Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes - Approval

1. On 17 February 2026, the Council agreed on the latest revision of the EU list of non-cooperative jurisdictions for tax purposes (Annex I) and the state of play with respect to commitments taken by cooperative jurisdictions to implement tax good governance principles (Annex II).[1]

2. The Code of Conduct Group (Business Taxation) continued the interactions and dialogues with the relevant jurisdictions to assess recent developments and the implementation of their commitments, with a view to the revision of the EU list.

3. The sub-group of the Code of Conduct Group met on 8 September 2026 to take stock of developments in jurisdictions and to prepare the revision of the EU list. On 22 September 2026, the Code of Conduct Group considered and agreed the text of the draft Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes and the COCG report to the Council on the update of the EU list. The text of the draft Council conclusions is set out in the Annex.

[1] Doc. 12932/25.

4. The Permanent Representatives Committee is invited to:

– confirm the agreement on the text and suggest that the Council approve the draft Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes set out in the Annex as an "A" item at its meeting on 9 October 2026;

– suggest that the Council agree on the publication of the revised list set out in the Annex to the Council conclusions in the Official Journal.

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Draft Council conclusions

on the revised EU list of non-cooperative jurisdictions for tax purposes

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The Council of the European Union,

1. UNDERLINES the importance of promoting and strengthening tax good governance standards, including in the area of fair taxation and tax transparency, and of fighting against tax fraud, evasion and avoidance, both at the EU level and globally;

2. APPRECIATES the continuous productive cooperation on tax matters between the Code of Conduct Group on Business Taxation ("Code of Conduct Group") and most jurisdictions around the world;

3. WELCOMES the progress in the relevant jurisdictions through the active steps taken by the agreed deadlines, in particular with regard to complying with the tax transparency criteria of the EU list; WELCOMES in particular the compliance with all listing criteria of a number of jurisdictions that have been included in the list since 2017, resulting in their removal from it; also WELCOMES the recent steps and commitments taken by some jurisdictions that have been listed for an extended period of time; and ENCOURAGES those jurisdictions to pursue the efforts to resolve the remaining issues with a view to future updates of the EU list of non-cooperative jurisdictions for tax purposes;

4. REGRETS that some jurisdictions remain non-cooperative for tax purposes and some others failed to fulfil their commitments to the Code of Conduct Group or to meet the international standards, including on the exchange of information on request under criterion 1.2, on the reform of harmful tax regimes under criterion 2.1, or the enforcement of economic substance requirements under criterion 2.2; INVITES these jurisdictions to engage with the Code of Conduct Group in order to resolve the remaining issues;

5. REGRETS that Türkiye has not made any progress with one Member State on the effective automatic exchange of information; REITERATES its call on Türkiye to begin the outstanding automatic information exchange relationships with one Member State and to fully comply with the requirements set in the conclusions of the Ecofin Council of 22 February 2021, 5 October 2021, 24 February 2022, 4 October 2022, 14 February 2023, 17 October 2023, 20 February 2024, 8 October 2024, 18 February 2025,10 October 2025 and 17 February 2026; REITERATES that the effective automatic exchange of information with all Member States is a condition for Türkiye to fulfil criterion 1.1 of the EU list; INVITES the Group to inform the Council about developments in this regard and to continue addressing the outstanding issues where no progress has been made;

6. APPROVES the Code of Conduct Group Report set out in doc. 13306/26;

7. APPROVES accordingly the revised EU list of non-cooperative jurisdictions for tax purposes set out in Annex I;

8. ENDORSES the state of play with respect to commitments taken by cooperative jurisdictions to implement tax good governance standards set out in Annex II.

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ANNEX I

The EU list of non-cooperative jurisdictions for tax purposes

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1. American Samoa

American Samoa does not apply any automatic exchange of financial information, and has not committed to addressing this issue.

2. Anguilla

Anguilla does not have a rating of at least 'Largely Compliant' by the Global Forum for exchange of information on request. Anguilla facilitates offshore structures and arrangements aimed at attracting profits without real economic substance by failing to take all necessary actions to ensure the effective implementation of substance requirements under criterion 2.2.

