



**Transparency and Exchange of
Tax Information: Next steps**

**Commonwealth Secretariat and IFC
Forum Conference**

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By Pascal Saint-Amans, Head of the Global Forum Secretariat

Organisation for Economic Co-operation and Development

pascal.saint-amans@oecd.org / www.oecd.org/tax/transparency



Part I

THE GLOBAL FORUM STANDARDS AND THE 2009 PROGRESS REPORT: History and Recent Developments



2009: Revolution in Tax Cooperation

- Level playing field with all countries committed to the EOI standard, including key financial centers (Switzerland, Luxembourg, Singapore, Hong Kong)
- The OECD Secretary General publishes a Progress Report in conjunction with the London G20 Summit, 2 April
- Since January 2009: Around 700 agreements signed to exchange information to the standard
- Global Forum restructured (Mexico 1-2 September 09)



THE INTERNATIONAL STANDARD

- The international standard on EOI is set out in:
 - the 2002 OECD Model Agreement on Exchange of Information on tax matters, and its Commentary
 - Article 26 of the OECD Model Tax Convention on Income and on Capital, and its 2005 Commentary.



THE INTERNATIONAL STANDARD

- The standard requires:
 - exchange of information on request where “foreseeably relevant” to administration or enforcement of all tax matters
 - without regard to a domestic tax interest, bank secrecy, or dual criminality
 - availability of reliable information and powers to obtain it
 - with safeguards to protect taxpayers rights and confidentiality



Part II

THE GLOBAL FORUM



THE NEW GLOBAL FORUM

- Mexico 1-2 September 2009: restructured Global Forum
 - All members participate on an **equal footing**
 - Serviced by a self standing dedicated Secretariat
 - Self-funded: 3.111 million € with minimum fee of 15.100 €
 - Establish **in-depth peer review** process to monitor and review progress on effective information exchange
 - Work guided by
 - a Steering Group;
 - a Peer Review Group



MEMBERSHIP

- All OECD, G20 and other jurisdictions covered by 2009 Assessment invited to be members
- 102 members to date
- Other jurisdictions will be invited to become members if:
 - They commit to the standard
 - They agree to be reviewed
 - They pay the fee

