

International Accounting Standards Board
7 Westferry Circus, Canary Wharf
London E14 4HD
United Kingdom

14 November 2019

Dear Mr Hoogervorst,

Re: Exposure Draft ED/2019/5 Deferred Tax related to Assets and Liabilities arising from a Single Transaction

On behalf of the European Financial Reporting Advisory Group (EFRAG), I am writing to comment on Exposure Draft ED/2019/5 *Deferred Tax related to Assets and Liabilities arising from a Single Transaction* issued by the IASB on 17 July 2019 (the 'ED').

This letter is intended to contribute to the IASB's due process and does not necessarily indicate the conclusions that would be reached by EFRAG in its capacity as advisor to the European Commission on endorsement of definitive IFRS Standards in the European Union and European Economic Area.

EFRAG notes that the issue being addressed in the ED is not new and understands that diversity in practice has existed for some time. However, we agree that the issue has become more significant with many more leases being recognised with the introduction of IFRS 16 *Leases* than when applying IAS 17 *Leases*. We therefore support the IASB's efforts to address the issue and help reduce diversity in practice in the accounting for deferred tax for such transactions.

However, the proposals add complexity to the understanding of what is being suggested, by adding exceptions to exemptions and by introducing the recognition 'cap' in paragraph 22A(b) for a deferred tax liability, which adds complexity for the preparers in the accounting of this proposal in subsequent periods.

Furthermore, although the ED intends to be a narrow-scope amendment in addressing issues arising from leases and decommissioning obligations, its scope is broader and other transactions are likely to fall within its remits. The ED does not address the implications of a wider scope and the potential unintended consequences that could arise. Therefore, one way forward could be for the IASB to consider applying the proposals only to lease transactions. This would address a significant part of the perceived existing diversity, and at the same time limit and potentially avoid unintended consequences.

Given the potential complexity of applying the proposals, EFRAG has considered whether the gross approach under the proposals is the better solution to address the issue. We acknowledge that the gross approach, that considers the unit of account as being the asset and the liability, is consistent with the requirements in IAS 12 and also consistent with IFRS 16 which recognise assets and liabilities separately. We also recognise that the gross approach will be operationally simpler for entities' systems that record the assets in one system and the liabilities in a separate system. In this case the net approach creates operational complexity. However, the net approach has conceptual merits in reflecting that the transaction is a single contract (in the case of a lease) and that a net approach would solve many of the operational issues. Both approaches are discussed in the Appendix.

EFRAG Comment Letter – Deferred Tax related to Asset and Liabilities arising from a Single Transaction

If the IASB decides to proceed with the proposals, we recommend that the recognition 'cap' in paragraph 22A(b) be revised and that guidance is provided on the accounting in subsequent periods. However, we note that the recognition 'cap' would not be needed if the lease transaction was treated as a single unit of account for the purpose of calculating deferred tax. In such cases, on initial recognition, no deferred tax asset or deferred tax liability would be recognised, as their net amount would be nil.

Finally, EFRAG notes that the proposals have highlighted broader concerns regarding divergent views in how IAS 12 is understood and applied in practice, particularly the initial recognition exception in IAS 12. We recommend the IASB to more broadly review if the principles in IAS 12 are well understood.

EFRAG supports the proposed retrospective application with transition relief that would permit an entity to assess the recoverability of deferred tax assets only at the beginning of the earliest comparative period presented, reflecting the facts and circumstances at that date.

EFRAG's detailed comments and responses to the question in the ED are set out in the Appendix.

If you would like to discuss our comments further, please do not hesitate to contact Isabel Batista, Ricardo Torres or me.

Yours sincerely,



Jean-Paul Gauzès
President of the EFRAG Board

Appendix - EFRAG's responses to the questions raised in the ED

Question 1

Do you agree with the IASB's proposal to amend IAS 12 in the manner described in the Exposure Draft? If not, why not, and what do you recommend instead?

EFRAG's response

EFRAG supports the IASB's efforts to address the current diversity in the initial recognition of deferred tax for single transactions that give rise to an asset and a liability.

EFRAG considers that the proposals by adding an exception to an existing exemption in IAS 12, result in additional complexity to the application of the Standard. We also have concerns with the recognition 'cap' in paragraph 22A(b) and the complexity it adds to accounting in subsequent periods.

EFRAG considers the scope of the ED to be broader than leases and decommissioning obligations and other transactions are likely to fall within its remit. The ED does not address the implications of a wider scope and the unintended consequences that could arise. Therefore, one way forward could be for the IASB to consider applying the proposals only to lease transactions. This would address a significant part of the existing diversity, and at the same time limit and potentially avoid the unintended consequences.

Given the complexities introduced by the proposals, EFRAG has considered whether the gross approach under the proposals is the better solution to address the issue and notes pros and cons of the gross and net approach.

EFRAG supports the proposal to require entities to apply the amendments retrospectively with earlier application permitted. EFRAG also supports the optional transition relief in relation to the recoverability requirement for deferred tax asset.

Potential impacts of the proposed amendments

- 1 EFRAG understands that diversity in practice has existed for some time in relation to single transactions that give rise to an asset and a liability, such as leases and decommissioning liabilities under IAS 37 *Provisions, Contingent Liabilities and Contingent Assets*. We agree that the issue has become more prevalent especially with many more leases being recognised with the introduction of IFRS 16 *Leases* than when applying the IAS 17 *Leases*. We consider that the proposals will reduce diversity in practice for transactions addressed in the ED.
- 2 EFRAG understands that the potential impacts of the proposed amendments, and costs associated with implementing them, would depend upon an entity's current approach to deferred tax accounting for such transactions.
- 3 As explained in paragraph BC6, an entity needs to apply judgement when determining whether temporary differences relate to the asset or the liability based on the applicable tax law. Paragraphs BC7(a) and BC7(b) note that temporary differences arise only when the entity determines that tax deductions relate to the liability (for example a lease liability). In this case, temporary differences arise on initial recognition of the lease asset and the lease liability. EFRAG understands that some entities currently apply the initial recognition exemption to both the temporary difference on the asset and the liability. As a result, under IAS 12 no deferred tax would be recognised on initial recognition or in subsequent periods. For these entities, the proposed amendments might have a significant impact.

