

the text be revised to produce a text that was not made to appear legally binding for countries, given that this would unnecessarily hinder the wide support for such a document.

62. After further discussion, and with the input of the Secretariat as to the appropriate format to be presented to the Economic and Social Council, the Committee agreed in principle that the Code should take the form of a Council resolution, with a draft to be included in the report of the Committee, in the section on action required by the Economic and Social Council. The Committee recommended that the Subcommittee redraft the text for the next meeting of the Committee. The Secretariat was requested to make initial suggestions with regard to the format and wording of the text.

The attached secretariat redraft draws upon those discussions and makes changes to (i) address that the Code of Conduct should be in the form of an ECOSOC Resolution; (ii) make it clear that the adherence to the Code of Conduct is totally voluntary; and (iii) not specifically refer to the Subcommittee on Exchange of Information has not been in a position to consider this text in any detail and so it at this stage it is intended only as a Secretariat suggestion..

III. ~~Commitments~~ Substantive Actions

~~{Under States following this code of conduct States agreeing intend to be bound by it, commit to:}~~

- (a) Effectively exchange information in both criminal and civil tax matters;
- (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;
- ~~(a) 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.~~
- ~~(b) Acknowledge automatic exchange of information as the new global standard, which comprises also the fulfilment of strict confidentiality rules with respect to the information exchanged;~~
- (d) Endorse the work carried out on automatic exchange of financial

ATTACHMENT B (CLEAN COPY)

DRAFT RESOLUTION

**UNITED NATIONS CODE OF CONDUCT ON COOPERATION IN COMBATING
INTERNATIONAL TAX EVASION**

The Economic and Social Council,

RECOGNIZING that tax evasion, including tax fraud, is a global problem affecting developed and developing countries,

appropriate legal framework, having the necessary information technology and human resources in place, as well as capacity building, in order to achieve effective and efficient implementation,

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 automatic exchange of information,

EMPHASIZING that the nothing in this resolution affects the rights and obligations of States or their respective spheres of competence,

1. DECIDES to adopt the following code of conduct

I. Scope

This code of conduct applies to States expressing the intention to follow it, including their Government agencies.

II. Goals

The code of conduct has the following goals:

- (a) To ensure that all States following this code of conduct, in an effort to combat international tax evasion, and to protect their tax bases from non-compliance with their tax laws, provide that high levels of transparency and exchange of information in tax matters are adhered to, in particular, automatic exchange of information;
- (b) To assist in the development of international norms, practical steps and building capacity programs those States may follow with a view to preventing and combating international tax evasion and protecting their tax bases from non-compliance with their tax laws.

III. Substantive Actions

States following this code of conduct intend to:

- (a) Effectively exchange information in both criminal and civil tax matters;
- (b) Ensure there are no restrictions on information exchange

