



Brussels, 21 February 2025
(OR. en)

6445/25

Interinstitutional File:
2018/0198(COD)

COH 4
CADREFIN 12
CODEC 164

INFORMATION NOTE

From:	Chair of the European Parliament Committee on Regional Development
To:	Chair of COREPER II
Subject:	Council's position in view of the adoption of the amended proposal for a Regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a crossborder context (2018/0198(COD)) - Early second reading agreement - Letter from the chair of the European Parliament Committee on Regional Development

Delegations are informed that the Chair of the European Parliament Committee on Regional Development has sent the attached letter, together with its Annex, to the Presidency.

E-MAIL

IM 01732 2025
17-02-2025



The Chair
Committee on Regional Development

D 100454 05.02.2025

CASP-SEC/REGI-COMMITTEE D (2025) 3285

Ms Agnieszka BARTOL
Acting Permanent Representative of Poland to the EU
Chair of COREPER II
Council of the European Union
Rue de la Loi 175
1048 Brussels

Subject: Council's position in view of the adoption of "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 (2018/0198(COD))" - Early second reading agreement

Dear Mrs Bartol,

I understand that at its meeting of 20 December 2024 COREPER decided to accept the outcome of the interinstitutional negotiations regarding the abovementioned Regulation.

I would like to inform you that should the Council transmit formally to the Parliament its position in the form as it stands in the annex, I will, in my capacity as Chair of the Committee on Regional Development, recommend to the Plenary that the Council's position is accepted without amendment, subject to legal-linguistic verification, at Parliament's second reading.

I am looking forward to the future collaboration with the Polish Presidency and I would like to express my gratitude to the Hungarian Presidency for the efforts made and the work accomplished to achieve an early second reading agreement on this file.

Yours Sincerely,

Dragoș BENEĂ

Annex: Text agreed

ANNEX: AGREED TEXT

2018/0198 (COD)

**REGULATION (EU) 2025/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of ...

on a Border Regions' instrument for development and growth (BRIDGEforEU)

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 the third paragraph of Article 175 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 opinions of the European Economic and Social Committee¹,

Having regard to the opinions of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 440, 6.12.2018, p. 124 and OJ C, 2024/4060, 12.7.2024, ELI: <http://data.europa.eu/eli/C/2024/4060/oj>.

² OJ C 86, 7.3.2019, p. 165 and OJ C, 2023/1326, 22.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1326/oj>.

³ Position of the European Parliament of ... (not yet published in the Official Journal) and position of the Council at first reading of ... (not yet published in the Official Journal).

Whereas:

- (1) In order to achieve the objectives referred to in Article 174 of the Treaty on the Functioning of the European Union (TFEU), Article 175, third paragraph, TFEU provides for the possibility of adopting specific actions outside the Structural Funds referred to in Article 175, third subparagraph, TFEU. Furthermore, territorial cooperation contributes to the objectives referred to in Article 174 TFEU. It is therefore appropriate to adopt the measures that are necessary to improve the conditions for the implementation of territorial cooperation actions.
- (2) Article 174, third paragraph, TFEU recognises that certain challenges are faced by cross-border regions and provides that the Union is to pay particular attention to those regions, when developing and pursuing actions leading to the strengthening of the Union's economic, social and territorial cohesion.

- (3) The Commission communication of 20 September 2017 entitled ‘Boosting growth and cohesion in EU border regions’ acknowledged the progress made so far in transforming such regions from mainly peripheral areas into areas of growth and opportunities, but also highlighted the legal and other obstacles that persist in those regions, in particular obstacles related to health services, labour regulation, taxes and business development, and obstacles linked to differences in national legal frameworks and administrative cultures. Neither European territorial cooperation funding, provided in particular in the context of the ‘Interreg’ programmes established under Regulation (EU) 2021/1059 of the European Parliament and of the Council⁴, nor the institutional support to cooperation by the European groupings of territorial cooperation (‘EGTCs’) established by Regulation (EC) No 1082/2006 of the European Parliament and of the Council⁵ or by the B-solutions initiative launched in 2018 by the Commission is sufficient to address resolving some of the administrative and legal obstacles which hamper effective cooperation.

⁴ Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (OJ L 231, 30.6.2021, p. 94, ELI: <http://data.europa.eu/eli/reg/2021/1059/oj>).

⁵ Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.7.2006, p. 19, ELI: <http://data.europa.eu/eli/reg/2006/1082/oj>).

- (4) Cross-border regions are at risk of being disproportionately affected in times of crisis. During the COVID-19 pandemic, the negative economic impact on cross-border regions due to border-related measures taken by Member States was more than double the average impact on all Union's regions in terms of GDP loss. That experience reinforces the need to provide for a means to addressing cross-border obstacles.
- (5) Barriers and discrepancies of a legal or administrative nature that arise at the internal borders of the Union and that potentially undermine cross-border interaction and the development of cross-border regions are difficult for the Member States to address alone. Consequently, finding a way to resolve those obstacles should be facilitated by piloting a clear and comprehensive framework at Union level that allows Member States to co-operate and co-ordinate their efforts. Recourse to the framework established under this Regulation should be optional for Member States.
- (6) Where Member States decide to have recourse to that framework, they should be bound by common standards .

