

## Chapter 2 - Employer-provided vehicles

### Part 05-01-01b

This manual should be read in conjunction with sections 121 and 121A of the Taxes Consolidation Act 1997

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## 1 Introduction

This manual outlines the tax treatment, as set out in sections 121 and 121A of the Taxes Consolidation Act 1997 (TCA 1997), applicable where an employer makes a vehicle (as defined in [section 2.1](#) below) available to an employee for his or her private use.

These provisions apply both to directors and to other employees, irrespective of the level of emoluments from the office or employment.

An employer makes a vehicle available to an employee through:

- the provision of the use of a vehicle, and
- covering any vehicle running costs (such as insurance and petrol) on behalf of the employee.

Generally, the employee will be charged to tax on the 'cash equivalent' of the private use of the vehicle.

The tax treatment set out in this manual is only applicable where ownership of the vehicle does not transfer to the employee, including scenarios where the employer does not directly have ownership of the vehicle, for example, where the employer has an operating lease on the vehicle.

Where a vehicle is:

- transferred to an employee free of charge by the employer, or
- sold to an employee by the employer at a discount

the guidance in this manual shall not apply, and the rules set out in Tax and Duty Manual (TDM) [Part 05-01-01a](#) shall apply instead.

## 2 Definitions

### 2.1 Employer-provided vehicle

For the purposes of this manual, an employer-provided vehicle refers to all cars or vans made available to an employee by reason of his or her employment.

#### 2.1.1 A Car

A 'car' is any mechanically propelled road vehicle designed, constructed or adapted for the carriage of the driver, or the driver and one or more persons.

Subsequent adaptation of a vehicle does not alter the fact that the vehicle was originally designed and constructed for the carriage of one or more persons. As such, the vehicle would remain a car for tax purposes.

The definition of a car specifically excludes the following:

- a motorcycle (i.e. a mechanically propelled vehicle with less than four wheels and the weight of which unladen does not exceed 410kgs),
- a van, or
- a vehicle not commonly used as a private vehicle and unsuitable to be so used (such as a lorry or a bus).

The definition of a car does however include motorcycles with a weight over 410kgs.

Where an employee has private use of an employer owned motorcycle that weighs less than 410kgs, the provisions of this manual do not apply. Section 119(4)(b) TCA 1997 instead provides that the annual value of the use of the motorcycle is 5% of the market value of the motorcycle when it was first provided by the employer to any employee. See TDM [Part 05-01-01a](#) for further guidance in respect of same.

## 2.2 A Van

A 'van' is a mechanically propelled vehicle which –

- is designed or constructed solely or mainly for the carriage of goods or other burden,
- has a roofed area or areas to the rear of the driver's seat,
- has no side windows or seating fitted in that roofed area or areas, and
- has a gross vehicle weight not exceeding 3,500 kilograms.

Where a crew cab or other similar type of vehicle meets all of the above conditions it is regarded as a van rather than a car.

If a van is adapted in such a way that it no longer meets the criteria (such as if rear seats are fitted), the vehicle no longer satisfies the criteria to be regarded as a van for benefit-in-kind (BIK) purposes. Therefore, the vehicle should be treated as a car and the BIK should be calculated accordingly.

### Example 1

Cian works for a marketing company. His employer provided him with a company car which he was required to use during his working day and was also entitled to use it for private use.

Cian's employer decided to modify the car so that marketing materials could be transported more effectively. His employer removed the back seats from the car for storage and tinted the rear windows black for security purposes.

In this instance the vehicle will remain a 'car' for the purposes of BIK for the following reasons:

- the vehicle was originally designed and constructed for the carriage of one or more persons, and
- the definition of 'van' for tax purposes requires that the vehicle must be designed or constructed solely or mainly for the carriage of goods or other burden and therefore does not include cars which are adapted into vans.

Thus, in this scenario, s121 TCA 1997 will continue to apply as the 'car' was made available for private use.

### 2.2.1 An Electric Vehicle

An 'electric vehicle' is one that derives its motive power exclusively from an electric motor. Hybrid vehicles are not electric vehicles.

### 2.3 Business mileage

'Business mileage' means the total number of kilometres an employee is necessarily obliged to travel in the vehicle in the performance of the duties of his or her employment. Travel to and from work is generally regarded as private travel rather than business travel. See TDM [Part 05-01-06](#) for further information on what constitutes business mileage.

## 3 Charge to BIK on Employer-Provided Vehicles

An employee is chargeable to tax on the BIK arising where, by reason of his or her employment, a vehicle is made available (without a transfer of ownership) to him or her and the vehicle is, in the tax year, available either for that individual's private use or to his or her family or household.

A vehicle is regarded as being made available to an individual by reason of his or her employment if it is made available to them by his or her employer (or a person connected with the employer).

A vehicle made available to an employee is deemed to be available for private use unless the terms on which it is made available prohibit private use, and no such use is made of the vehicle in the tax year. As stated above, travel to and from work is generally regarded as private use.

Once a vehicle is made available to the employee for private use, it is irrelevant whether or not there is any private use – a BIK charge will arise either way.

## 4 Calculation of BIK

BIK on the use of an employer-provided vehicle, being either a car or van, is equal to:

- the cash equivalent of the use of the vehicle,  
less
- any amount made good to the employer by the employee in respect of the costs of providing or running the vehicle.

### 4.1 Cash Equivalent

The cash equivalent of the use of a car is equal to 30% of the original market value (OMV) of the car. However, this percentage may be reduced based on business mileage travelled, as set out in [section 4.1.3](#) below.

As a result of Finance Act 2019 changes, from **1 January 2023**, the cash equivalent of the use of a car will be determined based on the vehicle's

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emissions as well as business mileage. See [section 10](#) below for further information on these changes.

The cash equivalent of the use of a van is equal to 5% of the OMV of the van. However, from **1 January 2023** the cash equivalent of the use of a van will also be amended and will increase to 8% of the OMV of the van.

#### 4.1.1 Original Market Value (OMV)

The OMV of a vehicle is the price which it might reasonably have been expected to fetch if sold in the State, singly in a retail sale in the open market, immediately before the date of its first registration.

Where the vehicle is first registered outside the State, it is still the Irish open market price for a single retail sale immediately before the date on which the vehicle was first registered which is taken into account.

The OMV includes vehicle registration tax (VRT) and all other applicable Irish taxes and duties as set out in s121(1)(b)(iii) TCA.

Where a van has been modified, for example, where a refrigeration unit has been installed, the OMV excluding such modifications should be used.

