



The Global Forum's Plan of Action for **Developing Countries Participation in AEOI**

November 2017

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A New Global Standard

1. Tax evasion and avoidance can erode the foundations of the social contract, undermine the integrity of tax systems and deepen the inequality amongst taxpayers. Effective tax administration is thus critical for securing the collection of tax revenues and even more importantly for safeguarding the fundamental values of the political, legal and financial system of a modern state.
2. The increasing mobility of income and assets creates a major challenge for tax administrations. Several tax leaks released in the past few years have unveiled the depth and breadth of this challenge, showing that vast amounts of money are kept offshore and can go untaxed. Governments around the world have therefore joined their efforts to address this challenge and offer a global response to the issues of international tax evasion and avoidance based on closer cooperation and new more advanced technologies. Transparency and exchange of information for tax purposes are an integral part of this response.
3. A major milestone towards greater tax transparency was reached in 2009 when the G20 Leaders took decisive action to end the era of bank secrecy. The exchange of information on request (the EOIR Standard) was recognised as an international standard and its effective implementation has since been promoted and reviewed by the Global Forum on Transparency and Exchange of Information for Tax Purposes (the Global Forum).
4. In 2013, further steps towards more effective cooperation were made. The G20 Leaders at their Summit in September 2013 endorsed the Organisation for Economic Co-operation and Development (the OECD) proposal for a new global model of automatic exchange information and invited the OECD to work on it with G20 countries. Shortly after, in 2014, the G20 Finance Ministers and Central Bank Governors, and subsequently the G20 Leaders, endorsed the new Automatic Exchange of Financial Account Information Standard (the AEOI Standard). Recognising its added value in bringing greater tax transparency and its capacity to complement the EOIR Standard, the Global Forum adopted the AEOI Standard and launched a commitment process.

AEOI and Developing Countries

5. In 2014, all Global Forum members, other than developing countries that do not host a financial centre, were invited to commit to the AEOI Standard with first exchanges commencing in 2017 or 2018. This coordinated implementation process has enabled the delivery of a level playing field preventing taxpayers from moving their assets to other (non-committed) jurisdictions in the attempt to avoid information sharing with the jurisdiction of their tax residence.
6. Developing countries that do not host a financial centre were not called on to commit to the 2018 deadline in recognition of the lower risk they posed and the necessity of providing for a longer implementation period to accommodate capacity-building programmes and other technical assistance. Yet, the Global Forum has remained fully committed to ensuring that developing countries can also access the benefits of AEOI and to maintaining a level playing field, both at the global and regional level.
7. In August 2014, the Global Forum delivered to the G20 Development Working Group its Final Report “Automatic Exchange of Information: A Roadmap for Developing Country Participation”.¹ The

¹ The Final Report of the Global Forum on Transparency and Exchange of Information for Tax Purposes to the G20 Development Working Group “Automatic Exchange of Information: A Roadmap for Developing Country

report addressed the question of how to enable developing country participation in AEOI. It proposed specific steps which developing countries, the Global Forum, with support from international organisations, such as the World Bank Group, and the G20 members and other developed countries were invited to consider taking to assist developing countries in building their capacity and eventually implementing the AEOI Standard. The initiation and successful delivery upon AEOI pilot projects were central to this Roadmap.

8. Since 2014, the Global Forum Secretariat has been accumulating its expertise in the delivery of AEOI assistance and – in collaboration with experienced member jurisdictions and partner organisations – expanding the number of developing countries receiving technical assistance in this area. With this work successfully progressing, at its Tbilisi plenary meeting on 2-4 November 2016, the Global Forum encouraged all developing country members to take steps towards implementing the AEOI Standard “as soon as practicable”.² An increasing number of developing countries have since approached the Global Forum Secretariat expressing their interest in the AEOI Standard and demonstrating a strong political will to put it in place.

9. With exchanges having commenced among the 49 “early adopters” and a further 53 jurisdictions finalising their preparation to start exchanges in 2018, the time has come to define the parameters for an enhanced developing country commitment process. This will offer a long-term visibility to the members of the Global Forum and other interested parties, including potential donors of capacity-building and other technical assistance work in the field of AEOI, and send a clear message on the future progress to political leaders, advocacy groups and other relevant stakeholders, as well as the general public.

