



Taxpayer Rights and Responsibilities *Exchange of information and BEPS*

INTERNATIONAL TAXATION CONFERENCE 2018

MUMBAI, 8 DECEMBER 2018

IAN YOUNG - ICAEW

Ian Young



- Ex Chair – UK Charter Committee
- CFE Tax Advisers Europe – Lead on Model Taxpayer Charter project
- International Chamber of Commerce – member of Tax Charter working group
- United Nations – presentations to UN Tax Committee – October 2017 and May 2018

Human Rights

- The aftermath of the Second World War
- UN Universal Declaration of Human Rights
- European Convention of Human Rights
- Charter of Fundamental Rights of the European Union

Taxpayer Rights and Responsibilities

The role of a Taxpayers' Charter

- The taxpayers' charter is an attempt to summarise and explain in plain language a taxpayers' rights and obligations in relation to their tax affairs, making such information much more widely accessible and understandable.
- In drawing up a taxpayers' charter a country must properly reflect their own policy and legislative environment and their administrative practices and culture.

(OECD – Taxpayers' Rights and Obligations – Practice Note (2003))

OECD

Taxpayer's rights and obligations

Right	Obligation
To be informed, assisted and heard	To be honest
Of appeal	To be co-operative
To pay no more than the correct amount of tax	To provide accurate information and documents on time
Certainty	To keep records
Privacy	To pay taxes on time
Confidentiality and secrecy	

Automatic exchange of information – key concerns

- Taxpayer confidentiality vs Transparency
- Taxpayer safeguards

Taxpayer Safeguards

- Security of data rather than notification of taxpayer whose data is exchanged
- Clarity of taxpayer rights
- Is there a role for a tax ombudsman or tax advocate?
- Compensation if things go wrong

India – Citizen's Charter

A declaration of the [Indian Income Tax Department] commitment to its Taxpayers

- **Vision**

To partner in the nation building process through progressive tax policy, efficient and effective administration and improved voluntary compliance

- **Mission**

- To formulate progressive tax policies
- To make compliance easy
- To be accountable and transparent & act with honesty, in a fair and judicious manner
- To deliver quality service
- To continuously upgrade skills and build a professional and motivated workforce

- **Service Delivery Standards**

- **Rights and Obligations**

Taxpayer Rights and Responsibilities

Automatic exchange of information – India perspective

- India's Vision – Citizen's Charter
 - A nation building process through a progressive tax policy – an efficient and effective administration and improved voluntary compliance;
- India's Mission – Citizen's Charter
 - To formulate progressive tax policies;
 - To make compliance easy;
 - To be accountable and transparent and act with honesty, in a fair and judicious manner;
 - To deliver quality services;
 - To continuously upgrade skills and build a professional and motivated workforce.
- Tax Administration Reform Commission – 2016 report
 - The current Citizens' Charter should be made more meaningful and renamed the "Taxpayers' Charter"