In practice, the OMV is generally considered by reference to the vehicle's list price before any reliefs or grants are applied.

A modified OMV applies in the case of electric vehicles - see [section 6](#) below for further information.

See section 9 for the COVID-19 related concessions.

## Example 2

The OMV of a car which was first registered in the UK on 1 July 2018, before being imported into and registered in Ireland on 6 January 2022, would be the Irish open market price for a single retail sale immediately before 1 July 2018.

### 4.1.2 Discounts

Where it is established that a discount was given when the vehicle was first registered, and such discount was normally obtainable in respect of a single retail sale in the open market, the list price (and in turn the OMV) may be reduced accordingly.

Generally, the bill of sale should indicate the actual price paid (which can easily be compared to the list price) thus indicating the amount of the discount.

In cases where –

- an exceptionally large discount was obtained (e.g. a quantity or fleet discount),
- the discount cannot be determined (e.g. a vehicle has been traded in against a new vehicle), or
- the vehicle involved was purchased second-hand

any claim in respect of discounts must be limited to the discounts normally obtainable in respect of a single retail sale on the open market. Reductions for discounts do not usually exceed 10%.

Where the discount received was greater than 10%, employers are advised to obtain evidence from the vendor (i.e. the garage). This should be a written confirmation that the discount received was also obtained in single retail sales to other third parties.

Claims for reductions must be considered on a case-by-case basis and an automatic reduction (of any percentage) cannot be applied. For example, a discount would not normally be obtainable where the model of a vehicle is in scarce supply. The objective in each case is to determine the OMV.

### 4.1.3 Reduction for High Business Kilometres for Cars (Tapering Relief)

Where the business kilometres for a tax year exceed 24,000km, the cash equivalent of the use of a car is reduced by applying the scales shown at [Appendix A](#) (i.e. a reduction of the 30% rate to 24%, 18%, 12% or 6% as appropriate). This tapering relief is not applicable to vans.

As previously noted, Finance Act 2019 provided that a new method to calculate the cash equivalent of the use of a car, which will be also based on the vehicle's

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emissions, will take effect for the year of assessment 2023 and subsequent years - see [section 10](#) for further information.

### Example 3

Fleur has the use of a car provided by her employer at the start of 2022. The OMV of the car was €28,000. The actual business kilometres in the year were 31,630 kilometres. Sharon made good to her employer €1,000 in respect of the cost of the car.

As Fleur drove 31,360 kilometres in the year, the cash equivalent is equal to the OMV x 24% (being the % which applies to mileage between 24,000 and 32,000 as set out in [Appendix A](#)). The cash equivalent of the use of the car is then reduced by the €1,000 made good by Fleur.

BIK calculation for 2022:

Cash Equivalent (OMV x 24%)	€28,000 x 24% =	€6,720
Less amount made good		<u>(€1,000)</u>
Amount subject to BIK		€5,720

#### 4.1.4 Records to be Kept

Employers must put in place a robust business process whereby business mileage covered by employees is recorded and can be verified (e.g. the employee could keep a logbook showing business journeys).

Employers and employees using an alternative basis for calculating BIK are required to keep a logbook. The logbook must be certified by the employer as being true and accurate, to the best of his or her knowledge and belief.

In the case of vans, Revenue will accept a Tachometer/Tripmeter reading taken each Friday evening and again on Monday morning to show that no private mileage was undertaken over the weekend.

In a case where a person -

- fails to give particulars of business or private kilometres for the year, or
- where the particulars delivered are not satisfactory,

the business kilometres may, in the absence of sufficient evidence to the contrary, be determined by deducting 8,000 kms from the total number of kilometres travelled in the year.

#### 4.1.5 Vehicle Available for Less than Full Year - Annualising Business Kilometres

Where a vehicle is made available for only part of the tax year, the cash equivalent for that year is reduced proportionately.

Cases where a vehicle is made available to the employee for the first time during the tax year (e.g. on taking up employment) or a vehicle is no longer available to the employee during the tax year (e.g. due to cessation of employment) are examples of when this apportionment may apply.



Where the cash equivalent is to be reduced, the business kilometres may be “annualised” for the purpose of determining the percentage charge to be applied in the calculation of the cash equivalent of the use of the car.

The following formula may be applied to determine the annualised business

$$\text{kilometres: } \frac{A \times B}{C}$$

Where: A = Actual business kilometres

B = Full Year (in days)

C = Part of Year (in days) for which car is available

#### Example 4

A car was made available to Irene for her private use on 1 August 2022. The OMV of the car is €18,000 and the actual business kilometres in the period from August to December were 12,000 kilometres. Irene made good €750 to her employer in respect of the cost of providing the car.

The actual business kilometres of 12,000 is annualised to determine what cash equivalent would have applied if the employee had maintained that level of business mileage for the full year. This is calculated as follows:

$$(12,000 \text{ kilometres} \times 365) / 153 = 28,627$$

As annualised mileage is 28,627, the cash equivalent is equal to the OMV x 24% (being the % which applies to mileage between 24,000 and 32,000 as set out in [Appendix A](#)).

As the car was made available for only part of the year (i.e. for 153 days from 1 August to 31 December 2022 inclusive) the cash equivalent is proportionally reduced to 153 / 365.

The cash equivalent of the use of the car is then further reduced by the €750 made good by Irene to her employer.

BIK calculation for 2022:

€18,000 x 24% x (153/365) =	€1,811
Less amount made good	<u>(€750)</u>
Amount subject to BIK	€1,061

## 5 Exemptions and Reductions in Amount Chargeable

### 5.1 Reduction of Cash Equivalent of a Car

If an employee does not qualify for tapering relief in respect of a car as set out in [section 4.1.3](#) above and [Appendix A](#), the cash equivalent may be reduced by 20% if **all** of the following conditions are met:

- The employee works an average of 20 hours per week,
- The employee travels at least 8,000 kilometres per annum on employer's business, and
- Due to the nature of the role, the employee spends at least 70% of his or her working time away from the employer's premises.

The employee must retain a daily logbook detailing the business kilometres travelled, business transacted, business time travelled and date of journey. This log should then be certified by the employer as being correct.

Where an individual was temporarily working from home on foot of public health guidance related to the COVID-19 pandemic, he or she should not claim this relief if their working circumstances prior to the onset of the pandemic would not have facilitated a claim in that regard.

Although this relief may be claimed instead of tapering relief, it would not be more beneficial where the cash equivalent under tapering relief is less than OMV x 24%, as the 20% discount cannot reduce the cash equivalent to less than OMV x 24%.

