**Council of the
European Union**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the conclusion 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 conclusion 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(6), second subparagraph, point (b), and Article 218(8), second subparagraph, thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament[1],

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[1]   Opinion of … (not yet published in the Official Journal).

Whereas:

(1)   The Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance[2] ('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) 2023/2226[3], which amended Council Directive 2011/16/EU[4].

(3)   Therefore, the Agreement needs to be amended to ensure that the automatic exchange of financial account information between Member States and the Swiss Confederation ('Switzerland') is aligned with, and continues to take place in accordance with, the updated CRS from 1 January 2026. The Agreement also needs to be amended to provide the Member States with new mutual assistance provisions for the recovery of value-added tax claims.

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[2]   OJ L 385, 29.12.2004, p. 30, ELI: http://data.europa.eu/eli/agree_internation/2004/911/oj.
[3]   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).
[4]   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 text 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'), which is the result of the negotiations, duly reflects the negotiating directives issued by the Council.

(5) In accordance with Council Decision (EU) 2025/…[5][+], the Amending Protocol was signed on … [*date of signing*], subject to its conclusion at a later date.

(6) The Amending Protocol should be approved on behalf of the Union.

(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 Council[6].

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[5] 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 (OJ L …, ELI: …).

[+] OJ: Please insert the reference number of the Decision set out in ST 11648/25 and complete the corresponding footnote.

[6] 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/EC[7] stated that, for all the activities falling within the scope of Directive 95/46/EC of the European Parliament and of the Council[8], 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:

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[7]   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).

[8]   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 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 approved on behalf of the Union.

Article 2

This Decision shall enter into force on the date of its adoption[9].

Done at …, …

For the Council
The President

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[9]   The date of entry into force of the Amending Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.