Commission closed 1,793 appeals in 2021, by determination, settlement, withdrawal, refusal, merging or dismissal of the appeal. This is also the third year that the Commission closed more appeals than it received, resulting in a fall of 317 (or 10%) in the number of appeals on hand at year end. An outline of appeals closed in 2021 is as follows:

2021 Month	No. of Appeals Closed	Quantum* €000
Jan	71	7,533
Feb	105	7,120
Mar	144	308,625
Apr	175	25,267
May	159	15,770
Jun	207	52,785
Jul	155	437,120
Aug	150	97,582
Sep	114	20,319
Oct	114	1,713,102
Nov	248	451,482
Dec	151	9,510
<b>TOTAL</b>	<b>1,793</b>	<b>3,146,215</b>

Reason for Appeal Closures	No. of Appeals Closed	Quantum* €000
Determinations Issued (130 actual)	157	442,711
Dismissed	182	9,855
Merged / Consolidated	9	337
Refused	155	5,047
Settled	732	2,247,495
Withdrawn by Appellant	558	440,770
<b>TOTAL</b>	<b>1,793</b>	<b>3,146,215</b>

Tax Type of Appeals Closed**	No. of Appeals Closed	% of Total	Quantum* €000
IT	860	48	135,859
VAT	183	10	17,958
VRT	227	13	1,394
CT	114	6	2,910,952
Other***	168	9	23,853
CGT	132	7	46,105
CAT	29	2	8,998
Covid-Related****	80	5	1,096
<b>TOTAL</b>	<b>1,793</b>	<b>100</b>	<b>3,146,215</b>

Category/Year Received	No. of Appeals Closed	Quantum* €000
Legacy	107	34,889
Pre Est't	25	4,833
2016	45	23,473
2017	150	217,278
2018	202	2,213,146
2019	255	99,883
2020	391	498,470
2021	618	54,243
<b>TOTAL</b>	<b>1,793</b>	<b>3,146,215</b>

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

\*\* For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head. An analysis of multiple tax types can be found later in this chapter.

\*\*\* Other includes C&E, DIRT, DWT, LPT, RCT and Stamp Duty.

\*\*\*\* Covid-Related includes CRSS, EWSS & TWSS.

## Appeals Listed for Hearing in 2021

During 2021, 188 hearings affecting 309 appeals with a total quantum of €1,962m were scheduled over 333 days. In 2020, 229 hearings were scheduled in relation to 452 individual appeals with a quantum of €1,531m. Although the quantum scheduled in 2021 was greater than 2020 by €431m, the number of hearings scheduled fell by 41 due to the magnitude of individual appeals and the vacated office of Appeal Commissioners due to expiry of their fixed terms. The duration of the hearings ranged from a half day to four weeks.

The following provides information on the outcome of the hearings scheduled:

Outcome*	2021	Quantum** €000	2020	Quantum** €000
<b>Scheduled but Deferred or Withdrawn Prior to Hearing</b>				
Settled / Withdrawn prior to hearing	32	1,797,436	22	192,597
Adjourned / Deferred prior to hearing	93	86,582	130	139,981
<i>Subtotal</i>	125	1,884,018	152	332,578
<b>Proceeded</b>				
S949AA – Withdrawn for non-attendance	3	25	3	29
Settled after hearing	5	216	6	852
Hearing commenced and adjourned	17	36,673	17	10,619
Hearing concluded for determination	38	41,487	51	1,186,523
<i>Subtotal</i>	63	78,401	77	1,198,023
<b>Total</b>	<b>188</b>	<b>1,962,419</b>	<b>229</b>	<b>1,530,601</b>

\* It is possible that the status of an appeal cited above may have changed e.g. appeals recorded above as 'concluded for determination' may be determined by the publication date of this report. Similarly, some hearings adjourned may have settled or may have become 'concluded for determination'.

\*\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

Hearings can be adjourned for a number of reasons, e.g. to allow for submission of further evidence or to continue the hearing on a subsequent hearing date if it does not conclude on the initial hearing date. Also, depending on the circumstances, hearings may be adjourned to await the outcome of court proceedings which have to be taken into account by a Commissioner. Although 188 hearings were scheduled in 2021, 93 hearings were adjourned before a hearing could take place which was a reduction of 37 in comparison to 2020.

95 hearings were scheduled remotely in 2021 compared to 33 in 2020.

The following provides information in relation to the quantum of tax at issue, in respect of appeals scheduled for hearing in 2021:

Outcome**	Category / Year Opened								Total	Quantum* €000
	Legacy	Pre Est't	2016	2017	2018	2019	2020	2021		
<b>Scheduled but Deferred or Withdrawn Prior to Hearing</b>										
Settled / Withdrawn prior to hearing	6	2	1	2	4	8	8	1	32	1,797,436
Adjourned prior to hearing										
- By Appellant	16	8	6	8	9	10	7		64	59,223
- By Revenue	1	1		5	5	5	4		21	22,526
- By the Commission	3	2	1			1	1		8	4,833
<i>Subtotal</i>	26	13	8	15	18	24	20	1	125	1,884,018
<b>Proceeded **</b>										
Settled after hearing			1	1		1	2		5	216
S949AA - Withdrawn for non-attendance				2		1			3	25
Hearing commenced and adjourned	4	2	1	2	1	3	4		17	36,673
Hearing concluded and awaiting determination	6		4	4	8	7	7	2	38	41,487
<i>Subtotal</i>	10	2	6	9	9	12	13	2	63	78,401
<b>Total</b>	<b>36</b>	<b>15</b>	<b>14</b>	<b>24</b>	<b>27</b>	<b>36</b>	<b>33</b>	<b>3</b>	<b>188</b>	<b>1,962,419</b>

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

\*\*It is possible that the status of an appeal cited above may have changed e.g. appeals recorded above as 'concluded for determination' may be determined by the publication date of this report. An analysis of multiple tax types can be found later in this chapter.

## Determinations Issued

Part 40A, Chapter 5 of TCA 1997 contains provisions for the notification and publication of determinations by the Commission. Section 949AO requires the Appeal Commissioners to publish a report of each of their determinations on the Commission’s website not later than 90 days after the parties have been notified of same. Details of all determinations issued in 2021 and the relevant publication period are set out below.

