

**General statement by the Kingdom of the Netherlands to the second substantive session of the Ad Hoc Committee to draft Terms of Reference for a UN Framework Convention on international tax cooperation.**

Delevered by Ms. Lasseur, ECOSOC Ambassador, Mission of the Kingdom of the Netherlands

*[Thanks to the Chair, Secretariat]*

- We align ourselves with the statement by the EU, on behalf of the European Union and its Member States. In our national capacity we have the following remarks;
- The Kingdom of the Netherlands reiterates its support for inclusive, effective and fair international tax cooperation and thanks the Bureau for preparing the draft Terms of Reference for this second session.
- In our view, the focus of the Terms of Reference should be on clarifying the procedures for negotiating the operative and the substantive provisions of the Framework Convention. Modalities should be discussed and agreed upon, before substance can be considered.
- Elements of the Terms of Reference could include;
  - clarifications on the foundation, structure and functioning of the Framework Convention and its potential protocols;
  - modalities relating to the negotiating process, to encourage clear and transparent decision-making;
  - a process for sufficient analysis of potential substantive topics;
  - safeguards to ensure that all Member States' views are taken into account during the negotiations.
- We are convinced that clarity on the foundations, structure and functioning of the Framework Convention and its potential protocols would enable Member States to engage in an open discussion, which would benefit the result of our efforts.
- Furthermore, if it is made clear in the Terms of Reference that by signing the Framework Convention, Member States are not yet bound by any Protocols or other instruments, the discussion on the substance and (potential) protocols could become easier.
- We propose to amend the agenda accordingly and first discuss these critical procedural elements.
- The Kingdom of the Netherlands reiterates that decisions based on consensus are crucial for achieving inclusive, effective and fair international tax cooperation.
- Therefore, where substantive elements are discussed, we should prioritise issues on which consensus can reasonably be achieved and avoid notably contentious subjects.

*Thank you.*