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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: The EU list of non-cooperative jurisdictions for tax purposes

- State of play of the cooperation with the EU with respect to commitments taken to implement tax good governance principles

The Council, at its meeting on 5 December 2017, noted with satisfaction the 'State of play of the cooperation with the EU with respect to commitments taken to implement tax good governance principles' set out in Annex II of its Council conclusions on the 'EU list of non-cooperative jurisdictions for tax purposes' (doc. 15429 /17, paragraph 11)¹.

Modifications to this state of play were subsequently endorsed by the Council on 23 January 2018 (doc. 5086/18)² and 13 March 2018 (docs. 6777/18³ and 6945/18)⁴.

On 14 February 2018, the Code of Conduct Group (Business Taxation) requested, for transparency reasons, the General Secretariat of the Council to publish on its website a consolidated version of this state of play.

¹ Official Journal of the European Union, C 438 2017 pages 5-24.

² Official Journal of the European Union, C 29 2018 page 2.

³ As corrected with doc. 6777/18 COR 2.

⁴ Official Journal of the European Union, C 100 2018 pages 4-5.

This consolidated version of the 'State of play of the cooperation with the EU with respect to commitments taken to implement tax good governance principles' is set out in annex to this document.

State of play of the cooperation with the EU with respect to commitments taken to implement tax good governance principles

1. Transparency

1.1 Commitment to implement the automatic exchange of information, either by signing the Multilateral Competent Authority Agreement or through bilateral agreements

The following jurisdictions are committed to implement automatic exchange of information by 2018:

Antigua and Barbuda, Bahrain, Curaçao, Dominica, Grenada, Hong Kong SAR, Macao SAR, Marshall Islands, New Caledonia, Oman, Qatar, Taiwan and United Arab Emirates.

The following jurisdictions are committed to implement automatic exchange of information by 2019:

Turkey

1.2 Membership of the Global Forum on transparency and exchange of information for tax purposes and satisfactory rating

The following jurisdictions are committed to become member of the Global Forum and/or have a satisfactory rating by 2018:

Curaçao, Marshall Islands, New Caledonia and Oman

The following jurisdictions are committed to become member of the Global Forum and/or have a sufficient rating by 2019:

Bosnia and Herzegovina, Cabo Verde, Fiji, Jordan, Mongolia, Montenegro, Serbia, Swaziland, Turkey and Vietnam

1.3 Signatory and ratification of the OECD Multilateral Convention on Mutual Administrative Assistance or network of agreements covering all EU Member States

The following jurisdictions are committed to sign and ratify the MAC or to have in place a network of agreements covering all EU Member States by 2018:

Antigua and Barbuda, Bahrain, Dominica, Grenada, Hong Kong SAR, Macao SAR, New Caledonia, Oman, Qatar, Taiwan and United Arab Emirates.

The following jurisdictions are committed to sign and ratify the MAC or to have in place a network of agreements covering all EU Member States by 2019:

Armenia, Bosnia and Herzegovina, Botswana, Cabo Verde, Fiji, Former Yugoslav Republic of Macedonia, Jamaica, Jordan, Maldives, Mongolia, Montenegro, Morocco, Peru, Serbia, Swaziland, Thailand, Turkey and Vietnam

2. Fair Taxation

2.1 Existence of harmful tax regimes

The following jurisdictions are committed to amend or abolish the identified regimes by 2018:

Andorra, Antigua and Barbuda, Armenia, Aruba, Barbados, Belize, Botswana, Cabo Verde, Cook Islands, Curacao, Dominica, Fiji, Grenada, Hong Kong SAR, Jordan, Korea (Republic of), Labuan Island, Liechtenstein, Macao SAR, Malaysia, Maldives, Mauritius, Morocco, Panama, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Seychelles, Switzerland, Taiwan, Thailand, Tunisia, Turkey, Uruguay and Vietnam

2.2 Existence of tax regimes that facilitate offshore structures which attract profits without real economic activity

The following jurisdictions are committed to addressing the concerns relating to economic substance by 2018:

Anguilla, Bahrain, Bermuda, British Virgin Islands, Cayman Islands, Guernsey, Isle of Man, Jersey, Marshall Islands and Vanuatu

3. Anti-BEPS Measures

3.1 Membership of the Inclusive Framework on BEPS or implementation of BEPS minimum standards

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard by 2018:

Aruba, Antigua and Barbuda, Bahrain, Cook Islands, Dominica, Faroe Islands, Greenland, Grenada, Marshall Islands, New Caledonia, Saint Lucia, Saint Vincent and the Grenadines, Taiwan, United Arab Emirates and Vanuatu

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard by 2019:

Albania, Armenia, Bosnia and Herzegovina, Cabo Verde, Fiji, Former Yugoslav Republic of Macedonia, Jordan, Maldives, Montenegro, Morocco, Serbia and Swaziland

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard if and when such commitment will become relevant:

Nauru, Niue