Number of Determinations Issued in 2021						
	No. of Appeals Determined			Total No. of Appeals Affected		
	2021	2020	2019	2021	2020	2019
Determinations issued without the need for a hearing (s. 949U)	58	101	48	58	105	49
Determinations issued relating to appeals heard in 2021	42			58		
Determinations issued relating to appeals heard in 2020	7	43		12	53	
Determinations issued relating to appeals heard in 2019*	7	12	16	8	16	21
Determinations issued relating to appeals heard in 2018	7	11	3	10	13	4
Determinations issued relating to appeals heard in 2017	4	3	41	6	3	42
Determinations issued relating to appeals heard in 2016	5	1	3	5	1	3
<b>TOTAL</b>	<b>130</b>	<b>171</b>	<b>111</b>	<b>157</b>	<b>191</b>	<b>119</b>

\* One determination issued in 2019 was related to 32 individual appeals. In accordance with the legislation, 32 separate determinations were issued.

The above table does not reflect the complexity of each appeal or the time required to hear and determine same. To increase efficiencies and maximise the use of the Commission’s resources, CMCs are scheduled where it appears that they may assist in progressing an appeal. Where appropriate, parties are encouraged to avail of the section 949U facility for a determination without a hearing.



The following table provides information on the quantum of tax in dispute in relation to determinations issued in 2021 and the category/year in which the Commission received the appeal:

	Category / Year Received								Total	Quantum* €000
	Legacy	Pre Est't	2016	2017	2018	2019	2020	2021		
Determinations issued without the need for a hearing (s. 949U)		2		9	3	12	28	4	58	347
Determinations issued relating to appeals heard in 2021	7	3	5	5	7	5	8	2	42	19,693
Determinations issued relating to appeals heard in 2020				3	3	1			7	399,472
Determinations issued relating to appeals heard in 2019		1	1	3	2				7	645
Determinations issued relating to appeals heard in 2018		1	4		2				7	2,428
Determinations issued relating to appeals heard in 2017		1	3						4	19,732
Determinations issued relating to appeals heard in 2016		4	1						5	394
<b>Total</b>	<b>7</b>	<b>12</b>	<b>14</b>	<b>20</b>	<b>17</b>	<b>18</b>	<b>36</b>	<b>6</b>	<b>130</b>	<b>442,711</b>

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figures is calculated.

Summary of Determinations Issued in 2021 by Tax Type\*

	2021		2020	
	No. of Appeals Determined	Quantum** €000	No. of Appeals Determined	Quantum** €000
IT	72	10,891	82	4,701
VAT	14	1,928	14	554
VRT	35	186	53	273
CT	6	405,252	6	1,833
Other***	18	1,657	16	590,543
CGT	10	22,474	15	10,313
CAT	2	323	5	1,531
<b>TOTAL</b>	<b>157</b>	<b>442,711</b>	<b>191</b>	<b>609,748</b>

Reason for Appeal Closures	No. of Appeals Closed	Quantum** €000
Determinations Issued (130 actual)	157	442,711
Dismissed	182	9,855
Merged / Consolidated	9	337
Refused	155	5,047
Settled	732	2,247,495
Withdrawn by Appellant	558	440,770
<b>TOTAL</b>	<b>1,793</b>	<b>3,146,215</b>

\* For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head. An analysis of multiple tax types can be found later in this chapter.

\*\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

\*\*\* Other includes RCT, LPT, C&E, DIRT, PSWT, Stamp Duty and DWT.



## Case Management Conferences in 2021

During 2021, 164 CMCs affecting 290 appeals, amounting to €4,721m were scheduled by the Commission. The quantum scheduled in 2021 was greater than 2020 by €4,127m but this was due to five appeals with a high value. The duration of the CMCs ranged from less than an hour to two days; most concluded within a day. CMCs were found to be particularly beneficial in progressing older appeals or appeals in which an impasse had arisen.

Matters dealt with at CMC may include the following:

- clarifying the issues between the parties and identifying areas where agreement might be reached;
- identifying any additional written materials that are to be provided by either party in advance of the hearing;
- identifying the time required by both parties to prepare additional written materials which will be required for the hearing;
- identifying whether it would be useful in advance of the hearing to have a jointly agreed description of the facts in writing or other jointly agreed approaches to the collation of written evidence or legal arguments to be heard at the hearing;
- confirming that all directions issued by the Appeal Commissioners in the appeal have been complied with;
- identifying whether, in addition to the provision of written materials, any other steps are required to be taken in advance of the hearing;
- clarifying the estimated time required for the hearing;
- agreeing a suitable time and date for the hearing which is convenient for all parties;
- dealing with preliminary issues.

The following provides information on the outcome of the CMCs scheduled in 2021:

Outcome	No. of CMCs Held		Total No. of Appeals Affected	
	2021	2020	2021	2020
<b>Scheduled but Deferred Before CMC</b>				
Settled / Withdrawn prior to CMC	10	10	15	16
Adjourned prior to CMC	32	70	51	97
<i>Subtotal</i>	42	80	66	113
<b>Proceeded</b>				
Settled / Withdrawn after CMC	4	5	11	8
Dismissed	4	14	5	15
Awaiting determination without a need to proceed to hearing	3	2	8	3
CMC to be re-scheduled	24	24	49	80
Hearing to be scheduled	54	40	87	71
Proceeding	33	22	64	23
<i>Subtotal</i>	122	107	224	200
<b>TOTAL</b>	<b>164</b>	<b>187</b>	<b>290</b>	<b>313</b>

All 164 CMCs in 2021 were scheduled remotely, compared to 144 in 2020.

The following table provides information on the category/year in which the Commission scheduled a CMC in 2021:

Outcome*	Category / Year Received							Total	Quantum** €000
	Legacy	Pre Est't	2016	2017	2018	2019	2020		
Settled / Withdrawn prior to CMC	3			2	4	1		10	306,256
Adjourned prior to hearing	9	4	4	5	4	4	2	32	319,252
<i>Subtotal</i>	12	4	4	7	8	5	2	42	625,508
Settled / Withdrawn after CMC	2		1	1				4	737
Dismissed		1	1	1	1			4	12,382
Awaiting determination without a need to proceed to hearing	1	1			1			3	1,082
CMC to be re-scheduled	10	3	4	1	4	2		24	3,312,581
Hearing to be scheduled	18	4	9	8	5	8	2	54	134,612
Proceeding	6	4	1	8	8	3	3	33	633,875
<i>Subtotal</i>	37	13	16	19	19	13	5	122	4,095,269
<b>TOTAL</b>	<b>49</b>	<b>17</b>	<b>20</b>	<b>26</b>	<b>27</b>	<b>18</b>	<b>7</b>	<b>164</b>	<b>4,720,777</b>

\*It is possible that the status of an appeal cited above may have changed e.g. appeals recorded above as 'concluded for determination' may be determined by the publication date of this report.

