



2018/0198(COD)

23.10.2018

AMENDMENTS

30 - 119

Draft report
Matthijs van Miltenburg
(PE628.357v01-00)

Mechanism to resolve legal and administrative obstacles in a cross-border context

Proposal for a regulation
(COM(2018)0373 – C8-0228/2018 – 2018/0198(COD))

Amendment 30

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Border Regions Communication has also given evidence of the fact that there still exist a number of legal barriers in border regions, especially those related to health services, labour regulation, taxes, business development, and barriers linked to differences in administrative cultures and national legal frameworks. Neither European Territorial Cooperation funding nor the institutional support to cooperation by the European groupings of territorial cooperation (EGTCs) is sufficient alone to address the resolution of those barriers which constitute real obstacles to effective cooperation.

Amendment

(4) The Border Regions Communication has also given evidence of the fact that there still exist a number of legal barriers in border regions, especially those related to health services, labour regulation, **environment**, taxes, business development, and barriers linked to differences in administrative cultures and national legal frameworks. Neither European Territorial Cooperation funding nor the institutional support to cooperation by the European groupings of territorial cooperation (EGTCs) is sufficient alone to address the resolution of those barriers which constitute real obstacles to effective cooperation.

Or. en

Amendment 31

Monika Smolková

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Since 1990, programmes under the European Territorial Cooperation goal, better known as 'Interreg'²⁴ have supported cross-border cooperation programmes along Union border regions, including those with EFTA countries. It has financed thousands of projects and initiatives that have helped improve European integration. The main achievements of Interreg

Amendment

(5) Since 1990, programmes under the European Territorial Cooperation goal, better known as 'Interreg'²⁴ have supported cross-border cooperation programmes along Union border regions, including those with EFTA countries. It has financed thousands of projects and initiatives that have helped improve European integration. The main achievements of Interreg

programmes include: increased trust, higher connectivity, improved environment, better health and economic growth. From people-to-people projects via infrastructure investments and support to institutional cooperation initiatives, Interreg has made a genuine difference to border regions and has contributed to their transformation. Interreg has also supported cooperation on certain maritime borders. However, legal obstacles are much less an issue for maritime border regions because of the physical impossibility to cross the border daily or several times per week for work, education and training, shopping, the use of facilities and services of general economic interest or a combination or for rapid emergency interventions.

programmes include: increased trust, higher connectivity, improved environment, better health and economic growth. From people-to-people projects via infrastructure investments and support to institutional cooperation initiatives, Interreg has made a genuine difference to border regions and has contributed to their transformation. Interreg has also supported cooperation on certain maritime borders. However, legal obstacles are much less an issue for maritime border regions because of the physical impossibility to cross the border daily or several times per week for work, education and training, shopping, the use of facilities and services of general economic interest or a combination or for rapid emergency interventions *in cases of natural disaster*.

²⁴ Five programming periods of Interreg have succeeded each other: Interreg I (1990-1993), Interreg II (1994-1999), Interreg III (2000-2006), Interreg IV (2007-2013) and Interreg V (2014-2020).

²⁴ Five programming periods of Interreg have succeeded each other: Interreg I (1990-1993), Interreg II (1994-1999), Interreg III (2000-2006), Interreg IV (2007-2013) and Interreg V (2014-2020).

Or. sk

Amendment 32

Maria Gabriela Zoană

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In its Border Regions Communication, the Commission referred among other measures to an initiative started under the Luxembourg Presidency in 2015: A number of Member States are considering the merits of a new instrument to simplify cross-border projects by making it possible, on a voluntary basis and agreed by the competent authorities in charge, for the rules of one Member State

Amendment

(7) In its Border Regions Communication, the Commission referred among other measures to an initiative started under the Luxembourg Presidency in 2015: A number of Member States are considering the merits of a new instrument to simplify cross-border projects by making it possible, on a voluntary basis and agreed by the competent authorities in charge, for the rules of one Member State

to apply in the neighbouring Member State. This would apply to an individual project or action limited in time, located within a border region and initiated by local or regional authorities.

to apply in the neighbouring Member State, ***in order to shorten the time necessary for approval of the projects and of other documents required for implementation of the projects.*** This would apply to an individual project or action limited in time, located within a border region and initiated by local or regional authorities.

Or. ro

Amendment 33
Monika Smolková

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Even though a number of effective mechanisms for cross-border cooperation already exist at inter-governmental, regional and local level in certain regions of the Union, they do not cover all border regions in the Union. In order to complement the existing systems, it is therefore necessary to set up a voluntary mechanism to resolve legal and administrative obstacles in all border regions ('the Mechanism').

Amendment

(8) Even though a number of effective mechanisms for cross-border cooperation already exist at inter-governmental, regional and local level in certain regions of the Union, they do not cover all border regions in the Union. In order to complement the existing systems, it is therefore necessary to set up a voluntary mechanism to resolve legal and administrative obstacles in all border regions ('the Mechanism'), ***but this does not prevent the creation of similar mechanisms according to specific needs at national, regional or local level.***

Or. sk

Amendment 34
Monika Smolková

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In full respect of the constitutional

Amendment

(9) In full respect of the constitutional

and institutional set-up of the Member States, the use of the Mechanism *should be* voluntary *with regard to* those border regions of a given Member State where another effective mechanism exists or could be set up with the neighbouring Member State. *It should consist of two measures: the signature and the conclusion of a European Cross-Border Commitment (the 'Commitment') or the signature of a European Cross-Border Statement (the 'Statement').*

and institutional set-up of the Member States, the use of the Mechanism *is* voluntary. Those border regions of a given Member State where another effective mechanism exists or could be set up with the neighbouring Member State *can choose to use an instrument they consider to be more beneficial.*

Or. sk

Amendment 35
Monika Smolková

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The Mechanism will consist of two measures: the signature and the conclusion of a European Cross-Border Commitment (the 'Commitment') or the signature of a European Cross-Border Statement (the 'Statement'), the application of which is defined in this Regulation.

Or. sk

Amendment 36
Maria Gabriela Zoană

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) The Commitment should be self-executing, meaning that pursuant to the conclusion of the Commitment certain

(10) The Commitment should be self-executing, meaning that pursuant to the conclusion of the Commitment certain

legal provisions of one Member State are to be applied on the territory of the neighbouring Member State. It should also be acceptable that the Member States are to adopt a legislative act to allow for the conclusion of a Commitment, in order to prevent national legislation formally adopted by a legislative body from being derogated from by an authority other than that legislative body and in breach of legal clarity and transparency or both.

legal provisions of one Member State are to be applied on the territory of the neighbouring Member State ***during the period of implementation of a programme financed by EU funding in the field/fields established by that Commitment.*** It should also be acceptable that the Member States are to adopt a legislative act to allow for the conclusion of a Commitment, in order to prevent national legislation formally adopted by a legislative body from being derogated from by an authority other than that legislative body and in breach of legal clarity and transparency or both.

