



Session 4, UN Tax Convention Negotiations | February 2-13 2026
February 5, 2026, Article 10 - Exchange of Information
Intervention by Florencia Lorenzo, TJN

Thank you Mr. Co-lead,
My name is Florencia, and I am a researcher from the Tax Justice Network.

As civil society, we welcome the inclusion of this new article on Exchange of Information. We are also pleased to see its broad scope of coverage, which we consider important to ensure that the article is future-proof.

This scope is arguably broader than that of the MAC, under which countries may, for example, be unable to exchange information on certain taxes that are critical for this Convention due to reservations that they have adopted.

In this context, we urge caution against any proposal to allow reservations to this article, as they may create future obstacles for member states or result in unequal systems. We would also like to point out that UN Framework Conventions commonly specify that "no reservations may be made to this Convention", which is quite different from the OECD, where the articles on reservations are commonly very long. At the UN, the approach is to negotiate, reach agreement, and then stick to that agreement without reservations.

Several colleagues have already highlighted the importance of temporary non-reciprocal EOI for developing countries and the importance of technology transfers, which we also believe to be essential.

I would like to make three specific points on the issues covered here:

1. We have heard developing countries raise concerns that the criterion of "foreseeable relevance" might be being misused to deny them timely access to information in response to their requests. We are also aware of a growing tendency toward litigation and legal arguments seeking to suspend AEOI on the grounds that the information exchanged is not foreseeably relevant. From our perspective, it is *evident* that AEOI on financial accounts, crypto-assets, real estate, and so on would qualify as foreseeably relevant. Nevertheless, we would encourage Member States to strengthen this article potentially by adopting the stronger formulation of "may be".

2. We understand that this article consolidates text that previously appeared in other provisions and reflects certain priorities of Member States. However, as currently drafted, it appears limiting. We suggest that member states place more emphasis in paragraph 1 on the modes of exchange of information, explicitly including, at a minimum, AEOI and EOIR, as well as other forms of exchange deemed relevant. Specific priorities could then be addressed in an additional paragraph.

3. Finally, we believe it is important to distinguish between legal instruments and the political and institutional frameworks that implement and govern them. Many of the concerns raised by countries -including the unfairness of peer reviews that fail to reflect concerns raised by some Member States- are not a direct consequence of how the MAC was drafted, but rather of how it has been governed by the Global Forum. This is not to dismiss any shortcomings of the MAC itself, but to underscore that even the strongest legal language on EOI will be insufficient if it is not accompanied by clearer and fairer governance rules.

Thank you.