\*\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

## Progress Made on Appeals in 2021

In addition to closing 1,793 appeals in 2021, the Commission also:

- Issued 870 requests for a statement of case from Appellants in relation to 650 individual appeals and 707 requests from the Revenue Commissioners/CAB, relating to 619 individual appeals.
- Issued 286 requests seeking an outline of arguments from the Appellant in relation to 233 individual appeals and 247 requests from the Revenue Commissioners/CAB, relating to 224 individual appeals.
- Sought additional information on 617 occasions from Appellants, in relation to 506 individual appeals and 373 requests from the Revenue Commissioners/CAB, relating to 304 individual appeals.
- Granted 924 requests for an extension of time to comply with a direction issued by the Commission to Appellants in relation to 536 individual appeals and 812 requests to the Revenue Commissioners/CAB relating to 484 individual appeals.
- Granted a request for a stay in proceedings on 127 occasions to Appellants in relation to 105 individual appeals and 117 requests to the Revenue Commissioners/CAB relating to 101 individual appeals.
- Held 164 CMCs in relation to 290 appeals.
- Listed 188 hearings in relation to 309 appeals.
- Issued 130 determinations in relation to 157 appeals.
- The overall quantum on hand has been reduced by 63% from €4.5bn to 1.6bn which is a reduction of €2.9bn.

Correspondence issued by the Commission in progressing appeals in 2021			
	Appellant	Revenue	Total
No. of Extensions Granted*	924	812	1,736
No. of Requests for Additional Information*	617	373	990
No. of Hold/Stay Requests Granted	127	117	244
No. of Statements of Case Requested	870	707	1,577
No. of Outlines of Arguments Requested*	286	247	533
No. of Updates Requested*	410	235	645

\*A number of requests issued in 2021 were related to appeals identified as part of groups of appeals where a similar issue(s) is in dispute. This has resulted in the number of requests being substantially greater than those issued in 2020.

The following outlines the position of the number of appeals on hand at year-end:

Category	No. of Appeals on Hand		Difference
	End 2021	End 2020	
Legacy	265	372	(107)
Pre-Establishment	48	73	(25)
2016	81	126	(45)
2017	546	696	(150)
2018	438	640	(202)
2019	215	470	(255)
2020	252	643	(391)
2021	858		858
<b>TOTAL</b>	<b>2,703</b>	<b>3,020</b>	<b>(317)</b>

## Appeals – Main Tax Types

Many appeals involve more than one tax head or more than one type of credit, deduction, relief or exemption. The table below contains information relating to the main tax types disputed across appeals opened and closed in 2021:

Main Tax Type or Issue of Appeals Opened/Closed in 2021				
Tax Type *	No. of Appeals Received	Quantum** €000	No. of Appeals Closed	Quantum** €000
IT	755	65,212	860	135,859
VAT	93	14,416	183	17,958
VRT	132	408	227	1,394
CT	59	133,352	114	2,910,952
Other***	155	14,670	168	23,853
CGT	109	41,200	132	46,105
CAT	8	292	29	8,998
Covid-Related****	165	5,536	80	1,096
<b>TOTAL</b>	<b>1,476</b>	<b>275,086</b>	<b>1,793</b>	<b>3,146,215</b>

\* For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head. An analysis of multiple tax types can be found later in this chapter.

\*\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated.

\*\*\* Other includes RCT, LPT, C&E, DIRT, PSWT, Stamp Duty and DWT.

\*\*\*\* Covid-Related includes CRSS, EWSS & TWSS.

During 2021, income tax remained the tax most frequently appealed, arising in 51% of appeals received. VAT, VRT, CGT and Covid-related tax disputes made up a further 33% of the appeals on hand.

There was a 42% increase in the number of tax appeals received by the Commission in 2021 but this is similar to the number of appeals received in previous years, with the exception of 2020 when severe pandemic restrictions were first introduced, curtailing all economic activity in the State.

In 2021, the Commission received 123 appeals which referenced either PAYE, PRSI or USC. The combined total of these accounted for 8% of all appeals received in 2021. Although some of these appeals relate to appealable matters, others were queries in relation to tax liabilities as opposed to appeals of tax assessments or determinations. Such queries are more appropriately addressed through the Revenue Commissioners' customer service channels.

The following table outlines the top four tax types which were referenced in appeals from 21 March 2016. The increase in the number of appeals received post 2016 resulted in a consequent increase in the number of appeals under each of the four main tax heads and under all other tax heads.

Top Four Tax Types Referenced in Appeals from 2016*					
Year	Total No. of Appeals Received	IT	VAT	VRT	CT
2016	901	472	87	104	52
2017	1,747	1,114	141	129	125
2018	1,689	906	196	205	131
2019	1,494	630	311	182	90
2020	1,039	521	129	140	62
2021	1,476	755	93	132	59

\* For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head. An analysis of multiple tax types can be found later in this chapter.