Or. ro

Amendment 37
Monika Smolková

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commitment should be self-executing, meaning that pursuant to the conclusion of the Commitment certain legal provisions of one Member State are to be applied on the territory of the neighbouring Member State ***in order to remove obstacles during the implementation of joint cross-border projects.*** It should also be acceptable that the Member States are to adopt a legislative act to allow for the conclusion of a Commitment, in order to prevent national legislation formally adopted by a legislative body from being derogated from by an authority other than that legislative body and in breach of legal clarity and transparency or both.

Amendment

(10) The Commitment should be self-executing, meaning that pursuant to the conclusion of the Commitment certain legal provisions of one Member State are to be applied on the territory of the neighbouring Member State ***in order to remove obstacles during the implementation of joint cross-border projects.*** It should also be acceptable that the Member States are to adopt a legislative act to allow for the conclusion of a Commitment, in order to prevent national legislation formally adopted by a legislative body from being derogated from by an authority other than that legislative body and in breach of legal clarity and transparency or both.

Or. sk

Amendment 38
Monika Smolková

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The Statement would still require a legislative procedure in the Member State. The authority concluding the Statement should make a formal statement that it will trigger by a certain deadline the legislative procedure necessary to amend the normally applicable national law and to apply, by way of an explicit derogation, the law of a neighbouring Member State.

Amendment

(11) The Statement would still require a legislative procedure in the Member State. The authority concluding the Statement should make a formal statement that it will trigger by a certain deadline the legislative procedure necessary to amend the normally applicable national law and to apply, by way of an explicit derogation, the law of a neighbouring Member State, ***in order to remove obstacles to the implementation of joint cross-border projects.***

Or. sk

Amendment 39
Maria Gabriela Zoană

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The Statement would still require a legislative procedure in the Member State. The authority concluding the Statement should make a formal statement that it will trigger by a certain deadline the legislative procedure necessary to amend the normally applicable national law and to apply, by way of an explicit derogation, the law of a neighbouring Member State.

Amendment

(11) The Statement would still require a legislative procedure in the Member State. The authority concluding the Statement should make a formal statement that it will trigger by a certain deadline - ***at least six months before launching that programme,*** the legislative procedure necessary to amend the normally applicable national law and to apply, by way of an explicit derogation, the law of a neighbouring Member State.

Or. ro

Amendment 40

Maria Gabriela Zoană

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Legal obstacles are predominantly felt by persons interacting on land borders, because people cross borders on a daily or weekly basis. In order to concentrate the effect of this Regulation to the regions closest to the border and with the highest degree of integration and interaction between neighbouring Member States, this Regulation should apply to cross-border regions within the meaning of the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions²⁶. This should not prevent Member States from applying the Mechanism also to maritime and external borders others than those with EFTA countries.

²⁶ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Amendment

(12) Legal obstacles are predominantly felt by persons ***included in the border workers' category and by those*** interacting on land borders, because people cross borders on a daily or weekly basis. In order to concentrate the effect of this Regulation to the regions closest to the border and with the highest degree of integration and interaction between neighbouring Member States, this Regulation should apply to cross-border regions within the meaning of the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions²⁶. This should not prevent Member States from applying the Mechanism also to maritime and external borders others than those with EFTA countries.

²⁶ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Or. ro

Amendment 41

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Legal obstacles are predominantly felt by persons interacting on land borders,

Amendment

(12) Legal obstacles are predominantly felt by persons interacting on land borders,

because people cross borders on a daily or weekly basis. In order to concentrate the effect of this Regulation to the regions closest to the border and with the highest degree of integration and interaction between neighbouring Member States, this Regulation should apply to cross-border regions within the meaning of the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions²⁶. This should not prevent Member States from applying the Mechanism also to maritime and external borders others than those with EFTA countries.

²⁶ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

because people cross borders on a daily or weekly basis. In order to concentrate the effect of this Regulation to the regions closest to the border and with the highest degree of integration and interaction between neighbouring Member States, this Regulation should apply to cross-border regions within the meaning of the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions²⁶. This should not prevent Member States from applying the Mechanism also to maritime and external borders others than those with EFTA countries, ***on a voluntary basis regarding all parties concerned.***

²⁶ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Or. en

Amendment 42

Monika Smolková

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Legal obstacles are predominantly felt by persons interacting on land borders, because people cross borders on a daily or weekly basis. In order to concentrate the effect of this Regulation to the regions closest to the border and with the highest degree of integration and interaction between neighbouring Member States, this Regulation should apply to cross-border regions within the meaning of the territory covered by neighbouring land border regions in two or more Member States at

Amendment

(12) Legal obstacles are predominantly felt by persons interacting on land borders, because people cross borders on a daily or weekly basis. In order to concentrate the effect of this Regulation to the regions closest to the border and with the highest degree of integration and interaction between neighbouring Member States, this Regulation should apply to cross-border regions within the meaning of the territory covered by neighbouring land ***or maritime*** border regions in two or more Member

NUTS level 3²⁶ regions. This should not prevent Member States from applying the Mechanism also to maritime and external borders others than those with EFTA countries.

²⁶ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

States at NUTS level 3²⁶ regions. This should not prevent Member States from applying the Mechanism also to maritime and external borders others than those with EFTA countries.

²⁶ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Or. sk

Amendment 43 **Monika Smolková**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) In order to coordinate the tasks of different authorities which in some Member States will include national and regional legislative bodies, within a given Member States and between those of one or more neighbouring Member States, each Member State which opts for the Mechanism should be obliged to set up a national and, where applicable, regional Cross-border Coordination Points and define their tasks and competencies during the different steps of the Mechanism covering initiation, conclusion, implementation and monitoring of Commitments and Statements.

Amendment

(13) In order to coordinate the tasks of different authorities which in some Member States will include national and regional legislative bodies, within a given Member States and between those of one or more neighbouring Member States, each Member State which ***voluntarily*** opts for the ***use of this*** Mechanism should be obliged to ***designate or*** set up a national and, where applicable, regional Cross-border Coordination Points and define their tasks and competencies during the different steps of the Mechanism covering initiation, conclusion, implementation and monitoring of Commitments and Statements.

Or. sk

Amendment 44 **Bronis Ropë**

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to coordinate the tasks of different authorities which in some Member States will include national **and** regional legislative bodies, within a given Member States and between those of one or more neighbouring Member States, each Member State which opts for the Mechanism should be obliged to set up a national and, where applicable, regional Cross-border Coordination Points and define their tasks and competencies during the different steps of the Mechanism covering initiation, conclusion, implementation and monitoring of Commitments and Statements.

Amendment

(13) In order to coordinate the tasks of different authorities which in some Member States will include national, regional **and local** legislative bodies, within a given Member States and between those of one or more neighbouring Member States, each Member State which opts for the Mechanism should be obliged to set up a national and, where applicable, regional **or local** Cross-border Coordination Points and define their tasks and competencies during the different steps of the Mechanism covering initiation, conclusion, implementation and monitoring of Commitments and Statements.