The Status of AEOI Commitments

10. A total of 102 members of the Global Forum have committed to commence first AEOI exchanges by 2018, of which only three are developing country members without financial centres (see **Table 1**). A further four members have committed to a later date, namely Albania (2020), Maldives (2020), Nigeria (2019) and Peru (2020). The remaining members of the Global Forum have endorsed the AEOI Standard, committing in principle but without a specific deadline (see **Table 2**).

Participation” (August 2014): <<http://www.oecd.org/ctp/exchange-of-tax-information/global-forum-AEOI-roadmap-for-developing-countries.pdf>>.

² The Statement of Outcomes of the 9th Global Forum Meeting (2-4 November 2016, Tbilisi, Georgia): <<http://www.oecd.org/tax/transparency/statement-of-outcomes-GF-plenary-2016.pdf>>.

Table 1: The Status of AEOI Commitments¹

JURISDICTIONS UNDERTAKING FIRST EXCHANGES IN 2017 (49)

Anguilla, Argentina, Belgium, Bermuda, British Virgin Islands, Bulgaria, Cayman Islands, Colombia, Croatia, Cyprus², Czech Republic, Denmark, Estonia, Faroe Islands, Finland, France, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, India, Ireland, Isle of Man, Italy, Jersey, Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montserrat, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Seychelles, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Turks and Caicos Islands, United Kingdom

JURISDICTIONS UNDERTAKING FIRST EXCHANGES BY 2018 (53)

Andorra, Antigua and Barbuda, Aruba, Australia, Austria, Azerbaijan³, The Bahamas, Bahrain, Barbados, Belize, Brazil, Brunei Darussalam, Canada, Chile, China, Cook Islands, Costa Rica, Curacao, Dominica, Ghana³, Greenland, Grenada, Hong Kong (China), Indonesia, Israel, Japan, Kuwait, Lebanon, Macau (China), Malaysia, Marshall Islands, Mauritius, Monaco, Nauru, New Zealand, Niue, Pakistan³, Panama, Qatar, Russia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Sint Maarten, Switzerland, Trinidad and Tobago, Turkey, United Arab Emirates, Uruguay, Vanuatu

¹ The United States has undertaken automatic information exchanges pursuant to FATCA from 2015 and entered into intergovernmental agreements (IGAs) with other jurisdictions to do so. The Model 1A IGAs entered into by the United States acknowledge the need for the United States to achieve equivalent levels of reciprocal automatic information exchange with partner jurisdictions. They also include a political commitment to pursue the adoption of regulations and to advocate and support relevant legislation to achieve such equivalent levels of reciprocal automatic exchange.

² Note by Turkey: The information in the documents with reference to "Cyprus" relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Turkey recognizes the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Turkey shall preserve its position concerning the "Cyprus issue".

Note by all the European Union Member States of the OECD and the European Union: The Republic of Cyprus is recognised by all members of the United Nations with the exception of Turkey. The information in the documents relates to the area under the effective control of the Government of the Republic of Cyprus.

³ Developing countries that do not host a financial centre were not asked to commit to a specific date of first exchanges but these jurisdictions have done so.

Table 2: AEOI Commitments by Developing Country Members without Financial Centres

JURISDICTIONS UNDERTAKING FIRST EXCHANGES BY 2018 (3)

Azerbaijan, Ghana, Pakistan

JURISDICTIONS UNDERTAKING FIRST EXCHANGES BY 2019/2020 (4)

Albania (2020), Maldives (2020), Nigeria (2019), Peru (2020)

DEVELOPING COUNTRIES HAVING NOT YET SET THE DATE FOR FIRST AUTOMATIC EXCHANGES (40)

Armenia, Benin, Botswana, Burkina Faso, Cambodia, Cameroon, Chad, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Former Yugoslav Republic of Macedonia, Gabon, Georgia, Guatemala, Guyana, Haiti, Jamaica, Kazakhstan, Kenya, Lesotho, Liberia, Madagascar, Mauritania, Moldova, Morocco, Niger, Papua New Guinea, Paraguay, Peru, Philippines, Rwanda, Senegal, Tanzania, Thailand, Togo, Tunisia, Uganda, Ukraine