The following table provides an outline of the main tax types disputed across appeals opened and closed since the Commission was established in 2016:

Main Tax Type of Appeals Opened / Closed since 2016*									
	Total	IT	CT	CGT	VAT	CAT	VRT	CRSS/ EWSS/ TWSS	Other**
<b>2016</b>									
Appeals Received	2,357	1,496	139	225	174	57	111		155
Appeals Closed	(206)	(102)	(14)	(7)	(9)	(6)	(31)		(37)
<b>Closing Balance</b>	<b>2,151</b>	<b>1,394</b>	<b>125</b>	<b>218</b>	<b>165</b>	<b>51</b>	<b>80</b>		<b>118</b>
<b>2017</b>									
Appeals Received	1,747	1,114	125	97	141	35	129		106
Appeals Closed	(689)	(408)	(44)	(72)	(55)	(11)	(48)		(51)
<b>Closing Balance</b>	<b>3,209</b>	<b>2,100</b>	<b>206</b>	<b>243</b>	<b>251</b>	<b>75</b>	<b>161</b>		<b>173</b>
<b>2018</b>									
Appeals Received	1,689	906	131	99	196	40	205		112
Appeals Closed	(1,439)	(822)	(95)	(93)	(109)	(34)	(169)		(117)
<b>Closing Balance</b>	<b>3,459</b>	<b>2,184</b>	<b>242</b>	<b>249</b>	<b>338</b>	<b>81</b>	<b>197</b>		<b>168</b>
<b>2019</b>									
Appeals Received	1,494	630	90	81	311	51	182		149
Appeals Closed	(1,580)	(774)	(78)	(146)	(255)	(36)	(174)		(117)
<b>Closing Balance</b>	<b>3,373</b>	<b>2,040</b>	<b>254</b>	<b>184</b>	<b>394</b>	<b>96</b>	<b>205</b>		<b>200</b>
<b>2020</b>									
Appeals Received	1,039	521	62	99	129	16	140		72
Appeals Closed	(1,392)	(725)	(82)	(136)	(195)	(21)	(153)		(80)
<b>Closing Balance</b>	<b>3,020</b>	<b>1,836</b>	<b>234</b>	<b>147</b>	<b>328</b>	<b>91</b>	<b>192</b>		<b>192</b>
<b>2021</b>									
Appeals Received	1,476	755	59	109	93	8	132	165	155
Appeals Closed	(1,793)	(860)	(114)	(132)	(183)	(29)	(227)	(80)	(168)
<b>Closing Balance</b>	<b>2,703</b>	<b>1,731</b>	<b>179</b>	<b>124</b>	<b>238</b>	<b>70</b>	<b>97</b>	<b>85</b>	<b>179</b>

\* For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head. An analysis of multiple tax types can be found later in this chapter.

A review of all appeals opened and closed on the Case Management System from 21 March 2016 also took place in 2020 by the C&AG. Each individual appeal was reviewed separately. Any inconsistencies or duplications were analysed and amended accordingly, resulting in the above figures differing slightly to the Annual Report 2020.

\*\* Other includes RCT, LPT, C&E, DIRT, PSWT, Stamp Duty and DWT.



The following table outlines the quantum figures per tax head in relation to appeals received and closed since the Commission was established in 2016:

Main Tax Type of Appeals Opened / Closed since 2016 by Quantum*									
	Total	IT	CT	CGT	VAT	CAT	VRT	CRSS/ EWSS/ TWSS	Other**
	€m	€m	€m	€m	€m	€m	€m	€m	€m
<b>2016</b>									
Appeals Received	1,492.26	498.15	511.23	224.53	97.99	67.35	0.17		92.84
Appeals Closed	(10.99)	(7.85)	(0.13)	(0.15)	(0.27)	(0.28)	(0.06)		(2.25)
<b>Closing Balance</b>	<b>1,481.27</b>	<b>490.30</b>	<b>511.10</b>	<b>224.38</b>	<b>97.72</b>	<b>67.07</b>	<b>0.11</b>		<b>90.59</b>
<b>2017</b>									
Appeals Received	847.54	81.12	605.59	22.44	118.37	6.92	0.50		12.60
Appeals Closed	(238.62)	(33.49)	(147.60)	(44.63)	(9.89)	(1.34)	(0.13)		(1.54)
<b>Closing Balance</b>	<b>2,090.19</b>	<b>537.93</b>	<b>969.09</b>	<b>202.19</b>	<b>206.20</b>	<b>72.65</b>	<b>0.48</b>		<b>101.65</b>
<b>2018</b>									
Appeals Received	2,532.29	91.77	2,333.75	17.11	71.11	9.62	1.82		7.11
Appeals Closed	(569.36)	(264.13)	(188.55)	(18.65)	(23.11)	(64.10)	(0.39)		(10.43)
<b>Closing Balance</b>	<b>4,053.12</b>	<b>365.57</b>	<b>3,114.29</b>	<b>200.65</b>	<b>254.20</b>	<b>18.17</b>	<b>1.91</b>		<b>98.33</b>
<b>2019</b>									
Appeals Received	379.36	44.73	263.45	10.56	30.17	13.71	0.45		16.29
Appeals Closed	(664.29)	(117.09)	(362.69)	(81.74)	(80.51)	(3.17)	(0.41)		(18.68)
<b>Closing Balance</b>	<b>3,768.19</b>	<b>293.21</b>	<b>3,015.05</b>	<b>129.47</b>	<b>203.86</b>	<b>28.71</b>	<b>1.95</b>		<b>95.94</b>
<b>2020</b>									
Appeals Received	1,581.39	105.06	814.78	8.86	46.26	2.99	0.34		603.10
Appeals Closed	(820.49)	(46.55)	(127.68)	(30.77)	(17.30)	(3.16)	(0.53)		(594.50)
<b>Closing Balance</b>	<b>4,529.09</b>	<b>351.72</b>	<b>3,702.15</b>	<b>107.56</b>	<b>232.82</b>	<b>28.54</b>	<b>1.76</b>		<b>104.54</b>
<b>2021</b>									
Appeals Received	275.09	65.21	133.35	41.20	14.42	0.29	0.41	5.54	14.67
Appeals Closed	(3,146.21)	(135.86)	(2,910.95)	(46.10)	(17.96)	(9.00)	(1.39)	(1.10)	(23.85)
<b>Closing Balance</b>	<b>1,657.97</b>	<b>281.07</b>	<b>924.55</b>	<b>102.66</b>	<b>229.28</b>	<b>19.83</b>	<b>0.78</b>	<b>4.44</b>	<b>95.36</b>

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is estimated.

For the purposes of tax head analysis an appeal containing more than one tax head has been counted as one appeal categorised under its primary tax head.

\*\* Other includes RCT, LPT, C&E, DIRT, PSWT, Stamp Duty and DWT.

## Multiple Tax Types

The table below indicates the total number of appeals processed by the Commission across four categories of appeal (2016, 2017, 2018, 2019, 2020 and 2021 appeals) in which more than one tax type was being appealed.

