

International comparison of insurance taxation

Ireland

General insurance – overview

Definition	Accounting	Taxation
Definition of property and casualty insurance company	A company to which insurance legislation applies.	Not defined by tax legislation.
Commercial accounts/ tax and regulatory returns	Accounting	Taxation
Basis for the company's commercial accounts	<p>Financial statements are prepared in accordance with Companies Act 1963-2009, European Communities (Insurance Undertakings: Accounts) Regulations, 1996 (which implemented the EU Accounts Directive into Irish law), generally accepted accounting practice Ireland (Irish GAAP) as set out in accounting standards and Institute guidelines.</p> <p>The Statement of Recommended Practice issued by the Associate of British Insurers (ABI SORP) is used as guidance for accounting purposes.</p> <p>Insurance companies may prepare accounts under either Irish GAAP or International Financial Reporting Standards (IFRS), except in the case of consolidated accounts of EU listed companies where IFRS is mandatory.</p>	N/A.
Regulatory return	A separate return issued to the Central Bank of Ireland for solvency supervision purposes.	N/A.
Tax return	N/A.	Separate tax return must be submitted within nine months of end of tax period (usually 12 months in length).
Technical reserves/ equalisation reserves	Accounting	Taxation
Unearned premiums reserve (UPR)	Calculation of UPR is generally by time apportionment. This is appropriate if the incidence of risk is the same throughout the period of cover. If there is a marked unevenness in the incidence of risk over the period of cover, a basis reflecting the profile of risk will be used to calculate the UPR.	Allowed as per the accounts.
Unpaid claims reported	<p>Calculated on a case-by-case basis.</p> <p>Discounting of claims reserves not a feature of industry in Ireland. Permitted in limited circumstances by the EU Accounts Directive.</p>	Accounts provision allowed in full.
Claims incurred but not reported (IBNR)	Calculated based on historical experience and/or actuarial or statistical methods.	Accounts provision allowed in full.
Unexpired risks	Calculation on a statistical basis or management estimate in accordance with ABI SORP.	Tax deductible in accordance with accounting rules.
General contingency/ solvency reserves	Generally, will not be allowed as they will not meet the criteria for recognition of a provision under FRS 12.	Not allowed

Ireland: General insurance – overview (continued)

Technical reserves/ equalisation reserves	Accounting	Taxation
Equalisation reserves	Only permissible in limited circumstances. Guidance provided in ABI SORP.	Deduction allowed for equalisation reserves relating to credit insurance and reinsurance business with effect from 15 July 2006.
Expenses/ refunds	Accounting	Taxation
Acquisition expenses	Apportionment on basis similar to that used for UPR.	Follows accounting treatment.
Loss adjustment expenses on unsettled claims (claims handling expenses)	Calculated in accordance with ABI SORP.	Allowed when provided.
Experience-rated refunds	Credited when earned in accordance with ABI SORP. In practice many companies recognise such refunds on a receipts basis.	Follows accounting treatment.
Investments	Accounting	Taxation
Gains and losses on investments	<p>Realised gains and losses are calculated by reference to net sales proceeds and the original purchase costs. The gain or loss is taken directly to profit and loss (P&L) account.</p> <p>Unrealised investment gains and losses are calculated as the difference between market values at the end of the year and the market value at the beginning of the year or purchase cost for assets acquired during the year, together with the reversal of unrealised gains and losses recognised in earlier accounting periods, which have since been realised.</p> <p>Under Irish GAAP, unrealised gains/ losses are recorded either in the P&L account or through equity, depending on the classification of the underlying investment (e.g. held for trading versus available for sale).</p>	<p>Irish GAAP (pre FRS26): realised gains and losses are included in taxable income.</p> <p>Unrealised gains and losses may not be taxed/ deducted until realised.</p> <p>IFRS/ FRS26: In accordance with IAS 39/ FRS26, fair value measurement of financial assets is allowed.</p> <p>In computing taxable trading profits, gains/ losses (whether realised/ unrealised on such assets), which are recognised in the P&L account under IAS 39/ FRS26 are taxable.</p> <p>Gains and losses taken to reserves do not become taxable until they are recognised in the P&L account on a disposal of the assets.</p>
Investment reserves	Accounts mark-to-market all investments.	Deferred tax provided on unrealised gains, which are recognised in the accounts.
Investment income	Included initially in the non-technical account within the P&L. Portion representing the return on investment (ROI) supporting technical provisions allocated to technical account.	Included in taxable income. Dividends are exempt if received from other Irish resident companies. Dividends from portfolio shareholdings (5%) also exempt.
Reinsurance	Accounting	Taxation
Reinsurance premiums and claims	<p>Premiums paid/ payable are deducted from gross premiums. Claims recoveries netted in P&L account against claims paid/ payable.</p> <p>All reinsurance movements (except commission) are disclosed separately within the technical account on the face of the P&L account.</p>	Follows accounting treatment. Premiums paid to group company should be at arms length (for all companies).
Mutual companies	Accounting	Taxation
Mutual companies (all profits returned to members)	No special treatment.	No major general mutual insurers. Taxed on investment income and capital gains if truly mutual for tax purposes.

