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DECLASSIFICATION

of document: ST 6683/19 RESTREINT UE/EU RESTRICTED

dated: 21 February 2019

new status: Public

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

- Draft assessment of the supplementary commitment letters from some jurisdictions regarding the replacement of harmful preferential tax regimes with measures of similar effect

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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Brussels, 21 February 2019
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NOTE

From: Commission Services

To: Code of Conduct Group (Business Taxation)

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

- Draft assessment of the supplementary commitment letters from some jurisdictions regarding the replacement of harmful preferential tax regimes with measures of similar effect

Delegations will find attached a document by the Commission services.

DECLASSIFIED

CODE OF CONDUCT GROUP – 27 February 2019**Assessment of the commitment letters received****Barbados**

Barbados sent a commitment letter on 5 February 2019 (see doc. 6097/19 ADD 2 EU RESTRICTED).

- The letter is signed by the Minister of International Business and Industry. Therefore the requirement for a high political level is met.
- Barbados does not commit to address the deficiencies concerned under the EU listing process, in line with criterion 2.2.
- Barbados claims that all potentially harmful regimes have been abolished and that the new measures introducing a low taxation system already include substance requirements, in line with the international standards as set by the FHTP.

Recommendation

The letter sent on 5 February 2019 cannot be considered as sufficient to fulfil the requirements, as it does not contain a commitment to address the deficiencies identified within the requested deadline of end of 2019.

Question to delegations:

Do you agree with the above assessment and recommendation?

Belize

Belize sent a commitment letter on 12 February 2019 (see doc. 6097/19 ADD 3).

- The letter is signed by the Financial Secretary. Therefore the requirement for a high political level is met.
- Belize commits to addressing the deficiencies identified in the new provisions of the Income and Business Tax Act by 31 December 2019. Belize does not intend to avail itself of any grandfathering mechanism.

Recommendation

The letter sent on 12 February 2019 can be considered as sufficient to fulfil all the requirements.

Question to delegations:

Do you agree with the above assessment and recommendation?

Curacao

Curacao sent a commitment letter on 15 February 2019 (see doc. 6097/19 ADD 5).

- The letter is signed by the Minister of Finance. Therefore the requirement for a high political level is met.
- Curacao commits to addressing the deficiencies identified in relation to the provisions on foreign source income in the National Ordinance on Profit Tax of 1940 by 31 December 2019, without introducing any grandfathering provision.

Recommendation

The letter sent on 15 February 2019 can be considered as sufficient to fulfil all the requirements.

Question to delegations:

Do you agree with the above assessment and recommendation?

Mauritius

Mauritius sent a commitment letter on 4 February 2019 (see doc. 6097/19 ADD 1).

- The letter is signed by the Prime Minister. Therefore the requirement for a high political level is met.
- Mauritius commits to addressing the deficiencies identified for the Partial Exemption regime by 31 December 2019, without introducing any grandfathering provision.

Recommendation

The letter sent on 4 February 2019 can be considered as sufficient to fulfil all the requirements.

Question to delegations:

Do you agree with the above assessment and recommendation?

Saint Lucia

Saint Lucia sent a commitment letter on 8 February 2019 (see doc. 6097/19 ADD 6 EU RESTRICTED).

- The letter is signed by the Prime Minister and Minister for Finance. Therefore the requirement for a high political level is met.
- Saint Lucia commits to addressing the deficiencies identified for the Income Tax Act, Cap.15.02 - Income Tax (Amendment) Act, No 1 of 2018 by 31 December 2019.

There is no mentioning of grandfathering, but as the request for commitment explicitly states that no grandfathering will be accepted, it is not necessary for it to be mentioned for the commitment to be sufficient.

Recommendation

The letter sent on 8 February 2019 can be considered as sufficient to fulfil all the requirements.

Question to delegations:

Do you agree with the above assessment and recommendation?

Seychelles

Seychelles sent a commitment letter on 15 February 2019 (see doc. 6097/19 ADD 4).

- The letter is signed by the Minister of Finance. Therefore the requirement for a high political level is met.
- Seychelles commits to addressing the deficiencies identified in relation to the provisions on foreign source income in the Business Tax Act by 31 December 2019, without introducing any grandfathering provision.

Recommendation

The letter sent on 15 February 2019 can be considered as sufficient to fulfil all the requirements.

Question to delegations:

Do you agree with the above assessment and recommendation?