Number of Appeals with Multiple Tax Types since 21 March 2016						
No. of Tax Types	2021	2020	2019	2018	2017	2016
2	122	81	80	89	150	58
3	171	27	11	23	41	13
4	21	10		10	13	2
5	3	2			5	1
>5	1					
<b>TOTAL</b>	<b>318</b>	<b>120</b>	<b>91</b>	<b>122</b>	<b>209</b>	<b>74</b>

In 2020, 11.5% of all appeals were in relation to multiple tax heads. The percentage for multiple tax head appeals increased to 21.5% in 2021. The following table outlines the main multiple tax types which were referenced in appeals in 2021.

Summary of Main Multiple Tax Types Referenced in Appeals Received in 2021						
Tax Types	Appeals received with 2 Tax Types	Appeals received with 3 Tax Types	Appeals received with 4 Tax Types	Appeals received with 5 Tax Types	Appeals received with more than 5 Tax Types	Quantum €000*
IT (incl. PAYE/PRSI/USC)	78	164	12			13,022
IT / VAT	1					223
IT / LPT	13	1	7	1	1	1,626
CGT / IT / LPT	9		1	1		41
CT / IT / Stamp Duty	7	1				4,782
VAT / VRT / PSWT	3	2				4
CRSS / EWSS / IT	4	2	1	1		903
Other	7	1				85
<b>TOTAL</b>	<b>122</b>	<b>171</b>	<b>21</b>	<b>3</b>	<b>1</b>	<b>20,686</b>

\* See Note 1 on page 11 which sets out how the 'quantum in dispute' figure is calculated



## Cases Stated

Section 949AP of the Taxes Consolidation Act 1997 provides that a party who is dissatisfied with a determination made by the Appeal Commissioner as being erroneous on a point of law may require the Appeal Commissioner to state and sign a case (referred to as a “case stated”) for the opinion of the High Court.


During 2021, the Commissioners signed 22 cases stated pursuant to section 949AQ TCA 1997 to enable determinations to be appealed to the High Court.

In addition, the Commission issued 2 signed cases stated in relation to appeals which transferred to the Commission from the Office of the Appeal Commissioners. These case stated applications are processed by the Commission in accordance with the transitional provisions contained in sections 29 and 30 of the Finance (Tax Appeals) Act 2015.

At the end of 2021, the Commission had 7 case stated applications on hand in respect of appeals transferred from the Office of the Appeal Commissioners. The Commission is continuing with ongoing efforts to progress the remaining 7 applications.

No. of Cases Stated Received by Year Opened and Category								
Year	Total	Legacy	Pre Est't	2016	2017	2018	2019	2020
2016	0							
2017	3		1	2				
2018	11	4	5		1	1		
2019	10	3	3	1	2	1		
2020	28	8	6	4	2	6	1	1
2021	22	3	4	6	4	4		1

Ms. Justice Stack in the case of Express Motor Assessors Limited (In Liquidation) v Revenue Commissioners clarified that the High Court has the power to amend a case stated under the Taxes Consolidation Act 1997, but would not exercise its discretion to do so where the question of law was outside the jurisdiction of the Appeal Commissioner or where the question was frivolous.



# **Statutory Basis and Functions of the Tax Appeals Commission**

# Statutory Basis and Functions of the Tax Appeals Commission

The Commission is an independent statutory body tasked with providing a modern and efficient appeals process in relation to the hearing and adjudication of tax disputes, in accordance with the provisions of relevant legislation. The legislation concerned is the Finance (Tax Appeals) Act 2015 (“the 2015 Act”), the Finance (Tax Appeals and Prospectus Regulation) Act 2019, the Taxes Consolidation Act 1997 (“TCA 1997”), as amended, and related legislation.

In carrying out its functions, the Commission is obliged to ensure that proceedings before it are accessible, fair and conducted as expeditiously as possible.

The Finance (Tax Appeals and Prospectus Regulation) Act 2019 provided for the appointment of a Chairperson. The Chairperson took up her appointment on 1 July 2020.

## Legislative Update

The Commission reviews its legislative procedures and statutory mandate on an ongoing basis with a view to refining its processes to achieve efficiencies in terms of the appropriate conduct of appeals.

During 2021 the Commission put forward suggestions for legislative amendments to increase the timeframe for completion of the ‘case stated’ process.

Where a party is dissatisfied with an Appeal Commissioners’ determination they can pursue the matter further to the High Court, on a

point of law only, by way of a request to the Commissioner to state and sign a case for the opinion of the High Court. The Commission was concerned that the 3-month legislative timeframe for completion of the process which included the timelines for parties’ representation was insufficient.

As a result of the suggested changes put forward by the Commission, Finance Act 2021 amended Section 949AQ of the TCA 1997 to increase the length of time required for the Appeal Commissioner to issue the signed case stated to the parties.

Section 949AQ(3)(a) of the TCA 1997 now states that the Appeal Commissioner must issue a draft case stated to the parties within 3 months from the date of the application. The parties then have 21 days to make representations on the draft case stated, if they so wish. The Commissioner then has a further 21 days within which to issue the final signed case stated. The overall effect of the changes to the case stated process is a total increase of 42 days to the timeframe for completion of the process. The Commission welcomes this change.



# **General Governance and Administration**

# General Governance and Administration

## General Governance and Administration

The Chairperson in addition to her role as an Appeal Commissioner is responsible for the overall effective management of the administration and business output of the Commission. The Chairperson is responsible to the Minister for Finance for ensuring that the appeals process is timely, efficient and cost effective. In this regard, she must submit an annual report to the Minister on or before 31 March each year in respect of the preceeding year and this report is submitted in discharge of that duty.

All policies and procedures were reviewed, drafted, issued and updated, as appropriate, with a new Statement of Strategy being published in the second quarter of 2021. In addition to this, an Internal Audit on Governance was conducted in 2021 by Crowleys DFK. The Commission was commended in the Report noting that “it is clear from our dealings with the TAC that the Corporate Governance Standard for the Civil Service and its compliance to the standard and best practice are given a lot of focus and attention.” The Report highlighted the strength of the Commission’s communication and engagement with external stakeholders and the variety of communication channels to ensure strong links across the organisation. The Report identified one medium risk and four low risks. The medium risk was rectified before the end of 2021 and the low risk recommendations will be implemented before end Q1 2022.

