



TaxNewsFlash

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Announcement 2018-5: Pre-approved defined benefit plans; IRS to issue opinion, advisory letters soon

The IRS today released an advance version of Announcement 2018-5 concerning the issuance of IRS defined benefit opinion letters and IRS advisory letters for pre-approved defined benefit plans for the second six-year cycle.

[Announcement 2018-5](#) [PDF 45 KB] reports that the IRS intends to issue opinion and advisory letters for pre-approved master and prototype (M&P) and volume submitter (VS) defined benefit plans that were:

- Restated for changes in plan qualification requirements listed in Notice 2012-76 (the “2012 Cumulative List”), and
- Filed with the IRS during the submission period for the second six-year remedial amendment cycle under Rev. Proc. 2007-44

The release also states that the IRS expects to issue the opinion and advisory letters on March 30, 2018—or as soon as possible after that date in some instance.

April 30, 2020

An employer using these pre-approved plan documents to restate a plan for the plan qualification requirements included on the 2012 Cumulative List will be required to adopt the plan document by April 30, 2020.

Today’s IRS announcement extends to April 30, 2020, the end of a pre-approved defined benefit plan’s remedial amendment cycle with respect to the changes in plan qualification requirements included on the 2012 Cumulative List. An adopting employer whose defined benefit plan is eligible for the six-year remedial amendment cycle system under Rev. Proc. 2016-37, and who adopts, by April 30, 2020, an M&P or VS defined benefit plan that was approved based on the 2012 Cumulative List, will

be considered to have adopted the plan within the second six-year remedial amendment cycle.

Application period begins May 1, 2018, and ends April 30, 2020

Starting May 1, 2018, and ending April 30, 2020, the IRS will accept an application for an individual determination letter from an employer eligible to submit a determination letter request under the second six-year remedial amendment cycle for defined benefit pre-approved plans.

Rev. Proc. 2018-4 (previously published in [IRB 2018-1](#) [PDF 936 KB]) provides guidance on when an adopter of an M&P or VS plan may submit a determination letter application.

Today's release states that the IRS will announce in future guidance a delayed beginning date for the third six-year remedial amendment cycle for pre-approved defined benefit plans.

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