The Importance of AEOI for Developing Countries

11. The Global Forum seeks to counter tax evasion and avoidance by increasing global tax transparency, international cooperation and the transparency of corporate bodies, arrangements and financial information. Although all jurisdictions suffer from tax-related abusive practices, this problem is often particularly acute in developing countries. In lower-income countries, tax revenues account for only approximately 10 to 14 percent of gross domestic product (GDP), which is one-third below that collected by middle-income countries and significantly less than 20-30 percent of GDP raised in high-income countries.³ This disparity between more economically advanced countries and developing world is often attributed to a lower capacity of tax administrations in developing countries to enforce tax laws and tackle illicit financial flows.

12. By obtaining access to the most advanced capacity-enhancing tools, developing countries can significantly strengthen their tax enforcement units, generate additional revenues and restore the level of public trust in the tax system. Automatic exchange of information provides a very powerful weapon which gives tax authorities visibility over the foreign accounts of their residents, making it far more difficult for tax evaders to hide assets and income abroad. Although the initial investment in the implementation of the AEOI Standard and associated compliance costs may appear burdensome, the medium to long-term return is potentially high. This includes the possibility of using the AEOI data for tax enforcement purposes, as well as a deterrent effect associated with the availability of offshore financial account information domestically.

13. The impact of AEOI has been felt in the jurisdictions which are committed to implement the AEOI Standard by 2018 even before any exchanges have occurred. As reported by the OECD to the G20, in response to disclosure initiatives and similar measures put in place prior to the start of exchanges approximately 500,000 individuals have already disclosed offshore assets worldwide, and some EUR 85 billion in additional tax revenue has been collected.⁴ The evidence is also emerging from several jurisdictions that the number of foreign financial accounts and the income from these account reported to tax authorities have increased significantly. In certain instances, AEOI has driven group requests under the EOIR Standard, confirming that both standards are supplementary and mutually reinforcing in delivering greater transparency.

14. Developing countries are disproportionately exposed to the risks of international tax evasion and avoidance and therefore their need for access to the worlds information exchange systems is proportionately greater. By not participating in AEOI, developing countries risk losing out in their fight against abusive tax practices. Conversely, by being part of the global move towards greater tax transparency, they stand to gain the most by generating additional tax revenues which are of critical importance for delivering the most fundamental public services and fighting poverty. Governments also recognise synergies in implementing the AEOI and the Country-by-Country (CbC) reporting standards simultaneously which further enhance potential revenue gains.

15. The post-2015 Sustainable Development Goals call for global partnership “to strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic

³ World Bank Group (2013), “Financing for Development Post-2015”: <<https://www.worldbank.org/content/dam/Worldbank/document/Poverty%20documents/WB-PREM%20financing-for-development-pub-10-11-13web.pdf>>.

⁴ The OECD Secretary-General Report to G20 Leaders (July 2017): <<http://www.oecd.org/ctp/oecd-secretary-general-tax-report-g20-leaders-july-2017.pdf>>.

capacity for tax and other revenue collection” (Target 17.1). Delivering a more modern and effective tax system and administration is essential for domestic resource mobilisation and sustainable development. The AEOI Standard is capable of bringing developing countries closer to achieving this goal and implementing it should therefore reflect an appropriate urgency.

Challenges Associated with AEOI Implementation by Developing Countries

16. Whilst the AEOI Standard can benefit developing countries, its implementation is constrained by several challenges. The expertise on AEOI implementation accumulated by the Global Forum in the past three years, including through bi-lateral pilot AEOI projects, has provided insights into these challenges and equipped the Global Forum with better understanding of the ways of addressing them.

17. The first level of challenges is associated with resource constraints, including human resources, institutional capacities – such as those associated with information and data handling – and funding available for putting in place the necessary processes and infrastructure. Developing countries often lack the knowledge about the AEOI Standard and have limited capacities to carry out country-specific evaluation concerning the costs and benefits associated with the implementation of the AEOI Standard in their jurisdiction.