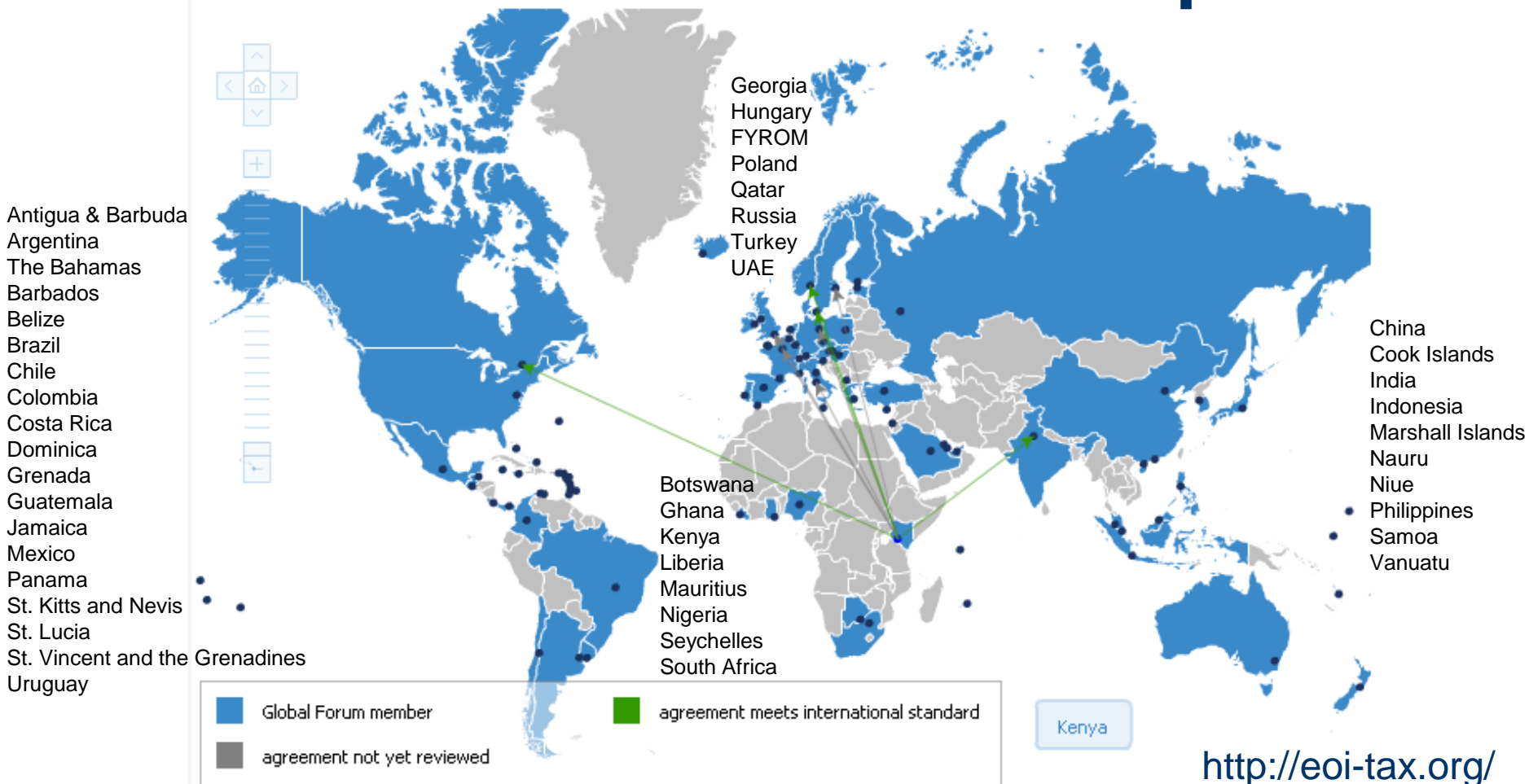


MEMBERSHIP

- Relevant international organisations invited as observers:
 - Asian Development Bank
 - Commonwealth Secretariat
 - European Bank for Reconstruction and Development
 - European Investment Bank
 - Inter-American Development Bank
 - International Finance Corporation
 - International Monetary Fund
 - United Nations
 - World Bank



Eoi Portal – Membership



This map is for illustrative purposes and is without prejudice to the status of or sovereignty over any territory covered by this map.



STEERING GROUP AND PEER REVIEW GROUP

Members of the Steering Group:

Australia (Chair)	Bermuda (Vice-Chair)	Brazil	Cayman Islands
China (Vice-Chair)	Germany (Vice-Chair)	France	India
Japan	Jersey	Singapore	South Africa
Switzerland	United Kingdom	United States	

Members of the PRG

Argentina	Australia	Brazil	British Virgin Islands	Cayman Islands	China	Denmark
France (Chair)	Germany	India	Ireland	Isle of Man	Italy	Japan (Vice-Chair)
Jersey (Vice-Chair)	Korea	Luxembourg	Malaysia	Malta	Mauritius	Mexico
Samoa	Singapore (Vice-Chair)	South Africa	St. Kitts and Nevis	Switzerland	The Bahamas	The Netherlands
United Kingdom	United States					



Part III

WHAT DO WE DO?

