



Council of the  
European Union

Brussels, 27 May 2020  
(OR. en)

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**Interinstitutional File:**  
**2019/0108(COD)**

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6643/20  
ADD 1

CODEC 166  
TRANS 101  
CH 9

#### 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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Subject: Draft Decision of the European Parliament and of the Council empowering Italy to negotiate and conclude an agreement with Switzerland authorising cabotage operations in the course of the provision of international road passenger transport services by coach and bus in the border regions between the two countries **(first reading)**

- Decision to use the written procedure for the adoption of the legislative act
- = Statement

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#### Statement by the Commission for the COREPER minutes

The Commission disagrees with the omission of Article 2(1) TFEU as legal basis of the decision in question. While Article 91 TFEU empowers the Union to adopt acts of transport policy, the legislator is warranted powers to authorise Member States to act in the Union's stead in an area of exclusive Union competence only under Article 2(1) TFEU. The decision can therefore be adopted only on the basis of both provisions.