

(English version)

**Question for written answer E-002539/26
to the Commission
Siegbert Frank Droese (ESN)
(18 June 2026)**

Subject: Legal basis for the digital euro

The legal basis used for the digital euro is Article 133 TFEU, which concerns measures necessary for the use of the euro as the single currency. However, the legal framework for the digital euro may include elements that go beyond classic monetary policy measures, such as mandatory acceptance requirements, the integration of digital identity systems, and more far-reaching interventions in payment market structures. Against this background, there are doubts as to whether the scope of Article 133 TFEU could already have been exceeded.

1. Does the Commission nevertheless consider that Article 133 TFEU alone constitutes a sufficient legal basis for the entire legal framework of the digital euro?
2. In the Commission's view, where are the limits of Article 133 TFEU in relation to the digital euro and what types of measures or functions would go beyond the scope of Article 133 TFEU?

Submitted: 18.6.2026

**Answer given by Mr Dombrovskis on behalf of the European Commission
(7 August 2026)**

In accordance with the case-law, the choice of legal basis for a EU measure must rest on objective factors that are amenable to judicial review, including the aim and content of the measure ⁽¹⁾. Article 1 of the proposal for a digital euro Regulation ⁽²⁾ makes clear that its aim is to adapt the euro to technological changes and to ensure its use as a single currency.

To that end, the regulation lays down rules concerning the legal tender status of the digital euro, its distribution, use, and essential technical features. The aim and content of the proposal fall within the scope of Article 133 of the Treaty on the Functioning of the European Union, which allows the EU legislature to lay down measures necessary for the use of the euro as the single currency.

According to the case law of the Court of Justice, the concept of monetary policy is not limited to its operational implementation by the European System of Central Banks but also entails a regulatory dimension ⁽³⁾. The proposal remains within the limits of that dimension. Its provisions ensure that the euro will be used effectively as a single currency in the euro area.

In particular, the mandatory acceptance of the digital euro is necessary to ensure the effective use of the euro as a single currency since it will lead to a sufficiently uniform level of acceptance throughout the euro area. The other measures of the regulation pursue the same objectives and are necessary to ensure the effective use of the euro as the EU's single currency.

⁽¹⁾ See, for example, judgment of 3 December 2019, *Czech Republic v European Parliament and Council of the European Union*, C-482/17, EU:C:2019:1035, paragraphs 31 and 32.

⁽²⁾ COM(2023) 369 final.

⁽³⁾ Judgment of 26 January 2021, *Johannes Dietrich and Norbert Häring v Hessischer Rundfunk*, Joined Cases C-422/19 and C-423/19, EU:C:2021:63, paragraphs 37 to 42.