

VALUING the important role that the G20 has played in the international sphere by supporting and encouraging the development of new initiatives on exchange of information and to tackle tax evasion and abusive tax avoidance,

ACKNOWLEDGING the important role that the multilateral Convention on Mutual Administrative Assistance in Tax Matters can play in facilitating the implementation of automatic exchange of information and TAKING ADVANTAGE of the fact that over 65 countries have already signed the Convention, including a growing number of developing countries, and 15 jurisdictions are covered by way of territorial extension,

NOTING that to tackle tax evasion and abusive tax avoidance a new single global standard on automatic exchange of information has been developed to alert tax authorities,

CONSIDERING that a group of 45 countries and jurisdictions are committed to an early adoption of the new single global standard,

CONSCIOUS that the new single global standard should not impose undue administrative costs and ACKNOWLEDGING that appropriate safeguards including certain confidentiality requirements shall be met in order to ensure the requirement that information may be used only for the purposes foreseen by the legal instrument pursuant to which it is exchanged,

RECOGNIZING however that such new single global standard presents different challenges to Developed and Developing Countries that should be adequately addressed

RECOGNISING, however that developing countries may face capacity constraints when implementing automatic exchange of information under the new single global standard,

CONSCIOUS of the need to provide technical assistance and capacity building to developing countries so that they may be able to reap the benefits of the standard,

EMPHASIZING that the code of conduct is a political commitment and does not affect the rights and obligations of States or their respective spheres of competence,

~~*Emphasizing that the code of conduct is a practical means of enhancing international tax cooperation to an acceptable level but that individual States should aspire to a higher level of cooperation to the extent their circumstances allow.*~~

The Committee of Experts on International Cooperation in Tax Matters hereby adopts the following code of conduct:

I. Scope

information may be used only for the purposes foreseen by the legal instrument pursuant to which it is exchanged,

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RECOGNISING, however that developing countries may face capacity constraints when implementing automatic exchange of information under the new single global standard,

CONSCIOUS of the need to provide technical assistance and capacity building to developing countries so that they may be able to reap the benefits of the standard,

- (b) Ensure there are no restrictions on information exchange caused by application of the dual criminality principle or a domestic tax interest requirement;
- (c) Have appropriate confidentiality rules for information exchanged and safeguards and limitations that apply to taxpayer information;
- (d) Ensure that reliable information is available, in particular, bank account, ownership, identity and relevant accounting information, with powers in place to obtain and provide such information in response to a specific request.
- (e) Acknowledge automatic exchange of information as the new single global standard;
- (f) Endorse the work and recent developments carried out on automatic exchange of information, including the Standard for Automatic Exchange of Financial Account Information in Tax Matters so called *Common Reporting Standard*;
- (g) Encourage all countries that have not already done so to sign and ratify the multilateral Convention on Mutual Administrative Assistance in Tax Matters;
- (h) Commit to work with the OECD, the Global Forum on Exchange of Information for Tax Purposes, the G20 and other concerned multilateral bodies and relevant international organizations in order to help developing countries and countries with economies in transition to identify their needs for capacity building and technical assistance on automatic exchange of information (including confidentiality);
- (i) Commit also to conduct technical meetings, seminars and other capacity-building or technical assistance events on automatic exchange of information (including confidentiality) for developing countries and countries with economies in transition, with concerned multilateral bodies and relevant international organizations.

These commitments are to be implemented by the following actions:

- (a) Unilateral actions: the national implementation of these standards may require that countries amend their domestic legislation, practices and develop necessary administrative resources and IT infrastructure ;
- (b) Bilateral, or as appropriate multilateral, including regional actions: the principles of transparency and effective exchange of information will generally be implemented through international cooperation (capacity building), bilateral or multilateral agreements in order to exchange information under the common reporting standard, or implementing the substance of article 26 and the

accompanying commentary on the United Nations Model Tax Convention, as finalized by the United Nations Committee of Experts on International Cooperation in Tax Matters.