- (7) In its assessment of data from the period 2014-2019, the relevant European Added Value Assessment study by the European Parliamentary Research Service found that resolving cross-border obstacles would bring significant benefits for NUTS 3 border regions and to the entire Union economy. More precisely, the total gross value added (GVA) benefit of resolving all legal and administrative barriers would yield approximately EUR457 billion per year, representing 3,8 % of total 2019 EU GVA. Resolving 20 % of cross-border obstacles for all border regions, would result in a total GVA benefit of EUR123 billion per year, representing approximately 1% of total 2019 EU GVA, as well as an employment benefit of 1 million jobs representing approximately 0,5 % of total employment at Union level.
- (8) Even though several legal tools to resolve cross-border obstacles already exist at inter-governmental, national, regional and local level in certain regions of the Union, they do not cover all border regions in the Union nor do they necessarily address issues related to the development and strengthening of territorial cohesion in a consistent manner. This Regulation complements the existing tools by way of an additional framework established by Union law which includes the Cross-Border Facilitation Tool.

- (9) In order to make it easier to handle files concerning cross-border obstacles, Member States that have decided to apply the framework should establish one or more cross-border coordination points, covering one or more border regions of those Member States. Such cross-border coordination points should be responsible for receiving cross-border files and informing initiators. The cross-border coordination points should liaise with the Commission and support its coordination role. Member States should decide in accordance with their own legal, administrative and institutional framework whether the cross-border coordination point should be entrusted with additional tasks, such as the assessment of cross-border files, or whether those tasks should be dealt with by a competent authority.
- (10) Where a Member State does not establish a cross-border coordination point, it should submit information on the relevant authority to the Commission. It should be possible for that relevant authority to be contacted and to receive information from a cross-border coordination point of a neighbouring Member State handling a cross-border file. Where a relevant authority is contacted by a cross-border coordination point of a neighbouring Member State handling a cross-border file or receives information from such a cross-border coordination point, it should not give rise to an obligation under this Regulation for the relevant authority to resolve a cross-border obstacle. In particular, that authority should not be required to examine the file or to respond to the initiator.

- (11) In order to support the establishment of cross-border coordination points, Member States should be able to decide to allocate European Regional Development Fund resources under Interreg programmes pursuant to Article 14, paragraph 4, point (b), of Regulation (EU) 2021/1059 and European Regional Development Fund or Cohesion Fund resources, as appropriate, under the Investment for jobs and growth goal pursuant to Article 3, paragraph 4, point (c), of Regulation (EU) 2021/1058 of the European Parliament and of the Council⁶.
- (12) The application of this Regulation should be without prejudice to the application of national law or international agreements between Member States providing for equivalent procedures.
- (13) Despite the fact that maritime border regions are different in nature from land border regions, due to more limited possibilities for cross-border interactions, this Regulation should also apply to maritime border regions. Where a Member State has both land and maritime borders with other Member States and decides to establish one or more cross-border coordination points, that Member State should not be required to establish a cross-border coordination point for a maritime border shared with another Member State. Member States which only have maritime borders with other Member States should not be required to appoint a cross-border coordination point nor to submit information to the Commission on the relevant authority or any information required by the Annex.

⁶ Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60, ELI: <http://data.europa.eu/eli/reg/2021/1058/oj>).

- (14) While this Regulation does not apply to cross-border obstacles in border regions between Member States and third countries, it should be possible for Member States to set up equivalent procedural frameworks under national law to identify and resolve legal and administrative cross-border obstacles in their cooperation with third countries.
- (15) Several non-judicial tools exist at Union level to monitor and enforce Union law, including in particular those linked to the single market, such as SOLVIT⁷. This Regulation should be without prejudice to such tools. The framework provided for by this Regulation should apply only to cross-border obstacles arising from legislative or administrative provisions or practices, including those provisions or practices that apply Union law correctly but in a divergent manner, which have the potential to unintentionally hinder the planning or implementation of cross-border public services or infrastructure. Cases involving a potential infringement of Union law by a public authority in a Member State should not be dealt with within the framework provided for by this Regulation. This Regulation is also without prejudice to the coordination mechanisms established for social security or taxation.

⁷ Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10, ELI: <http://data.europa.eu/eli/reco/2013/461/oj>).

