



EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: **DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
empowering Austria to amend its bilateral road transport agreement with
Switzerland with a view to authorising cabotage operations in the course of
the provision of international passenger transport services by coach and
bus in the border regions between the two countries**

DECISION (EU) 2026/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

empowering Austria to amend
its bilateral road transport agreement with Switzerland
with a view to authorising cabotage operations
in the course of the provision
of international passenger transport services by coach and bus
in the border regions between the two countries

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C, C/2026/1970, 28.4.2026, ELI: <http://data.europa.eu/eli/C/2026/1970/oj>.

² Position of the European Parliament of 7 July 2026 (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

- (1) In accordance with Article 20(1) of the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and by Road³ (the ‘EU-Swiss Agreement’), the transport of passengers by coach and bus between two points situated on the territory of the same Contracting Party to the EU-Swiss Agreement by carriers established in the territory of the other Contracting Party, known as cabotage, is not authorised.
- (2) In accordance with Article 20(2) of the EU-Swiss Agreement, existing cabotage rights set out in bilateral agreements concluded between Member States and Switzerland which were in force when the EU-Swiss Agreement was concluded on 21 June 1999, can continue to be exercised, provided that there is no discrimination between carriers established in the Union and no distortion of competition. The bilateral road transport agreement between Austria and Switzerland of 22 October 1958⁴ (the ‘Austrian-Swiss Agreement’) does not authorise cabotage operations in the course of the provision of international passenger transport services by coach and bus between the two countries. Therefore, the right to conduct such operations is not among the rights set out in Article 20(2) of the EU-Swiss Agreement.

³ OJ L 114, 30.4.2002, p. 91, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(3\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(3)/oj).

⁴ BGBl. (Austria) No. 123/1959.

- (3) International commitments permitting carriers established in Switzerland to conduct cabotage operations within the Union are liable to affect Article 20 of the EU-Swiss Agreement, since that Article does not authorise such operations.
- (4) Furthermore, Regulation (EC) No 1073/2009 of the European Parliament and of the Council⁵ permits cabotage operations within the Union to be conducted, under certain conditions, exclusively by carriers holding a Community licence. International commitments permitting third-country carriers, that do not hold such a licence, to conduct operations of that kind are liable to affect that Regulation.
- (5) Consequently, such international commitments fall within the Union's exclusive external competence. Member States are able to negotiate, or enter into, such commitments only if empowered to do so by the Union in accordance with Article 2(1) of the Treaty on the Functioning of the European Union (TFEU).

⁵ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88, ELI: <http://data.europa.eu/eli/reg/2009/1073/oj>).

- (6) Cabotage operations carried out within the Union by third-country carriers not holding a Community licence as provided for in Regulation (EC) No 1073/2009 affect the functioning of the internal market for coach and bus services, as established by that Regulation. It is therefore necessary that an empowerment pursuant to Article 2(1) TFEU be granted by the Union legislator, in accordance with the legislative procedure referred to in Article 91 TFEU.
- (7) By letter of 17 March 2025, Austria requested an empowerment from the Union to amend the Austrian-Swiss Agreement with a view to authorising cabotage operations in the course of the provision of international passenger transport services by coach and bus in the border regions of Austria and Switzerland, thereby fostering greater territorial cohesion.
- (8) Cabotage operations enable the load factor of the vehicles to be increased, which enhances the economic efficiency of international passenger transport services by coach and bus. It is therefore appropriate to authorise such operations in the course of the provision of international passenger transport services by coach and bus in the border regions of Austria and Switzerland. That could further strengthen the close integration of those border regions.

- (9) In order to ensure that the cabotage operations concerned do not excessively alter the functioning of the internal market for coach and bus services, as established by Regulation (EC) No 1073/2009, the authorisation of such cabotage operations should be conditional upon there being no discrimination between carriers established within the Union and there being no distortion of competition.
- (10) For the same reason, cabotage operations should only be authorised in the border regions of Austria in the course of the provision of international passenger transport services by coach and bus between Austria and Switzerland. To this effect, it is necessary to define the border regions of Austria for the purposes of this Decision in a manner that takes due account of the functioning of Regulation (EC) No 1073/2009, while allowing the efficiency of the operations concerned to be increased,

HAVE ADOPTED THIS DECISION:

Article 1

Austria is hereby empowered to amend the bilateral road transport agreement between Austria and Switzerland of 22 October 1958 (the ‘Austrian-Swiss Agreement’) with a view to authorising cabotage operations in the border regions of Austria and Switzerland in the course of the provision of international passenger transport services by coach and bus between the two countries, provided that there is no discrimination between carriers established in the Union and no distortion of competition.

The administrative districts of Bludenz, Bregenz, Dornbirn and Feldkirch in the region of Vorarlberg and the district of Landeck in the region of Tyrol shall be considered to be border regions of Austria within the meaning of the first paragraph.

Article 2

Austria shall inform the Commission of the amendment of the Austrian-Swiss Agreement pursuant to Article 1 of this Decision and shall notify the Commission of the text of the amended agreement.

The Commission shall inform the European Parliament and the Council thereof.

Article 3

This Decision is addressed to the Republic of Austria.

Done at ...,

For the European Parliament

The President

For the Council

The President
