

Attachment

This attachment outlines the measures that the Government of St. Vincent and the Grenadines will take on a phased basis by 31 December 2005 to implement its commitment to the principles of transparency and effective exchange of information.

1. Establishing a process for effective exchange of information

1. St. Vincent and the Grenadines agrees to the effective exchange of information for criminal tax matters beginning in the first year after 31 December 2003 and for civil tax matters beginning in the first year after 31 December 2005. Such exchanges shall be achieved through the adoption of tax information exchange agreements that require the effective exchange of information in specific tax matters upon request. The tax information exchange agreements will include protections against unauthorised disclosures or unauthorised use of information.

2. In a case, involving information required for the investigation and prosecution of criminal tax matters information shall be provided without the requirement that the conduct being investigated must constitute a crime in St. Vincent and the Grenadines.

3. In the case of information requested in the context of a civil tax matter, the absence of a St. Vincent and the Grenadines tax interest in the case or in obtaining the information shall not be a bar to the provision of information. The incidence of costs incurred in providing such assistance shall be agreed in the context of the exchange of information agreements entered into by St. Vincent and the Grenadines in satisfaction of its commitment. Flexibility is expected in determining the incidence of costs to take into account factors such as the likely flow of information requests between the two parties to the agreement, whether both parties have income tax administrations, the capacity of each party to obtain and provide information, and the volume of information involved.

2. Transparency

1. St. Vincent and the Grenadines will ensure that information on beneficial ownership of St. Vincent and the Grenadines companies, partnerships and other legal entities established in St. Vincent and the Grenadines, including managers and beneficiaries of collective investment funds and trustees and beneficiaries of trusts is available to its tax or regulatory authorities. This will include companies and other legal entities operating from the St. Vincent and the Grenadines provided that the information is present within the territory, or in the possession or control of a person subject to the jurisdiction of St. Vincent and the Grenadines. St. Vincent and the Grenadines agrees that such information will be subject to exchange under the tax information exchange agreements referred to in paragraph 1.

2. Subject to de minimis exceptions to be developed by St. Vincent and the Grenadines together with the OECD and other committed jurisdictions, St. Vincent and the Grenadines will require that companies, partnerships, trusts and other legal entities established in St. Vincent and the Grenadines or having a place of business in St. Vincent and the Grenadines maintain accounts which are prepared in accordance with generally accepted accounting standards. Subject to other exceptions to be developed by St. Vincent and the Grenadines together with the OECD and other committed jurisdictions, the companies, partnerships, trusts and other legal entities that are required to keep accounts will also be subject to either an audit or filing requirement. St. Vincent and the Grenadines agrees that such statements will be subject to exchange under the tax information exchange agreements referred to in paragraph 1.

3. St. Vincent and the Grenadines agrees that its Commissioner of Inland Revenue will have access to bank information of persons and companies liable to tax in OECD countries to the extent necessary to perform obligations under a tax information exchange agreement concluded pursuant to paragraph 1.

Mr. Donald Johnston
Secretary General, OECD
2 RUE André Pascal
75775 Paris Cedex 16
France
February 26, 2002

Dear Mr. Johnston,

COMMITMENT OF ST. VINCENT AND THE GRENADINES

I am writing in connection with the OECD's project on harmful tax competition. I am pleased to inform you that the Government of St. Vincent and the Grenadines commits to the principles of effective exchange of information in tax matters and transparency. To ensure compliance with these principles, the Government of St. Vincent and the Grenadines will implement the measures outlined in the attachment. The detailed implementation of specific commitments will be subject to St. Vincent and the Grenadines Parliamentary approval on an ongoing basis as individual legislation and policy proposals are advanced.

We understand that the OECD is prepared to assist us in establishing, improving, or maintaining such practices as are necessary to comply with the commitment.

The commitment is offered on the basis that:

St. Vincent and the Grenadines is not included on the OECD list of un-cooperative tax havens nor subject to any framework of co-ordinated defensive measures.

St. Vincent and the Grenadines is determined to protect its economic interests and fiscal autonomy in any future negotiations with OECD. The issue of a level playing field is critical to those interests.

Those jurisdictions, including OECD Member countries and other countries and jurisdictions yet to be identified, that fail either to make equivalent commitments or to satisfy the standards of the 1998 Tax Competition Report, will be the subject of a framework of co-ordinated defensive measures; and

St. Vincent and the Grenadines is invited to participate fully on an equal basis with all committed jurisdictions and OECD countries in any discussions in the Global Forum on the design of internationally-accepted standards for the implementation of these and any similar commitments.

The Government of St. Vincent and the Grenadines will ensure that:

No new regime or practice is introduced that fails to comply with the principles of transparency and effective exchange of information; and

No existing regime or practice is modified in such a way that after the modification it would not comply with the principles of transparency and effective exchange of information.

Yours faithfully,

Dr Ralph Gonsalves

Prime Minister