Ireland: General insurance – other tax features

Further corporate tax features	Taxation
Loss carry-overs	One-year carry-back and indefinite carry-forward against other trading income only. Relief on a value basis against non-trading income.
Foreign branch income	Foreign income included, subject to credit relief for foreign tax. Onshore pooling available. Excess foreign tax credits can be carried forward indefinitely.
Domestic branch income	Calculated under ordinary rules based on branch accounts. No extra branch tax.
Corporate tax rate	12.5% on trading income with 25% on non-trading income.
Other tax features	Taxation
Premium taxes	Non-life insurance levy of 3% on the gross amount received by an insurer in respect of certain non-life insurance premiums where the risk is located in Ireland. The exceptions to the non-life levy are re-insurance, voluntary health insurance, marine, aviation and transit insurance, export credit insurance and certain dental insurance contracts. Stamp duty of EUR 1 is also payable on each non-life policy where the risk is located in Ireland.
Capital taxes and taxes on securities	None.
Captive insurance companies	Taxed under normal rules.
Value added tax (VAT)	Exempt from VAT. Generally no VAT recovery available unless company sells products to customers outside EU.
Transfer Pricing	General transfer pricing legislation is applicable for accounting periods commencing on or after 1 January 2011 in respect of agreements concluded post 1 July 2010. Applies to trading transactions only.