3. Guam

Guam does not apply any automatic exchange of financial information, and this issue has not been resolved yet.

4. Palau

Palau has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance as amended and has not resolved this issue yet.

5. Russian Federation

The Russian Federation has a harmful preferential tax regime (International Holding Companies) and has not resolved this issue.

6. Turks and Caicos Islands

Turks and Caicos Islands facilitates offshore structures and arrangements aimed at attracting profits without real economic substance by failing to take all necessary actions to ensure the effective implementation of substance requirements under criterion 2.2.

7. US Virgin Islands

US Virgin Islands does not apply any automatic exchange of financial information, and this issue has not been resolved yet.

US Virgin Islands has harmful preferential tax regimes (Economic Development Programme, Exempt Companies, International Banking Center Regulatory Act), and has not committed to addressing this issue.

8. Vanuatu

Vanuatu facilitates offshore structures and arrangements aimed at attracting profits without real economic substance and has not resolved this issue yet.

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ANNEX II

State of play of the cooperation with the EU with respect to commitments taken by cooperative jurisdictions to implement tax good governance principles

1. Transparency

1.1 Automatic exchange of information

The following jurisdiction is expected to effectively exchange information with all 27 Member States according to the timeline referred to in paragraph 6 of the Council conclusions of 22 February 2021, paragraph 4 of the Council conclusions of 5 October 2021, paragraph 4 of the Council conclusions of 24 February 2022, paragraph 4 of the Council conclusions of 4 October 2022, paragraph 7 of the Council conclusions of 14 February 2023, paragraph 7 of the Council conclusions of 17 October 2023, paragraph 5 of the Council conclusions of 26 February 2024, paragraph 5 of the Council conclusions of 8 October 2024, paragraph 4 of the Council conclusions of 18 February 2025, paragraph 4 of the Council conclusions of 10 October 2025 and paragraph 4 of the Council conclusions of 17 February 2026:

Türkiye

The following jurisdictions committed to addressing the identified deficiencies and achieve positive legal determinations (‘In place’ or ‘In place but needs improvement’) on both core requirements 1 and 2 as regards automatic exchange of information on financial accounts (AEOI), in time to be reflected in the Global Forum AEOI peer review report in 2026:

Jordan and Montenegro

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1.2 Membership of the Global Forum and satisfactory rating in relation to exchange of information on request

The following jurisdictions are waiting for an in-depth review by the Global Forum:

Montenegro, Panama, Viet Nam

The following jurisdiction committed to fulfilling the necessary steps to request and being granted, by 15 February 2027, an in-depth review by the Global Forum with a view to upgrading its overall exchange of information on request rating to at least "largely compliant" within the prescribed timeframe:

British Virgin Islands

2. Fair Taxation

2.1 Existence of harmful tax regimes

The following jurisdiction, which committed to amending or abolishing a preferential tax regime in the scope of the Forum on Harmful Tax Practices (FHTP) by 31 December 2023, is awaiting a final assessment by the FHTP:

Eswatini (Special economic zone)

The following jurisdiction committed to amending or abolishing a harmful foreign-source income exemption regime by 31 December 2025, and was granted until 22 December 2026 to finalise its reform, including as regards the treatment of foreign-source capital gains, with retroactive effect as of 1 January 2026:

Brunei Darussalam

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3. Prevention of base erosion and profit shifting

3.2 Implementation of the country-by-country reporting minimum standard (BEPS Action 13)

The following jurisdictions committed to addressing the identified deficiencies in their domestic frameworks as regards country-by-country reporting in time to be reflected in the BEPS IF Action 13 peer review report in autumn 2026:

Greenland, Jordan and Morocco

The following jurisdiction committed to addressing the general recommendations on parts B(1) and B(2) of the country-by-country terms of reference from the Inclusive Framework within a timeframe which would allow them to be reflected in the Action 13 Peer Review Report in the autumn of 2027:

Viet Nam

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