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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Amending Protocol to the Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance

COUNCIL DECISION (EU) 2025/...

of ...

**on the signing, on behalf of the Union, and provisional application
of the Amending Protocol to the Agreement
between the European Union
and the Swiss Confederation
on the automatic exchange of financial account information
to improve international tax compliance**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 113 and 115, in conjunction with Article 218(5) and Article 218(8), second subparagraph, thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance¹ ('the Agreement') has enhanced mutual assistance in tax matters between the Contracting Parties and improved international tax compliance.
- (2) Important changes to the Common Reporting Standard (CRS) of the Organisation for Economic Co-operation and Development were approved at international level on 26 August 2022 and were incorporated into Union law by means of Council Directive (EU) 2023/2226², which amended Council Directive 2011/16/EU³.
- (3) On 21 May 2024, the Council authorised the Commission to open negotiations with the Swiss Confederation ('Switzerland') for an amendment of the Agreement to reflect the changes to the CRS approved at the international level. The negotiations were successfully concluded with the initialling of the Amending Protocol to the Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance ('the Amending Protocol').

¹ OJ L 385, 29.12.2004, p. 30, ELI: http://data.europa.eu/eli/agree_international/2004/911/oj.

² Council Directive (EU) 2023/2226 of 17 October 2023 amending Directive 2011/16/EU on administrative cooperation in the field of taxation (OJ L, 2023/2226, 24.10.2023, ELI: <http://data.europa.eu/eli/dir/2023/2226/oj>).

³ Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1, ELI: <http://data.europa.eu/eli/dir/2011/16/oj>).

- (4) The Amending Protocol expands the scope of reporting for the CRS to include new digital financial products, such as Specified Electronic Money Products and Central Bank Digital Currencies, while simultaneously introducing more-detailed reporting requirements and strengthened due-diligence procedures. It also introduces provisions on mutual assistance in the collection of direct and indirect taxes between the Union and Switzerland and updates the references to the data protection legislation of the Contracting Parties.
- (5) Therefore, the Amending Protocol should be signed on behalf of the Union.
- (6) In order to ensure that the changes to the CRS apply from 1 January 2026 in alignment and reciprocity with the global standard and corresponding Union law, and to facilitate the commencement of the work of the Joint Committee, amendments set out in the Amending Protocol concerning certain articles of the Agreement, annexes to the Agreement and declarations should be applied provisionally.
- (7) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁴.

⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

- (8) Commission Decision 2000/518/EC⁵ stated that, for all the activities falling within the scope of Directive 95/46/EC of the European Parliament and of the Council⁶, Switzerland is considered as providing an adequate level of protection of personal data transferred from the Union. The Commission report of 15 January 2024 to the European Parliament and the Council on the first review of the functioning of the adequacy decisions adopted pursuant to Article 25(6) of Directive 95/46/EC confirms that Switzerland continues to provide an adequate level of protection for personal data transferred from the Union,

HAS ADOPTED THIS DECISION:

⁵ Commission Decision 2000/518/EC of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided in Switzerland (OJ L 215, 25.8.2000, p. 1, ELI: <http://data.europa.eu/eli/dec/2000/518/oj>).

⁶ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31, ELI: <http://data.europa.eu/eli/dir/1995/46/oj>).

Article 1

The signing of the Amending Protocol to the Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance is hereby authorised on behalf of the Union, subject to the conclusion of the said Amending Protocol⁷.

Article 2

The amendments set out in Article 1 of the Amending Protocol concerning the following articles of the Agreement, annexes to the Agreement and declarations shall be applied provisionally, in accordance with Article 2(2) of the Amending Protocol, as from 1 January 2026, pending its entry into force:

- Article 1(1), subparagraphs (m) and (u);
- Article 2;
- Article 3;
- Article 4p;
- Annex I;
- Annex III;
- the Joint Declarations of the Contracting Parties.

⁷ The text of the Amending Protocol is published in ... [insert OJ reference].

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President
