



Brussels, 22 July 2025
(OR. en)

11371/25
PV CONS 39
ECOFIN 969
PARLNAT

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION¹
(Economic and Financial Affairs)
8 July 2025

¹ In the presence of the President of the EIB

1. Adoption of the agenda

10792/25

The Council adopted the agenda set out in document 10792/25.

2. Approval of "A" items

a) Non-legislative list

10790/25

The Council adopted all A items listed in the document above, including all linguistic COR and REV documents presented for adoption.

b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

10789/25

Economic and Financial Affairs

1. Regulation amending Regulations (EU) 1092-1095/2010 and (EU) 2021/523 as regards certain reporting requirements in the fields of financial services and investment support



10708/25

7377/25 + ADD 1
EF

Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 2, on 2.07.2025

The Council adopted its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons (legal basis: Article 114, Article 173 and Article 175, third paragraph, TFEU).

Foreign Affairs

2. Decision on the interpretation and application of the Energy Charter Treaty Agreement



10710/25 + ADD 1
PE-CONS 15/25
POLCOM

Adoption of the legislative act
approved by Coreper, Part 2, on 2.07.2025

The Council approved the European Parliament's position at first reading and the proposed act has been adopted pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (legal basis: Article 194 TFEU), with Hungary voting against and Czechia, France, Malta and Austria abstaining. Statements to this item are set out in the Annex.

Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

3. Single Currency Package



10767/25

- a) Regulation on the establishment of the digital euro
- b) Regulation on provision of digital euro services by non-Euro area payment service providers
- c) Regulation on legal tender of euro banknotes and coins

11605/23 + ADD 1

11604/23

11603/23

Policy debate

The Council held a policy debate on the above legislative package.



4. **Savings and Investment Union: Securitisation review**  10530/25
Policy debate + ADD 1-3
10531/25
+ ADD 1-3

The Council held a policy debate on the basis of a presentation from the Commission.

5. **Any other business** 10781/25
Current financial services legislative proposals
Information from the Presidency

The Council took note of the information provided by the Presidency and the Commission about the ongoing work on financial services legislative proposals.

Non-legislative activities

6. Presidency work programme 
Presentation by the Presidency
Exchange of views
7. Economic and financial impact of Russia's aggression against Ukraine
Exchange of views
8. Economic recovery in Europe  10502/25 + ADD 1
Council Implementing Decisions under the Recovery and 10509/25 + COR 1
Resilience + ADD 1 REV 1
Facility 10517/25 + ADD 1
(Legal basis: Article 20 Regulation (EU) 2021/241) 10522/25 + ADD 1
Adoption 10528/25 + ADD 1
10529/25 + ADD 1
9. European Semester 2025
a) Integrated country-specific recommendations 9904/3/25 REV 3
(Legal basis: Articles 121 and 148(4) TFEU) 9905/25
Adoption 9906/25
b) Conclusions on the 2025 in-depth reviews under the 10338/25
macroeconomic imbalance procedure 11111/25
Approval

- | | | |
|-----|--|--|
| 10. | Implementation of the economic governance framework | |
| a) | Medium-term fiscal-structural plans: Council Recommendations
(Legal basis: Regulation (EU) 2024/1263) | 10339/25
10340/25
10342/3/25 REV 3 |
| b) | National escape clauses: Council Recommendations
(Legal basis: Regulation (EU) 2024/1263) | 10347/25 |
| c) | Council Decisions and Recommendations under the excessive deficit procedure
(Legal basis: Article 126(6+7) TFEU) | 10348/25
10349/25 |
| | <i>Adoption</i> | |
| 11. | Preparation of the G20 Finance Ministers and Central Bank Governors meeting on 17-18 July 2025: EU terms of reference
<i>Approval</i> | 10358/25 |
| 12. | Adoption of the euro by Bulgaria | C |
| a) | Council Decision on the adoption by Bulgaria of the euro on 1 January 2026
(Legal basis: Article 140(2) TFEU) | 10351/25 |
| b) | Council Regulation on the introduction of the euro in Bulgaria
(Legal basis: Council Regulation (EC) No 974/98) | 10352/25 |
| c) | Council Regulation on the conversion rate to the euro for Bulgaria
(Legal basis: Council Regulation (EC) No 2866/98) | 10353/25 + COR 1 |
| | <i>Adoption</i> | |
| 13. | Any other business | |