#### Example 5

A car was made available to Shane on 1 January 2022. The OMV of the car is €18,000 and all running costs were met by Shane's employer. Shane worked full-time for the firm and travelled 9,000 kilometres for work related purposes. Due to the nature of his role, Shane spent more than 70% of working time away from his employer's premises during 2022.

As Shane travelled less than 24,000 kilometres during the year for work related purposes the cash equivalent of the use of the car is OMV x 30%. It would therefore be beneficial to Shane to claim the relief outlined above as it will result in the cash equivalent of the vehicle being reduced to OMV x 24%.

BIK calculation for 2022:

With Relief		Without relief	
€18,000 x 30%	€5,400	€18,000 x 30%	€5,400
Less reduction of 20%	<u>(€1,080)</u>		
Amount subject to BIK	€4,320		

### Example 6

A car was made available to Aoibheann on 1 January 2022. The OMV of the car is €30,000 and all running costs were met by Aoibheann's employer. Aoibheann worked full-time for the firm and travelled 35,000 kilometres for work related purposes. Aoibheann spent more than 70% of working time away from her employer's premises during 2022, due to the nature of her role.

As Aoibheann travelled between 32,000 – 40,000 kilometres during the year for work related purposes the cash equivalent of the use of the car is OMV x 18%. It would not be beneficial to Aoibheann to claim the relief outlined above as the actual cash equivalent is less than that which would be determined if this relief was applied.

BIK calculation for 2022:

With Relief		Without Relief	
€30,000 x 30%	€9,000	€30,000 x 18%	€5,400
Less reduction of 20%	<u>(€1,800)</u>		
Amount subject to BIK	€7,200		

### Calculating the cash equivalent from 2023 onwards

Although the method by which the cash equivalent for BIK purposes is calculated for employer-provided cars is changing from 1 January 2023, employees with employer-provided cars can still avail of this 20% reduction provided all of the conditions outlined previously are met. See [section 10](#) below for details of how to calculate the cash equivalent and example of same.

## 5.2 Limited Private Use of a Van

No BIK will arise in respect of the private use of a van provided to an employee by his or her employer where **all** of the following conditions are met:

- the van is supplied by the employer to the employee for the purposes of the employee's work,
- the employee is required by his or her employer to bring the van home after work,
- apart from travel between the employee's home and his or her workplace, other private use of the van by the employee is forbidden by the employer and there is in fact no other private use, and

- in the course of his or her work, the employee spends at least 80% of his or her time away from the premises of the employer to which he or she is attached.

### 5.3 Overseas Duties and Benefit-in-Kind

A vehicle provided to a director or an employee will not be regarded as available for private use for that part of the year in which the director or employee is outside the State for the purpose of performing the duties of the office or employment provided all of the following conditions are met:

- the aggregate number of days spent outside the State for the purpose of performing the duties of the office or employment is at least 30 complete days in the tax year (any holiday period abroad is excluded and a day for this purpose must include an overnight stay),
- the director or employee travels abroad without the vehicle, and
- the vehicle is not available for use by the director or employee's family or household during the director or employee's period of absence from the State.

### 5.4 Car or Van Pool Treatment

A vehicle which is included in a car or van pool for the use of employees of one or more employers is treated as not available for the private use of employees if, in the tax year, **all** of the following conditions are met:

- the vehicle is available to, and actually used by, more than one of the employees concerned,
- in the case of each employee, the vehicle is made available to him or her by reason of his or her employment,
- the vehicle is not ordinarily used by any one employee to the exclusion of the others,
- in the case of each of the employees concerned, any private use of the vehicle by him or her is merely incidental to his or her business use, and
- the vehicle is not normally kept overnight at or in the vicinity of any of the employees' homes.

Where:

- a) it is scheduled and verifiable that an officer of the State (including an officer of a statutory body) is obliged to be 'on call' outside of his or her normal working hours to respond to situations giving rise to possible contravention of law and, for this purpose the officer –
  - (i) is provided with a vehicle during scheduled and verifiable 'on call' periods outside of his or her normal working hours, and

- (ii) keeps the vehicle overnight at, or in the vicinity of, his or her home, and

- b) the vehicle would, but for the obligation in (a) above, be a pool vehicle,

then such vehicle may be deemed to be a vehicle in a vehicle pool for the purposes of the BIK provisions.

Where it is proposed to treat a vehicle as being in a vehicle pool but there is a doubt about that treatment, the employer may agree the position in advance with the Revenue Branch dealing with their tax affairs.

## 5.5 Weight Exemption

No BIK will arise in respect of the private use of a commercial vehicle with a gross vehicle weight (i.e. gross laden weight) in excess of 3,500kg.

## 6 Electric Vehicles

Finance Act 2017 introduced an exemption from BIK in relation to employer provided electric vehicles.

This exemption from BIK for electric vehicles has been modified in subsequent years.

The tax treatment applicable to employer provided electric vehicles varies depending on a business -

- the date the vehicle was first provided to the employee,
- the period for which the vehicle is made available to the employee for private use, and
- the OMV of the vehicle.

As Sustainable Energy Authority of Ireland (SEAI) grants are paid after the registration of the vehicle, the OMV is not reduced by the value of the SEAI grant.

An exemption from BIK also applies where an employer provides a charging point for EV's on their business premises, on the condition that the facility is available to all employees.

This exemption does not extend to the provision or installation of an electric vehicle charge point at an employee's private address, and in that scenario a BIK charge applies.

In principle, where an employer is providing a car to their employee and the employee is incurring home electricity costs, provided it can be shown that the employer is only reimbursing for the running costs of that employer vehicle, it would be reasonable for this reimbursement to be paid free of tax. This would be conditional on the employer retaining sufficient supporting documents to verify the amount of the reimbursed cost.

## 6.1 Original Exemption for the 2018 Tax Year

The original measure, as provided for in Finance Act 2017, fully exempted any electric vehicle first provided to and made available for an employee's private use during the 2018 year of assessment.

This exemption applied to both new and used electric vehicles, regardless of the OMV of the vehicle.

## 6.2 Extension to Tax Years 2019 to 2022

Finance Act 2018 extended the favourable BIK regime for certain electric vehicles made available for an employee's private use during the 2019, 2020 or 2021 years of assessment. Finance Act 2019 further extended this preferential BIK regime for another year to 31 December 2022.

For an electric vehicle made available for an employee's private use during the years 2019 – 2022, a full exemption from BIK is only available in certain circumstances, as set out below. Where a full exemption does not apply, partial relief from BIK may apply. This partial relief is granted by reducing the OMV by €50,000 when calculating the cash equivalent of the vehicle.