18. Furthermore, the complexity of the implementation process creates a challenge of its own. The implementation of the AEOI Standard requires (among other things): (i) translating the reporting and due diligence requirements of AEOI into domestic law; (ii) putting in place the administrative and information technology infrastructure and processes required to collect and exchange information under AEOI; and (iii) introducing the necessary safeguards to protect the confidentiality of taxpayer data. All of this requires substantial upfront investment. The Global Forum stands ready to support its developing country members in each of these areas and has developed several tools for facilitating the implementation process, such as model legislation.

19. Developing countries are likely to receive more financial account information than they send abroad. However, the data will not be sent to them until a satisfactory Global Forum assessment of such members’ confidentiality and data safeguards has been reached. All those jurisdictions exchanging information in 2017, and almost all of those exchanging in 2018, have already been assessed. The experience gained by the Global Forum demonstrates that the need to meet confidentiality and data safeguards requirements is one of the most time- and resource-consuming capacity-related challenges. There is an inherent sensitivity in accepting formal commitments by a specific date if the resources put into the implementation process – both by the developing country itself and the Global Forum through technical assistance – will bring no tangible return. The confidentiality and data security arrangements therefore will play a substantial role in defining a practicable date of commitment to ensure that the developing country – if it follows the proposed action plan – can reasonably expect to start receiving information in the same year when the information is sent to its partners. The successful assessment of confidentiality and data security arrangements will carry an added benefit as it will also clear a jurisdiction for receiving CbC reports which rely upon the same standard.

20. The second level of challenges is political. Whilst many implementation challenges that developing countries face can be remedied through intensive technical assistance, it cannot solve all of the issues. The overriding obstacle is often of a political nature rather than a technical one. Even if among public officials responsible for tax policy and administration the importance of engaging in AEOI may be understood and accepted, obstacles are often encountered at the political level where the same priority may not be given to this topic for a variety of reasons. A jurisdiction’s readiness to devote the time and resources required,

involve all of the relevant stakeholders and put in place the various elements needed to implement AEOI varies. In some instances, it is a matter of priorities where other – more immediate challenges and reforms – are higher up at the governments’ agendas. In other instances, however, AEOI may be seen as a sensitive matter which may undermine certain financial interests and is perceived with caution.

21. Constructive engagement with the governments of developing countries and other relevant stakeholders has therefore proven necessary to obtain the commitment of key leaders and build a supportive political environment for making sound progress towards the global implementation of the AEOI Standard. A strong signal from the Global Forum, other international organisations and the G20 in support of the AEOI implementation by developing countries will help to facilitate the initial dialogue on a practical commitment date and ensure that support necessary for effective utilisation of this opportunity by developing countries is accumulated and available for those ready to move forward. A coordinated progress by developing countries will also help to address concerns associated with the regional playing field which have been voiced by several developing country members.

A New Developing Country Commitment Process

22. Developing countries that do not host a financial centre were not called on to commit to the 2018 deadline on account of two factors. First, this category of countries requires a longer implementation period to accommodate capacity-building programmes and other technical assistance and, second, it generally poses a lower risk to the level playing field. The new commitment process has been built upon this rationale. It recognises that the universe of developing countries is diverse. Instead of a one-size-fits-all solution, it proposes a coherent and structured process which takes the existing differences into account.

A. The Mainstream Process – A Step-by-Step Approach

Step 1: Preliminary evaluation of the confidentiality and data safeguards framework and other relevant factors

23. The process commences with an invitation being sent to all developing countries without financial centres to engage in a dialogue on a practicable timeline for the implementation of the AEOI Standard that includes a preliminary evaluation of confidentiality and data safeguards and other relevant factors. The evaluation of confidentiality and data safeguards will seek to identify how long it may reasonably take for the country to satisfy the information handling requirements of the AEOI Standard and will deliver a realistic action plan towards this target. Other relevant factors which will be considered include, for instance, the time needed to sign and ratify the multilateral Convention on Mutual Administrative Assistance in Tax Matters (if applicable), to adopt the prerequisite domestic laws and carry out other preparatory actions. For the jurisdictions which have ongoing induction programmes in place, the preliminary evaluation for AEOI purposes will be incorporated in the ongoing induction programme.

