

**EXPLANATORY MEMORANDUM TO  
THE INTERNATIONAL TAX ENFORCEMENT (LIECHTENSTEIN) ORDER  
2010**

**2010 No. [XXXX]**

**1.** This explanatory memorandum has been prepared by the Commissioners for Her Majesty's Revenue and Customs ("HMRC") and is laid before the House of Commons by Command of Her Majesty.

**2. Purpose of the instrument**

The Order brings into effect an agreement between the UK Government and the Principality of Liechtenstein for the exchange of information for tax purposes ("the Agreement").

**3. Matters of special interest to the Select Committee on Statutory Instruments**

None

**4. Legislative Context**

**4.1 General**

The Order is being made to give effect in UK legislation to the Agreement, which is scheduled to the Order and thus given domestic legislative effect.

**4.2 EU Legislation**

This Order does not implement EU legislation.

**5. Territorial Extent and Application**

This Order applies to all of the United Kingdom.

**6. European Convention on Human Rights**

The Exchequer Secretary to the Treasury, David Gauke, has made the following statement regarding Human Rights:

"In my view the provisions of the International Tax Enforcement (Liechtenstein) Order 2010 are compatible with the Convention rights".

**7. Policy background**

- *What is being done and why*

7.1 Tax Information Exchange Agreements of the kind scheduled to this Order facilitate the exchange of information between tax authorities for tax purposes relevant to the administration or enforcement or recovery of taxes, and debts relating to those taxes, covered by an agreement. They therefore assist HMRC in carrying out its tax compliance activities, such as combating tax avoidance and evasion, by allowing it to receive information from and disclose information to other countries or territories, which helps to ensure that taxpayers pay the right amount of tax at the right time in the right country or territory. More generally, Tax Information Exchange Agreements assist in improving the efficiency of tax information exchange and help to ensure that the international consensus on fiscal transparency and exchange of information is met. All of the UK's recent tax information exchange agreements broadly follow the approach adopted in the Organisation for Economic Cooperation and Development's ("OECD") *Model Agreement on Exchange of Information on Tax Matters*. The Agreement scheduled to the Order continues that approach.

- **Consolidation**

7.2 Not applicable.

## **8. Consultation outcome**

HMRC regularly consults with external interested parties, including business representatives, about the effectiveness of existing arrangements for the avoidance of double taxation and fiscal evasion, including information exchange, as well as new needs. The annual treaty negotiating programme is agreed with Ministers and published on the HMRC web site at:

<http://www.hmrc.gov.uk/si/dtc-2010.htm>

## **9. Guidance**

General guidance on the operation of the UK's Tax Information Exchange Agreements can be found on the HMRC web site at:

<http://www.hmrc.gov.uk/manuals/intmanual/INTM156000.htm>

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 There is no impact on the UK public sector. HMRC already operates the terms of many other very similar agreements currently in force.

10.3 An Impact Assessment has not been prepared for this Order.

## **11. Regulating small business**

None of the provisions of the Agreement affects the taxation of small business.

## **12. Monitoring and review**

Both the UK Government and the Government of the Principality of Liechtenstein will keep the Agreement scheduled to the Order under review to ensure that it meets the policy objectives set out above.

## **13. Contact**

Jeff Worrell at HM Revenue and Customs, (tel: 020 7147 2723 or e-mail: [jeff.worrell@hmrc.gsi.gov.uk](mailto:jeff.worrell@hmrc.gsi.gov.uk)) can answer any queries regarding the Order.