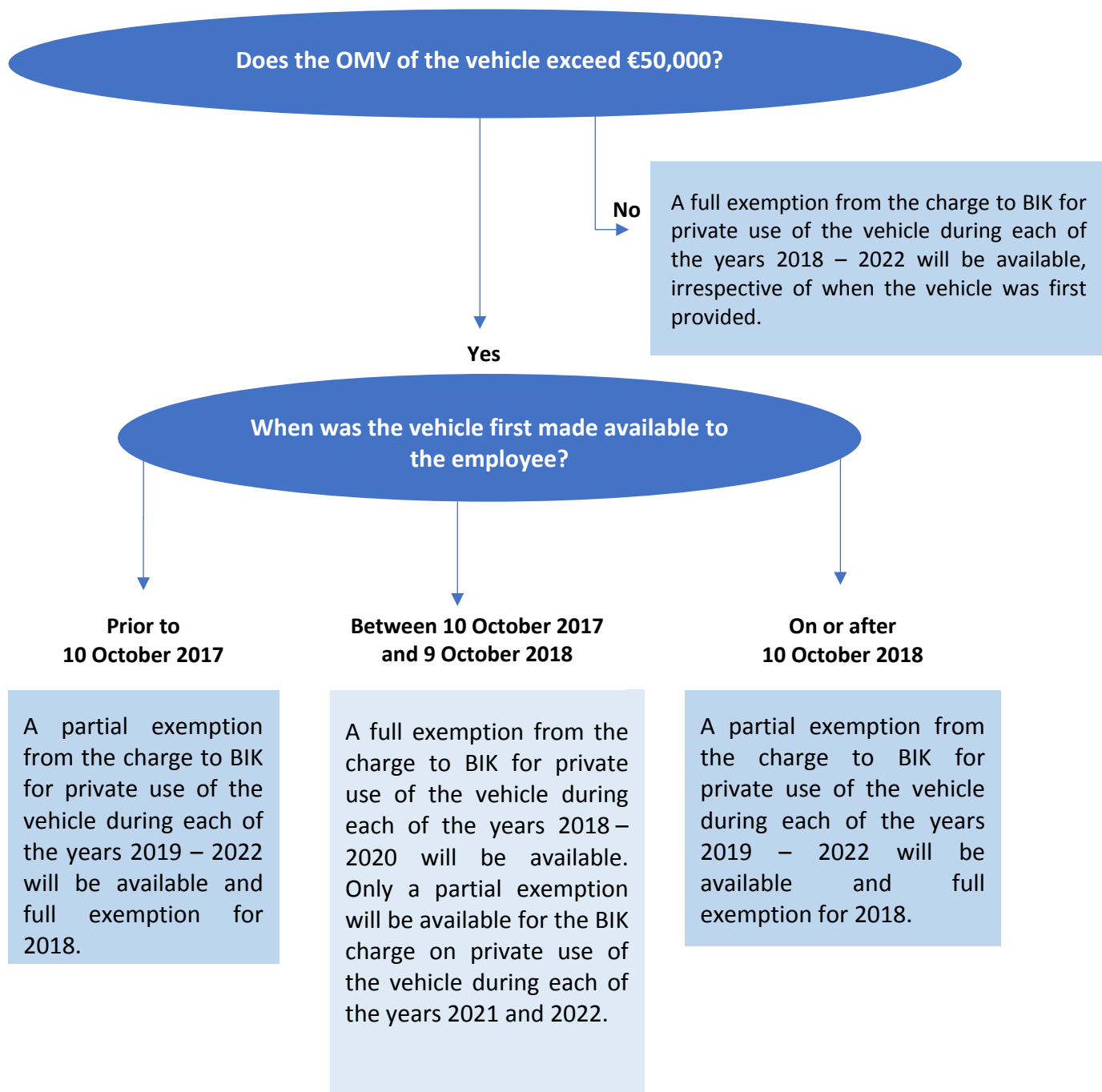
Where an electric vehicle is **first** provided to an employee during the period **10 October 2017 to 9 October 2018**, for the employee's private use in any of the years of assessment from 2019 – 2022, the employee's private use of that vehicle will be:

- fully exempt from BIK for private use of the vehicle in the period from 1 January 2019 to 31 December 2020, irrespective of the original market value of the vehicle,
- fully exempt from BIK for private use of the vehicle in the period from 1 January 2021 to 31 December 2022 where the original market value of the vehicle does not exceed €50,000, and
- partially exempt from BIK for private use of the vehicle in the period from 1 January 2021 to 31 December 2022 where the original market value of the vehicle exceeds €50,000.

Where an electric vehicle is **first** provided either **prior to 10 October 2017 or on or after 10 October 2018**, for the employee's private use in any of the years of assessment from 2019 – 2022, the employee's private use of that vehicle will be:

- fully exempt from BIK for the private use of the vehicle in the period from 1 January 2019 to 31 December 2022, where the original market value of the vehicle does not exceed €50,000, and
- partially exempt from BIK for private use of the vehicle in the period from 1 January 2019 to 31 December 2022 where the original market value of the vehicle exceeds €50,000.

A summary of the applicable tax treatment for electric vehicles made available for an employee's private use in the years 2018 – 2022 inclusive is set out below:



**Example 7**

E Tops Limited has a team of salespersons across Ireland who travel to various client sites around the country. E Tops Limited provides all salespersons with a company car, which they can use for private use outside of working hours.

The company is concerned about their environmental footprint and in 2016 began providing certain sales and executive staff with electric cars on a trial basis, with a view to transferring all sales and executive staff to electric cars by 2020.

Following the announcement of the BIK exemption for electric vehicles in Finance Act 2017, the company decided to replace all non-electric vehicles, with the result that all sales staff were using electric cars by June 2018.

In 2019, E Tops Limited decided to continue to provide all new sales and executive staff with an electric car.

The OMV of electric cars used by all sales staff is €40,000 and the OMV of electric cars used by all executives is €80,000. In addition, all executive staff incur business mileage of between 24,000 and 32,000 kilometres per annum.

