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COVER NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Amended proposal for a Regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context [16805/23 - COM(2023) 790 final] - Opinion of the European Committee of the Regions

Delegations will find attached a copy of the above-mentioned opinion.

This opinion is available in all language versions on the following website: [DM Search v4.6.0 \(europa.eu\)](#)



**European Committee
of the Regions**

COTER–VII/037

160th plenary session, 17-18 April 2024

OPINION

Mechanism to resolve legal and administrative obstacles in a cross-border context – The Cross-Border Facilitation Tool

THE EUROPEAN COMMITTEE OF THE REGIONS

- recalls the CoR opinion *European Cross-Border Mechanism 2.0* adopted at the CoR plenary of 10 October 2023, and thanks the European Commission for having accepted a large majority of the recommendations made in that opinion, with the amended regulation now reflecting the CoR's view on how to best proceed with the regulation in the interest of the European Union's border regions, cities and citizens;
- believes that certain concerns of some of the Member States expressed about the initial proposal from 2018 have now been clarified, making it clear that the Cross-Border Facilitation Tool is voluntary and it does not infringe on Member States' national sovereignty, allowing Member States to solve border obstacles as they see fit, with the proposed Cross-Border Facilitation Tool or with a national or multinational tool;
- welcomes the simplification of the Regulation and the proposed Cross-Border Facilitation Tool which sets a very clear procedure;
- underlines the importance of the national or regional Cross-Border Coordination Points as defined in the regulation, and calls on the Member States and the regions with the legislative powers that will establish these coordination points to give them real powers to help remove cross-border obstacles to the extent possible or to link them closely with any existing bodies or organisations for cross-border cooperation in order to avoid a duplication of structures;
- calls out the Member States to enter the negotiations with a fresh view on the Regulation, having in mind that solving of cross-border obstacles could lead to a very significant economic growth¹ in border regions which are often economically less performing, and in that way ensure that their citizens, and businesses, have the same standard of living as those in other parts of their states.

¹

Communication from the Commission to the Council and the European Parliament Boosting growth and cohesion in EU border regions, COM(2017) 534 final.

Rapporteur

Magali Altounian (FR/RE)

Member of the Provence-Alpes-Côte-d’Azur Regional Council

Reference document

Amended proposal for a Regulation of the European Parliament and the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context

[COM\(2023\) 790 final](#)

**Opinion of the European Committee of the Regions –
Mechanism to resolve legal and administrative obstacles in a cross-border context –
The Cross-Border Facilitation Tool**

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

1. recalls the CoR opinion *European Cross-Border Mechanism 2.0* adopted at the CoR plenary of 10 October 2023², and thanks the European Commission for having accepted a large majority of the recommendations made in that opinion, with the amended regulation now reflecting the CoR's view on how to best proceed with the regulation in the interest of the European Union's border regions, cities and citizens;
2. believes that certain concerns of some of the Member States expressed about the initial proposal from 2018 have now been clarified, making it clear that the Cross-Border Facilitation Tool is voluntary and it does not infringe on Member States' national sovereignty, allowing Member States to solve border obstacles as they see fit, with the proposed Cross-Border Facilitation Tool or with a national or multinational tool;
3. underlines that the amended regulation also clarifies on which cross-border obstacles the tool can be used, making the regulation applicable on a case-to-case basis, rather than having it permanently applied at each border;
4. welcomes the simplification of the regulation and the proposed Cross-Border Facilitation Tool, which sets a very clear procedure;
5. underlines the importance of the national or regional Cross-Border Coordination Points as defined in the regulation, and calls on the Member States and the regions with the legislative powers that will establish these coordination points to give them real powers to help remove cross-border obstacles to the extent possible or to link them closely with any existing bodies or organisations for cross-border cooperation in order to avoid a duplication of structures;
6. believes that the coordination points should be integrated into an appropriate ministry in each Member State or in the relevant region with legislative powers to maximise their impact, while keeping the administrative and financial burden as low as possible;
7. underlines that a significant number of cross-border obstacles can be resolved with simple derogations or revised administrative procedures, which can be the quickest, most cost-effective, administratively lightest and most effective solutions;
8. suggests that, in order to avoid creating red tape, there be no rigid reporting or information requirements;

² COTER-VII/025 – *ECBM 2.0*, rapporteur Magali Altounian (FR/Renew Europe).

9. points out that it is essential to set up cross-border coordination points in all Member States, or in border regions with legislative powers where these exist, and to make sure that the coordination points can be easily identified by all cross-border citizens. The Committee of the Regions welcomes the fact that, under the regulation, to resolve a cross-border obstacle reported to the coordination point, Member States could choose to apply their own tools rather than the cross-border facilitation tool. With regard to the financing of the coordination points, the Committee of the Regions calls on the European Commission to identify other sources of funding in addition to INTERREG, in particular through cohesion policy technical assistance appropriations;
10. stresses that cross-border coordination points, when working to remove obstacles at borders, should act as a network at each border, consulting their counterparts in neighbouring Member States where necessary, or should be set up directly between two countries;
11. calls on the European Commission to establish a permanent working group among the National and Regional Contact points at European level, in which European Groupings of Territorial Cooperation (EGTCs) can participate, allowing them to share their experience and collaborate on common solutions, while at the same time benefiting from the support of the European Commission in their work, notably through the European cross-border coordination point set up within DG REGIO;
12. proposes that cross-border coordination points also play a preventive role in order to avoid the creation of new legal and administrative barriers that could result from new national legislation, as well as from the uncoordinated transposition of EU directives into national law, and raise awareness among legislators of their cross-border impact;
13. calls on the Member States to enter the negotiations with a fresh view on the regulation, keeping in mind that solving cross-border obstacles could lead to very significant economic growth³ in border regions, which are often economically less performing, and in that way ensure that their citizens and businesses have the same standard of living as those in other parts of their states.

Brussels, 17 April 2024

The President
of the European Committee of the Regions

Vasco Alves Cordeiro

The Secretary-General

³ Communication from the Commission to the Council and the European Parliament *Boosting growth and cohesion in EU border regions*, COM(2017) 534 final.

of the European Committee of the Regions

Petr Blížkovský

II. PROCEDURE

Title	Mechanism to resolve legal and administrative obstacles in a cross-border context – The Cross-Border Facilitation Tool
Reference	Rule 43 of the Rules of Procedure
Legal basis	COM(2023) 790 final
Procedural basis	Article 307(4) TFEU
Date of Council/EP referral/Date of Commission letter	Not applicable
Date of Bureau/President's decision	Not applicable
Commission responsible	Commission for Territorial Cohesion Policy and EU Budget
Rapporteur-General	Magali Altounian (FR/RE), Member of the Provence-Alpes-Côte-d'Azur Regional Council
Discussed in commission	Not applicable
Date adopted by commission	Not applicable
Result of the vote in commission (majority, unanimity)	Not applicable
Date adopted in plenary	17 April 2024
Previous Committee opinions	Cross-border mechanism, COTER-VI/048, rapporteur Bouke Arends (NL/PES) European Cross-Border Mechanism 2.0, rapporteur Magali Altounian (FR/RE)
Subsidiarity reference	