- (16) In order to identify possible cross-border obstacles that fall within the scope of this Regulation, it is necessary to define the situations which qualify as cross-border interactions. This Regulation should therefore apply to any infrastructure for cross-border activities or to cross-border public services. Cross-border public services are provided on a long term basis and aim to generate benefits for the general public or a specific target group in the border region in which the service is provided, thereby improving living conditions and territorial cohesion in those regions. Infrastructure needed for cross-border activities can be affected by cross-border obstacles, for example where there are different technical standards for buildings or vehicles, including for related equipment. A cross-border file should be submitted by an initiator, that is a private or public entity.
- (17) In order to facilitate the handling of cross-border files and to establish a network of national bodies able to liaise with each other on the implementation of this Regulation, Member States should be able to establish one or more cross-border coordination points at national or regional level. Two or more neighbouring Member States should also be allowed to establish a joint cross-border coordination point competent for one or more of their cross-border regions.

- (18) A Member State should have the possibility to establish a cross-border coordination point as a dedicated authority, public law body or permanent entity, or as part of an existing authority, public law body or permanent entity, irrespective of whether that authority, body or entity has legal personality, in particular by entrusting it with the tasks of a cross-border point. Such authorities, bodies and entities could, for example, be cross-border cooperation committees or commissions, established in the framework of bilateral cooperation or friendship treaties; inter-governmental commissions for cross-border cooperation or their secretariats; councils, secretariats or general-secretariats, established in the framework of multinational agreements for cooperation; national coordination offices, national centres or contact points, or similar structures established in the framework of other sectoral European policies; and Interreg programme authorities and EGTCs.

- (19) In order to establish a framework for handling cross-border files that is common to all cross-border coordination points, it is necessary to define the tasks which each cross-border coordination point should carry out. A cross-border coordination point should act as a 'one-stop shop' for the initiators and should be a sole contact point for the initiator. Member States should ensure that the contact details of cross-border coordination points are publicly available, visible and accessible. In order to allow for a follow-up to the outcome of cross-border files and to increase transparency on resolving cross-border obstacles, cross-border coordination points should also be responsible for submitting information to the Commission. Moreover, this Regulation should set out obligations with regard to coordination, cooperation and exchange of information between the different cross-border coordination points in one Member State and between the cross-border coordination points of neighbouring Member States.
- (20) It should only be possible for an initiator to submit a cross-border file if the obstacle pertains to a border for which at least one cross-border coordination point has been established. A cross-border file should be submitted by the initiator only once. Where another initiator in another Member State also submits a cross-border file related to the same cross-border obstacle, the cross-border coordination points of those Member States should liaise with each other to avoid parallel procedures concerning the same cross-border obstacle.

- (21) The complexity of the applicable national law could make it difficult to identify the specific provision which constitutes a cross-border obstacle. Based on the experience with B-solutions, the initiator should therefore only describe the situation and the problem to be resolved.
- (22) In order to establish a procedural framework ensuring legal certainty to the initiator of a cross-border file, the cross-border coordination point should assess cross-border file and respond to the initiator within a reasonable time limit, which, as a rule, should be that established under national law. Where national law does not provide for a standard time limit for a response to an equivalent request, this Regulation should provide for appropriate time limits. Those time limits should start from the date of receipt of a cross-border file or a revised cross-border file, including in cases where a file has been received following a transfer from another cross-border contact point or competent authority.

- (23) The analysis of a cross-border file could conclude that there is no cross-border obstacle. In such a case, the cross-border file should be closed.
- (24) Once the existence of a cross-border obstacle has been confirmed, Member States should have discretion to choose the appropriate tool to resolve the cross-border obstacle in the cross-border region concerned. For that purpose, Member States should be able to rely on any international agreements in force or other procedures existing under the laws of the Member State concerned. Where that Member State considers that the available instruments do not enable it to resolve the cross-border obstacle, it should be allowed to create an *ad hoc* mechanism for that purpose. It should be possible to do so either individually or, if necessary and agreed, jointly with the neighbouring Member State. Member States should provide the reasons for the assessment steps taken and indicate possible options of legal redress, including in cases where they conclude that the alleged obstacle identified in the cross-border file does not fall within the scope of this Regulation.

- (25) In addition, it should be possible for the cross-border coordination point or the competent authority to use the Cross-Border Facilitation Tool. As the outcome of the procedure might differ slightly, depending on whether the nature of the possible cross-border obstacle is administrative or legislative, this should be taken into account by the Cross-Border Facilitation Tool. Where the cross-border coordination point or the competent authority decides to resolve the cross-border obstacle identified by applying the Cross-Border Facilitation Tool, it might be necessary to coordinate with the neighbouring Member State. Where the Member State concerned and the neighbouring Member State are each willing to launch the necessary legislative procedure or to change their administrative provisions or practices, such coordination can take the form of a joint committee composed of representatives of the competent authorities and the cross-border coordination points of the Member States concerned.

