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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, of the Amending Protocol to the Agreement between the European Union and the Principality of Andorra 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, of the Amending Protocol
to the Agreement between the European Union
and the Principality of Andorra
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 Article 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 Principality of Andorra 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 Principality of Andorra ('Andorra') 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 Principality of Andorra on the automatic exchange of financial account information to improve international tax compliance ('the Amending Protocol').

¹ OJ L 359, 4.12.2004, p. 33, ELI: http://data.europa.eu/eli/agree_international/2004/828/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 updates the references to the data protection legislation of the Contracting Parties.
- (5) The text of the Amending Protocol, which is the result of the negotiations, duly reflects the negotiating directive issued by the Council.
- (6) Therefore, the Amending Protocol should be signed on behalf of the Union and the Joint Declarations attached to the Amending Protocol should be approved.
- (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 2010/625/EU⁵ stated that, for all the activities falling within the scope of Directive 95/46/EC of the European Parliament and of the Council⁶, Andorra 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 Andorra continues to provide an adequate level of protection for personal data transferred from the Union,

HAS ADOPTED THIS DECISION:

⁵ Commission Decision 2010/625/EU of 19 October 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Andorra (OJ L 277, 21.10.2010, p. 27, ELI: <http://data.europa.eu/eli/dec/2010/625/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 Principality of Andorra 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 Joint Declaration of the Contracting Parties on the entry into force of the Amending Protocol, the Joint Declaration of the Contracting Parties on the Agreement and the Annexes and the Joint Declaration of the Contracting Parties on Article 5 of the Agreement are hereby approved on behalf of the Union.

Article 3

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

Done at ..., ...

For the Council

The President

⁷ The text of the Amending Protocol will be published together with the decision on its conclusion.