Step 2: Proposing a practicable commitment date, supported by an action plan

24. The preliminary evaluation will allow the jurisdictions, in consultation with the Global Forum Secretariat, to arrive at a practicable commitment date, supported by a tailored staged action plan for AEOI implementation.

Step 3: Seeking a formal commitment to implement the AEOI Standard

25. The jurisdiction will then be invited to make a formal commitment to implement the AEOI Standard by signing a letter which indicates the intended date of first exchanges. Although the timeline can

be subsequently adjusted to account for unforeseen circumstances, a jurisdiction will make a high level political commitment to make sincere efforts towards implementing the AEOI Standard effectively and in a timely manner, endeavouring to put in place all the necessary internal structures, including domestic legislative framework; the international legal framework; confidentiality and data safeguards arrangements; information technology systems, procedures and human resources according to the timeline set out in the action plan. The jurisdiction will also recognise an obligation to reciprocity and exchanging information with all interested and appropriate partner jurisdictions (defined as all those jurisdictions that wish to receive information and that meet the standards on confidentiality and data safeguards, and proper use of information).

Step 4: Technical assistance, monitoring and assessment of AEOI implementation

26. Once the political commitment has been expressly made and publicised, technical assistance can be offered as necessary by the Global Forum Secretariat, subject to available resources and funding, and by other development partners. The Secretariat will ensure regular reporting to the Global Forum on the progress made by the developing countries towards AEOI. It will also monitor and assess whether countries deliver necessary implementation steps in accordance with the agreed action plan. The provision of technical assistance will be subject to and dependent upon meeting of previous implementation milestones. If insufficient progress is made by a committed jurisdiction, technical assistance may be suspended.

27. Some countries can benefit from bilateral pilot projects which facilitate peer-to-peer knowledge transfers to help countries in implementing and benefiting from AEOI. There are currently six pilot projects underway to assist developing countries, in partnership with more experienced peers: Albania and Italy; Georgia and Germany; Ghana and the United Kingdom; Morocco and France; Pakistan and the United Kingdom; and the Philippines and Australia. The pilot project between Colombia and Spain came to a conclusion with Colombia exchanging information under the AEOI Standard in September 2017.

Developing Countries Participation in AEOI: The Step-by-Step Approach

- **Step 1 “Preliminary evaluation”**: developing countries without financial centres are now invited to engage in a dialogue with the Global Forum Secretariat on a practicable timeline for the implementation of the AEOI Standard. This includes a preliminary evaluation of confidentiality and data safeguards framework and other relevant factors. The evaluation seeks to identify how long it may reasonably take for each country to satisfy the requirements and put in place other necessary components to commence AEOI exchanges. For countries which have ongoing induction programmes in place, the preliminary evaluation for AEOI purposes will be incorporated in the ongoing induction programme.
- **Step 2 “Agreeing upon a practical commitment date and setting up an action plan”**: this preliminary assessment will allow the jurisdictions, in consultation with the Global Forum Secretariat, to arrive at a practicable commitment date, supported by a tailored staged action plan for AEOI implementation.
- **Step 3 “Formal commitment”**: the country is then invited to make a formal high level commitment to implement the AEOI Standard. Although the timeline can be subsequently adjusted to account for unforeseen circumstances, the country will commit to make sincere efforts towards implementing the AEOI Standard effectively, in a timely manner and in accordance with the agreed action plan.
- **Step 4 “Technical assistance and monitoring/assessment”**: technical assistance can be offered as necessary by the Global Forum Secretariat, subject to available resources and funding, and by other development partners. It will also monitor and assess whether countries deliver necessary implementation steps in accordance with the agreed action plan. If insufficient progress is made by a committed jurisdiction, technical assistance may be suspended.