- (26) In order to provide an effective procedural framework to handle cross-border files, this Regulation should set out the essential procedural steps irrespective of whether the obstacle is administrative or legislative in nature. The existence of different legal systems in neighbouring Member States can result in a cross-border obstacle qualifying as an administrative provision or practice in one Member State but as legal provision in the other. Each Member State should therefore choose to apply the applicable procedure under its own legal system. Neighbouring Member States should coordinate their respective procedures as far as possible. Where a final position is taken on a file, that position should be communicated to the initiator, together with the reasons therefor.
- (27) This Regulation does not imply any obligation on the Member States to resolve a cross-border obstacle.
- (28) The Commission should be entrusted with tasks relevant to monitoring the application of this Regulation at Union level and to providing support to Member States, including capacity building. The Commission should, in particular, support the cross-border coordination points by promoting the exchange of experiences between those coordination points. It should be possible for that support to consist also in technical assistance-based tools such as B-solutions.

- (29) In order to allow for evidence-based policymaking, the Commission should review the implementation of this Regulation and submit a report to the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee. In order to ensure that sufficient evidence is gathered regarding the application of this Regulation and of the Cross-Border Facilitation Tool, that report should be submitted five years from the entry into force of this Regulation.
- (30) This Regulation respects fundamental rights, observes the principles recognised by the Charter of Fundamental Rights of the European Union (the ‘Charter’) and has no negative impact on any of those fundamental rights. Since the Regulation aims to resolve cross-border obstacles, it can foster the right to access to services of general economic interest, as laid down in Article 36 of the Charter and the freedom to conduct business, as laid down in Article 16 of the Charter. The wide range of such services can also foster the access to health care, as laid down in Article 35 of the Charter. More generally, as cross-border public transport services are very likely to benefit from the Cross-Border Facilitation Tool, the Regulation can have a positive impact on the freedom of movement and of residence, as laid down in Article 45 of the Charter.

- (31) Experience shows that Member States have undertaken individual, bilateral or even multilateral initiatives to resolve legal cross-border obstacles. However, those tools do not exist in all Member States or for all borders of a given Member State. Furthermore, since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of obstacles, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.
- (32) In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives. The use of the Cross-Border Facilitation Tool under this Regulation is optional for each Member State. A Member State should decide, on a specific border with one or more neighbouring Member States, to resolve cross-border obstacles through existing tools it has set up at national level or with one or more neighbouring Member States. This Regulation does therefore not go beyond what is necessary in order to facilitate cooperation in cross-border regions,

HAVE ADOPTED THIS REGULATION:

CHAPTER I
General provisions

Article 1
Subject matter

1. This Regulation establishes a framework to facilitate identifying and resolving cross-border obstacles that hamper the establishment and functioning of any infrastructure necessary for public or private cross-border activities, or of any cross-border public service that is provided in a given cross-border region and that fosters economic, social and territorial cohesion in that cross-border region.
2. The framework referred to in paragraph 1 shall provide for the possibility to initiate a procedure with regard to a cross-border obstacle in a Member State which decides to establish a cross-border coordination point in accordance with this Regulation.
3. This Regulation also lays down rules on:
 - (a) the organisation and tasks of cross-border coordination points in the Member States;
and
 - (b) the coordination tasks of the Commission.

Article 2

Scope

1. This Regulation shall apply to cross-border obstacles in land or maritime border regions of neighbouring Member States.
2. This Regulation shall not apply to cross-border obstacles in border regions between Member States and third countries.
3. This Regulation shall be without prejudice to any other Union legal acts, in particular those applicable to the non-judicial resolution of legal issues arising from cross-border obstacles and to the correct interpretation or implementation of Union law.

It shall also be without prejudice to the coordination mechanisms established for social security or taxation.

4. Without prejudice to the respective competences of the Union and its Member States, Member States may:
 - (a) provide for procedures under national law to resolve cross-border obstacles; and
 - (b) conclude new international agreements and modify existing agreements that lay down such procedures.

Member States may also create ad hoc mechanisms.

Article 3
Definitions

1. For the purposes of this Regulation, the following definitions apply:
 - (1) ‘cross-border interaction’ means:
 - (a) any infrastructure necessary for public or private cross-border activities; or
 - (b) the establishment, functioning or provision of any cross-border public service in a cross-border region;
 - (2) ‘cross-border obstacle’ means any legislative or administrative provision in a Member State, or any administrative practice by a public authority in a Member State, that has the potential to negatively affect a cross-border interaction and thus the development of a cross-border region and which does not have the potential to infringe Union law;
 - (3) ‘competent authority’ means a body at national, regional or local level that has the power to adopt legally binding and enforceable acts in a Member State that establishes one or more cross-border coordination points;
 - (4) ‘cross-border file’ means a document that has been prepared by one or more initiators and submitted to a cross-border coordination point;

- (5) ‘cross-border public service’ means an activity that is carried out in the public interest to provide a service in, or to address common problems or the development potential of border regions located on different sides of one or more neighbouring Member States’ borders, and that fosters economic, social and territorial cohesion in the cross-border region concerned;
 - (6) ‘initiator’ means any private or public entity involved in the provision, operation, establishment or functioning of any cross-border public service or of infrastructure in a border region for which at least one cross-border coordination point is established;
 - (7) ‘relevant authority’ means any authority, public law body or permanent entity within a Member State without any cross-border coordination point, which a cross-border coordination point from a neighbouring Member State can contact with regard to a cross-border file.
- 2. For the purposes of this Regulation, a reference to the ‘competent authority’ shall also cover situations where more than one competent authority within the same Member State is competent or has to be consulted.
 - 3. For the purposes of this Regulation, the term ‘cross-border obstacle’ shall cover one or more cross-border obstacles linked to a cross-border file.