Or. en

Amendment 45

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The Commission should set up a coordination point at Union level, as announced in the Border Regions Communication. That coordination point should liaise with the different national and, where relevant, regional Cross-border Coordination Points. The Commission should set up and maintain a database on Commitments and Statements in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council²⁷.

Amendment

(14) The Commission should set up a coordination point at Union level, as announced in the Border Regions Communication. That coordination point should liaise with the different national and, where relevant, regional **or local** Cross-border Coordination Points. The Commission should set up and maintain a database on Commitments and Statements in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council²⁷.

²⁷ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

²⁷ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Or. en

Amendment 46
Monika Smolková

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) More specifically, this Regulation should define who can be an initiator of a joint project. As the Mechanism should improve the implementation of joint cross-border projects, the first group should be bodies initiating or both initiating and implementing such joint project. The term project should be understood in a broad sense, covering both a specific item of infrastructure or a number of activities with regard to a certain territory or both. Secondly, a local or regional authority located in a given cross-border region or exercising public power in that cross-border region should be empowered to take the initiative to apply national law which constitutes an obstacle, but the amendment of or derogation from that law is outside their institutional competence. Thirdly, bodies set up for cross-border cooperation located in or covering at least partially a given cross-border region, including EGTCs, or similar bodies to organise cross-border development in a structured way should be initiator. Finally, bodies specialised in cross-border cooperation which may also be aware of effective

Amendment

(16) More specifically, this Regulation should define who can be an initiator of a joint **cross-border** project. As the Mechanism should improve the implementation of joint cross-border projects, the first group should be bodies initiating or both initiating and implementing such joint project. The term project should be understood in a broad sense, covering **for example** both a specific item of infrastructure or a number of activities with regard to a certain territory or both. Secondly, a local or regional authority located in a given cross-border region or exercising public power in that cross-border region should be empowered to take the initiative to apply national law which constitutes an obstacle, but the amendment of or derogation from that law is outside their institutional competence. Thirdly, bodies set up for cross-border cooperation located in or covering at least partially a given cross-border region, including EGTCs, or similar bodies to organise cross-border development in a structured way should be initiator. Finally, bodies specialised in cross-border

resolutions found elsewhere in the Union for a comparable issue should also be enabled to start an initiative. In order to create synergy of bodies directly affected by the obstacle and those expert in cross-border cooperation in general, all groups may initiate the Mechanism jointly.

cooperation which may also be aware of effective resolutions found elsewhere in the Union for a comparable issue should also be enabled to start an initiative. In order to create synergy of bodies directly affected by the obstacle and those expert in cross-border cooperation in general, all groups may initiate the Mechanism jointly.

Or. sk

Amendment 47

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) More specifically, this Regulation should define who can be an initiator of a joint project. As the Mechanism should improve the implementation of joint cross-border projects, the first group should be bodies initiating or both initiating and implementing such joint project. The term project should be understood in a broad sense, covering both a specific item of infrastructure or a number of activities with regard to a certain territory or both. Secondly, a local or regional authority located in a given cross-border region or exercising public power in that cross-border region should be empowered to take the initiative to apply national law which constitutes an obstacle, but the amendment of or derogation from that law is outside their institutional competence. Thirdly, bodies set up for cross-border cooperation located in or covering at least partially a given cross-border region, including EGTCs, or similar bodies to organise cross-border development in a structured way should be initiator. Finally, bodies specialised in cross-border cooperation which may also be aware of effective

Amendment

(16) More specifically, this Regulation should define who can be an initiator of a joint project. As the Mechanism should improve the implementation of joint cross-border projects, the first group should be bodies **or organisations** initiating or both initiating and implementing such joint project. The term project should be understood in a broad sense, covering both a specific item of infrastructure or a number of activities with regard to a certain territory or both. Secondly, a local or regional authority located in a given cross-border region or exercising public power in that cross-border region should be empowered to take the initiative to apply national law which constitutes an obstacle, but the amendment of or derogation from that law is outside their institutional competence. Thirdly, bodies set up for cross-border cooperation located in or covering at least partially a given cross-border region, including EGTCs, or similar bodies to organise cross-border development in a structured way should be initiator. Finally, bodies specialised in cross-border cooperation which may also

resolutions found elsewhere in the Union for a comparable issue should also be enabled to start an initiative. In order to create synergy of bodies directly affected by the obstacle and those expert in cross-border cooperation in general, all groups may initiate the Mechanism jointly.

be aware of effective resolutions found elsewhere in the Union for a comparable issue should also be enabled to start an initiative. In order to create synergy of bodies directly affected by the obstacle and those expert in cross-border cooperation in general, all groups may initiate the Mechanism jointly.

Or. en

Amendment 48
Maria Gabriela Zoană

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The key actor in the Member States requested to conclude a Commitment or Statement should be the respective national or regional Cross-border Coordination Points which is to liaise with all competent authorities in its Member State and with its counterpart in the neighbouring Member State. It should also be clearly established that the Cross-border Coordination Point may decide whether a procedure leading to the conclusion of a Commitment or a Statement is to be launched or whether for one or more legal obstacles a resolution has already found which could be applied. On the other hand, it should also be established that the Member State the legal provisions of which are to be applied in the other Member State may refuse such application outside its territory. Any decision should be justified and communicated.

Amendment

(17) The key actor in the Member States requested to conclude a Commitment or Statement should be the respective national or regional Cross-border Coordination Points which is to liaise with all competent authorities in its Member State and with its counterpart in the neighbouring Member State. It should also be clearly established that the Cross-border Coordination Point may decide whether a procedure leading to the conclusion of a Commitment or a Statement is to be launched or whether for one or more legal obstacles a resolution has already found which could be applied. On the other hand, it should also be established that the Member State the legal provisions of which are to be applied in the other Member State may refuse such application outside its territory. Any decision should be *duly* justified and communicated *in due time to all the partners*.

Or. ro

Amendment 49
Maria Gabriela Zoană

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The implementation of a self-executing Commitment should consist in the application of national provisions of another Member State. This should mean either the amendment of legally binding administrative acts already adopted in accordance with the normally applicable national law or, where this has not yet been done, the adoption of new administrative acts based on the legislation of another Member State. Where several authorities are each competent for different aspects of a complex legal obstacle, the Commitment should be accompanied by a timetable for each of these aspects. Respecting the subsidiarity principle, the adoption and transmission of those amended or new administrative acts should follow the national law on administrative procedures.

Amendment

(19) The implementation of a self-executing Commitment should consist in the application of national provisions of another Member State. This should mean either the amendment of legally binding administrative acts already adopted in accordance with the normally applicable national law or, where this has not yet been done, the adoption of new administrative acts based on the legislation of another Member State ***within a deadline agreed by all the partners in order to be able to launch joint projects in due time.*** Where several authorities are each competent for different aspects of a complex legal obstacle, the Commitment should be accompanied by a timetable for each of these aspects. Respecting the subsidiarity principle, the adoption and transmission of those amended or new administrative acts should follow the national law on administrative procedures.