The Commission is a Civil Service body under the aegis of the Department of Finance and as such is guided by the Civil Service Code of Standards and Behaviour in its management and operations.

## Response to the Covid-19 pandemic

The Commission provides an essential public service under the “Access to Justice”. It has sought to balance the important public service it provides with the health and safety of the public and its staff. All necessary controls were put in place for essential staff that were not in the HSE’s high-risk category, to return to the office, to ensure the safe reopening of the Commission and resumption of its hearings on 4 August 2020 for members of the public.

Examples of some of the measures taken by the Commission in advance of essential staff returning to the office are included in the Annual Report 2020. As a result of this, there have been no reports of any member of the public contracting Covid-19 following attendance at our offices. In addition, there has been no reports of any member of staff contracting Covid-19 from the workplace.

The Commission has been praised by many stakeholders for its safety features during Covid-19, as featured in its Annual Report 2020 published March 2021. One prominent tax practitioner was quoted in a newspaper article in June 2021 that: “ The Tax Appeals Commission’s commitment to a stream-lined appeal process and ambitious targets to clear the backlog of appeals cases has not been impacted by the pandemic, moreover, as a result, they quickly adapted to a virtual process”.

The Commission has reduced the quantum under appeal from €4.5 billion to €1.6 billion in 2021, and these considerable funds have been released back to the general economy or the Exchequer. That reduction would not have been possible without a functioning and open Commission. Almost half of the hearings scheduled in 2021 were undertaken remotely.

## Staffing

As at 31 December 2021, the Commission is comprised of 26 staff: one Chairperson, 2 full-time Appeal Commissioners, 1 Temporary Appeal Commissioner and 22 administrative staff to support the Appeal Commissioners in their work.

In December 2021, approximately 36% of essential operational staff attended the office on a rostered basis with all remaining staff working from home. This is the minimum staffing that is required to keep the Commission open and functioning. It is not possible to retain a functioning Commission with all staff working from home.

In the first half of 2022 an additional cadre of five appeal commissioners will commence.

## Risk Management

The Commission's Risk Management Policy outlines our approach to risk management and the roles and responsibilities of the Chairperson,

Chief Operations Officer, Chief Risk Officer and Team Managers. The Commission implements the procedures outlined in its risk management policy and maintains a risk register in line with Department of Public Expenditure and Reform guidelines. This includes carrying out an appropriate assessment of the Commission's principal risks, which involves describing the risk and associated measures or strategies to control and mitigate these risks. The most significant risk in 2021 was the continued response to the global pandemic Covid-19.

The risk register is monitored and reviewed by the Commission's Governance and Risk Unit and is continually updated to ensure effective risk management and monitoring of controls. The register identifies the following:

- Risk
- Controls in place
- Risk rating
- Action to improve control to mitigate the risk



## Audit and Risk Committee

In line with the Corporate Governance Standard for the Civil Service (2015), the Commission established an Audit and Risk Committee to support them in their responsibilities for issues of risk, control and governance by reviewing the comprehensiveness of assurances in meeting the Commission's and Accounting Officer's assurance needs and reviewing the reliability and integrity of these assurances. Mr Stephen McGovern, who chaired the Audit and Risk Committee, retired during the year and was replaced by Mr Gerard Moran in December. The Commission thanks the outgoing Chair for all the advice and support throughout his tenure. The Commission is grateful for the Committee's valuable time and input into the success of the Commission in 2021.

The independent external members of the Audit and Risk Committee are:

- Gerard Moran (Chair)
- Mary Griffin
- Wendy Kennedy

## Internal Audit

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve the Commission's operations. Internal Audit's primary objective is to provide independent advice and assurance to the Accounting Officer in respect of the effectiveness of the internal control, governance and risk management processes in place across the Commission.

During 2021, the internal auditors issued reports in respect of the following:

- Review of the Effectiveness of Internal Controls 2020
- Review of Governance Controls, Policies and Procedures

The "Review of the Effectiveness of Internal Controls" occurred prior to the submission of the Statement of Internal Financial Control ("SIFC") to the external auditors (Comptroller & Auditor General) and is an essential control test of the effectiveness of the Financial Assurance Framework in place at the Commission.

In 2022 the Internal Auditors will conduct a review of the Internal Controls.

## Comptroller & Auditor General (C&AG)

Having conducted an audit in respect of the year ended 31 December 2020, the Office of the Comptroller & Auditor General ("C&AG") issued their opinion on the Appropriation Account, the SIFC, and other matters on 3 September 2021.

The C&AG agreed that the Appropriation Accounts prepared by the Commission properly presents the Receipts and Expenditure of Vote 10 - Tax Appeals Commission for year ended 31 December 2020. The C&AG expressed the opinion that they had obtained sufficient and appropriate evidence in carrying out their audit.

In respect of the SIFC the C&AG has responsibility to report in relation to the information contained in the SIFC by exception only. The requirement to report arises where the information contained in the SIFC is materially inconsistent with the Appropriation Accounts, the C&AG's audit findings or if the SIFC appears to be materially misstated. In their audit opinion, for the year ended 31 December 2020, the C&AG made no report of any material misstatement in the SIFC.

The C&AG audit in respect of the year ended 31 December 2021 will take place after 31 March 2022, the due date for submission of the Appropriation Accounts to the C&AG for audit.

## Section 21 Reports

The Commission submitted its Annual Report for 2020 to the Minister for Finance in March 2021, in compliance with section 21(1) of the 2015 Act.

During 2021, the Commission did not make any report to the Minister for Finance pursuant to section 21(5) of the 2015 Act, nor did the Minister request the submission of any report pursuant to section 21(6) of the 2015 Act.

## Freedom of Information

The Commission provides comprehensive information on its website in relation to its compliance with the Freedom of Information (“FOI”) legislation. This includes a publication scheme which makes available a range of information about the Commission, its functions, and the material it makes publically available.

The contact information of the FOI Officer and details on how to submit a FOI request are available on the Commission’s website.

In 2021, the Commission received six FOI requests under the FOI legislation, details of which can be found on the disclosure log on the Commission’s website.

## Data Protection

The Commission, as a data controller, has developed a Data Protection Policy and, as required under Article 37 of the GDPR appointed a Data Protection Officer (“DPO”). The DPO continues to manage the Commission’s arrangements to ensure compliance with the GDPR. The contact details of the DPO are available on the Commission’s website, along with the Privacy Policy and details of how to submit a Subject Access Request.