First reading



Public debate (Article 8(3) of the Council's Rules of Procedure)



Item based on a Commission proposal

Statements to the legislative "A" item set out in doc. 10789/25**Ad "A" item 2:****Decision on the interpretation and application of the Energy Charter Treaty Agreement***Adoption of the legislative act***STATEMENT BY CZECHIA, FRANCE, MALTA AND AUSTRIA**

“The Czech Republic, the French Republic, the Republic of Malta and the Republic of Austria support the objective and substance of the Agreement on the interpretation and application of the Energy Charter Treaty (“Agreement”).

However, the Czech Republic, the French Republic, the Republic of Malta and the Republic of Austria cannot agree to the legal basis chosen for the Decision.

Consistent with previous decisions taken regarding the Energy Charter Treaty, Art. 194 TFEU in conjunction with Art. 207 TFEU would be the more appropriate substantive legal basis.

More importantly, Art. 194 TFEU cannot serve as a procedural legal basis for the Union to sign and conclude the Agreement. The Agreement will constitute a source of public international law in form of a treaty. The applicable procedure in cases where the European Union acts with the aim of becoming a contracting party to an international agreement is set forth in Art. 218 TFEU.

The Union should therefore adopt the Agreement on the basis of Art. 218 TFEU, since Member States, acting as subjects of public international law, assume in this case a similar position to that of third countries, due to the subject matter of the Agreement and as a result of the division of competences. Furthermore, the ancillary character of the Agreement to a treaty concluded with third countries also supports the use of Art. 218 TFEU as a procedural legal basis.

Using Art. 194 TFEU as a procedural legal basis negatively affects the principle of institutional balance, pre-empting the powers of the European Parliament and the Council as co-legislators and could set an unfavourable precedent.

Furthermore, the Czech Republic, the French Republic, the Republic of Malta and the Republic of Austria emphasize that the Decision shall not be construed as affecting the division of competences in relation to investor-state dispute settlement.

The Czech Republic, the French Republic, the Republic of Malta and the Republic of Austria reserve all rights to take any legal action that they deem necessary to seek redress.”

STATEMENT BY HUNGARY

“Hungary is not in a position to support and join the proposed Council decision of the European Parliament and of the Council on the adoption by the Union of the Agreement on the interpretation and application of the Energy Charter Treaty between the European Union, the European Atomic Energy Community and their Member States. Therefore, the above cited proposal cannot be considered the common understanding of the European Union.

The proposed decision upon adoption cannot be interpreted in a manner that would implicitly or explicitly imply the support of Hungary.

Hungary remains in the position that the conclusion of the Agreement requires the appropriate legal basis under EU and international law.

With regard to the subject matter, Hungary is of the view that, in accordance with the rules of customary international law it is appropriate to establish an agreement with a forward-looking scope and an implementation of the provisions set forth in the Komstroy judgment. The EU's concerns cannot be addressed in an arbitrary manner with retroactive effect, as such an approach could infringe upon the vested rights of investors under the ECT. The lack of legal certainty and the lack of investors' right to legal remedy raise the most serious concerns by ignoring the legitimate interests of the investors, the damages suffered, and the right to legal remedies.

In light of the above, Hungary maintains that the existing legal collision between EU law and the ECT with regard to the applicability of the dispute settlement between a Member State and an investor of another Member State concerning an investment made by the latter in the first Member State can only be reconciled in accordance with EU and international law together. On one hand, the conflict may be reconciled namely via Article 40 VCLT, through the modernisation of the ECT applicable for the future or on the other hand, via Article 41 VCLT through bilateral or plurilateral arrangements.

The modernized ECT includes in Article 24(3) an intra-EU disconnection clause with an aim to exclude the treaty's future application between EU Member States. In possible future bilateral and multilateral agreements, the Member States could mutually agree that, in light of the Komstroy judgment and intra-EU relations, the dispute settlement provision of the ECT shall not apply in their reciprocal relations.

Taking into consideration the legal reasoning above, Hungary has the firm position that there is no legal obligation for the proposed inter-se agreement for those Member States that modernized the ECT, including Hungary, in line with the strategy adopted by the Council on the 30th of May with regard to the ECT.”
