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Interinstitutional Files:

2025/0199 (NLE)

2025/0214 (NLE)

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2025/0219 (NLE)

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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Council Decisions on the conclusion of the Amending Protocols to the Agreements between the EU and Switzerland, Liechtenstein, Andorra, Monaco and San Marino on the automatic exchange of financial account information to improve international tax compliance

- Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and Switzerland on the automatic exchange of financial account information
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and Liechtenstein on the automatic exchange of financial account information
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and Andorra on the automatic exchange of financial account information
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and Monaco on the automatic exchange of financial account information
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and San Marino on the automatic exchange of financial account information

= Adoption

1. On 10 July and 17 July 2025 the Commission submitted to the Council the proposals for Council Decisions on the signing¹ and the conclusion² of the Amending Protocols to the Agreements between the EU and, respectively, Switzerland, Liechtenstein, Andorra, Monaco and San Marino on the automatic exchange of financial account information to improve international tax compliance. In the case of Switzerland, the proposal on signing covers also provisional application.
2. The aim of the existing Agreements is to improve international tax compliance in accordance with the Common Reporting Standard (CRS) developed by the Organisation for Economic Co-operation and Development (OECD). On 26 August 2022 the OECD approved changes to the CRS which will apply from 1 January 2026. The main aim of the proposals for the above mentioned Council Decisions is to ensure that the automatic exchange of financial account information between EU Member States and the respective five countries is aligned with the updated CRS and continues to take place from 1 January 2026.
3. On 21 August 2025 the European Data Protection Supervisor (EDPS) issued its opinions on the proposals for the Council Decisions³.
4. On 3 September 2025 at the meeting of the Working Party on Tax Questions (Direct Taxation) delegations agreed on the Presidency compromise texts on the Council Decisions on the signing and the conclusion, as well as on the Amending Protocols, subject to the legal-linguistic revision of the texts. As regards the Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and Switzerland, delegations also agreed that this Council Decision should be accompanied by a Council statement (14168/25 ADD 1) to be added to the minutes of the Council meeting adopting the Decision. In addition, delegations took note of the Commission statement (14168/25 ADD 2) to these minutes. These statements will form an integral part of the context in which the Council adopts the Decision on the conclusion of the Amending Protocol to the agreement between the EU and Switzerland.

¹ Documents 11510/25 + ADD 1 (Switzerland), 11751/25 + ADD 1 (Liechtenstein), 11750/25 + ADD 1 (Andorra), 11760/25 + ADD 1 (Monaco), 11763/25 + ADD 1 (San Marino).

² Documents 11511/25 (Switzerland), 11756/25 (Liechtenstein), 11746/25 (Andorra), 11759/25 (Monaco), 11761/25 (San Marino).

³ Documents 12199/25 (Switzerland), 12195/25 (Liechtenstein), 12196/25 (Andorra), 12197/25 (Monaco), 12198/25 (San Marino).

5. The Working Party on Tax Questions (High Level) was informed about the state of play on 23 September 2025.
6. The Council Decisions on the signing of the Amending Protocols to the Agreements between the EU and, respectively, Switzerland, Liechtenstein, Andorra, Monaco and San Marino were adopted by the Council (Economic and Financial Affairs) on 10 October 2025⁴. Subsequently, the Amending Protocols to the Agreements between the EU and, respectively, Liechtenstein, Andorra, Monaco and San Marino⁵ were signed by the Commission and these countries on 13 October 2025 and the Amending Protocol to the Agreement between the EU and Switzerland⁶ was signed by the Commission and Switzerland on 20 October 2025.
7. The European Parliament voted on its opinions on the Council Decisions on the conclusion of the Amending Protocols at its plenary session on 13 November 2025.⁷
8. Against this background, Coreper is invited to suggest to the Council that, as an "A" item on the agenda of one of its forthcoming meetings, the Council:

a) adopts

- 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, as finalised by the lawyer-linguists in document 11651/25;
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the European Union and the Principality of Liechtenstein on the automatic exchange of financial account information to improve international tax compliance, as finalised by the lawyer-linguists in document 11788/25;

⁴ Documents 11648/25 (Switzerland), 11785/25 (Liechtenstein), 11782/25 (Andorra), 11793/25 (Monaco), 11799/25 (San Marino).

⁵ Documents 11786/25 (Liechtenstein), 11783/25 (Andorra), 11796/25 (Monaco), 11800/25 (San Marino).

⁶ Document 11650/25.

⁷ Documents 14207/25 (Switzerland), 14208/25 (Lichtenstein), 14209/25 (Andorra), 14210/25 (Monaco), 14211/25 (San Marino).

- Council Decision on the conclusion 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, as finalised by the lawyer-linguists in document 11781/25;
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the European Union and the Principality of Monaco on the exchange of financial account information to improve international tax compliance in accordance with the Standard for Automatic Exchange of Financial Account Information in Tax Matters developed by the Organisation for Economic Cooperation and Development (OECD), as finalised by the lawyer-linguists in document 11791/25;
- Council Decision on the conclusion of the Amending Protocol to the Agreement between the European Union and the Republic of San Marino on the automatic exchange of financial account information to improve international tax compliance, as finalised by the lawyer-linguists in document 11797/25;

b) in relation to the Council Decision on the conclusion of the Amending Protocol to the Agreement between the EU and Switzerland:

- approves the statement by the Council which is contained in document 14168/25 ADD 1, enters it in the minutes of the Council meeting adopting this Decision and makes the statement publicly available;
- enters the Commission statement contained in document 14168/25 ADD 2 in the minutes of the Council meeting adopting this Decision and agrees to make the statement publicly available.