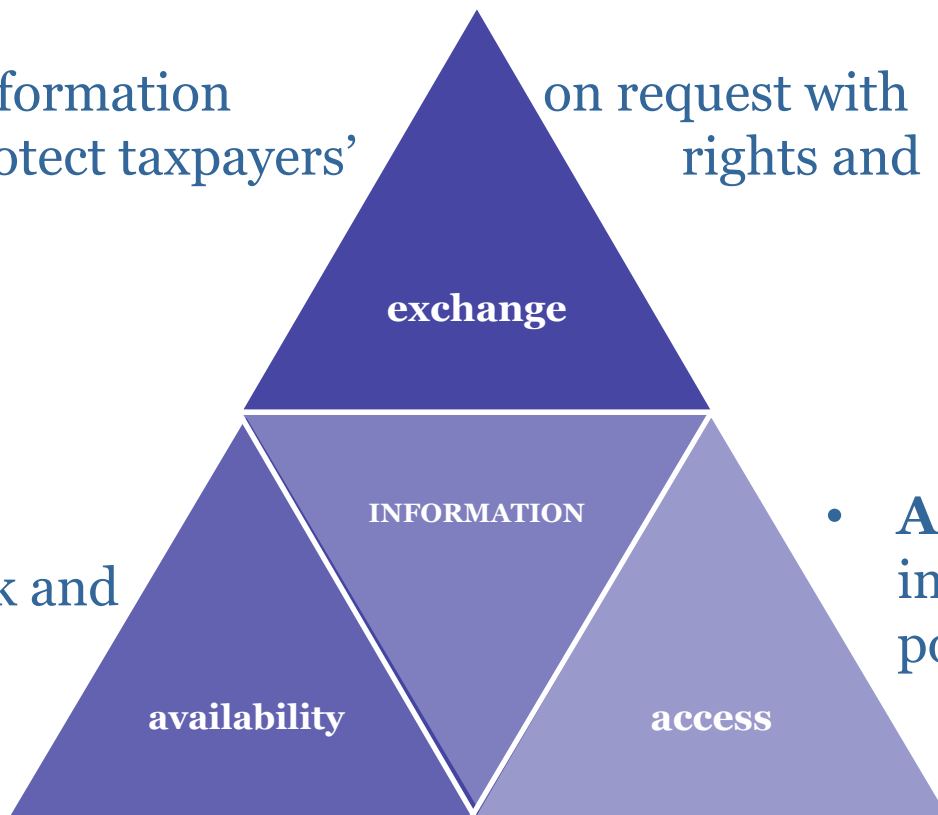


What we do

The Global Forum standards on transparency and exchange of information can be conceived of as a triangle or pyramid:

- **Exchange** of information on request with safeguards to protect taxpayers' confidentiality. rights and

- **Availability** of information particularly accounting, bank and ownership information



- **Access** to information and powers to obtain it



Terms of Reference

- Based on Article 26: Exchange of information on request when information is foreseeably relevant including bank and fiduciary information regardless of a domestic tax interest requirement
- The Terms of Reference spell the standard in 10 essential elements:

A AVAILABILITY OF INFORMATION

- A.1.** Jurisdictions should ensure that ownership and identity information for all relevant entities and arrangements is available to their competent authorities.
- A.2.** Jurisdictions should ensure that reliable accounting records are kept for all relevant entities and arrangements.
- A.3.** Banking information should be available for all account-holders.

B ACCESS TO INFORMATION

- B.1.** Competent authorities should have the power to obtain and provide information that is the subject of a request under an EOI agreement from any person within their territorial jurisdiction who is in possession or control of such information.
- B.2.** The rights and safeguards that apply to persons in the requested jurisdiction should be compatible with effective exchange of information.

C EXCHANGING INFORMATION

- C.1.** EOI mechanisms should provide for effective exchange of information.
- C.2.** The jurisdictions' network of information exchange mechanisms should cover all relevant partners.
- C.3.** The jurisdictions' mechanisms for exchange of information should have adequate provisions to ensure the confidentiality of information received.
- C.4.** The exchange of information mechanisms should respect the rights and safeguards of taxpayers and third parties.
- C.5.** The jurisdiction should provide information under its network of agreements in a timely manner.



PEER REVIEWS

- 2 Phases of peer review:
 - Phase 1 will focus on legal framework
 - Phase 2 will focus on practical implementation
- Phase 2 includes an on-site visit
- All jurisdictions covered by 2009 assessment will be subject to peer review, as well as other relevant jurisdictions