The BIK arising in respect of electric cars made available to the two staff groups for private use from in the tax years 2019 – 2022 is as follows:

	<b>Category 1 – Salespersons</b>	<b>Category 2 – Executives</b>
Pilot Project – Vehicle first provided prior to 10 October 2017	Salespersons who were part of the pilot project and were provided with their electric car prior to 10 October 2017 will be fully exempt from the charge to BIK for any private use in the years 2019 – 2022 as the OMV of the electric vehicle they received did not exceed €50,000.	Executives who were part of the pilot project and were provided with their electric car prior to 10 October 2017 do not qualify for full exemption from the charge to BIK for private use in the years 2019 – 2022 as the OMV of the electric vehicle they received exceeded €50,000. These Executive staff will qualify for a partial exemption from the BIK charge, as shown below.  BIK Calculation:  OMV of the vehicle is €80,000. This is reduced by €50,000, so that the modified OMV of the vehicle is



		<p>€30,000</p> <p>Cash equivalent which, based on the level of business mileage, is 24% of the modified OMV equates to €7,200 (<math>€30,000 \times 24\%</math>)</p> <p>Therefore, the amount subject to BIK for each of the years 2019 – 2022 is €7,200.</p>
<p>Extended Project – Vehicle first provided on or after 10 October 2017 but prior to 10 October 2018</p>	<p>Salespersons who were first provided with their electric vehicle during the period from 10 October 2017 to 9 October 2018 will be fully exempt from the charge to BIK for any private use of the vehicle in 2019 and 2020 irrespective of the OMV of same.</p> <p>This full exemption will continue to be available to these salespersons for any private use of the vehicle in the years 2021 and 2022 as the OMV of the electric vehicle they received did not exceed €50,000.</p>	<p>Executives who were first provided with their electric vehicle during the period from 10 October 2017 to 9 October 2018 will be fully exempt from the charge to BIK for any private use of the vehicle in 2019 and 2020 irrespective of the OMV of same.</p> <p>This full exemption will not however be available to these Executives for any private use of the vehicle in the years 2021 and 2022 as the OMV of the electric vehicle they received exceeded €50,000. These Executive staff will qualify for a partial exemption from the BIK charge for private use in 2021 and 2022, as shown below.</p> <p>BIK Calculation:</p> <p>OMV of the vehicle is €80,000. This is reduced by €50,000, so that the modified OMV of the vehicle is €30,000</p>

		<p>Cash equivalent which, based on the level of business mileage, is 24% of the modified OMV equates to €7,200 (<math>€30,000 \times 24\%</math>)</p> <p>Therefore, the amount subject to BIK for each of the years 2021 and 2022 is €7,200.</p>
<p>Further Extended Project – Vehicle first provided on or after 10 October 2018</p>	<p>Salespersons who were first provided with their electric vehicle on or after 10 October 2018 will be fully exempt from the charge to BIK for any private use in the years 2019 – 2022 as the OMV of the electric vehicle they received did not exceed €50,000.</p>	<p>Executives who were provided with their electric car prior on or after 10 October 2018 do not qualify for full exemption from the charge to BIK for private use in the years 2019 – 2022 as the OMV of the electric vehicle they received exceeded €50,000. These Executive staff will qualify for a partial exemption from the BIK charge, as shown below.</p> <p>BIK Calculation:</p> <p>OMV of the vehicle is €80,000. This is reduced by €50,000, so that the modified OMV of the vehicle is €30,000</p> <p>Cash equivalent which, based on the level of business mileage, is 24% of the modified OMV equates to €7,200 (<math>€30,000 \times 24\%</math>)</p> <p>Therefore, the amount subject to BIK for each of the years 2019 – 2022 is €7,200.</p>

### 6.3 Extension to Tax Years 2023 to 2025

Finance Act 2021 further extended the regime for another three years, so that it also applies to vehicles made available in the period from 1 January 2023 to 31 December 2025. The relief from the BIK charge arising during this period applies on a tapered basis.

For an electric vehicle made available for an employee's private use during the years 2023 to 2025, the cash equivalent will be calculated based on the actual OMV of the vehicle reduced by:

- €35,000 in respect of vehicles made available in the 2023 year of assessment;
- €20,000 in respect of vehicles made available in the 2024 year of assessment; and
- €10,000 in respect of vehicles made available in the 2025 year of assessment.

This reduction applies irrespective of the actual OMV of the vehicle or when the vehicle was first provided to the employee.

If the reduction reduces the OMV to nil, a BIK charge will not arise. Any portion of OMV remaining, after the reduction is applied, is chargeable to benefit-in-kind at the prescribed rates.

#### **Example 8**

E Tops Limited plans to continue making electric vehicles available to its employees for their private use in the years 2023 to 2025 and is considering what BIK charge is likely to arise on same.

The vehicles made available to the sales team will again have an OMV of €40,000, while the OMV of vehicles made available to executives will be €80,000.

From 1 January 2023 onwards the BIK charge for any car made available to an employee for his or her private use will be determined based on both the business mileage undertaken and the vehicle's CO<sub>2</sub> emissions. It is therefore necessary to determine which emissions category the vehicles provided by E Tops Limited will fall into, and what business mileage the staff will undertake in the vehicles.

As the cars which will be made available are electric cars, they will be 'Category A' vehicles i.e. vehicles with CO<sub>2</sub> emissions between 0g/km and 59g/km inclusive. See [section 10](#) below for further information on vehicle categories.

As a category A vehicle, the percentage applied to the OMV to determine the cash equivalent ranges from 22.5% to 9%, depending on the amount of business mileage the employee will undertake in the vehicle.

All executive staff are expected to incur business mileage of between 30,000 and 35,000 kilometres per annum and the percentage rate applicable will therefore be 18%. Any business mileage incurred by sales staff is not expected to exceed 20,000 kilometres, and the percentage rate applicable will therefore be 22.5%. See [section 10](#) below for further information on the ranges of percentage rates applicable to each vehicle category.

The BIK charge which will arise on the private use of these vehicles is therefore expected to be as follows:

