

# Border Regions' instrument for development and growth (BRIDGEforEU)

2018/0198(COD) - 12/12/2023 - Supplementary legislative basic document

This proposal amends the Commission's 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 ('the ECBM proposal') including amending the title for a Regulation on Facilitating Cross-Border Solutions.

On 14 September 2023, Parliament adopted an [own-initiative legislative resolution](#) with recommendations to the Commission on amending the ECBM proposal.

This amended proposal combines elements of the initial Commission proposal with new elements brought in following the own initiative legislative resolution of the Parliament.

## *Subject*

The amended proposal therefore provides a legal framework applicable to all Member States to help find solutions to legal and administrative obstacles that potentially undermine cross-border interaction and the development of cross-border regions.

The proposed regulation establishes a procedure to **facilitate the resolution of cross-border obstacles** that hamper the establishment and functioning of any item of infrastructure necessary for public or private cross-border activities or of any cross-border public service provided in a given cross-border region and provided it fosters economic, social and territorial cohesion in the cross-border region.

## *Setting up cross-border coordination points (CBCPs)*

The amended proposal requires setting up cross-border coordination points in all Member States for reporting cross-border obstacles and assessing files submitted by 'initiators'. Initiators are public law or private law entities or natural persons who prepare a cross-border file by setting out the cross-border interaction and describing the obstacles for the consideration of coordination points.

Member States may identify current or new bodies and they may choose to set up one or several coordination points, including joint bodies with neighbouring Member States, in line with their institutional framework and preferences.

Cross-border coordination points should act as '**one-stop shops**' for the initiators and be their privileged contact point in the respective Member State. If a given Member State sets up several CBCPs, one should take the role of the main CBCP and the others should support its tasks and transmit the necessary information.

The cross-border coordination point is tasked with assessing the cross-border obstacle described by the initiator. If it concludes that there is an obstacle, it looks at what cooperation structures are available to resolve the identified obstacle. If there is no institutional structure for cross-border cooperation to resolve the obstacle or if the existing ones are not sufficient to solve it, Member States may opt to use the Cross-Border Facilitation Tool set up under this Regulation.

At any procedural step, the cross-border coordination point may choose not to resolve the obstacle, even if it concludes that the obstacle exists. If so, it will inform the initiator accordingly and explain why the

obstacle described in the file will not be addressed. After assessing a cross-border file, the cross-border coordination point must forward the conclusion of the assessment to the initiator within a reasonable timeframe.

### ***The Cross-Border Facilitation Tool***

The Cross-Border Facilitation Tool consists of a **single procedure** to tackle obstacles of a legislative or administrative nature. After assessing the obstacle and identifying the nature of the provision at the origin of the obstacle, the cross-border coordination point is responsible for contacting the competent authority to first verify the interest and feasibility of resolving the obstacle through the identified administrative or legal provision(s) and for informing the initiator and the cross-border coordination point of the neighbouring Member State accordingly.

If a decision is taken to resolve the identified obstacle, the procedure may vary depending on the nature of the provision at the origin of the cross-border obstacle:

- in the context of an administrative provision, the authority contacted by the CBCP may decide to change the provision or practice, including its interpretation. In this case, the CBCP notifies the initiator in writing;
- in the context of a legislative provision, the authority contacted by the CBCP may only suggest adapting the legislative framework to resolve the obstacle. In this case, the CBCP should inform the initiator in writing of the steps of the legislative procedure that might be envisaged.

If two or more neighbouring Member States conclude that they each want to launch a legislative procedure or change an administrative provision on practice to resolve the same obstacle, they will need to do so in close coordination, possibly including parallel timing and the setting up of a joint committee, in accordance with their respective legislative frameworks.

The decision as to whether to resolve an administrative or legal obstacle remains **voluntary**.