CHAPTER II
Cross-border coordination points and relevant authorities

Article 4
Establishment of cross-border coordination points

1. Member States may establish one or more cross-border coordination points at national or regional level, in accordance with their institutional and legal framework and with paragraphs 2 and 3.

Where a Member State decides to establish one or more cross-border coordination points only for some of its border regions, it shall not be required to establish cross-border coordination points for its other border regions.

Where a Member State has both land and maritime borders with another Member State and decides to establish one or more cross-border coordination points, it shall not be required to establish a cross-border coordination point for any of its maritime border shared with that Member State.

2. Two or more neighbouring Member States may decide to establish a joint cross-border coordination point competent for one or more of their cross-border regions.

3. Where a Member State decides to establish one or more cross-border coordination points, each cross-border coordination point shall be established either as:
 - (a) a dedicated authority or public law body; or
 - (b) a part of an existing authority, public law body or permanent entity, including by entrusting that authority, public law body or permanent entity with the additional tasks of the cross-border coordination point.
4. Member States shall ensure that, within two months of the adoption of a decision establishing a cross-border coordination point, its contact details and information relating to its tasks:
 - (a) are made available on the website of the authority, public law body or permanent entity that has been established as cross-border coordination point and on the websites of the relevant Interreg A programmes referred to in Article 36(2) of Regulation (EU) 2021/1059; and
 - (b) are at the same time transmitted electronically to the Commission in accordance with the Annex to this Regulation.

Member States shall ensure that those contact details and information are kept up to date.

Member States shall ensure visibility and accessibility of the cross-border coordination point.

Article 5

Main tasks of the cross-border coordination points

1. Each cross-border coordination point shall liaise with the initiator as provided for in Articles 9 and 10 and, where applicable, Articles 11 and 12.

The cross-border coordination point to which the initiator submits its cross-border file, irrespective of whether it is national, regional or joint, shall constitute the sole contact point for the initiator with respect to the assessment of the cross-border file under Chapter III and, where applicable, Chapter IV.

2. Member States shall decide whether cross-border coordination points may act upon a cross-border file on their own behalf or whether they shall be responsible only for communicating with the initiator on behalf of the competent authority in accordance with paragraph 1.
3. Member States shall determine, either individually in the case referred to in Article 4(1) or jointly in the case referred to in Article 4(2), the distribution of the following tasks and procedures established under Chapters II and III and, where applicable, Chapter IV between the cross-border coordination point and the competent authority:
 - (a) carrying out an assessment of all cross-border files, in accordance with Article 9;

- (b) ensuring transparency and access to the information referred to Article 4(4) and the Annex;
- (c) preparation and implementation of solutions to cross-border obstacles concerning their territory in accordance with Articles 9 and 10 and, where applicable, Articles 11 and 12;
- (d) liaising with the cross-border coordination point or points or, in the absence thereof, with the relevant authority or authorities in the neighbouring Member State or States in accordance with Article 9(4);
- (e) liaising with the Commission and supporting it in carrying out the coordination tasks referred to in Article 13, in particular the updating of the register as referred to in Article 13, point (e), by providing at least once a year information about each cross-border file processed, in accordance with the Annex.

Article 6

Information on the relevant authority

1. Where a Member State has not established one or more cross-border coordination points, it shall submit information on the relevant authority to the Commission in accordance with Article 13(2) and the Annex.
2. Paragraph 1 of this Article shall apply only to those Member States that have land border regions as referred to in Article 2(1).

CHAPTER III

Cross-border files

Article 7

Preparation and submission of cross-border files

1. The initiator shall prepare a cross-border file in accordance with Article 8.
2. The initiator shall submit the cross-border file to the cross-border coordination point in one of the Member States in the territory of which the geographical area concerned by the alleged cross-border obstacle is located.
3. Where cross-border files concerning the same cross-border obstacle are submitted in two or more neighbouring Member States, the respective cross-border coordination points shall liaise with each other to determine which one of them shall handle the cross-border file. The other cross-border coordination points shall transfer their cross-border files accordingly.