B. The Back-Stop Process – The Jurisdiction of Relevance

28. The step-by-step approach allows factoring in the differences in capacities and accommodating resource constraints faced by developing countries. However, it does not account for diverse levels of financial activities and the risks to the global or regional level playing field. A back-stop process will address the concern where a jurisdiction so far not committed becomes a risk to the level playing field. Any jurisdiction, whether a Global Forum member or not, including a developing country without a financial centre, can be nominated and will be screened under a jurisdiction of relevance identification process.

Next Steps towards the Global Implementation of the AEOI Standard

29. The proposed step-by-step approach to the developing country commitment process, which builds upon a prior evaluation of each jurisdiction's capacities, fully respects the two cornerstone principles of international tax cooperation emphasised by the Addis Ababa Action Agenda (2015). International tax cooperation must be universal in its “approach and scope and should fully take into account the different needs and capacities of all countries”, and inclusive by making the benefits available for all countries and jurisdictions.⁵ The access to the most modern tax administration practices should be facilitated, whilst the special needs of developing countries – and in particular the crucial role of technical assistance – must be factored in when a commitment to the international standards is being sought.

30. Through a coherent and structured process laid down in this Plan of Action, developing country members can also benefit from the parallel implementation of the AEOI Standard and the transparency-related minimum standards implemented under the Inclusive Framework on Base Erosion and Profit Shifting (BEPS IF), most notably the CbC Reporting which seeks to give tax administrations a better understanding of how locally active multinational enterprises are allocating their functions around the world, including per-jurisdiction break-down of their income, taxes, employees and assets. The CbC Reporting attracts many developing countries which will be net recipients in such exchanges. There are several areas where the implementation steps for the AEOI and CbC Reporting standards overlap, for instance, in their reliance on the same confidentiality and data safeguards standards, making simultaneous progress more efficient.

31. In May-August 2017, the Global Forum has already invited all developing country members without financial centres to engage in a dialogue on a practicable timeline for the implementation of the AEOI Standard, including an offer to benefit from the preliminary evaluation for AEOI purposes. In many instances, this offer of technical assistance is coordinated with the BEPS IF and incorporates a broader package of supporting measures, including induction programmes. Some positive responses have already been received from our members and the Secretariat continues to build political engagement with developing country leaders. The Global Forum's endorsement of the step-by-step approach and the publication of the Global Forum's Plan of Action for Developing Countries Participation in AEOI are expected to provide political impetus for further progress in this direction.

Conclusion

⁵ The Addis Ababa Action Agenda of the Third International Conference on Financing for Development: <<https://sustainabledevelopment.un.org/frameworks/addisababaactionagenda>>.

32. The implementation of the AEOI Standard by developing countries without financial centres is one of the key priorities of the Global Forum's work for 2018-2020 and beyond. The long-term visibility will ensure a smooth progress and deliver benefits to those corners of the world where it is most needed. Under the proposed step-by-step approach no country will be left out of the process but the progress will be achieved at multiple speeds in recognition of diverse capacities and risks.

33. The proposed approach will allow identifying the most advanced jurisdictions which are ready to implement the AEOI Standard by 2020 and streamline their swift progress, whereas the jurisdictions which require a longer implementation timeline will benefit from a detailed action plan and will be able to start their preparation process early. The jurisdictions of relevance process will mitigate the potential risks to global or regional level playing field.

34. This Plan of Action highlights the steps which are needed to support the implementation of the AEOI by developing countries. The progress however requires substantial amount of technical assistance provided over several years – from the point of defining a practicable date to the point of first exchanges.⁶ While some resources are already available to carry out the necessary work on several pilot projects, they are not sufficient to meet entire demand. Through this Plan of Action, the Global Forum members calls on the G20, all development partners and other potential donors to provide adequate resources to support developing countries in their implementation of the AEOI Standard which will help them to secure sustainable domestic revenues.⁷ Members are also inviting governments to express their interest in providing assistance to developing countries, including through bi-lateral AEOI pilot projects.

⁶ The use of data has not been covered in this document. It will be expanded in the future to cover the post-implementation issues.

⁷ See also the Statement of Outcomes of the 10th Global Forum Meeting (15-17 November 2017, Yaoundé, Cameroon): <<http://www.oecd.org/tax/transparency/statement-of-outcomes-yaounde.pdf>>.

For more information:
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