Or. ro

Amendment 50
Monika Smolková

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The implementation of a self-executing Commitment should consist in the application of national provisions of another Member State. This should mean either the amendment of legally binding administrative acts already adopted in accordance with the normally applicable national law or, where this has not yet been

Amendment

(19) The implementation of a self-executing Commitment should consist in the application of national provisions of another Member State ***when implementing joint cross-border projects.*** This should mean either the amendment of legally binding administrative acts already adopted in accordance with the normally applicable

done, the adoption of new administrative acts based on the legislation of another Member State. Where several authorities are each competent for different aspects of a complex legal obstacle, the Commitment should be accompanied by a timetable for each of these aspects. Respecting the subsidiarity principle, the adoption and transmission of those amended or new administrative acts should follow the national law on administrative procedures.

national law or, where this has not yet been done, the adoption of new administrative acts based on the legislation of another Member State. Where several authorities are each competent for different aspects of a complex legal obstacle, the Commitment should be accompanied by a timetable for each of these aspects. Respecting the subsidiarity principle, the adoption and transmission of those amended or new administrative acts should follow the national law on administrative procedures.

Or. sk

Amendment 51
Monika Smolková

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) The implementation of Statements should mainly consist in the preparation and submission of a legislative proposal to amend existing national law or to derogate from it. After adoption, those amendments or derogations should be made public and then also implemented like the Commitments by the amendment and adoption of legally binding administrative acts.

Amendment

(20) The implementation of Statements should mainly consist in the preparation and submission of a legislative proposal to amend existing national law or to derogate from it, ***in order to enable the implementation of joint cross-border projects***. After adoption, those amendments or derogations should be made public and then also implemented like the Commitments by the amendment and adoption of legally binding administrative acts.

Or. sk

Amendment 52
Maria Gabriela Zoană

Proposal for a regulation
Recital 20 a (new)

(20a) It is also necessary to correctly inform persons resident in cross-border regions about the legislative changes made, and to establish a procedure for the provision of regular information on the benefits of the programmes.

Or. ro

Amendment 53
Monika Smolková

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The protection of persons resident in cross-border regions directly or indirectly affected by the application and monitoring of a Commitment and the amended legislation pursuant to a Statement, who consider themselves wronged by acts or omissions by the application should be clarified. Both for Commitment and Statement, the law of the neighbouring Member State would be applied in the committing Member State as incorporated into its own legislation and the legal protection should therefore be in the remit of the courts of the committing Member States even where persons have their legal residence in the transferring Member State. The same principle should apply for the legal redress against the Member State whose administrative act is challenged. However, a different approach should apply to legal redress against the monitoring of the application of the Commitment or Statement. Where an authority from the transferring Member State has accepted to monitor the application of the amended legal provisions of the committing Member State and can act with regard to persons resident in the

Amendment

(22) The protection of persons resident in cross-border regions directly or indirectly affected by the application and monitoring of a Commitment and the amended legislation pursuant to a Statement, who consider themselves wronged by acts or omissions by the application should be clarified. Both for Commitment and Statement, the law of the neighbouring Member State would be applied in the committing Member State as incorporated into its own legislation and the legal protection should therefore be in the remit of the courts of the committing Member States even where persons have their legal residence in the transferring Member State. The same principle should apply for the legal redress against the Member State whose administrative act is challenged. However, a different approach should apply to legal redress against the monitoring of the application of the Commitment or Statement. Where an authority from the transferring Member State has accepted to monitor the application of the amended legal provisions of the committing Member State and can act with regard to persons resident in the

cross-border area on behalf of the authorities of the committing Member State, **but** in its own name, the competent courts should be those of the Member State where those persons have their legal residence. On the other hand, where the competent transferring authority cannot act in its own name, but in the name of the competent committing authority, the competent courts should be those of the committing Member State, regardless of the legal residence of the person.

cross-border area on behalf of the authorities of the committing Member State, **or** in its own name, the competent courts should be those of the Member State where those persons have their legal residence. On the other hand, where the competent transferring authority cannot act in its own name, but in the name of the competent committing authority, the competent courts should be those of the committing Member State, regardless of the legal residence of the person.

Or. sk

Justification

Linguistic correction

Amendment 54

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data (Article 8), the right to education (Article 14), the freedom to choose an occupation and the right to engage in work (Article 15), in particular the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State, the freedom to conduct business (Article 16), access to social security and social assistance (Article 34), **access** to health care (Article 35) **and** access to services of general economic interest (Article 36).

Amendment

(26) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data (Article 8), the right to education (Article 14), the freedom to choose an occupation and the right to engage in work (Article 15), in particular the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State, the freedom to conduct business (Article 16), access to social security and social assistance (Article 34), **access** to health care (Article 35), access to services of general economic interest (Article 36) **and a high level of environmental protection in accordance with the**

Amendment 55
Monika Smolková

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) In accordance with the principle of proportionality, as set out in Article 5(4) TEU, the content and form of Union action should not exceed what is necessary to achieve the objectives of the Treaties. The recourse to the specific Mechanism set up under this Regulation is voluntary. Where a Member State decides, on a specific border with one or more neighbouring Member States, to continue to resolve legal obstacles in a specific cross-border region under the effective mechanisms it has set up at national level or which it has set up formally or informally, together with one or more neighbouring Member States, the Mechanism set up under this Regulation does not need to be selected. Likewise, where a Member State decides, on a specific border with one or more neighbouring Member States, to join an existing effective mechanism set up formally or informally by one or more neighbouring Member States, provided that mechanism allows for accession, again, the Mechanism set up under this Regulation does not need to be selected. This Regulation does therefore not go beyond what is necessary in order to achieve its objectives for those cross-border regions, for which Member States have no efficient mechanisms to resolve legal obstacles in place,

Amendment

(28) In accordance with the principle of proportionality, as set out in Article 5(4) TEU, the content and form of Union action should not exceed what is necessary to achieve the objectives of the Treaties. The recourse to the specific Mechanism set up under this Regulation is voluntary ***and in no way prevents the use of other, similar instruments***. Where a Member State decides, on a specific border with one or more neighbouring Member States, to continue to resolve legal obstacles in a specific cross-border region under the effective mechanisms it has set up at national level or which it has set up formally or informally, together with one or more neighbouring Member States, the Mechanism set up under this Regulation does not need to be selected. Likewise, where a Member State decides, on a specific border with one or more neighbouring Member States, to join an existing effective mechanism set up formally or informally by one or more neighbouring Member States, provided that mechanism allows for accession, again, the Mechanism set up under this Regulation does not need to be selected. This Regulation does therefore not go beyond what is necessary in order to achieve its objectives for those cross-border regions, for which Member States have no efficient mechanisms to resolve legal obstacles in place,