Ireland: Life insurance – overview

Definition	Accounting	Taxation
Definition of life insurance companies	A company that carries on life insurance business and to which specific regulation applies.	<ul style="list-style-type: none"> • Old basis business: Defined as life business, written before 01.01.2001 (other than IFSC business) and industrial assurance policies, irrespective of when commenced. • New business basis: Defined as life business, written from 01.01.2001 and all pension, annuity and private health insurance (PHI) policies. Includes sinking fund or redemption business.
Commercial accounts/ tax and regulatory returns	Accounting	Taxation
Basis for the company's commercial accounts	Financial statements are prepared in accordance with Companies Act 1963-2009, European Communities (Insurance Undertakings: Accounts) Regulations, 1996 (which implemented the EU Accounts Directive into Irish law), Irish GAAP, as set out in Accounting Standards Board (ASB) accounting standards and other pronouncements. Consolidated accounts of EU listed firms are required to be prepared under IFRS. Further, other insurers may use IFRS rather than Irish GAAP.	Taxation based on statutory accounts with certain supporting data extracted from regulatory return.
Regulatory return	Separate return issued to the Central Bank of Ireland for solvency supervision purposes.	Provides certain supporting data for a tax return.
Tax return	N/A.	A separate tax return must be submitted within 9 months of the end of a tax period (usually 12 months in length). Separate return of exit tax deducted from proceeds of new basis business life policies. Separate return of life assurance levy and pension levy.
General approach to calculation of income	Accounting	Taxation
Allocation of income between shareholders and policyholders	Separate accounting for policyholder and shareholder profits within the financial statements.	<ul style="list-style-type: none"> • Old business basis: Investment income and capital gains (I) less management expenses and commissions (E) ("I minus E" basis). Expenses deduction may be restricted to ensure that minimum tax level, being tax on shareholders surplus, is achieved ("Notional Case 1" (NC1) computation). • New business basis: Gross roll-up applicable to policyholder funds, i.e. no tax. Shareholders' surplus taxed as trading profit (Case 1). Further, a proportion of the transfer to the "Fund for Future Appropriations" is deemed to be taxable shareholders' surplus. New basis business losses cannot be offset against old basis business policyholder profits.
Calculation of investment return	Accounting	Taxation
Calculation of investment income and capital gains	EU Accounts Directive standardised approach to accounting for investments. All income and gains initially recognised in the technical account with a portion representing income on shareholder assets allocated to the non-technical account.	<ul style="list-style-type: none"> • Old business basis: "I-E"; realised gains and losses are included in taxable income. Unrealised gains and losses in the life funds are recognised annually, but taxed over a 7 year period. In NC1, investment return follows accounts. • New business basis: Gross roll up regime applicable to new business basis; no tax levied on investment return within policyholder funds. Investment income follows Case 1 computation.

Ireland: Life insurance – overview (continued)

Calculation of investment income and capital gains	Accounting	Taxation
Actuarial reserves	Companies reporting under IFRS or falling within the scope of FRS 26 are required to deposit account for contracts which do not transfer "significant insurance risk" in accordance with the requirements of FRS 26 (which are the same as those of IAS 39).	<ul style="list-style-type: none"> • Old business basis: Deductible only in the NC1 computation. • New business basis: Deductible in computing Case 1 profits.
Acquisition expenses	In addition, companies reporting under IFRS or falling within the scope of FRS 26 are required to defer elements of front-end or origination fees on contracts which do not transfer "significant insurance risk".	<ul style="list-style-type: none"> • Old business basis: Spread over seven years in the "I-E" computation. Follows regulatory treatment in the NC1 computation (i.e. no deferral). • New business basis: Follows accounting treatment in Case 1 computation.
Gains and losses on investments	Mark-to-market under EU Accounts Directive and SORP.	<ul style="list-style-type: none"> • Old business basis: Realised gains and losses are included in the "I-E", as are unrealised gains and losses but over a 7 year period. NC1 follows accounting treatment. • New business basis: Gains on policyholder funds benefit from gross roll up (no annual tax). Other gains included in Case 1 computation.
Reserves against market losses on investments	Not applicable as accounts mark-to-market all investments.	N/A.
Dividend income	Included in investment income.	<ul style="list-style-type: none"> • Old business basis: Gross amounts included in "I-E". Tax relief may be available for imputed tax credits or withholding taxes on such dividends. • New business basis: Dividends on policyholder funds benefit from gross roll-up (no annual tax). Dividends on shareholders' funds are included in Case 1; Irish dividends are exempt.
Policyholder bonuses	Included as a separate expense.	<ul style="list-style-type: none"> • Old business basis: Not deductible in "I-E" computation. Deductible in NC1 computation. • New business basis: Deductible in Case 1 computation.
Other special deductions	None.	<ul style="list-style-type: none"> • Old business basis: None. Note that management expenses are streamed against different classes of business in the "I-E" computation. • New business basis: None.
Reinsurance	Accounting	Taxation
Reinsurance premiums and claims	Reinsurance premiums should be accounted for when payable and are included as a separate line in the P&L account. All reinsurance balances (except commission) are disclosed separately on the face of both P&L account and balance sheet.	<ul style="list-style-type: none"> • Old business basis: Gains on reinsurance contracts with foreign reinsurers may be subject to capital gains tax – financial reinsurance may be subject to adjustment. • New business basis: Financial reinsurance may be subject to adjustment.
Mutual companies/ stock companies	Accounting	Taxation
Mutual Companies	No special rules	<ul style="list-style-type: none"> • Old business basis: Taxable only on "I-E" basis without minimum tax liability. • New business basis: 5% of the transfer to fund for future appropriations is taxed at 12.5%.