SCHEDULE OF PEER REVIEWS

2012				2013				2014	
1 st Half		2 nd Half		1 st Half		2 nd Half		1 st Half	
Samoa	Turkey	Belgium	British Virgin Islands	Bahrain, Kingdom of	Malaysia	Anguilla	Andorra	Belize	Czech Republic
Argentina	Portugal	Bermuda	Austria	Estonia	Samoa	Antigua and Barbuda	Botswana	Dominica	Gibraltar
Belize	Finland	Cayman Islands	Hong Kong, China	Jamaica	Slovak Republic	Chile	Ghana	Marshall Islands	Hungary
Dominica	Sweden	Cyprus	India	Philippines	Slovenia	Former Yugoslav Republic of Macedonia	Grenada	Nauru	Curaçao
Israel	Iceland	Guernsey	Liechtenstein	Argentina	U. S. Virgin Islands	Costa Rica	Israel	Niue	Poland
Marshall Islands	Slovenia	Malta	Luxembourg	Turks and Caicos	Vanuatu	Guatemala	Liberia	Saudi Arabia	Sint Maarten
Nauru		Qatar	Monaco	United Arab Emirates	Indonesia	Mexico	Russian Federation	Cook Islands	
Niue		San Marino	Panama	Barbados	Colombia	Montserrat	Saint Kitts and Nevis	Portugal	
Poland	Brazil	Singapore	Switzerland	Brunei	Georgia	Trinidad and Tobago	Saint Lucia	Uruguay	
US Virgin Islands	Seychelles	The Bahamas		Macao, China	Nigeria		St. Vincent and the Gren.	Aruba	
				Kenya			Lebanon		

- Phase 1 review
- Phase 2 review
- Combined reviews



The Peer Reviews

60 Peer Reviews to be completed by November 2011



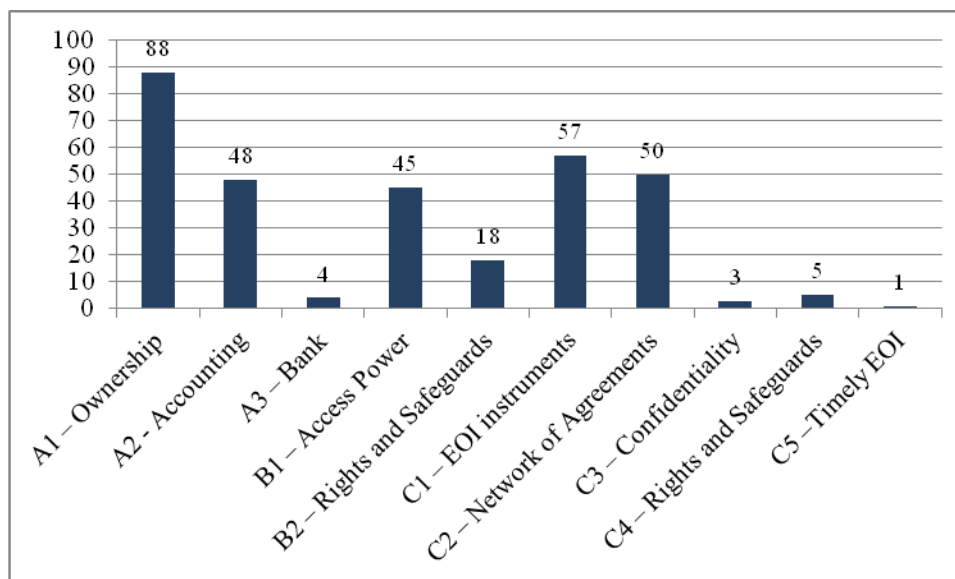
Global Forum Peer Reviews published in 2010 and 2011

