

International Co-Operation TIEAs

History of TIEAs

1996: G7 States and OECD Member states have criticized the economical competition chances caused by differences in taxation

 lack of Information Exchange strengthens tax fraud

Since 2002: OECD-TIEA-Model-Agreement!
Implementation of so called black, white and grey lists of tax havens (by OECD)
to ensure an appropriate taxation

Agreement between states (bilateral or multilateral)

Regulates the mutual assistance in tax or criminal matters

Purpose:

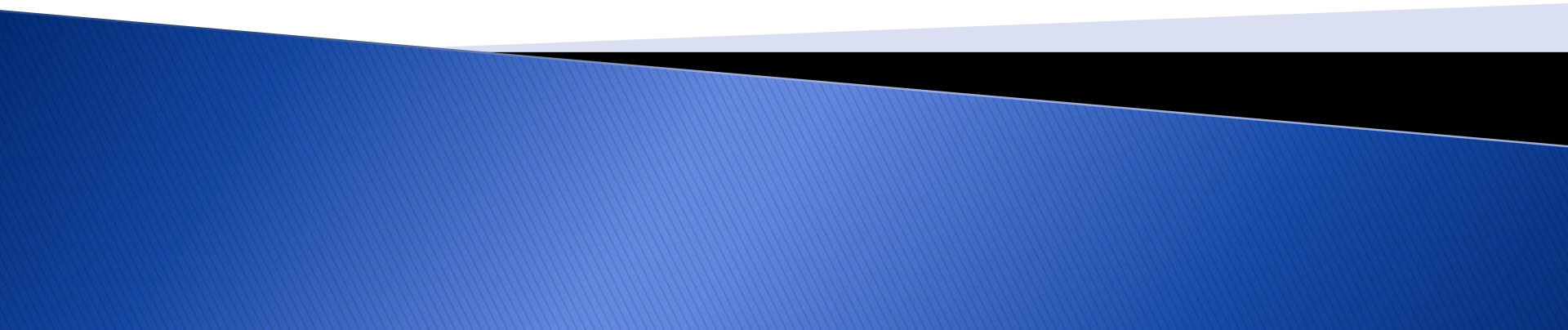
draw level in economical competition chances

determine harmful tax practices

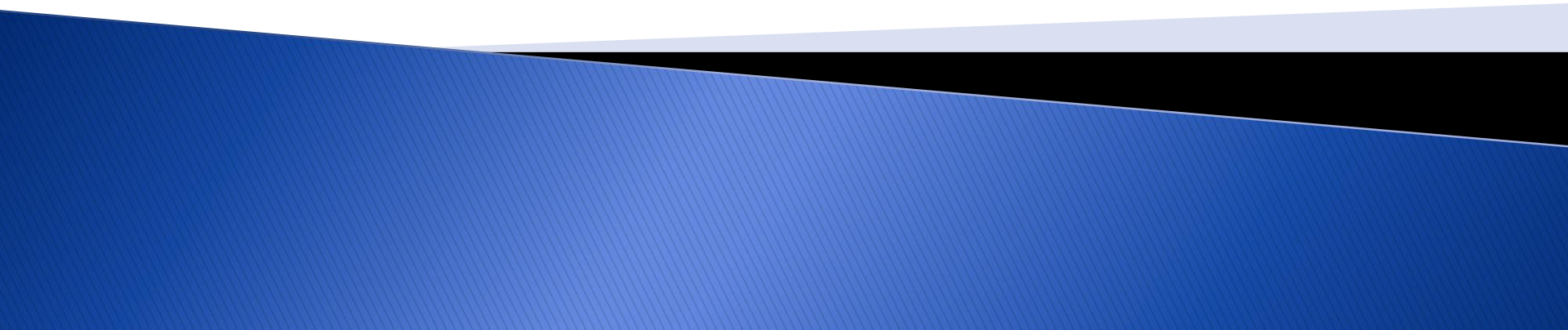
Differences to tax convention to avoid double taxation:

