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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION authorising Slovenia to apply reduced rates of excise duty to unleaded petrol and gas oil used as motor fuels, pursuant to Article 19 of Directive 2003/96/EC

COUNCIL IMPLEMENTING DECISION (EU) 2026/…

of …

authorising Slovenia to apply reduced rates of excise duty to unleaded petrol and gas oil used as motor fuels, pursuant to Article 19 of Directive 2003/96/EC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity[1], and in particular Article 19(1), thereof,

Having regard to the proposal from the European Commission,

[1] OJ L 283, 31.10.2003, p. 51, ELI: http://data.europa.eu/eli/dir/2003/96/oj.

Whereas:

(1) In the weeks preceding the adoption of this Decision, geopolitical developments in the Middle East have impacted supply chains of oil and oil products globally and triggered sharp and persistent increases in wholesale and retail prices of energy products. Those increases have had significant adverse effects on households, in particular vulnerable consumers, and on undertakings, including small and medium-sized enterprises, thereby posing a serious risk to social cohesion, economic stability and the proper functioning of the internal market.

(2) In its Conclusions of 19 March 2026, the European Council recognised the extraordinary nature of the situation in the energy market and its macroeconomic implications. The European Council invited the Commission to work closely with Member States to design national temporary and targeted measures to mitigate significant impacts of fuel price increases due to the crisis in the Middle East and underlined in particular the need for a coordinated response as the conflict in the Middle East has an immediate impact on energy prices for European citizens and businesses.

(3) Excise duties as established by Directive 2003/96/EC contribute to the final cost of energy products supplied within the Union. A reduction in excise duties below the minimum levels of taxation set out in that Directive can mitigate some of the increases in energy cost currently faced by Member States.

(4) The flexibilities provided for in Directive 2003/96/EC enable Member States to lower, within defined limits, the tax burden on specific energy products in a targeted and temporary manner. In view of the exceptional and urgent nature of the current situation, it is necessary to provide for specific, time-limited flexibilities explicitly aimed at alleviating the impact of the energy price shock.

(5) Temporary reductions in the taxation of targeted energy products can provide rapid relief to households and undertakings, by directly lowering end-user prices. In the current situation, such extraordinary reductions could constitute a suitable and necessary instrument to address the serious economic disturbance resulting from the energy price shock.

(6) By letters dated 31 July 2026 and 21 August 2026, the Slovenian authorities requested an authorisation, in accordance with Article 19 of Directive 2003/96/EC, to apply reduced rates of excise duty to unleaded petrol and gas oil used as motor fuels. Those reduced rates would be set below the minimum levels of taxation laid down in that Directive.

(7) The authorisation was requested for a period of six months.

(8) According to the Slovenian authorities, the application of reduced rates of excise duty aims to mitigate the impact of unleaded petrol and gas oil price increases that result from the geopolitical situation and that affect directly or indirectly, through second-round effects, both households and companies.

(9) The requested authorisation has been reviewed by the Commission and is considered unlikely to hinder the proper functioning of the internal market. In view of its short duration and of the exceptional circumstances linked to the geopolitical situation, coupled with an exceptionally high market price of oil, the requested derogation is considered to be adequate and proportionate, bearing in mind the need to strike a balance between the specific policy objectives listed in Article 19(1), third subparagraph, of Directive 2003/96/EC, in particular the Union environmental policy, and the emergency imperative to ensure energy affordability for businesses and households.

(10) Slovenia should therefore be authorised to temporarily apply reduced rates of excise duty below the Union minimum levels to unleaded petrol and gas oil used as motor fuels.

(11) Pursuant to Article 19(2) of Directive 2003/96/EC, each authorisation granted under that Article is to be strictly limited in time. However, in order not to undermine future developments of the existing legal framework, it is appropriate to provide that in the event the Council, acting on the basis of Article 113 of the Treaty on the Functioning of the European Union (TFEU) or any other relevant provision of the TFEU, introduces new minimum levels of taxation for unleaded petrol and gas oil used as motor fuels to which the authorisation would not be adapted, that authorisation should cease to apply on the date those new minimum levels of taxation become applicable.

(12) At the same time, untargeted tax reductions imply significant fiscal costs and tend to increase demand for fossil fuel, thereby exacerbating the imbalance of supply and demand. Therefore, the authorisation granted by this Decision should remain strictly limited in time.

(13) This decision is without prejudice to the application of Union rules regarding State aid,

HAS ADOPTED THIS DECISION:

Article 1

Slovenia is authorised to apply a reduction of the rates up to EUR 0,2195 per litre for unleaded petrol used as motor fuels and up to EUR 0,225 per litre for gas oil used as motor fuels below the minimum levels of taxation referred to in Article 7 of Directive 2003/96/EC.

Article 2

This Decision shall apply for a period of six months from the date of its notification.

However, in the event that the Council, acting on the basis of Article 113 of the TFEU or any other relevant provision of the TFEU, introduces new minimum levels of taxation referred to in Article 7 of Directive 2003/96/EC for unleaded petrol and gas oil used as motor fuels to which the authorisation granted in Article 1 of this Decision would not be adapted, this Decision shall cease to apply on the date on which those new minimum levels of taxation become applicable.

Article 3

This Decision shall apply on the date of its notification.

Article 4

This Decision is addressed to the Republic of Slovenia.

Done at …, …

For the Council
The President