Amendment 56**Bronis Ropë**

on behalf of the Verts/ALE Group

Proposal for a regulation**Recital 28***Text proposed by the Commission*

(28) In accordance with the principle of proportionality, as set out in Article 5(4) TEU, the content and form of Union action should not exceed what is necessary to achieve the objectives of the Treaties. The recourse to the specific Mechanism set up under this Regulation is voluntary. Where a Member State decides, on a specific border with one or more neighbouring Member States, to continue to resolve legal obstacles in a specific cross-border region under the effective mechanisms it has set up at national level or which it has set up formally or informally, together with one or more neighbouring Member States, the Mechanism set up under this Regulation does not need to be selected. Likewise, where a Member State decides, on a specific border with one or more neighbouring Member States, to join an existing effective mechanism set up formally or informally by one or more neighbouring Member States, provided that mechanism allows for accession, again, the Mechanism set up under this Regulation does not need to be selected. This Regulation does therefore not go beyond what is necessary in order to achieve its objectives for those cross-border regions, for which Member States have no efficient mechanisms to resolve legal obstacles in place,

Amendment

(28) In accordance with the principle of proportionality, as set out in Article 5(4) TEU, the content and form of Union action should not exceed what is necessary to achieve the objectives of the Treaties. The recourse to the specific Mechanism set up under this Regulation is voluntary. Where a Member State decides, on a specific border ***or for a specific joint project*** with one or more neighbouring Member States, to continue to resolve legal obstacles in a specific cross-border region under the effective mechanisms it has set up at national level or which it has set up formally or informally, together with one or more neighbouring Member States, the Mechanism set up under this Regulation does not need to be selected. Likewise, where a Member State decides, on a specific border ***or for a specific joint project*** with one or more neighbouring Member States, to join an existing effective mechanism set up formally or informally by one or more neighbouring Member States, provided that mechanism allows for accession, again, the Mechanism set up under this Regulation does not need to be selected. This Regulation does therefore not go beyond what is necessary in order to achieve its objectives for those cross-border regions, for which Member States have no efficient mechanisms to resolve legal obstacles in place,

Amendment 57

Tamás Deutsch

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

(1) This Regulation sets up a mechanism to allow for the **application** in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint Project ('the Mechanism').

Amendment

(1) This Regulation sets up a mechanism to allow, ***in the event of commitment***, for the ***possible application*** in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint Project ('the Mechanism'). ***In the case of a declaration, the rules of procedure for the Mechanism are applicable.***

Or. hu

Amendment 58

Monika Smolková

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a mechanism to allow for the application in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint Project ('the Mechanism').

Amendment

1. This Regulation sets up a ***voluntary*** mechanism to allow for the application in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint ***cross-border*** Project ('the Mechanism').

Or. sk

Justification

Clarification that the Mechanism is voluntary in nature and applies to projects with a cross-border impact.

Amendment 59

Matthijs van Miltenburg

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a mechanism to allow for the application in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute *a* legal **obstacle** hampering the implementation of a joint Project ('the Mechanism').

Amendment

1. This Regulation sets up a mechanism to allow for the application in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute **one or more** legal **obstacles** hampering the implementation of a joint Project ('the Mechanism').

Or. en

Amendment 60

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a mechanism to allow for the application in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint Project ('the Mechanism').

Amendment

1. This Regulation sets up a **voluntary** mechanism to allow for the application in one Member State, with regard to a cross-border region, of the legal provisions from another Member State, where the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint Project ('the Mechanism').

Or. en

Amendment 61

Marc Joulaud

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This regulation must comply with the subsidiarity principle. It shall by no means affect the sovereignty of Member States nor contradict their respective Constitutions.

Or. fr

Amendment 62

Maria Gabriela Zoană

Proposal for a regulation

Article 1 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the legal protection of persons resident in a cross-border region with regard to the Mechanism.

(c) the legal protection of persons resident in a cross-border region ***or those who live there for a limited period*** with regard to the Mechanism.

Or. ro

Amendment 63

Monika Smolková

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

1. 'cross-border region' means the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions;

1. 'cross-border region' means the territory covered by neighbouring land border regions ***or cross-border regions around maritime borders*** in two or more

Member States at NUTS level 3 regions;

Or. sk

Justification

'Maritime borders' is added in accordance with Article 4 of the Regulation in order to clarify the geographical scope.

Amendment 64
Joachim Zeller

Proposal for a regulation
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'cross-border region' means the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions;

Amendment

(1) 'cross-border region' means the territory covered by neighbouring land border *or sea border* regions in two or more Member States at NUTS level 3 regions;

Or. de

Amendment 65
Raffaele Fitto

Proposal for a regulation
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'cross-border region' means the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions;

Amendment

(1) 'cross-border region' means the territory covered by neighbouring land *and maritime* border regions in two or more Member States at NUTS level 3 regions;

Or. it

Amendment 66
Rosa D'Amato

Proposal for a regulation
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'cross-border region' means the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions;

Amendment

(1) 'cross-border region' means the territory covered by neighbouring land ***and maritime*** border regions in two or more Member States at NUTS level 3 regions;

Or. en

Amendment 67
Joachim Zeller

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'joint project' means any item of infrastructure with an impact in a given cross-border region or any service of general economic interest provided in a given cross-border region;

Amendment

(2) 'joint project' means any item of infrastructure with an impact in a given cross-border region or any service of general economic interest provided in a given cross-border region, ***regardless of whether this impact appears on both sides of the border or only on one side;***

Or. de

Amendment 68
Monika Smolková

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

2. 'joint project' means any item of infrastructure with an impact in a given cross-border region or any service of general economic interest provided in a given cross-border region;

Amendment

2. 'joint project' means any item of infrastructure with an impact in a given cross-border region or any service of general economic interest provided in a given cross-border region, ***regardless of whether the impact can be felt on one or both sides of the border;***

Or. sk

Justification

The term 'joint project' gives the impression that the project is actually implemented on the territory of the NUTS 3 regions concerned, but joint projects could also be developed on the territory of a single region or municipality.

Amendment 69

Bronis Ropè

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'initiator' means the actor who identifies the legal obstacle and triggers the Mechanism by submitting an initiative document;

Amendment

(5) 'initiator' means the actor, ***whether governmental or non-governmental***, who identifies the legal obstacle and triggers the Mechanism by submitting an initiative document;

Or. en

Amendment 70

Matthijs van Miltenburg

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'initiator' means the actor who identifies ***the*** legal ***obstacle*** and triggers the Mechanism by submitting an initiative document;

Amendment

(5) 'initiator' means the actor who identifies ***one or more*** legal ***obstacles*** and triggers the Mechanism by submitting an initiative document;

Or. en

Amendment 71

Tamás Deutsch

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

(1) Member State shall either opt for the Mechanism or opt for **existing** ways to resolve legal obstacles hampering the implementation of a joint project in cross-border regions on a specific border with one or more neighbouring Member States.