In 2021 the Commission received two Subject Access Requests under the Data Protection legislation and updated its Data Protection Policy.

## Protected Disclosure

Under section 22 of the Protected Disclosure Act 2014, each public body is required to publish an annual report setting out the number of Protected Disclosures received in the preceding year and any actions taken in response to Protected Disclosures made.

This report must not result in persons making disclosures being identifiable.

The Annual Report 2020 noted that the Commission did not receive any protected disclosures in 2020, but confirmed “that it was notified in 2020 of a Protected Disclosure made to the Minister for Finance in respect of the Commission and aged processes and legacy circumstances.” The Commission fully co-operated with this investigation which concluded in 2021 with no allegation of wrongdoing being upheld in whole or in part. The matter is now resolved.

The Commission did not receive any protected disclosures in 2021.

## Equality and Human Rights Act

As demonstrated by their inclusion in the core values of the organisation, the Commission places a strong emphasis on the right to fair procedures and accessibility in all aspects of its functions.

It strives to ensure all activities are conducted through the prism of human rights and equality across the organisation for both employees and those who engage with the Commission.

The Commission is committed to continual review of its policies and procedures to ensure compliance with the obligations under section 42 of the Irish Human Rights and Equality Commission Act 2014.

## Procurement

The Commission acknowledges its obligations to comply with National and EU policies together with the delivery of value for money. Therefore, the financial and procurement procedures operate in accordance with the policy and rules set out in the Department of Finance Public Procurement Guidelines which govern all procurement activity and ensures the objectives and key principles of competition, equality of treatment and transparency which underpin national and EU rules, are met. The services provided by the Office of Government Procurement (“OGP”) and the procurement frameworks in place are utilised where required and appropriate.

The Commission conducted several procurement exercises during 2021. This included the procurement of ICT Software/Hardware.

It is the policy of the Commission to avail of all centrally available frameworks and engage with the OGP where there are more specific requirements.

## Information Technology

A number of changes and new methods of working through technology took place in the Commission in 2021; outlined below are some key examples;

### Website

The Commission introduced multiple improvements to its website in April 2021 that will allow for easier access to justice. The new improved design has greater accessibility with consistent easy to navigate layout and Irish language content. The improved search functionality now allows the public to run keyword searches on all published determinations.

### Remote Hearings

The Commission continues to utilise remote hearings/CMCs to progress appeals and increase accessibility for the public. In 2021 a 4th hearing room, dedicated to remote interactions, was added to allow for expansion of this service into the future.

## File Sharing

The Commission has implemented the use of a web based file sharing solution to allow for the secure sharing of large files between the Commission and external parties. This has been of specific benefit in supporting hearings both physical and remote and allowed for the sharing and managing of case files.

## Case Management System

Preparation continues on the introduction of a new case management system. In early 2022 the Pre-Qualification Questionnaire was issued with the official Request to Tender due to issue in April/May 2022.

## Funding and Expenditure

The Commission is funded through Vote 10 of the Estimates as approved by Dáil Éireann. The allocations to the Commission have increased significantly over recent years to cater for the increased expenditure required for additional

resources, including staff and IT systems, which arose from the reform of the tax appeals system. The allocations (“Estimates”) to the Commission in 2017, 2018, 2019, 2020 and 2021 were €1.605 million, €1.626 million, €3.208 million, €3.233 million and €3.218 million respectively.

The below table sets out an analysis of the TAC’s administration expenditure in 2021.

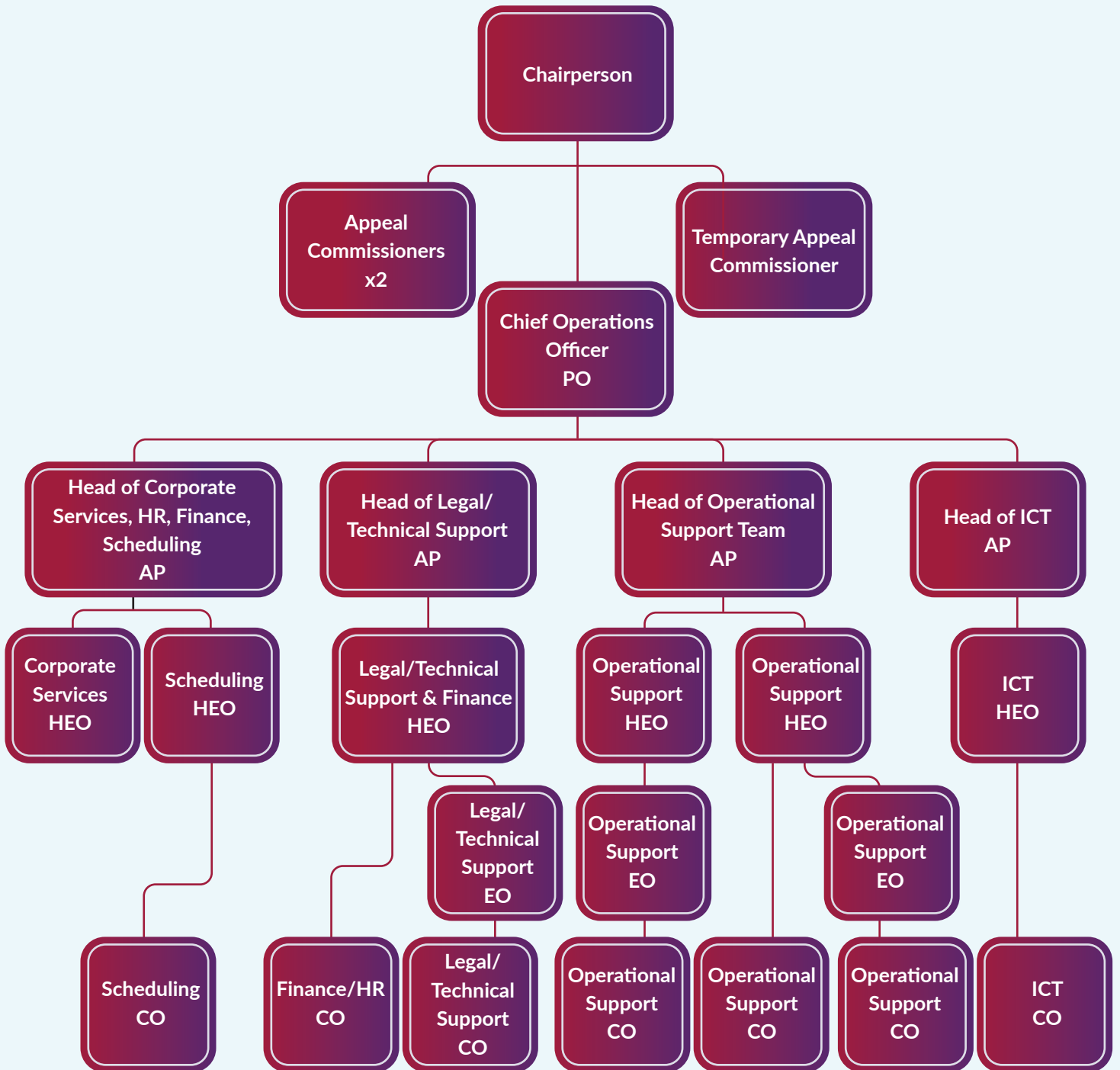
In accordance with the provisions of the Comptroller & Auditor General (Amendment) Act 1993, the Commission’s Accounting Officer is responsible for the production and submission to the Comptroller and Auditor General of the Appropriation Account for Vote 10 by 31st March each year. This has been done in respect of 2021 and it is anticipated that the audited accounts of the Commission will be published by the Comptroller and Auditor General later in the year as part of his 2021 annual report on the accounts of the public services.

