**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a 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**

**1. Rapporteur:** NN

**2. Reference numbers:** 2020/0160 (COD) / P9\_TA-PROV(2020)0262

**3. Date of adoption of the resolution:** 8 October 2020

**4. Legal basis:** Article 2(1) and Article 91 of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Transport and Tourism (TRAN)

**6. Commission's position:** Accepts all amendments, apart from the omission of Article 2(1) as a legal basis.

On the deletion of Article 2(1) TFEU as legal basis the Commission issued the following declaration:

“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.”