	<b>Category 1 – Salespersons</b>	<b>Category 2 – Executives</b>
BIK charge arising in 2023	<p>For the purposes of determining the BIK charge, the OMV of the vehicle is reduced by €35,000. The remaining OMV will be subject to BIK at the prescribed rates.</p> <p>OMV for BIK purposes: Actual OMV (€40,000) - €35,000 = €5,000</p> <p>As a category A vehicle with annual business mileage of less than 26,000 kilometres, the cash equivalent is equal to 22.5% of the OMV for BIK purposes: €5,000 x 22.5% = €1,125.</p>	<p>For the purposes of determining the BIK charge, the OMV of the vehicle is reduced by €35,000. The remaining OMV will be subject to BIK at the prescribed rates.</p> <p>OMV for BIK purposes: Actual OMV (€80,000) - €35,000 = €45,000</p> <p>As a category A vehicle with annual business mileage between 30,000 and 35,000 kilometres, the cash equivalent is equal to 18% of the OMV for BIK purposes: €45,000 x 18% = €8,100.</p>
BIK charge arising in 2024	<p>For the purposes of determining the BIK charge, the OMV of the vehicle is reduced by €20,000. The remaining OMV will be subject to BIK at the prescribed rates.</p> <p>OMV for BIK purposes: Actual OMV (€40,000) - €20,000 = €20,000</p> <p>As a category A vehicle with annual business mileage of less than 26,000 kilometres, the cash equivalent is equal to 22.5% of the OMV for BIK purposes: €20,000 x</p>	<p>For the purposes of determining the BIK charge, the OMV of the vehicle is reduced by €20,000. The remaining OMV will be subject to BIK at the prescribed rates.</p> <p>OMV for BIK purposes: Actual OMV (€80,000) - €20,000 = €60,000</p> <p>As a category A vehicle with annual business mileage between 30,000 and 35,000 kilometres, the cash equivalent is equal to 18% of the OMV for BIK purposes: €60,000 x</p>

	22.5% = €4,500.	18% = €10,800.
BIK charge arising in 2025	<p>For the purposes of determining the BIK charge, the OMV of the vehicle is reduced by €10,000. The remaining OMV will be subject to BIK at the prescribed rates.</p> <p>OMV for BIK purposes: Actual OMV (€40,000) - €10,000 = €30,000</p> <p>As a category A vehicle with annual business mileage of less than 26,000 kilometres, the cash equivalent is equal to 22.5% of the OMV for BIK purposes: €30,000 x 22.5% = €6,750.</p>	<p>For the purposes of determining the BIK charge, the OMV of the vehicle is reduced by €10,000. The remaining OMV will be subject to BIK at the prescribed rates.</p> <p>OMV for BIK purposes: Actual OMV (€80,000) - €10,000 = €70,000</p> <p>As a category A vehicle with annual business mileage between 30,000 and 35,000 kilometres, the cash equivalent is equal to 18% of the OMV for BIK purposes: €70,000 x 18% = €12,600.</p>

**Summary of electric vehicle regime**

<b>Year of Assessment</b>	<b>Electric vehicle first made available to the employee during the period 10 October 2017 to 9 October 2018</b>	<b>Electric vehicle first made available to the employee either prior to 10 October 2017 or on or after 10 October 2018</b>
<b>OMV of electric vehicle is €50,000 or less</b>		
2018	Full BIK exemption	Full BIK exemption
2019	Full BIK exemption	Full BIK exemption
2020	Full BIK exemption	Full BIK exemption
2021	Full BIK exemption	Full BIK exemption
2022	Full BIK exemption	Full BIK exemption
2023	Partial relief – In calculating the BIK the OMV is reduced by €35,000	Partial relief – In calculating the BIK the OMV is reduced by €35,000
2024	Partial relief – In calculating the BIK the OMV is reduced by €20,000	Partial relief – In calculating the BIK the OMV is reduced by €20,000
2025	Partial relief – In calculating the BIK the OMV is reduced by €10,000	Partial relief – In calculating the BIK the OMV is reduced by €10,000
<b>OMV of electric vehicle exceeds €50,000</b>		
2018	Full BIK exemption	Full BIK exemption
2019	Full BIK exemption	Partial relief – In calculating the BIK the OMV is reduced by €50,000
2020	Full BIK exemption	Partial relief – In calculating the BIK the OMV is reduced by €50,000
2021	Partial relief – In calculating the BIK the OMV is reduced by €50,000	Partial relief – In calculating the BIK the OMV is reduced by €50,000
2022	Partial relief – In calculating the BIK the OMV is reduced by €50,000	Partial relief – In calculating the BIK the OMV is reduced by €50,000

2023	Partial relief – In calculating the BIK the OMV is reduced by €35,000	Partial relief – In calculating the BIK the OMV is reduced by €35,000
2024	Partial relief – In calculating the BIK the OMV is reduced by €20,000	Partial relief – In calculating the BIK the OMV is reduced by €20,000
2025	Partial relief – In calculating the BIK the OMV is reduced by €10,000	Partial relief – In calculating the BIK the OMV is reduced by €10,000

**Note:** Section 6 of Finance Act 2019, introduced a new method to calculate the cash equivalent of the use of a car. These changes will take effect for the year of assessment 2023 and subsequent years. See [section 10](#) for further information.

## 7 Chauffeur Driven Cars

In the case of chauffeur driven cars two separate charges arise:

1. a BIK charge in respect of the provision of the car, and
2. a BIK charge in respect of the expenses incurred by the employer in the provision of the chauffeur.

The total expense incurred by the employer in providing the chauffeur (e.g. chauffeur's salary) is chargeable, less any amount made good by the employee.

## 8 Employees in the Motor Industry

Employees in the motor industry generally have the use of several different vehicles, both new and old, during the course of a tax year.

A simplification arrangement is available to deal with the issue of frequent changes of employer provided vehicles for employees within the motor industry. This simplification arrangement provides that the BIK in such cases is calculated using agreed average OMV of the vehicles used, rather than the actual OMV.

‘Frequent changes’ means changes within periods of less than 1 month. However, in light of the unprecedented impact of the COVID-19 pandemic, Revenue concessionally agreed to relax this rule for the duration of the 2020 and 2021 years of assessment. Therefore, where an employee in the motor industry typically avails of the special cash equivalents for calculating BIK on company cars, but, due to COVID restrictions, was unable to change his or her vehicle within the required timeframe throughout the 2020 or 2021 years of assessment, he or she may continue to utilise the special cash equivalents for employees in the motor industry when determining the amount liable to PAYE, PRSI and USC.

In light of the updated public health guidance issued on 16 November 2021 requiring all employees to work from home unless it is necessary to attend the workplace in

person, Revenue agreed that this measure will be retained for the 2022 year of assessment. However, for the 2022 year of assessment, this measure will **only** apply for the period of time during which this public health guidance remains in place.

Therefore, from 1 January 2022, where public health guidance no longer requires an employee to work from home the 'usual' 1-month timeframe will apply. As public health restrictions due to Covid-19 no longer apply, this measure ceases to apply from 1 June 2022.

Having regard to the additional complexities that arise from January 2023 (full details in [section 10](#) below) unique to the motor industry, as a simplification measure Revenue is prepared to allow category C band, being used as an average for the purpose of calculating the BIK charge from 2023 onwards. This does not however affect an employee's statutory right to have the BIK calculated on the basis of the actual OMV of the vehicles made available to him or her during the course of the year, see details at 8.3 below. Where availed of it must be consistently applied for the year of assessment (i.e. is isn't possible to use the simplification measure and switch to the statutory basis during a year).

