S.I. No. 711 of 2003

REGULATIONS

entitled

European Communities (Mutual Assistance in the Field of Direct Taxation, Certain Excise Duties and Taxation of Insurance Premiums) Regulations 2003.

Made by the Minister for Finance

Prn. No: 1527
Price: € 0.76

I, CHARLIE Mc CREEVY, Minster for Finance, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive 77/799/EEC of 19 December 1977[1], as amended by Council Directive No. 79/1070/EEC of 6 December 1979[2], Council Directive No. 92/12/EEC of 25 February 1992[3] and Council Directive 2003/93/EC of 7 October 2003[4], hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Mutual Assistance in the Field of Direct Taxation, Certain Excise Duties and Taxation of Insurance Premiums) Regulations 2003.

(2) These Regulations come into operation on 31 December 2003.

2. In these Regulations -

“authorised officer” means an officer of the Revenue Commissioners authorised in writing by the Revenue Commissioners for the purpose of these Regulations;

“the Council Directive” means Council Directive 77/799/EEC of 19 December 1977[1], as amended by Council Directive No. 79/1070/EEC of 6 December 1979[2], Council Directive No. 92/12/EEC of 25 February 1992[3] and Council Directive 2003/93/EC of 7 October 2003[4].

3. (1) The Revenue Commissioners and authorised officers of those Commissioners may disclose to the competent authorities of another Member State any information required to be to be so disclosed by virtue of the Council Directive.

(2) Neither the Revenue Commissioners nor an authorised officer of those Commissioners shall disclose any information in pursuance of the Council Directive unless satisfied that the competent authorities of the other Member State concerned are bound by, or have undertaken to observe, rules of confidentiality with respect to the information which are not less strict than those applying to it in the State.

[1] OJ No. L336, of 27 December 1977, p. 15
[2] OJ No. L331, of 27 December 1979, p. 8
[3] OJ No. L76, of 23 March 1992, p. 1
[4] OJ No. L264, of 15 October 2003, p. 23

(3) Nothing in this Regulation permits the Revenue Commissioners or an authorised officer of those Commissioners to authorise the use of information disclosed by virtue of the Council Directive to the competent authority of another Member State other than for the purposes of taxation or to facilitate legal proceedings for failure to observe the tax laws of that State.

4. (1) Section 107 of the Finance Act 2001 is repealed.

(2) The European Communities (Mutual Assistance in the Field of Direct Taxation) Regulations 1978 (S.I. No. 334 of 1978) and the European Communities (Mutual Assistance in the Field of Value-Added Tax) Regulations 1980 (S.I. No. 407 of 1980) are revoked.

GIVEN under my Official Seal,

18th December 2003.

CHARLIE McCREEVY,

Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal instrument)

These Regulations provide for an extension at national level of the EEC Council Directive of 19 December 1977 concerning mutual assistance (exchange of information) by the competent authorities of Member States, as required by an amending Council Directive of 7 October 2003. These Regulations also consolidate and give effect, in one set of regulations, to Council Directive 77/799/EEC as amended.