



Brussels, 14 October 2020

CM 4044/20

CODEC  
TRANS  
UK  
PREP-BXT  
PROCED

### **COMMUNICATION**

#### **WRITTEN PROCEDURE**

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Subject:	Draft DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link [2020/0160(COD)]  Outcome of the written procedure initiated by CM 3943/20: – Adoption of the legislative act

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Delegations are informed that the written procedure, opened by CM 3943/20 of 9 October 2020 was completed on 14 October 2020 and that all delegations voted in favour of the adoption of the Decision of the European Parliament and of the Council empowering France to negotiate an agreement supplementing its existing bilateral Treaty with the United Kingdom concerning the construction and operation by private concessionaires of a Channel Fixed Link, as set out in document PE-CONS 31/20.

The required qualified majority has been reached. Therefore, the above Decision is adopted.

The statement by the Commission is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

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**Statement by the Commission**

The Commission disagrees with the omission of Article 2(1) TFEU as legal basis of the decision empowering France to negotiate with the UK.

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.

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