Amendment

(1) Member State shall either opt for the Mechanism or opt for **other** ways to resolve legal obstacles hampering the implementation of a joint project in cross-border regions on a specific border with one or more neighbouring Member States **in respect of the commitment.**

Or. hu

Amendment 72
Tamás Deutsch

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

(2) A Member State **may also decide**, with regard to a specific border with one or more neighbouring Member States, **to join** an existing effective way set up formally or informally by one or more neighbouring Member States.

Amendment

(2) A Member State **may**, with regard to a specific border with one or more neighbouring Member States, **join** an existing effective way set up formally or informally by one or more neighbouring Member States **or shall apply the mechanism in respect of the declaration.**

Or. hu

Amendment 73
Bronis Ropé
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. A Member State may also decide, with regard to a specific border with one or more neighbouring Member States, to join an existing effective way set up formally or informally by one or more neighbouring Member States.

Amendment

2. A Member State may also decide, with regard to a specific border **or to a specific joint project** with one or more neighbouring Member States, to join an existing effective way set up formally or informally by one or more neighbouring Member States.

Amendment 74
Joachim Zeller

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States may also use the Mechanism in cross-border regions on maritime borders **or** in cross-border regions between one or more Member States and one or more third countries or one or more overseas countries and territories.

Amendment

3. Member States may also use the Mechanism in cross-border regions on maritime borders. **Moreover, Member States may also apply the Mechanism for joint projects** in cross-border regions between one or more Member States and one or more third countries or one or more overseas countries and territories.

Or. de

Amendment 75
Marc Joulaud

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States may also use the Mechanism in cross-border regions on maritime borders or in cross-border regions between one or more Member States and one or more third countries or one or more overseas countries and territories.

Amendment

3. Member States may also use the Mechanism in cross-border regions on maritime borders or **for a project in a cross-border region involving** in cross-border regions between one or more Member States and one or more third countries or one or more overseas countries and territories.

Or. fr

Justification

The amendment aims to clarify the ambiguity in certain language versions. It could be understood that one Member State needs another Member State to use the Mechanism. It is therefore important to state clearly that a Member State may use the Mechanism with a

neighbouring third country for a joint bilateral project, without involving another Member State.

Amendment 76

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States may also use the Mechanism in cross-border regions on maritime borders or in cross-border regions between one or more Member States and one or more third countries or one or more overseas countries and territories.

Amendment

3. Member States may also use the Mechanism in cross-border regions on maritime borders or in cross-border regions between one or more Member States and one or more third countries or one or more overseas countries and territories ***on a voluntary basis regarding all parties concerned.***

Or. en

Amendment 77

Monika Smolková

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a Member State opts for the Mechanism, it shall establish one or more Cross-border Coordination Points in one of the following ways:

Amendment

1. Where a Member State opts for the Mechanism, it shall establish ***or designate*** one or more Cross-border Coordination Points in one of the following ways:

Or. sk

Justification

A Member State can also designate an existing body as a Coordination Point.

Amendment 78

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) designate, at national *or* regional level or at *both* levels, a Cross-border Coordination Point as a separate body;

Amendment

(a) designate, at national, regional *or local* level or at *all* levels, a Cross-border Coordination Point as a separate body;

Or. en

Amendment 79
Bronis Ropé
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) set up a Cross-border Coordination Point within an existing authority or body, at national *or* regional level;

Amendment

(b) set up a Cross-border Coordination Point within an existing authority or body, at national, regional *or local* level;

Or. en

Amendment 80
Bronis Ropé
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) entrust an appropriate authority or body with the additional tasks as national *or* regional Cross-border Coordination Point.

Amendment

(c) entrust an appropriate authority or body with the additional tasks as national, regional *or local* Cross-border Coordination Point.

Or. en

Amendment 81

Maria Gabriela Zoană

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) build up and maintain a database covering all Cross-border Coordination Points concerning the territory of its Member State;

Amendment

(c) build up and maintain a database covering all Cross-border Coordination Points concerning the territory of its Member State, ***ensure protection of the data in the database in compliance with the existing relevant legislation;***

Or. ro

Amendment 82

Monika Smolková

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

c) build up and maintain a database covering ***all*** Cross-border Coordination Points concerning ***the territory of its Member State;***

Amendment

c) build up and maintain a database covering all Cross-border Coordination Points concerning ***area of competence;***

Or. sk

Justification

The Commission should keep a complete database of Coordination Points.

Amendment 83

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) liaise, where they exist, with the Cross-border Coordination Points in the

Amendment

(d) liaise, where they exist, with the Cross-border Coordination Points in the

neighbouring Member State or States and with the Cross-border Coordination Points in other territorial entities with legislative powers of its own Member State or another Member State;

neighbouring Member State or States and with the Cross-border Coordination Points in other territorial entities, ***local or regional authorities*** with legislative powers of its own Member State or another Member State;

Or. en

Amendment 84

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State or each territorial entity with legislative powers in that Member State may decide to entrust the respective Cross-border Coordination Point also with the following tasks:

Amendment

2. Each Member State or each territorial entity, ***local or regional authority*** with legislative powers in that Member State may decide to entrust the respective Cross-border Coordination Point also with the following tasks:

Or. en

Amendment 85

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Where at least one among several legal obstacles concerns an issue of legislative competence at national level, the national Cross-border Coordination Point shall assume the tasks set out in Articles 9 to 17 and coordinate with the relevant regional Cross-border Coordination Point or Points in the same Member State, unless the Member State

Amendment

3. Where at least one among several legal obstacles concerns an issue of legislative competence at national level, the national Cross-border Coordination Point shall assume the tasks set out in Articles 9 to 17 and coordinate with the relevant regional ***or local*** Cross-border Coordination Point or Points in the same Member State, unless the Member State

has decided that the tasks set out in Articles 14 to 17 are entrusted to a competent committing authority at national level.

has decided that the tasks set out in Articles 14 to 17 are entrusted to a competent committing authority at national level.

Or. en

Amendment 86

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Where none of the legal obstacles concerns an issue of legislative competence at national level, the competent regional Cross-border Coordination Point shall assume the tasks set out in Articles 9 to 17 and coordinate, with the other regional Cross-border Coordination Point or Points in the same Member States, in the cases where more than one territorial entity is concerned by the joint project, unless the Member State has decided that the tasks set out in Articles 14 to 17 are entrusted to a national Cross-border Coordination Point. That competent regional Cross-border Coordination Point shall keep the national Cross-border Coordination Point informed about any Commitment or Statement procedure.

Amendment

4. Where none of the legal obstacles concerns an issue of legislative competence at national level, the competent regional ***or local*** Cross-border Coordination Point shall assume the tasks set out in Articles 9 to 17 and coordinate, with the other regional ***or local*** Cross-border Coordination Point or Points in the same Member States, in the cases where more than one territorial entity is concerned by the joint project, unless the Member State has decided that the tasks set out in Articles 14 to 17 are entrusted to a national Cross-border Coordination Point. That competent regional ***or local*** Cross-border Coordination Point shall ***properly*** keep the national Cross-border Coordination Point informed about any Commitment or Statement procedure.

