



EUROPEAN
COMMISSION

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2026/0002 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, within the Joint Committee established under the Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus, as regards draft Decision No x/xxxx of that Committee establishing its Rules of Procedure

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Joint Committee established under the Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus¹ (hereinafter referred to as 'the Protocol'), in connection with the envisaged adoption of a decision of that Committee establishing its Rules of Procedure.

2. CONTEXT OF THE PROPOSAL

2.1. The Interbus Agreement and its Protocol on regular carriage

The Interbus Agreement on the international occasional carriage of passengers by coach and bus² (hereinafter referred to as 'the Interbus Agreement') aims to provide for harmonised liberalisation of certain international occasional services by coach and bus. It entered into force on 1 January 2003. The European Union is a Contracting Party to the Agreement³, together with the Republic of Albania, the Principality of Andorra, Bosnia and Herzegovina, the Republic of Moldova, Montenegro, the Republic of North Macedonia, the Republic of Serbia, the Republic of Türkiye, Ukraine, and the United Kingdom.

The Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus (hereinafter referred to as 'the Protocol') enlarges the scope of the Interbus Agreement, by way of provisions establishing procedures for regular and special regular services subject to authorisation. It entered into force on 1 October 2024 for the European Union⁴, the Republic of Moldova and Bosnia and Herzegovina. The Republic of Albania, the United Kingdom and Ukraine subsequently ratified the Protocol with effect from, respectively, 1 March 2025, 1 April 2025 and 1 May 2025.

2.2. The Joint Committee of the Protocol

In order to facilitate the management of the Protocol, its Article 18(1) establishes a Joint Committee. Article 18(2) of the Protocol stipulates that Articles 23 and 24 of the Interbus Agreement shall apply *mutatis mutandis* to that Joint Committee.

2.3. The envisaged act of the Joint Committee established under the Protocol

During its next meeting, the Joint Committee established under the Protocol is to adopt a decision establishing its own Rules of Procedure.

The purpose of the envisaged act is to facilitate the management of this Protocol.

The envisaged Rules of Procedure will become binding on the parties in accordance with Article 23(3) of the Interbus Agreement – applicable by virtue of Article 18(2) of the Protocol –, which provides that the Joint Committee is to adopt its own Rules of Procedure.

¹ OJ L 122, 5.5.2023, p. 3.

² OJ L 321, 26.11.2002, p. 13.

³ Council Decision 2002/917/EC of 3 October 2002 on the conclusion of the Interbus Agreement on the international occasional carriage of passengers by coach and bus (OJ L 321, 26.11.2002, p. 11).

⁴ Council Decision (EU) 2023/911 of 28 September 2021 on the conclusion, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus (OJ L 122, 5.5.2023, p. 1).

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The envisaged Rules of Procedure will facilitate the management of the Protocol. They aim to lay down, in particular, rules on the secretariat and on the meetings of the Joint Committee.

The establishment of such Rules of the Procedure of the Joint Committee is consistent with EU transport policy, since it will significantly facilitate the application of the Protocol.

For consistency, the Rules of Procedure of the Joint Committee established under the Protocol should correspond closely, with the necessary adaptations, to those of the Joint Committee established under the Interbus Agreement⁵.

The position to be taken on behalf of the Union within the Joint Committee established under the Protocol should therefore be to adopt the envisaged Rules of Procedure, based on the draft Decision of the Joint Committee attached to this Decision.

As the European Union is a party to the Protocol, the matter falls under the external exclusive competence of the Union.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'*

The concept of *'acts having legal effects'* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *'capable of decisively influencing the content of the legislation adopted by the EU legislature'*⁶.

4.1.2. Application to the present case

The Joint Committee is a body set up by an agreement, namely the Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus.

The act which the Joint Committee is called upon to adopt constitutes an act having legal effects. The envisaged act will be binding under international law in accordance with Article 18(2) of the Protocol, read in conjunction with Article 24(3) of the Interbus Agreement.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

⁵ OJ L 8, 12.1.2012, p. 38.

⁶ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to the common transport policy in the field of road.

Therefore, the substantive legal basis of the proposed decision is Article 91 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 91 TFEU in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the act of the Joint Committee will establish its Rules of Procedure, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Interbus Agreement on the international occasional carriage of passengers by coach and bus (hereinafter referred to as the ‘Interbus Agreement’) was concluded by the Union by Council Decision 2002/917/EC⁷ and entered into force on 1 January 2003.
- (2) The Protocol on the international regular and special regular carriage of passengers by coach and bus (hereinafter referred to as ‘the Protocol’) to the Interbus Agreement was concluded by the Union by Council Decision (EU) 2023/911⁸ and entered into force on 1 October 2024.
- (3) Pursuant to Article 23(3) of the Interbus Agreement, applicable by virtue of Article 18(1) of the Protocol, the Joint Committee is to adopt its own Rules of Procedure.
- (4) The Joint Committee established under the Protocol, during its next meeting, is to adopt a decision establishing its own Rules of Procedure.
- (5) It is appropriate to establish the position to be taken on the Union’s behalf in the Joint Committee, as the Decision to be adopted by that committee will be binding on the Union
- (6) The establishment of the Rules of the Procedure of the Joint Committee will facilitate the application of the Protocol. Such rules should correspond closely, with the necessary adaptations, to the Rules of Procedure of the Joint Committee established under the Interbus Agreement⁹.

⁷ OJ L 321, 26.11.2002, p. 11.

⁸ OJ L 122, 5.5.2023, p. 1.

⁹ OJ L 8, 12.1.2012, p. 38.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the next meeting of the Joint Committee established under Article 18(1) of the Protocol on the international regular and special regular carriage of passengers by coach and bus to the Interbus Agreement as regards the adoption of its Rules of Procedure shall be based on the draft Decision of the Joint Committee attached to this Decision.

Article 2

Minor changes to draft Decision of the Joint Committee on the adoption of its Rules of Procedure may be agreed by the representatives of the Union at the Joint Committee without further decision of the Council.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President