Article 8

Content of cross-border files

1. The cross-border file shall contain at least the following elements:
 - (a) a description of the cross-border interaction and its context;
 - (b) a description of the problem arising from a cross-border obstacle;

- (c) the reason for the need to resolve the cross-border obstacle;
 - (d) where available, a description of the negative impact of the cross-border obstacle on the development of the cross-border region;
 - (e) the geographical area concerned;
 - (f) where known and relevant, the expected necessary duration of the application of a derogation from or exception to the cross-border obstacle or its removal;
 - (g) where known, information on whether a cross-border file concerning the same alleged cross-border obstacle has been submitted to another cross-border coordination point.
2. The initiator may also identify the cross-border obstacle and, if possible, suggest the text for a derogation from or exception to the cross-border obstacle or for resolving the cross-border obstacle by way of an ad hoc legal solution.
 3. The geographical area referred to in paragraph 1, point (e), shall be limited to the minimum necessary to resolve the cross-border obstacle in an effective manner.

Article 9
Assessment steps

1. The cross-border coordination point or the competent authority shall assess each cross-border file submitted pursuant to Articles 7 and 8 and shall identify the cross-border obstacle, if any.
2. Within two months of the date of submission of the cross-border file, the cross-border coordination point or the competent authority may request the initiator to clarify the cross-border file or to submit specific additional information.

If, following the assessment steps referred to in paragraph 1 and the first subparagraph of this paragraph, of this Article, the cross-border file does not contain all the elements required by Article 8(1), the cross-border coordination point or the competent authority may close the file, setting out the reasons therefor, and the cross-border coordination point shall inform the initiator accordingly.

3. Where, after assessing a cross-border file, the cross-border coordination point or the competent authority concludes that there is no alleged cross-border obstacle, the cross-border coordination point or the competent authority may close the file, setting out the reasons therefor, and the cross-border coordination point shall inform the initiator accordingly.

4. Where, after assessing a cross-border file, the cross-border coordination point or the competent authority concludes that the alleged cross-border obstacle falls within the competence of another Member State, it shall contact the cross-border coordination point in that other Member State or, in the absence thereof, the relevant authority in that Member State.

Where that cross-border coordination point or relevant authority agrees, the cross-border coordination point shall transfer all relevant information to it, and immediately inform the initiator accordingly.

5. Where, after assessing a cross-border file, the cross-border coordination point or the competent authority concludes that there is a cross-border obstacle, it may contact either a cross-border coordination point or, in the absence thereof, the relevant authority of a neighbouring Member State or Member States.
6. The cross-border coordination point or the competent authority in the Member State concerned by the cross-border obstacle may proceed in one of the following ways:

- (a) where possible, rely on an international agreement in force, whether bilateral or multilateral, sector-specific or multi-sectoral, which provides for a mechanism to resolve such cross-border obstacles between the Member States party to such an agreement;
- (b) where applicable, rely on other procedures existing under the laws of the Member State concerned;
- (c) create *ad hoc* mechanisms;
- (d) apply the Cross-Border Facilitation Tool laid down in Chapter IV, either individually or, if necessary and agreed, jointly with the neighbouring Member State;
- (e) choose not to resolve the obstacle and close the file.

For the purposes of point (a), resolving the cross-border obstacle, including elements such as the actors involved and the procedure to be followed, in particular for liaising and cooperating with the neighbouring Member State, shall be governed exclusively by the provisions of that agreement.

Article 10

Information to be provided to the initiator

1. The cross-border cooperation point shall inform the initiator in writing of the assessment steps carried out in accordance with Article 9, within the standard time limit provided for by national law for a response to an equivalent request.

2. Where no such time limit is provided for by national law, the following time limits shall apply:
- (a) three months from the date of reception of the cross-border file by the cross-border point for the assessment steps referred to in Article 9(2), second subparagraph;
 - (b) six months from the date of reception of the cross-border file by the cross-border point for the assessment steps referred to in Article 9(3), (4), (5) and (6).
3. The information to be provided under paragraph 1 shall indicate:
- (a) the assessment steps taken, their justification and, where available, conclusions reached; and
 - (b) what means of legal redress are open to the initiator under national law against those assessment steps.
- The legal redress under this paragraph shall be limited to verifying the respect of procedural rights referred to in this Regulation.
4. The time limit referred to in paragraph 1 may be extended in accordance with the national rules applicable to similar procedures. In the absence of such national rules, the time limits under paragraph 2 of this Article may be extended by a maximum of three months where a cross-border coordination point or a competent authority concludes that more time is needed for legal analysis or for consultations inside the Member State or for coordination with the neighbouring Member State, pursuant to Article 9(1).

CHAPTER IV
Cross-Border Facilitation Tool

Article 11
Procedure

1. If the cross-border coordination point or the competent authority decides to apply the Cross-Border Facilitation Tool, the procedure provided for in this Article shall apply.
2. Where the cross-border coordination point or the competent authority has concluded that there is a cross-border obstacle, it shall inform the initiator of :
 - (a) the cross-border obstacle identified;
 - (b) the next steps, whether leading to resolving the cross-border obstacle or not, and, if relevant, which of the procedures under paragraphs 4 and 5 applies.
3. After the assessment of the cross-border file and the identification of the cross-border obstacle, the cross-border coordination point shall share relevant information about that cross-border obstacle with the cross-border coordination point or, in the absence thereof, the relevant authority in the neighbouring Member State. The cross-border coordination points shall endeavour to avoid parallel procedures concerning the same cross-border obstacle.