Or. en

Amendment 87

Monika Smolková

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) publish and keep an up-dated **list** of all national and regional Cross-border Coordination Points;

b) **create**, publish and keep an up-dated **database** of all national and regional Cross-border Coordination Points;

Or. sk

Amendment 88

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) publish and keep an up-dated list of all national **and** regional Cross-border Coordination Points;

(b) publish and keep an up-dated list of all national, regional **and local** Cross-border Coordination Points;

Or. en

Amendment 89

Joachim Zeller

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(d) prepare a supporting communication strategy: i) for the exchange of best practices, ii) for the practical interpretation of the subject-area breadth of this Regulation, iii) for more precisely explaining the process for concluding a Commitment or Statement.

Or. de

Amendment 90

Monika Smolková

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

- 1a. The Commission also proposes a communication strategy with the aim of:**
- a) promoting the exchange of best practices;**
 - b) providing detailed practical information on the thematic focus of the Regulation; and**
 - c) clarifying the procedure for adopting a Commitment or Statement.**

Or. sk

Justification

The implementation of the Regulation should be accompanied by an information campaign providing clear and practical information that will facilitate its application by stakeholders.

Amendment 91
Matthijs van Miltenburg

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The initiator shall identify **the** legal **obstacle** with regard to the planning, development, staffing, financing or functioning of a joint project.

1. The initiator shall identify **one or more** legal **obstacles** with regard to the planning, development, staffing, financing or functioning of a joint project.

Or. en

Amendment 92
Bronis Ropé
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) civil society organisation responsible for initiating or both initiating and implementing a joint project

Or. en

Amendment 93

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) an organisation set up on behalf of cross-border regions with the aim to promote the interests of cross-border territories and to facilitate the networking of players and the sharing of experiences, such as the Association of European Border Regions, the Mission Opérationnelle Transfrontalière or the Central European Service for Cross-border Initiatives; or

(d) an organisation set up on behalf of cross-border regions with the aim to promote the interests of cross-border territories and to facilitate the networking of players and the sharing of experiences, such as the Association of European Border Regions, the Mission Opérationnelle Transfrontalière or the Central European Service for Cross-border Initiatives; **Local Action Groups**; or

Or. en

Amendment 94

Maria Gabriela Zoană

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) a description of the joint project and of its context, of the corresponding legal obstacle in the committing Member State as well as of the rationale for resolving the legal obstacle;

(a) a description of the joint project and of its context, of the corresponding legal obstacle in the committing Member State as well as of the rationale for resolving the legal obstacle **within a deadline agreed by all the partners in order to be able to launch joint projects in**

due time;

Or. ro

Amendment 95
Matthijs van Miltenburg

Proposal for a regulation
Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) a description of the joint project and of its context, of *the* corresponding legal *obstacle* in the committing Member State as well as of the rationale for resolving *the* legal *obstacle*;

Amendment

(a) a description of the joint project and of its context, of *one or more* corresponding legal *obstacles* in the committing Member State as well as of the rationale for resolving *one or more* legal *obstacles*;

Or. en

Amendment 96
Matthijs van Miltenburg

Proposal for a regulation
Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) a list of the specific legal provisions of the transferring Member State resolving *the* legal *obstacle* or, where no appropriate legal provision exists, a proposal for an ad hoc legal resolution;

Amendment

(b) a list of the specific legal provisions of the transferring Member State resolving *one or more* legal *obstacles* or, where no appropriate legal provision exists, a proposal for an ad hoc legal resolution;

Or. en

Amendment 97
Matthijs van Miltenburg

Proposal for a regulation
Article 10 – title

Text proposed by the Commission

Amendment

Preliminary analysis of the initiative document by the committing Member State

Preliminary analysis of the initiative document by the committing **and transferring** Member State **or States**

Or. en

Amendment 98

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. The competent Cross-border Coordination Point shall analyse the initiative document. It shall liaise with all competent committing authorities and with the national or, where relevant, other regional Cross-border Coordination Points in the committing Member State and with the national Cross-border Coordination Point in the transferring Member State.

Amendment

1. The competent Cross-border Coordination Point shall analyse the initiative document. It shall liaise with all competent committing authorities and with the national or, where relevant, other regional **or local** Cross-border Coordination Points in the committing Member State and with the national Cross-border Coordination Point in the transferring Member State.

Or. en

Amendment 99

Matthijs van Miltenburg

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Within three months of receipt of an initiative document, the competent Cross-border Coordination Point of the transferring Member State shall send its preliminary reaction to the competent Cross-border Coordination Point of the committing Member State.

Or. en

Amendment 100
Matthijs van Miltenburg

Proposal for a regulation
Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. Within three months after receipt of the initiative document the competent Cross-border Coordination Point shall take, one or more of the following actions, to be transmitted to the initiator in writing:

Amendment

2. Within three months after receipt of the initiative document the competent Cross-border Coordination Point ***of the committing Member State*** shall take, one or more of the following actions, to be transmitted to the initiator in writing:

Or. en

Amendment 101
Monika Smolková

Proposal for a regulation
Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. Within three months after receipt of the initiative document the competent Cross-border Coordination Point shall take, one or more of the following actions, to be transmitted to the initiator in writing:

Amendment

2. Within three months ***at most*** after receipt of the initiative document the competent Cross-border Coordination Point shall take, one or more of the following actions, to be transmitted to the initiator in writing:

Or. sk

Justification

The deadline of three months should be sufficient for an analysis of the initiative document.

Amendment 102
Matthijs van Miltenburg

Proposal for a regulation
Article 10 – paragraph 2 – point d

Text proposed by the Commission

(d) inform the initiator about its assessment that ***the*** legal ***obstacle consists*** in one of the cases listed in Article 12(4) and describe the commitment of the competent committing authority, to change or adapt that legal obstacle;

Amendment

(d) inform the initiator about its assessment that ***one or more*** legal ***obstacles consist*** in one of the cases listed in Article 12(4) and describe the commitment of the competent committing authority, to change or adapt that legal obstacle;

Or. en

Amendment 103
Matthijs van Miltenburg

Proposal for a regulation
Article 10 – paragraph 2 – point e

Text proposed by the Commission

(e) inform the initiator about its assessment that ***the*** legal ***obstacle consists*** in one of the situations under Article 12(4) while setting out its reasons to refuse to change or adapt that legal obstacle and referring to the means of legal redress against that decision under the law of the committing Member State;

Amendment

(e) inform the initiator about its assessment that ***one or more*** legal ***obstacles consist*** in one of the situations under Article 12(4) while setting out its reasons to refuse to change or adapt that legal obstacle and referring to the means of legal redress against that decision under the law of the committing Member State;

Or. en

Amendment 104
Matthijs van Miltenburg

Proposal for a regulation
Article 10 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) redirect the initiator to opt for an existing mechanism as referred to in Article 4(2) to resolve one or more legal obstacles hampering the implementation of the joint project or to directly transmit the initiative document to the competent

body under the respective mechanism

Or. en

Amendment 105
Matthijs van Miltenburg

Proposal for a regulation
Article 10 – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(fb) inform the initiator that one or more of the Member States concerned have decided not to resolve one or more legal obstacles identified by the initiator while setting out its reasons in writing

Or. en

Amendment 106
Matthijs van Miltenburg

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Preliminary analysis of the initiative document by the transferring Member State

Upon receipt of an initiative document, the competent Cross-border Coordination Point of the transferring Member State shall also carry out the tasks listed in Article 10(2) and may send its preliminary reaction to the competent Cross-border Coordination Point of the committing Member State.