## 8.1 Affected Employees and Employers

This alternative arrangement applies to the following employees:

- employees in the retail motor trade,
- employees in the short-term car hire trade, or

other employees in the motor trade who are employed by one of the following categories of employer:

- motor retailers who are engaged in selling used cars only,
- franchised motor retailers who are engaged in selling both new and used cars,
- short-term car hire providers, or
- motor distributors and car leasing.

This treatment does not apply to employees who have exclusive use of specific vehicles for predictable periods in excess of one month. Where this occurs, the tax due by the employee should be calculated by reference to actual OMV.

## 8.2 Determination of Agreed Average OMV

The agreed average OMV to be used when calculating the BIK on the use of the vehicle is determined by reference to:

- the highest value of the vehicles that the employee normally drives, and
- the average OMV band for the section of the motor industry within which the individual is employed.

There are 8 average OMV Bands which are listed in [Appendix B](#).



The occasional use of a vehicle in a higher or lower bracket will not affect the figure for average OMV.

### 8.3 Right to Apply Actual OMV

An employee may at any time exercise his or her statutory right to have the BIK calculated on the basis of the actual OMV of the vehicles made available to him or her during the course of the year.

Where the employee exercises this right, the employer will have to carry out the necessary calculations and retain relevant evidence of the vehicles made available during the course of the year.

### 8.4 Records to be Kept

It is important that records are kept in respect of employer provided vehicles used by employees and that the correct OMV Band is used for each employee's BIK calculation.

Employers are obliged to keep records in respect of:

- the vehicles driven by all employees, including directors,
- the value of the vehicles driven and the OMV Band used in the BIK calculation, and
- the BIK computation in respect of each employee.

### 8.5 Non-Application of Arrangement

If, during the course of an audit or other compliance intervention, it comes to light that the employer has not complied with the statutory obligation to operate PAYE, PRSI and USC in respect of any BIK arising to employees from the availability of the private use of employer provided vehicles, then the treatment outlined above will not be available.

## 9 Concessionary Treatment - COVID-19 Circumstances

In March 2020 Revenue agreed short term concessional treatment in relation to the operation of BIK on employer-provided vehicles in light of the unique circumstances arising due to the COVID-19 pandemic. Full details of this concessionary measure are outlined below.

Following the introduction of COVID-19 travel restrictions, the following may apply for the years of assessment 2020 and 2021, when calculating the BIK on an employer provided vehicle.

- a) Where an employer takes back possession of the vehicle and an employee has no access to the vehicle, no BIK shall apply for the period (this is by way of clarification rather than concessional treatment being afforded).

- b) Where an employee retains possession of a vehicle, but the employer prohibits the use of the vehicle, no BIK shall apply if the vehicle is not used for private use. Records should be maintained to show that the employer has prohibited its use and no such use has occurred, for example communication from employer, photographic evidence of odometer etc.
- c) Where an employee has a car provided by his or her employer and
- i) the circumstances in a) and b) above don't apply,
  - ii) limited or reduced business mileage (if any) is undertaken during the period of the COVID-19 crisis  
and
  - iii) personal use is limited

the amount of business mileage travelled in January 2020 may be used as a base month for the purposes of calculating the amount of BIK due. Thus, the percentage applied in the calculation of the cash equivalent, which is based on annualised business mileage, may have regard to the actual business mileage for January 2020. Therefore, the BIK charge applicable for the period of the COVID-19 restrictions arising in 2020 and 2021, will be determined based on the business travel the employee would likely have undertaken throughout that period in the absence of any COVID related restrictions. Appropriate records should be kept, for example business mileage travelled in January 2020, amount of private use, photographic evidence of odometer etc.

Where an employee did not have any business mileage for their current role in January 2020, for example, an employee who has taken on a new role since January 2020, a reasonable alternative may be used to calculate the annualised mileage. The reasonable alternative used must have due regard to the:

- specific role carried out by the employee
- and
- business travel the employee would likely undertake in that role in the absence of any COVID-19 related travel restrictions.

- d) Where an employee continues to undertake business travel as usual in an employer-provided vehicle, the usual BIK rules will apply.

In light of the updated public health guidance issued on 16 November 2021 requiring all employees to work from home unless it is necessary to attend the workplace in person, Revenue agreed that this measure would be retained for the 2022 year of assessment. However, for 2022 the measure only applied for the period of time during which the public health guidance measures remained in place. As public

health restrictions due to Covid-19 no longer apply, this measure ceases to apply from 1 June 2022.

Where public health guidance no longer requires an employee to work from home the BIK charge on an employer provided vehicle should be calculated in the 'usual' manner. This will be the case where an employer facilitates an employee or director in continuing to work from home or undertake limited or reduced business mileage after the relaxation of this public health guidance.

Where the concessionary measure applies for the 2022 year of assessment, the BIK charge due in that period may be calculated having due regard to the actual travel undertaken in January 2020 or a reasonable alternative, as outlined above. However, if at any time since January 2020 an employee returned to normal business travel which he or she would have undertaken in the absence of COVID restrictions, the travel undertaken in that period may also be used as a reasonable alternative.

## 10 BIK for 2023 and Subsequent Years

### 1. Benefit-in-Kind: Cars

Section 6 of Finance Act 2019 introduced a new method to calculate the cash equivalent of the use of a car. These changes will take effect for the year of assessment 2023 and subsequent years. The cash equivalent of the use of an employer provided car can be determined using the formula:

**Original market value (OMV) x A**

**To calculate A:**

1. Determine the applicable vehicle category from Table B based on the amount of CO<sub>2</sub> g/km the vehicle produces
2. Locate your vehicle category in Table A
3. Compare the annual business mileage travelled for the year to establish the appropriate percentage to use for A.

**TABLE A**

Business mileage		Vehicle Categories				
lower limit	Upper limit	A	B	C	D	E
(1)	(2)	(3)	(4)	(5)	(6)	(7)

kilometres	kilometres	Per cent	Per cent	Per cent	Per cent	Per cent
--	26,000	22.5	26.25	30	33.75	37.5
26,001	39,000	18	21	24	27	30
39,001	52,000	13.5	15.75	18	20.25	22.5
52,001	--	9	10.5	12	13.5	15

**TABLE B**

<b>Vehicle Category</b> <b>(1)</b>	<b>CO<sub>2</sub> Emissions (CO<sub>2</sub> g/km)</b> <b>(2)</b>
A	0g/km up to and including 59g/km
B	More than 59g/km up to and including 99g/km
C	More than 99g/km up to and including 139g/km
D	More than 139g/km up to and including 179g/km
E	More than 179g/km

**Example 9**

Tony has use of a car provided by his employer on 1 January 2023. The OMV of the car is €28,000. Per the manufacturer, the car produces 120g/km in CO<sub>2</sub> emissions.