EFRAG Comment Letter – Deferred Tax related to Asset and Liabilities arising from a Single Transaction

Pros and cons of the net and gross approach for deferred tax

- 4 Under a net approach the asset and the liability arising from a single transaction (such as a lease) would be considered as a single unit of account rather than being separated. This is different to the gross approach that considers the unit of account as being the asset and the liability.
- 5 EFRAG considers that the single unit of account (referred to as the net approach) perspective has conceptual merits in reflecting that the transaction is a single contract (in the case of a lease) or a single transaction. Furthermore, applying the net approach will solve the operational issues that arise on initial recognition in cases where the recognition 'cap' under paragraph 22A(b) of the ED needs to be applied. Under the net approach, on the initial recognition no deferred tax or liability would be recognised as their net amount would be nil. In subsequent periods, an entity would apply the principles in IAS 12.
- 6 We acknowledge that the gross approach, is consistent with the requirements in IAS 12 and also consistent with IFRS 16 which recognises assets and liabilities separately. The gross approach will be operationally simpler for entities' having systems that record the assets in one system and the liabilities in a separate system. In these cases, the net approach creates operational complexity. However, there are mixed views on the recognition 'cap' (see comments below).

Application of paragraph 22A of the ED – the recognition 'cap'

- 7 EFRAG notes that paragraph 22A(b) proposes to limit the recognition of a deferred tax liability to the amount of the deferred tax asset on initial recognition – referred to as the recognition 'cap'. In other words, if on initial recognition a deferred tax asset cannot be recognised, or partly recognised, because of recoverability issues or other matters, the related deferred tax liability is also not recognised. Paragraph BC24 of the ED explains that, in such cases, it is necessary to apply the initial recognition exemption under IAS 12 to the part of the deferred tax liability that exceeds the deferred tax asset.
- 8 EFRAG disagrees that the recognition of a specific deferred tax asset should be used as a reference to cap a deferred tax liability arising from the same transaction, as required by paragraph 22A(b). We consider that this is contrary to the general principle in IAS 12 that all deferred tax liabilities should be recognised, unless the initial recognition exemption in IAS 12 applies.
- 9 However, EFRAG understands that the recognition 'cap' is a pragmatic solution to avoid adjusting the carrying amount of the related asset or recognising a day one loss for this excess amount, and thus, to meet the objective of the recognition exemption, which is explained in paragraph 22(c) of IAS 12. If the IASB proceeds with the proposals in their current form, we consider it would be helpful to include paragraph BC24 in the body of the final amendment, to explain the IASB's reasoning for requiring the recognition 'cap' on initial recognition in the case of a single transaction.
- 10 Further, it remains unclear whether an entity should continue to cap the amount of the deferred tax liability to the corresponding amount of the deferred tax asset in subsequent periods. From the proposed wording in paragraph 22A – "In that situation, on initial recognition of the transaction, an entity recognises: [...]" – it could be inferred that the cap relates only to the initial recognition. If so, an entity would recognise a deferred tax liability that exceeds the corresponding deferred tax asset and, consequently, a deferred tax expense in profit or loss according to paragraph 58 of IAS 12 in subsequent periods. On the other hand, and according to paragraph 22(c) of IAS 12, the initial recognition exemption applies at both the date of initial recognition and in subsequent periods. In this case, an entity would not recognise subsequent changes to the unrecognised deferred tax liability.

EFRAG Comment Letter – Deferred Tax related to Asset and Liabilities arising from a Single Transaction

- 11 Therefore, if the recognition 'cap' were to be retained, we recommend the IASB clarify the application of proposed paragraph 22A(b) in subsequent periods and to provide an illustrative example.
- 12 We also consider that it would be helpful for the IASB to explain how an entity should account for the reassessment of unrecognised deferred tax assets (that were not recognised under paragraph 22A(a)), and the implications on the portion of the deferred tax liability that an entity did not recognise when applying the recognition 'cap' under paragraph 22A(b). As explained in paragraphs BC25 and BC 26 of the ED reassessment of unrecognised deferred tax assets is not addressed in the ED.

Other considerations related to leases

- 13 EFRAG agrees that an entity would apply the existing requirements in IAS 12 to any taxable temporary differences arising from making advance lease payments or paying initial direct costs.

Broader issues with IAS 12

- 14 Finally, EFRAG considers that the proposals have highlighted broader concerns with how IAS 12 is understood and applied in practice, particularly the initial recognition exception in IAS 12. We recommend the IASB to consider IAS 12 more broadly as part of its future workplan.

Transition and effective date

- 15 EFRAG generally supports retrospective application of new requirements and, consequently, supports the proposal to require entities to apply the amendments retrospectively with earlier application permitted. In this case, EFRAG also supports the proposed transition relief to permit an entity to assess the recoverability of deferred tax assets only at the beginning of the earliest comparative period presented, reflecting the facts and circumstances at that date.
- 16 We acknowledge that retrospective application of the proposed amendments would require an entity to assess the recoverability requirement on initial recognition of the transaction that gave rise to the temporary differences. For both leases and decommissioning obligations, assessing the recoverability requirement could in some cases (when the transaction took place some time ago) be impracticable or result in undue costs with limited benefits for users of the financial statements.