4. Where the cross-border obstacle consists of an administrative provision or practice and the cross-border coordination point or competent authority considers that resolving the obstacle would not require an amendment to a legislative provision, either the cross-border coordination point or the competent authority shall contact the competent authority responsible for the administrative provision or practice to ascertain whether an amendment to that administrative provision or change in practice would be sufficient to resolve the cross-border obstacle and whether that authority would be willing to amend it accordingly.

The initiator shall be informed in writing within eight months of the date of the submission of the cross-border file pursuant to Article 7.

5. Where the cross-border obstacle consists of a legislative provision, the cross-border coordination point or competent authority shall contact the competent authority responsible for the legislative provision to ascertain whether an amendment, such as a derogation from or an exception to the applicable legislative provision, would enable the cross-border obstacle to be resolved and whether the competent authority would be willing to take the necessary steps to launch a legislative procedure to make such an amendment in accordance with institutional and legal framework of the Member State concerned.

The initiator shall be informed in writing within eight months of the date of the submission of the cross-border file pursuant to Article 7.

6. Where cross-border files concerning the same cross-border obstacle have been submitted to cross-border coordination points in two or more neighbouring Member States, each of those cross-border coordination points shall decide whether the procedure under paragraph 4 or 5 applies in their respective Member State and shall liaise with each other.
7. Where the cross-border coordination point is unable to respond to the initiator within the eight month time limit laid down in paragraph 4, second subparagraph, or paragraph 5, second subparagraph, due to an ongoing legal analysis, consultations inside its Member State, coordination with the neighbouring Member State, or where the competent or relevant authority of the neighbouring Member State amends an administrative provision or changes a practice, or launches a legislative procedure, the initiator shall be informed in writing of the reason for the delay and the timeline of the response.

Article 12

Final steps

1. The cross-border coordination point shall, on the basis of its assessment carried out pursuant to Article 9 and in accordance with the information received under Article 11(3), inform the initiator in writing about the outcome of the procedure, namely:
 - (a) the outcome of any procedure carried out under Article 11(4), including where relevant, the amendment to any administrative provision or change in practice;

- (b) the outcome of a procedure under Article 11(5), including where relevant, the launch of a legislative procedure or the amendment to any legislative provision;
- (c) that the cross-border obstacle will not be resolved;
- (d) the reasons for any position adopted under point (a), (b) or (c);
- (e) the time limit for legal redress under national law if any.

For the purposes of point (e), in the absence of such a time limit under national law, the initiator shall be granted six months to request legal redress.

The legal redress shall be limited to verifying the respect of procedural rights pursuant to this Regulation.

2. Where the cross-border coordination point or the competent authority has decided to resolve the cross-border obstacle by way of the procedure provided for in Article 11(5), it shall:

- (a) inform the cross-border coordination point of the neighbouring Member State;
- (b) inform the initiator of the most important steps with respect to the amendment to the legislative provision, including where relevant, to the legislative procedure launched to amend the legislative provision concerned in order to resolve the cross-border obstacle or the final decision closing the procedure.

The cross-border coordination point shall also inform the initiator where the competent authority of the neighbouring Member State has launched a legislative procedure to amend a legislative provision.

3. Where the Member State concerned and the neighbouring Member State conclude that each of them is willing to launch a legislative procedure to amend its respective legislative provision or to amend its respective administrative provision or practice, they shall do so in close coordination, in accordance with their respective institutional and legal frameworks. That coordination may cover the timing of the procedures and may lead to the establishment of a joint committee with representatives of the competent authorities and the cross-border coordination points, where relevant.

CHAPTER V

Final provisions

Article 13

Coordination tasks of the Commission

1. The Commission shall fulfil the following coordination tasks:
 - (a) set up and maintain a single Union public register of cross-border files;
 - (b) liaise with the cross-border coordination points;

- (c) support the enhancement of the institutional capacity in Member States that is necessary to implement this Regulation efficiently;
 - (d) promote the exchange of experience between Member States and in particular between the cross-border coordination points;
 - (e) publish and keep updated a list of all national and regional cross-border coordination points.
2. Member States shall support the Commission's coordination tasks referred to in point (d) either in accordance with Article 5(3), point (e), or by submitting information annually in accordance with the Annex.

The first subparagraph of this paragraph shall apply only to Member States that have land border regions as referred to in Article 2(1).

Article 14

Monitoring and reporting

By ... [60 months from the date of entry into force of this Regulation], the Commission shall review the implementation of this Regulation and shall submit a report to the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee.

Article 15

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President

ANNEX

ELECTRONIC DATA EXCHANGE BETWEEN THE MEMBER STATES AND THE COMMISSION

The information requested in this Annex is to be provided in one of the official languages of the institutions of the Union.

