

IV

*(Notices)*NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

COUNCIL

**The EU list of non-cooperative jurisdictions for tax purposes — Report by the Code of Conduct
Group (business taxation) suggesting amendments to the Annexes to the Council conclusions of
18 February 2020**

(2020/C 331/03)

With effect from the day of publication in the *Official Journal of the European Union*, Annexes I and II to the Council conclusions of 18 February 2020 (OJ C 64, 27.2.2020, p. 8) on the revised EU list of non-cooperative jurisdictions for tax purposes, are replaced by the following new Annexes I and II:

‘ANNEX I

The EU list of non-cooperative jurisdictions for tax purposes**1. American Samoa**

American Samoa does not apply any automatic exchange of financial information, has not signed and ratified, including through the jurisdiction they are dependent on, the OECD Multilateral Convention on Mutual Administrative Assistance as amended, did not commit to apply the BEPS minimum standards and did not commit to addressing these issues.

2. Anguilla

Anguilla does not have a rating of at least “Largely Compliant” by the Global Forum on Transparency and Exchange of Information for Tax Purposes for Exchange of Information on Request and has not resolved this issue yet.

3. Barbados

Barbados does not have a rating of at least “Largely Compliant” by the Global Forum on Transparency and Exchange of Information for Tax Purposes for Exchange of Information on Request and has not resolved this issue yet.

4. Fiji

Fiji is not a member of the Global Forum on transparency and exchange of information for tax purposes (“Global Forum”), has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance as amended, has harmful preferential tax regimes, has not become a member of the Inclusive Framework on BEPS or implemented OECD anti-BEPS minimum standard, and has not resolved these issues yet.

5. Guam

Guam does not apply any automatic exchange of financial information, has not signed and ratified, including through the jurisdiction they are dependent on, the OECD Multilateral Convention on Mutual Administrative Assistance as amended, did not commit to apply the BEPS minimum standards and did not commit to addressing these issues.

6. Palau

Palau does not apply any automatic exchange of financial information, has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance as amended, and has not resolved these issues yet.

7. Panama

Panama does not have a rating of at least “Largely Compliant” by the Global Forum on Transparency and Exchange of Information for Tax Purposes for Exchange of Information on Request and has not resolved this issue yet.

8. Samoa

Samoa has a harmful preferential tax regime and has not resolved this issue yet.

Furthermore, Samoa committed to comply with criterion 3.1 by the end of 2018 but has not resolved this issue yet.

9. Seychelles

Seychelles has harmful preferential tax regimes and has not resolved these issues yet.

Furthermore, Seychelles does not have a rating of at least “Largely Compliant” by the Global Forum on Transparency and Exchange of Information for Tax Purposes for Exchange of Information on Request and has not resolved this issue yet.

10. Trinidad and Tobago

Trinidad and Tobago does not apply any automatic exchange of financial information, has a “Non-Compliant” rating by the Global Forum on Transparency and Exchange of Information for Tax Purposes for Exchange of Information on Request, has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance as amended, has harmful preferential tax regimes, and has not resolved these issues yet.

11. US Virgin Islands

US Virgin Islands does not apply any automatic exchange of financial information, has not signed and ratified, including through the jurisdiction they are dependent on, the OECD Multilateral Convention on Mutual Administrative Assistance as amended, has harmful preferential tax regimes, did not commit to apply the BEPS minimum standards and did not commit to addressing these issues.

12. Vanuatu

Vanuatu does not have a rating of at least “Largely Compliant” by the Global Forum on Transparency and Exchange of Information for Tax Purposes for Exchange of Information on Request, facilitates offshore structures and arrangements aimed at attracting profits without real economic substance and has not resolved these issues yet.

ANNEX II**State of play of the cooperation with the EU with respect to commitments taken by cooperative jurisdictions 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 jurisdiction, which is expected to make tangible progress in the effective implementation of the automatic exchange of information with all EU Member States, was granted until 31 December 2020 to do so:

Turkey

1.2. *Membership of the Global Forum on transparency and exchange of information for tax purposes ("Global Forum") and satisfactory rating in relation to exchange of information on request*

The following jurisdiction, which committed to have a sufficient rating by the end of 2018, is waiting for a supplementary review by the Global Forum:

Turkey

The following developing country without a financial centre, which committed to have a sufficient rating by the end of 2019, is waiting for a supplementary review by the Global Forum:

Botswana

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

The following developing countries without a financial centre, which have made meaningful progress in the delivery of their commitments, were granted until 31 December 2020 to sign the MAC and until 31 December 2021 to ratify the MAC:

Botswana, Eswatini, Jordan, Maldives, Namibia, Thailand

2. **Fair Taxation**

2.1. *Existence of harmful tax regimes*

The following jurisdiction, which committed to amend or abolish its foreign source income exemption regime by the end of 2019, has adopted sufficient amendments in line with its commitments and has committed to address a remaining issue by 31 December 2020:

Saint Lucia

The following jurisdictions, which committed to amend or abolish their harmful tax regimes by end 2019 but were prevented from doing so due to a delayed process in the OECD Forum on Harmful Tax Practices, were granted until the end of 2020 to adapt their legislation:

Australia, Morocco

The following jurisdiction, which committed to amend or abolish its harmful tax regimes covering manufacturing activities and similar non-highly mobile activities by the end of 2019 and demonstrated tangible progress in initiating these reforms in 2019, was granted until 31 December 2020 to adapt its legislation:

Namibia

The following jurisdictions are committed to amend or abolish harmful tax regimes by the end of 2020:

Jordan'