Or. en

Amendment 107
Matthijs van Miltenburg

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. Where the analysis by the competent Cross-border Coordination Point of the committing Member State or the competent committing authority concludes that **the** legal **obstacle** described in the initiative document is based on a misunderstanding or misinterpretation of the relevant legislation or on the lack of sufficient information about the relevant legislation, the procedure ends by informing the initiator about the assessment that there is no legal obstacle.

Amendment

3. Where the analysis by the competent Cross-border Coordination Point of the committing Member State or the competent committing authority concludes that **one or more** legal **obstacles** described in the initiative document is based on a misunderstanding or misinterpretation of the relevant legislation or on the lack of sufficient information about the relevant legislation, the procedure ends by informing the initiator about the assessment that there is no legal obstacle.

Or. en

Amendment 108
Matthijs van Miltenburg

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. Where **the** legal **obstacle** consists only in an administrative provision, rule or administrative practice of the committing Member State or in a an administrative provision, rule or administrative practice clearly distinct from a provision adopted under a legislative procedure and can therefore be changed or adapted without a legislative procedure, the competent committing authority shall inform the initiator in writing its refusal or willingness to change or adapt the relevant administrative provision, rule or administrative practice within eight months.

Amendment

4. Where **one or more** legal **obstacles** consists only in an administrative provision, rule or administrative practice of the committing Member State or in a an administrative provision, rule or administrative practice clearly distinct from a provision adopted under a legislative procedure and can therefore be changed or adapted without a legislative procedure, the competent committing authority shall inform the initiator in writing its refusal or willingness to change or adapt the relevant administrative provision, rule or administrative practice within eight months.

Amendment 109
Matthijs van Miltenburg

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) the description of the joint project and of its context, of **the** corresponding legal **obstacle** as well as of the rationale for resolving **the** legal **obstacle**;

Amendment

(a) the description of the joint project and of its context, of **one or more** corresponding legal **obstacles** as well as of the rationale for resolving **one or more** legal **obstacles**;

Or. en

Amendment 110
Matthijs van Miltenburg

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the list of the specific legal provision or provisions constituting **the** legal **obstacle** and which shall therefore not apply to the joint project;

Amendment

(b) the list of the specific legal provision or provisions constituting **one or more** legal **obstacles** and which shall therefore not apply to the joint project;

Or. en

Amendment 111
Bronis Ropé
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) in the case of point (a) of paragraph 2, finalise the Commitment or the

Amendment

(a) in the case of point (a) of paragraph 2, finalise the Commitment or the

Statement, sign **two** original copies and send one back to the competent Cross-border Coordination Point of the transferring Member State for signature;

Statement, sign **three** original copies and send one back to the competent Cross-border Coordination Point of the transferring Member State for signature;

Or. en

Amendment 112

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) in the case of point (b) of paragraph 2, amend the Commitment or the Statement as regards the information in the draft Commitment or the draft Statement covered by points (f) and (h) of Article 14(1) accordingly, finalise the Commitment or Statement, sign **two** original copies and send one back to the competent Cross-border Coordination Point of the transferring Member State for signature;

Amendment

(b) in the case of point (b) of paragraph 2, amend the Commitment or the Statement as regards the information in the draft Commitment or the draft Statement covered by points (f) and (h) of Article 14(1) accordingly, finalise the Commitment or Statement, sign **three** original copies and send one back to the competent Cross-border Coordination Point of the transferring Member State for signature;

Or. en

Amendment 113

Bronis Ropé

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. A copy of the timetable shall be sent to the national and, where relevant, regional Cross-border Coordination Point of the committing Member State.

Amendment

2. A copy of the timetable shall be sent to the national and, where relevant, regional **or local** Cross-border Coordination Point of the committing Member State.

Amendment 114

Urmas Paet, Petras Auštrevičius

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. *Where the competent transferring authority has accepted to monitor the application of the legal provisions of the transferring Member State in the relevant area and can act in its own name towards persons resident in the cross-border region of the committing Member State, the competent courts for legal redress against any action or omission by that authority shall be the courts of the Member State where those persons have their legal residence.* **deleted**

Or. en

Amendment 115

Urmas Paet, Petras Auštrevičius

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. *Where the competent transferring authority has accepted to monitor the application of the legal provisions of the committing Member State on the territory of the committing Member State, but cannot act on its own name towards persons resident in the cross-border region, the competent courts for legal redress against any action or omission by that authority shall be only the courts of the committing Member State, including for persons having their legal residence in* **deleted**

the transferring Member State.

Or. en

Amendment 116

Urmas Paet, Petras Auštrevičius

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation

Amendment

1. ***If Member States opt for the mechanism the*** Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation

Or. en

Amendment 117

Joachim Zeller

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

By dd mm yyyy [i.e. the 1st of the month following the entry into force of this Regulation + five years; to be filled in by the Publication Office], the Commission shall present a report to the European Parliament, the Council and the Committee of the Regions assessing the application of this Regulation based on indicators on its effectiveness, efficiency, relevance, European added value and scope for simplification.

Amendment

1. By dd mm yyyy [i.e. the 1st of the month following the entry into force of this Regulation + five years; to be filled in by the Publication Office], the Commission shall present a report to the European Parliament, the Council and the Committee of the Regions assessing the application of this Regulation based on indicators on its effectiveness, efficiency, relevance, European added value and scope for simplification. ***The report will make particular reference to this Regulation's geographical scope of applicability and the breadth of its subject-area scope of applicability.***
2. Before the report is prepared, an official consultation shall be carried out with the various actors involved, including local and regional authorities.

Amendment 118
Monika Smolková

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

By dd mm yyyy [i.e. the 1st of the month following the entry into force of this Regulation + **five years**; to be filled in by the Publication Office], the Commission shall present a report to the European Parliament, the Council and the Committee of the Regions assessing the application of this Regulation based on indicators on its effectiveness, efficiency, relevance, European added value and scope for simplification.

Amendment

By dd mm yyyy [i.e. the 1st of the month following the entry into force of this Regulation + **three years**; to be filled in by the Publication Office], the Commission shall present a report to the European Parliament, the Council and the Committee of the Regions assessing the application of this Regulation based on indicators on its effectiveness, efficiency, relevance, European added value and scope for simplification.

Or. sk

Amendment 119
Monika Smolková

Proposal for a regulation
Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The report will be prepared on the basis of a public consultation with various stakeholders, including local and regional authorities.

Or. sk