



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 September 2011**

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**Interinstitutional File:  
2008/0062 (COD)**

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**14251/11  
ADD 1**

**CODEC 1449  
TRANS 238  
ENFOPOL 305**

**ADDENDUM TO "I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: COREPER

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No. Cion prop.: 7984/08 TRANS 100 CODEC 416

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Subject: Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety **(second reading)**  
- Approval of the European Parliament's amendments **(LA + S)**  
- Statements

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**Commission statement on the legal basis**

"The Commission notes that both Council and European Parliament agree on the replacement of the legal basis proposed by the Commission, namely Article 91, paragraph 1c, TFEU by Article 87, paragraph 2, TFEU. While the Commission shares the view of both co-legislators about the importance of pursuing the aims of the proposed Directive to improve road safety, it considers however from a legal and institutional perspective that Article 87, paragraph 2, TFEU does not constitute the appropriate legal basis and therefore reserves its right to use all legal means at its disposal. "