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Mr Ciaran McLoughlin
Departments of Jobs, Enterprise and Innovation
Earlsfort Centre
Lower Hatch Street
Dublin 2

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Dear Mr McLoughlin,

We are pleased to respond to the above consultation by the Department of Jobs, Enterprise, and Innovation on the exemption in Section 279 of the Companies Act 2014 regarding the use of US GAAP. The Companies (Miscellaneous Provisions) Act 2009 was enacted to provide temporary relief from the obligation to prepare accounts under Irish Generally Accepted Accounting Practice (GAAP) or International Financial Reporting Standards (IFRS) for certain companies that had recently incorporated in Ireland and were listed on the New York Stock Exchange (NYSE) and NASDAQ. Such companies are required under their US listings to prepare US GAAP financial statements.

Notably, the exemption was provided with the condition that the accounts prepared also met the requirements of Part 6 of the Companies Act 2014 including the requirement to give a true and fair view.

Provision of the relief was provided on a temporary basis due to the expectation that the Securities and Exchange Commission ("SEC") in the US would accept IFRS accounts or there would be a significant convergence of US GAAP and IFRS so that the obligation to prepare two sets of accounts under different accounting practices would not arise for these companies. The initial exemption time period was later extended in the Companies (Amendment) Act 2012, and subsequently reflected in the Companies Act 2014, for financial years ending not later than 31 December 2020.

The IFRS /US GAAP convergence project has not progressed as had been expected with the US SEC deferring its decision to permit the use of IFRS by domestic US filers.

We believe that the rationale for initially creating the relief to assist these companies remains. The users of the financial statements of such companies are accustomed to accounts prepared under US GAAP and it is this accounting framework that is relevant to their needs.

As a result we see no reason to not continue with the exemption, however, we would suggest that this be provided on an open ended basis, until such time as the Department deem it no longer necessary.

We hope you find our comments useful and would be happy to discuss further,

Yours sincerely,



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