SECTION 1

Information provided by Member States with cross-border coordination points

1. List of cross-border coordination points

The information provided by the Member States on each cross-border coordination point in the table below is included in the list of cross-border coordination points published online by the Commission.

Name of the cross-border coordination point	Cross-border coordination point code	Postal address	Web address ⁸	Phone number	Geographical coverage ⁹	Date of nomination/establishment	Legal reference of nomination/creation	Main tasks ¹⁰

Basis: Article 4(4) and Article 13(1), point (e), of this Regulation

⁸ Pursuant to Article 5(3), point (e).

⁹ To be specified in the case of a joint cross-border coordination point established pursuant to Article 4(2).

¹⁰ Pursuant to Article 5(1) and (2).

EN

1

EN

2. Contact details of cross-border coordination points

The information provided by the Member States for each cross-border coordination point in the table below enables the Commission to carry out its tasks of coordination, capacity building and knowledge-sharing. This information is not made public.

Contact person	Position	Email address	Phone number

Basis: Article 4(4) of this Regulation

PE-CONS No/YY

2018/0198(COD)
2

XYZ-AB/OP-QR

3. Information for the Union public register of cross-border files

The information provided by the cross-border coordination points or the competent authorities concerning each cross-border file in the table below is included in the single Union public register of cross-border files published online by the Commission. This information enables the Commission to carry out its coordination, capacity building and knowledge-sharing tasks.

PE-CONS No/YY

2018/0198(COD)
3

XYZ-AB/OP-QR

File code	
Title of the file	[200] ¹¹
Date of reception by the cross-border coordination point	
Communication dates to the Commission	a) first submission; b) further submissions
Description of the obstacle	[5000]
Name of the initiator	
Geographical area of the obstacle ¹²	
Situation of the file	1 – Not yet assessed; 2 – Pending further information from the initiator¹³ or closed due to the lack of sufficient information from the initiator¹⁴; 3 – No obstacle identified or outside the scope of this Regulation; 4 – File closed due to its duplication¹⁵; 5 – Assessed, with further action to be decided; 6 – File transferred to another cross-border coordination point or to a relevant authority¹⁶; 7 – Process for a potential solution to be triggered under the Cross-Border Facilitation Tool; 8 – Process for a potential solution to be triggered under another instrument¹⁷; 9 – Obstacle resolved (partially or completely)¹⁸; 10 – Decision not to resolve the obstacle.
File last modified on (date)	
Description of the follow-up	[5.000] if applicable
Legal reference of solution implemented ¹⁹	if applicable

¹¹ Numbers in square brackets refer to the maximum number of characters without spaces.

¹² NUTS 3 codes of the territorial unit(s) concerned by the cross-border obstacle. If the obstacle concerns only part of one or more territorial unit(s), NUTS 3 codes can be replaced by the LAU codes of those parts.

¹³ Pursuant to Article 9(2).

¹⁴ Pursuant to Article 9(2), second subparagraph.

¹⁵ If applicable, indicate the file code of the file that remains open in case of similar files.

¹⁶ If applicable, indicate the file code of the file that remains open in case of similar files.

¹⁷ If applicable, indicate the nature of instrument envisaged or used pursuant to Article 9(6), points (a), (b) and (c), of this Regulation.

¹⁸ If applicable, indicate whether the obstacle has been partially or completely resolved.

¹⁹ If applicable, the reference of the legal or administrative act by which a solution (even partial) has been implemented.

Webpage for the file	<i>If applicable</i>
Publications on the file	<i>If applicable</i>

Basis: Article 5(3), point (e), and Article 13(1), point (a), of this Regulation

PE-CONS No/YY

2018/0198(COD)
5

XYZ-AB/OP-QR

4. Contact details of initiators

The information provided by the Member States for each cross-border file in the table below is optional. It enables the Commission to carry out its tasks of capacity building and knowledge-sharing. This information is only processed with the free and explicit permission of the person and should not be made public.

Contact person of the initiator	Position	Email address

Basis: Article 5(3), point (e), and Article 13(1), point (a), of this Regulation

PE-CONS No/YY

2018/0198(COD)

XYZ-AB/OP-QR

6

SECTION 2

Information provided by Member States without cross-border coordination points

1. List of relevant authorities

The information provided by the Member States on each relevant authority in the table below is included in the list of relevant authorities published online by the Commission.

Name of the relevant authority	Postal address	Phone number

Basis: Article 6(1) of this Regulation

PE-CONS No/YY

2018/0198(COD)

XYZ-AB/OP-QR

7

2. Information from Member States without any cross-border coordination point, submitted annually by 31 December

Summary of the main steps taken over the past year in relation to the information received from one or more cross-border coordination points on cross-border obstacles identified, including an indication as to any action taken to resolve them and any other relevant information.	[8 000] ²⁰
---	-----------------------

Basis: Article 13(1), point (a), of this Regulation

²⁰ Numbers in square brackets refer to the maximum number of characters without spaces.