- | | | |
|---|--------------------------------|--|
| Andorra 2011, Phase 1 | France 2011, Phases 1 & 2 | Monaco 2010, Phase 1 |
| Anguilla 2011, Phase 1 | Germany 2011, Phases 1 & 2 | Netherlands 2011, Phases 1 & 2 |
| Antigua and Barbuda 2011, Phase 1 | Ghana 2011, Phase 1 | New Zealand 2011, Phases 1 & 2 |
| Aruba 2011, Phase 1 | Gibraltar 2011, Phase 1 | Norway 2011, Phases 1 & 2 |
| Australia 2011, Phases 1 & 2 | Guernsey 2011, Phase 1 | Panama 2010, Phase 1 |
| Austria 2011, Phase 1 | Hong Kong, China 2011, Phase 1 | Philippines 2011, Phase 1 |
| Bahamas 2011, Phase 1 | Hungary 2011, Phase 1 | Qatar 2010, Phase 1 |
| Bahrain 2011, Phase 1 | India 2010, Phase 1 | San Marino 2011, Phase 1 |
| Barbados 2011, Phase 1 | Indonesia 2011, Phase 1 | Saint Kitts and Nevis 2011, Phase 1 |
| Belgium 2011, Phase 1 | Ireland 2011, Phases 1 & 2 | Seychelles 2011, Phase 1 |
| Bermuda 2010, Phase 1 | Italy 2011, Phases 1 & 2 | Singapore 2011, Phase 1 |
| Botswana 2010, Phase 1 | Isle of Man 2011, Phases 1 & 2 | Spain 2011, Phases 1 & 2 |
| British Virgin Islands 2011, Phase 1 | Jamaica 2011, Phase 1 | Switzerland 2011, Phase 1 |
| Brunei 2011, Phase 1 | Japan 2011, Phases 1 & 2 | Trinidad and Tobago 2011, Phase 1 |
| Canada 2011, Phases 1 & 2 | Jersey 2011, Phases 1 & 2 | Turks and Caicos Islands 2011, Phase 1 |
| Cayman Islands 2010, Phase 1 | Liechtenstein 2011, Phase 1 | United Kingdom 2011, Phases 1 & 2 |
| Curaçao 2011, Phase 1 | Luxembourg 2011, Phase 1 | United States 2011, Phases 1 & 2 |
| Denmark 2011, Phases 1 & 2 | Macao, China 2011, Phase 1 | Uruguay 2011, Phase 1 |
| Estonia 2011, Phase 1 | Malaysia 2011, Phase 1 | Vanuatu 2011, Phase 1 |
| Former Yugoslav Republic of Macedonia 2011, Phase 1 | Mauritius 2011, Phases 1 & 2 | |