Business kilometres in the year are 32,000 kilometres.

120g/km in CO<sub>2</sub> emissions puts the car in vehicle category C in Table B. As Tony drives 32,000 kilometres in the year, the cash equivalent is equal to the OMV x 24% (mileage between 26,001 and 39,000, see table A).

BIK Calculation:

Cash Equivalent (OMV x 24%)                      €28,000 x 24% =                      €6,720

**Example 10**

Sarah was provided with a with a car by her employer in 2023. The OMV of the car is €28,000 and all running costs are met by Sarah's employer. Sarah works full-time for the firm and generally travels around 9,000 kilometres for work related purposes. Due to the nature of her role, Sarah spends more than 70% of working time away from her employer's premises. Sarah meets the conditions to claim a reduction of 20% of the cash equivalent as outlined in section 5.1 above.

In 2023 her BIK charge is calculated as follows:

Firstly, we must check Table B to establish which category of vehicle Sarah drives. Based on CO<sub>2</sub> emissions of 95g/km we find that this is a category B vehicle. From Table A we find the BIK percentage charge for an employee with business mileage of less than 26,000 kilometres is 26.25%.

With Relief	Without relief
€28,000 x 26.25% = €7,350	€28,000 x 26.25% = €7,350
Less reduction of 20% ( <u>€1,470</u> )	
Amount subject to BIK €5,880	

As illustrated in this example it would be beneficial to Sarah to claim this relief as an alternative to tapering relief for business kilometres travelled.

**2. Benefit-in-Kind: Vans**

Section 6 of Finance Act 2019 also introduced a change to the percentage used in the calculation of the cash equivalent of the use of a van. From 1 January 2023, the percentage used in the calculation of the cash equivalent of the use of a van will increase from 5% to 8%.

## Appendix A: Business Mileage Tables

Applicable with effect from 1 January 2014

<b>Business mileage lower limit</b> <b>(1)</b>	<b>Business mileage upper limit</b> <b>(2)</b>	<b>Percentage of Original Market Value</b>
<b>Kilometres</b>	<b>Kilometres</b>	<b>Percent</b>
0	24,000	30
24,000	32,000	24
32,000	40,000	18
40,000	48,000	12
48,000 and over	-	6

Applicable up to and Including 2013

<b>Business mileage lower limit</b> <b>(1)</b>	<b>Business mileage upper limit</b> <b>(2)</b>	<b>Percentage of Original Market Value</b>
<b>Miles</b>	<b>Miles</b>	<b>Per cent</b>
0	15,000	30
15,000	20,000	24
20,000	25,000	18
25,000	30,000	12
30,000 and over	-	6

## Appendix B: Average OMV Bands for Employees in the Motor Industry

### Band 1: Average OMV Not Exceeding €30,000

Employees who normally have the use of vehicles with an OMV not exceeding €30,000

Section of Motor Industry	Average OMV
Motor Retailers engaged in selling used cars only and short-term car hire providers	€15,000
Franchised motor retailers who are engaged in selling new and used cars	€18,000
Motor distributors and leasing businesses	€22,000

### Band 2: Average OMV Greater than €30,000, but Not Exceeding €35,000

Employees who normally have the use of vehicles with an OMV which is greater than €30,000, but does not exceed €35,000

Section of Motor Industry	Average OMV
Motor Retailers engaged in selling used cars only and short-term car hire providers	€18,000
Franchised motor retailers who are engaged in selling new and used cars	€21,000
Motor distributors and leasing businesses	€25,000

**Band 3: Average OMV Greater than €35,000, but Not Exceeding €40,000**

Employees who normally have the use of vehicles with an OMV which is greater than €35,000, but does not exceed €40,000

<b>Section of Motor Industry</b>	<b>Average OMV</b>
Motor Retailers engaged in selling used cars only and short-term car hire providers	€21,000
Franchised motor retailers who are engaged in selling new and used cars	€24,000
Motor distributors and leasing businesses	€30,000

**Band 4: Average OMV Greater than €40,000, but Not Exceeding €45,000**

Employees who normally have the use of vehicles with an OMV which is greater than €40,000, but does not exceed €45,000

<b>Section of Motor Industry</b>	<b>Average OMV</b>
Motor Retailers engaged in selling used cars only and short-term car hire providers	€24,000
Franchised motor retailers who are engaged in selling new and used cars	€27,000
Motor distributors and leasing businesses	€34,000



**Band 5: Average OMV Greater than €45,000, but Not Exceeding €50,000**

Employees who normally have the use of vehicles with an OMV which is greater than €45,000, but does not exceed €50,000

<b>Section of Motor Industry</b>	<b>Average OMV</b>
Motor Retailers engaged in selling used cars only and short-term car hire providers	€27,000
Franchised motor retailers who are engaged in selling new and used cars	€30,000
Motor distributors and leasing businesses	€38,000

**Band 6: Average OMV Greater than €50,000, but Not Exceeding €55,000**

Employees who normally have the use of vehicles with an OMV which is greater than €50,000, but does not exceed €55,000

<b>Section of Motor Industry</b>	<b>Average OMV</b>
Motor Retailers engaged in selling used cars only and short-term car hire providers	€30,000
Franchised motor retailers who are engaged in selling new and used cars	€33,000
Motor distributors and leasing businesses	€42,000

**Band 7: Average OMV Greater than €55,000, but Not Exceeding €60,000**

Employees who normally have the use of vehicles with an OMV which is greater than €55,000, but does not exceed €60,000

<b>Section of Motor Industry</b>	<b>Average OMV</b>
Motor Retailers engaged in selling used cars only and short-term car hire providers	€33,000
Franchised motor retailers who are engaged in selling new and used cars	€36,000
Motor distributors and leasing businesses	€44,000

**Band 8: Average OMV Exceeding €60,000**

Where the OMV of the vehicle(s) used by the employee normally exceeds €60,000, the figure to be taken should be:

- the appropriate figure in the Band 7 category,  
plus
- 75% of the difference between the OMV and €60,000.

For example, if an employee of a franchised garage normally uses a vehicle with an OMV of €80,000, the average OMV should be €51,000 (€36,000 + (75% of €20,000)).