Outcome*	2021 Estimate Provision	2021 Outturn	2020 Outturn
	€000	€000	€000
Salaries, wages and allowances (less AIA)	2,484	2,296	2,181
Travel and subsistence	20	0	1
Training and development and incidental expenses	92	72	205
Postal and telecommunications services	26	19	26
Office equipment and external IT services	351	142	320
Office premises expenses	35	24	22
Consultancy and other services	210	210	196
<b>Total Expenditure</b>	<b>3,218</b>	<b>2,763</b>	<b>2,951</b>



# Appendix 1

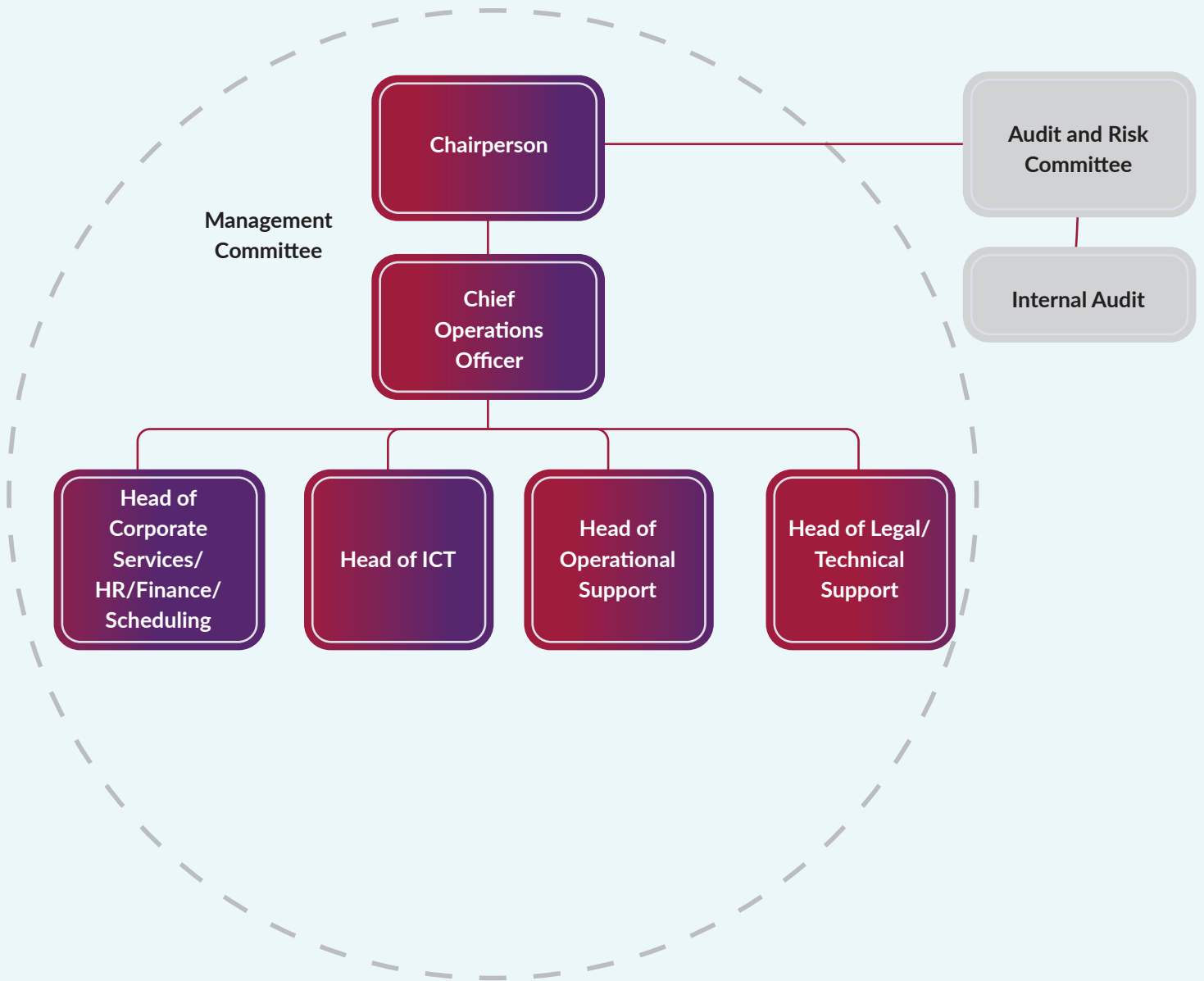
# Organisational Chart





# Appendix 2

# Management Committee and Governance













AN COIMISIÚN UM ACHOMHAIRC CHÁNACH  
TAX APPEALS COMMISSION

[www.taxappeals.ie](http://www.taxappeals.ie)