Ireland: Life insurance – other tax features

Further corporate tax features	Taxation
Loss carry-overs	One-year carry-back. Indefinite carry-forward. New business basis loss cannot be offset against any old business basis policyholder profits.
Foreign branch income	Taxed under special rules to bring into account only shareholder profits.
Domestic branch income	<ul style="list-style-type: none"> • Old business basis: “I-E” based on Irish policyholder proportion of world investment income. Capital gains tax on assets held for the purpose of the branch. Deduction for expenses of management. NC1 restriction may apply. No extra branch tax. • New business basis: Taxed on Irish profits under Case 1 only.
Corporate tax rate	Policyholder profits: 0% (20% for old business basis). Shareholder profits: 12.5%.
Policyholder taxation	Taxation
Deductibility of premiums	<ul style="list-style-type: none"> • Old business basis: No relief. • New business basis: Relief for permanent health and retirement annuity contracts, subject to certain limits. Life premiums may be deducted in computing a gain on new business basis policies.
Interest build-up	<ul style="list-style-type: none"> • Old business basis: Tax in fund for life policyholders. • New business basis: No tax on interest build-up.
Proceeds during lifetime	<ul style="list-style-type: none"> • Old business basis: Generally not taxable in the hands of the original beneficial owner unless that owner is a company or the policy is with a foreign insurer. • New business basis: Any gain on new business basis life policies on maturity, surrender or assignment (other than assignment by way of security for a debt due to a financial institution) of a policy is subject to an exit tax. The exit tax must be deducted by the insurance company on the happening of a chargeable event (i.e. maturity, surrender or assignment) in relation to a life policy (30% with effect from 01.01.2011). Life company must account for exit tax to revenue. Exemptions from exit tax are available (i.e. for non-resident policyholders) once certain conditions are satisfied and appropriate declarations in place. Pension benefits taxed in hands of individual with certain exemptions.
Proceeds on death	<ul style="list-style-type: none"> • Old business basis: Generally not subject to income or capital gains taxes, but may be subject to inheritance tax unless policy taken out expressly to pay such tax. • New basis business: Generally not subject to income or capital gains taxes. Effective from 15.02.2001, the life company must deduct exit tax on death.
Other tax features	Taxation
Premium taxes	With effect from 1 August 2009 a 1% life assurance levy is applied to certain classes of life assurance business where the risk is located in Ireland. The life levy does not apply to pension business and reinsurance. (The life levy applied to individual pension products from 1 Aug 2009 to 31 Dec 2009).
Capital taxes and taxes on securities	Inheritance tax and gift tax may apply depending on relationship between policyholder and beneficiary. Certain policies may be exempt – please see above.
Captive insurance companies	N/A. (There are very few if any life captives in Ireland – some reinsurance captives present ca. 10 years ago were accounted for using the non-life rules.)
Value added tax (VAT)	Primarily exempt from VAT. VAT recovery may be available where there is an investment aspect to the life insurance policies. Then, VAT recovery is based on the location of the underlying investment assets.
Transfer Pricing	General transfer pricing legislation is applicable for accounting periods commencing on or after 1 January 2011 in respect of agreements concluded after 01.07.2010. Applies to trading transactions only.
Pension Levy	Temporary levy imposing an annual charge to stamp duty of 0.6% on the market value of assets under the management of approved Irish pension schemes. Applies from 2011 to 2014. Where an insurer writes a contract of assurance with a pension scheme that contract will be subject to the pension levy and the insurance company will be the chargeable person for payment of the levy. The levy will not apply to pension scheme assets relating to members whose employment is exercised wholly outside Ireland.

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