TIEA contains no rules to avoid a double taxation

both agreements are possible at the same time



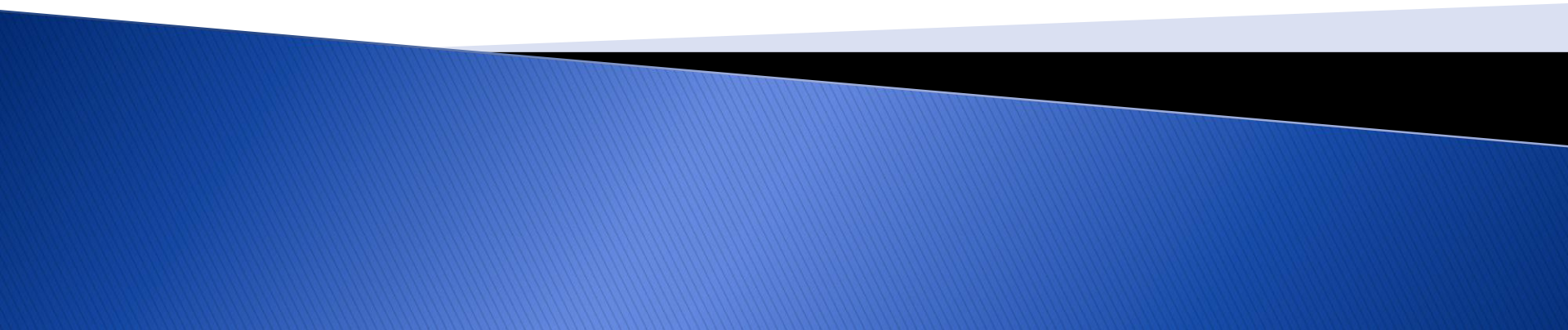
Regulation of the TIEAs:

- exchange of information
 - by requests or
 - spontaneously
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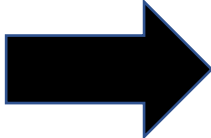
Regulation of the TIEAs:

- exchange only possible in the taxes covered by the agreement
- e.g. direct / indirect taxes (taxes of income / capital / wealth / estate / VAT ...)

Regulation of the TIEAs:

- requests only by the competent authorities, listed in the TIEA
 - information has to be necessary
 - for taxation / investigation of tax evasion & tax fraud / prosecution (depends on TIEA)
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Before requesting:

- usually all available means of gathering / obtaining information should be exhausted!!!
- if so  requests are possible

Request:

Formal requirements usually are:

- written format (form / template on OECD)
- appropriate language
- personal data of subject/s
- description of the facts (the more you give / is allowed to provide the better it is)
- description of requested information with facts of the intended use

Possibilities of measures (undertaken by requested party) depend on

- jurisdiction
- regulations within the TIEA
- availability
- e.g. tax audit, bank statements,
- *BUT NO CRIMINAL MEASURES AS
WARRANTS / SEARCHES /*

TIEAs also list regulations concerning:

- deadlines for answering
- confidentiality
- mutuality of exchange of information
-  no one-way-street

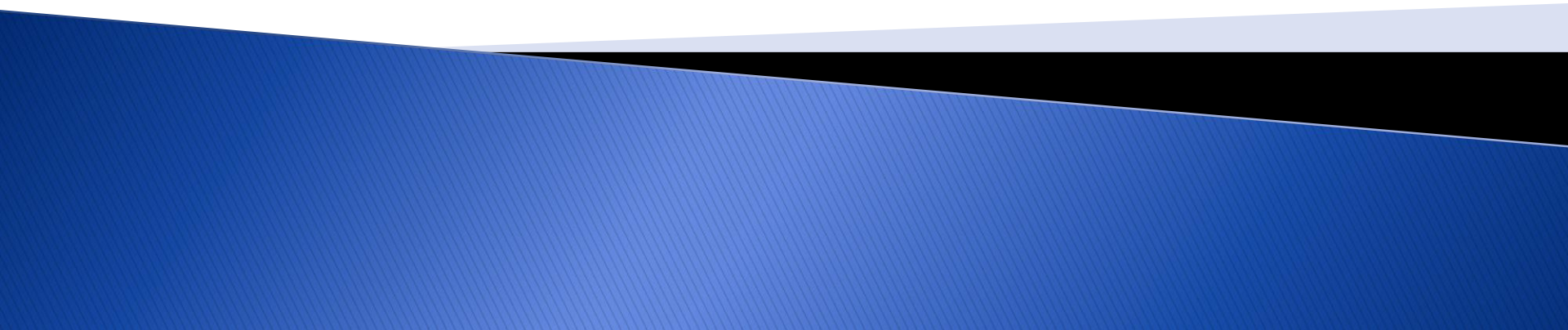
Special regulations within TIEAs possible:

- some TIEAs regulate that the subject of the request has to be informed before the request is send abroad
- if so, then usually only in tax matters
- not in tax investigation procedures
- you have to check before requesting to be aware of procedures - otherwise ?!?

Where do we find the TIEAs?

e. g. on the

Website of the OECD



Any Questions???

I've been afraid of that!!!!!!!!!!



Thank you kindly for your
attention!