



New Opportunities for Governments to Counter Offshore Non-Compliance

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The New Political Momentum

- ❖ Liechtenstein scandal
- ❖ UBS case and “John Doe” summons
- ❖ Financial crisis highlights importance of transparency for tax and regulatory purposes
- ❖ Discussions at Doha UN conference in November 2008 focused on how strict secrecy jurisdictions deprive developing countries of the financial resources needed for development

**Political tolerance of international non-compliance
moving to zero**

The New Political Momentum

On 2 April at their London Summit, the G20 leaders agreed:

“to take action against non-cooperative jurisdictions, including tax havens. We stand ready to deploy sanctions to protect our public finances and financial systems. The era of banking secrecy is over. We note that the OECD has today published a list of countries assessed by the Global Forum against the international standard for exchange of tax information”

A PROGRESS REPORT ON THE JURISDICTIONS SURVEYED BY THE OECD GLOBAL FORUM IN IMPLEMENTING THE INTERNATIONALLY AGREED TAX STANDARD¹

Progress made as at 8th June 2009

Jurisdictions that have substantially implemented the internationally agreed tax standard			
Argentina	Germany	Korea	Seychelles
Australia	Greece	Malta	Slovak Republic
Barbados	Guernsey	Mauritius	South Africa
Bermuda	Hungary	Mexico	Spain
Canada	Iceland	Netherlands	Sweden
China ²	Ireland	New Zealand	Turkey
Cyprus	Isle of Man	Norway	United Arab Emirates
Czech Republic	Italy	Poland	United Kingdom
Denmark	Japan	Portugal	United States
Finland	Jersey	Russian Federation	US Virgin Islands
France			

Jurisdictions that have committed to the internationally agreed tax standard, but have not yet substantially implemented					
Jurisdiction	Year of Commitment	Number of Agreements	Jurisdiction	Year of Commitment	Number of Agreements
Tax Havens³					
Andorra	2009	(0)	Marshall Islands	2007	(1)
Anguilla	2002	(0)	Monaco	2009	(1)
Antigua and Barbuda	2002	(7)	Montserrat	2002	(0)
Aruba	2002	(4)	Nauru	2003	(0)
Bahamas	2002	(1)	Neth. Antilles	2000	(7)
Bahrain	2001	(8)	Niue	2002	(0)
Belize	2002	(0)	Panama	2002	(0)
British Virgin Islands	2002	(10)	St Kitts and Nevis	2002	(0)
Cayman Islands ⁴	2000	(8)	St Lucia	2002	(0)
Cook Islands	2002	(0)	St Vincent and the Grenadines	2002	(0)
Dominica	2002	(1)	Samoa	2002	(0)
Gibraltar	2002	(1)	San Marino	2000	(0)
Grenada	2002	(1)	Turks and Caicos Islands	2002	(0)
Liberia	2007	(0)	Vanuatu	2003	(0)
Liechtenstein	2009	(1)			
Other Financial Centres					
Austria ⁵	2009	(0)	Luxembourg ⁵	2009	(6)
Belgium ⁵	2009	(1)	Malaysia	2009	(0)
Brunei	2009	(5)	Philippines	2009	(0)
Chile	2009	(0)	Singapore	2009	(0)
Costa Rica	2009	(0)	Switzerland ⁵	2009	(0)
Guatemala	2009	(0)	Uruguay	2009	(0)

Jurisdictions that have not committed to the internationally agreed tax standard			
Jurisdiction	Number of Agreements	Jurisdiction	Number of Agreements
All jurisdictions surveyed by the Global Forum have now committed to the internationally agreed tax standard			

¹ The internationally agreed tax standard, which was developed by the OECD in co-operation with non-OECD countries and which was endorsed by G20 Finance Ministers at their Berlin Meeting in 2004 and by the UN Committee of Experts on International Cooperation in Tax Matters at its October 2008 Meeting, requires exchange of information on request in all tax matters for the administration and enforcement of domestic tax law without regard to a domestic tax interest requirement or bank secrecy for tax purposes. It also provides for extensive safeguards to protect the confidentiality of the information exchanged.

² Excluding the Special Administrative Regions, which have committed to implement the internationally agreed tax standard.

³ These jurisdictions were identified in 2000 as meeting the tax haven criteria as described in the 1998 OECD report.

⁴ The Cayman Islands have enacted legislation that allows them to exchange information unilaterally and have identified 12 countries with which they are prepared to do so. This approach is being reviewed by the OECD.

⁵ Austria, Belgium, Luxembourg and Switzerland withdrew their reservations to Article 26 of the OECD Model Tax Convention. Belgium has already written to 48 countries to propose the conclusion of protocols to update Article 26 of their existing treaties. Austria, Luxembourg and Switzerland announced that they have started to write to their treaty partners to indicate that they are now willing to enter into renegotiations of their treaties to include the new Article 26.

The Progress Report identifies:

- ❖ Jurisdictions which are currently considered to have substantially implemented the OECD standard by having concluded at least 12 agreements;
- ❖ Jurisdictions which committed but have not yet substantially implemented the OECD standard; and
- ❖ Jurisdictions which have not yet committed to the OECD standard

All 84 jurisdictions surveyed have committed to implement standards

- ❖ Andorra, Liechtenstein and Monaco committed to the standards
- ❖ Malta, Cyprus now implementing standards
- ❖ Hong Kong and Singapore have endorsed the standard and will propose legislative changes shortly
- ❖ Austria, Belgium, Luxembourg and Switzerland have removed their reservations on Article 26
- ❖ Brunei, Costa Rica, Malaysia, the Philippines and Uruguay all endorsed the standard and will make changes in 2009
- ❖ More than 40 TIEAs have been signed and 25 being negotiated
- ❖ But up to now only 7 tax havens are actively negotiating

The following “sanctions” were identified:

- ❖ Domestic tax measures (e.g. denying deductibility of expenses)
- ❖ Tax treaty review (terminating treaties)
- ❖ Non tax measures (encourage IFI not to invest in non-cooperative jurisdictions)

OECD is working on improving effectiveness

- ❖ Speed up negotiations of TIEAs with tax havens
- ❖ Amend existing DTAs
- ❖ Issue 2009 assessment (early September)
- ❖ Improved peer review mechanism
- ❖ Upgrade the Global Forum

We need swift and effective implementation