Recommendations and determinations that have been made under the Phase 1 reviews

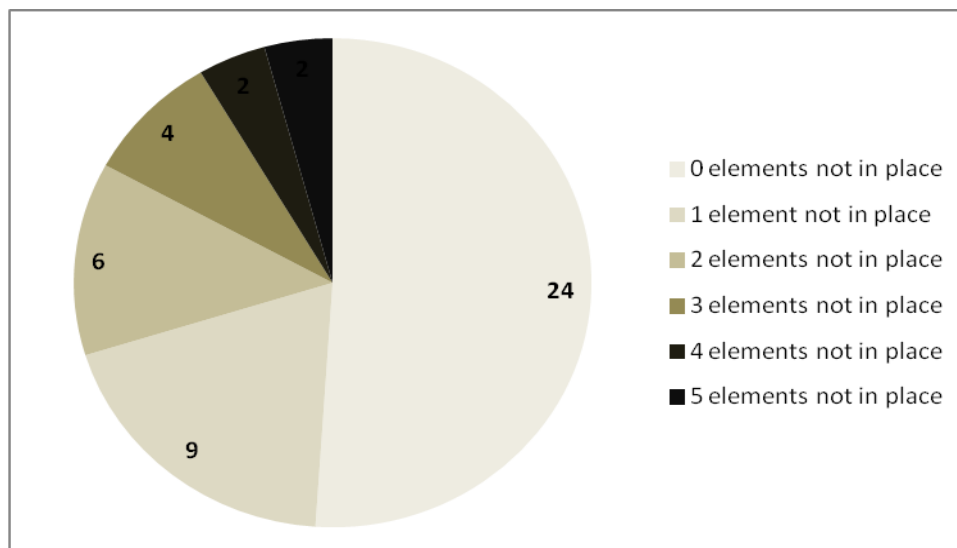
Table 1: Phase 1 recommendations





Recommendations and determinations that have been made under the Phase 1 reviews

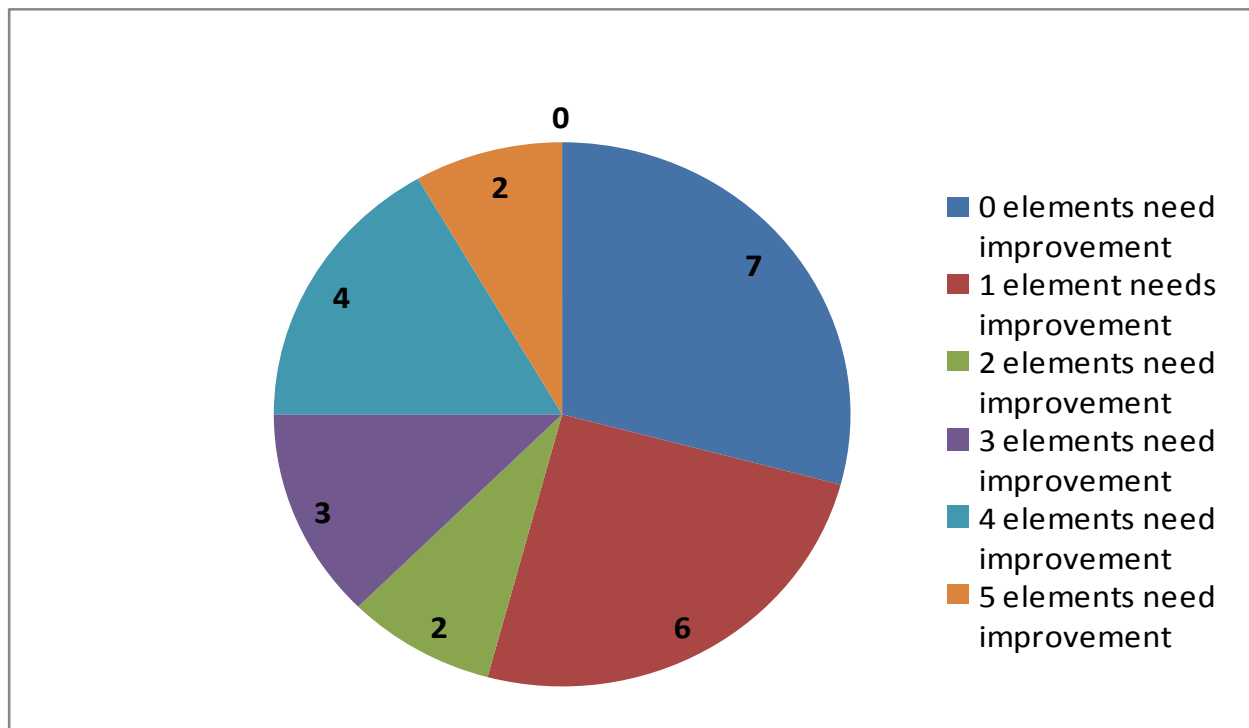
Table 2: Number of jurisdictions with elements not in place





Recommendations and determinations that have been made under the Phase 1 reviews

Table 3: Improvements needed for jurisdictions with all elements in place and elements needing improvement





Handbook for Assessors



This handbook is intended to assist the assessment teams and the reviewed jurisdictions that are participating in the Global peer reviews and non-member reviews. It provides contextual background information on the Global Forum and the peer review process. It also contains relevant key documents and authoritative sources that will guide assessors and reviewed jurisdictions throughout the peer review process.



Thank You

Welcome to the Exchange of Tax Information Portal. Home Library Key documents... Select a jurisdiction

The Exchange of Tax Information Portal is an initiative of the Global Forum on Transparency and Exchange of Information for Tax Purposes. The Global Forum conducts peer reviews of its member jurisdictions' ability to co-operate with other tax administrations in accordance with the internationally agreed standard. The standard provides for exchange of information on request where it is foreseeably relevant to the administration and enforcement of the domestic tax laws of the requesting jurisdiction. Effective exchange of information requires that jurisdictions ensure information is available, that it can be obtained by the tax authorities and that there are mechanisms in place allowing for the exchange of that information. The Global Forum's peer review process examines both the legal and regulatory aspects of exchange (Phase 1 reviews) and the exchange of information in practice (Phase 2). The EOI Portal will track the development of these peer reviews, including changes that jurisdictions make in response to the Global Forum's recommendations.

LATEST NEWS

Macau, China Phase 1 Peer Review launched on 4 May 2011
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Legend:
■ Global Forum member
■ agreement meets international standard
■ agreement not yet reviewed

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**Secretariat to the Global Forum
Email:**

gftaxcooperation@oecd.org

Ph: +33 (0)1 4524 9726

Visit the EOI Portal at:

www.eoi-tax.org