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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Implementation of the Interinstitutional Agreement on Better Law-Making
- Work undertaken during the Presidency

1. The Interinstitutional Agreement on Better Law-Making (IIA) entered into force on 13 April 2016. After more than a year, a significant number of strands of work related to its implementation or follow-up have been taken forward.

During the first semester of 2017, several provisions of the IIA have been addressed at the technical as well as at the political level. As foreseen in the IIA (paragraph 50), the Interinstitutional Coordination Group has met with a view to **monitoring** the agreement as a whole at technical level. A meeting at political level to monitor the agreement will take place in July 2017.

The following provides an **overview** of the work undertaken or pursued during the first half of 2017.

2. On **annual programming** (paragraphs 6 and 7), the first assessment at political level on the implementation of the **joint declaration** on interinstitutional programming for 2017¹ took place on 15 March 2017. The Presidents of the three institutions discussed the state of play of the priority files mentioned in the joint declaration. The next political assessment is due to take place on 5 July 2017 under the incoming Presidency.

In accordance with the IIA and Council practical arrangements², with a view to providing an **early input to the Commission's Annual Work Programme** for the following year, the **General Affairs Council**, at its meeting of 20 June 2017, will hold an exchange of views with the Commission on the priorities for the upcoming year on the basis of document 10003/17.

3. The IIA provides that the European Parliament and the Council will, when they consider this to be appropriate and necessary for the legislative process, carry out **impact assessments** in relation to their substantial amendments to the Commission's proposal (paragraph 15). Each of the three institutions is responsible for determining how to organise its impact assessment work (paragraph 17). On 5 April 2017, Coreper endorsed a pilot project to establish a Council's own Impact Assessment capability³, which is due to be operational by January 2018. On 10 May 2017, Coreper also endorsed a procedure for triggering a request for an impact assessment on a substantial amendment by the Council. In May 2017, the **Working Party on Competitiveness and Growth (Better Regulation)** started work on designing a template for an impact assessment request, including draft Terms of reference for such a request.
4. The IIA provides for the three institutions to meet in order to negotiate "practical arrangements for co-operation and information sharing" in relation to **international agreements** (paragraph 40). Under the current Presidency, technical work between the institutions has further defined the scope of the exercise and identified the main issues. On 12 April 2017, Coreper endorsed the Presidency's approach on this file. A political-level meeting is due to take place shortly.

¹ Document 15375/16

² Document 6879/16

³ Document 7582/17

5. On the issue of delegated and implementing acts (paragraph 27), the Council has started the examination of the Commission proposal of 16 December 2016¹ adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 TFEU. Work is progressing well. The Presidency organised five meetings of the Friends of the Presidency (RPS Adaptation), and covered ten chapters of the thirteen chapters contained in the proposal. The Presidency will submit a progress report on this file to the **General Affairs Council** meeting of 20 June 2017².
6. As concerns paragraph 28 on delegated and implementing acts, more specifically the so-called **delineation criteria** to distinguish between delegated and implementing acts, the European Parliament invited the Council and the Commission to start the negotiations. In a letter dated 30 May 2017, the current and incoming Presidencies confirmed the Council's availability to do so. A political-level meeting is due to take place shortly.
7. In relation to two important but more technical issues, as part of the efforts to ensure **transparency** and **communication** of the legislative procedure (paragraph 38), work has been ongoing at technical level between the three institutions.

One is the establishment of a **joint register on delegated acts** (paragraph 29). Inter-institutional meetings are well underway to establish the register. According to the plans on the table, the register will consist of a part open to the public and a restricted part reserved for administrative/practical and technical communication between institutions. The IT architecture has been finalised, and preliminary tests are starting. Financing arrangements are under consideration. The register must be established by the end of 2017.

The other is the **joint database on the state of play of legislative files** (paragraph 39). Work between institutions is ongoing. These have confirmed the aim to focus on transparency and on presenting the state of play in a user-friendly way, also catering for an audience of non-experts. Views are converging on a joint web portal which will provide certain information of a joint nature. The possible use of existing tools and applications is currently being explored.

¹ Document 5623/17 + ADD1 REV1

² Document 10170/17