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NOTE

From: Presidency
To: Delegations

Subject: Information by the Presidency regarding the handling of the Better Regulation Package within the Council

Delegations will find in Annex a Presidency Note on the handling of the Better Regulation Package within the Council.

Presidency Note on the handling of the Better Regulation Package within the Council

1. On 19 May 2015 the Commission adopted a Better Regulation Package which includes the following elements:
 - Communication on Better Regulation For Better Results - An EU Agenda¹
 - Commission Staff Working Document: Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook²
 - Commission Staff Working Document: Better Regulation guidelines³
 - Communication on the Commission proposal for an Interinstitutional Agreement on Better Regulation⁴
 - Commission Decision establishing the REFIT Platform
 - Communication to the Commission: The REFIT Platform - Structure and Functioning
 - Decision of the President of the European Commission on the establishment of an independent Regulatory Scrutiny Board
 - Communication to the Commission: Regulatory Scrutiny Board - Mission, tasks and staff
 - "Toolbox" to accompany the guidelines on Better Regulation.

¹ Doc. 9079/15
² Doc. 9079/15 ADD 1
³ Doc. 9079/15 ADD 2
⁴ Doc. 9121/15 + ADD 1

2. The Communication on "Better regulation for Better Results - An EU agenda" outlines the Commission approach to better regulation as a delivery tool for EU political priorities. It commits the Commission to strengthen the openness and transparency of its work, notably through reinforced stakeholder consultations. It sets out the better regulation tools that the Commission will use, including the new integrated Better Regulation Guidelines. It also outlines how the Commission will strengthen the REFIT Programme. The second Communication is the Commission's proposal for a new Inter-institutional Agreement (IIA) on Better Regulation. The accompanying documents of the Better Regulation Agenda are internal to the Commission, but have a direct link to the two Communications and are of particular relevance for the Competitiveness Council.

3. The negotiation of a new IIA between the Parliament, the Commission and the Council will be conducted under Luxembourg Presidency. The IIA should update and improve the working methods of the three Institutions for individual legislative files and reflect their shared commitment to better annual and multi-annual planning and political support for the REFIT Programme.

4. The **General Affairs Council (GAC)** will be following the negotiations regarding the IIA. In March 2015, the GAC launched the preparations for the IIA negotiations and mandated COREPER II to examine the issues which may, or may not, be included in the future IIA on Better Law Making (IIA). The issues that were identified as the Council's top priorities are: Annual and multi-annual programming, Better Regulation and Expert consultation on Delegated Acts. At the GAC meeting in April Ministers agreed on the Council's position regarding the IIA. This position is reflected in a letter from the GAC's Chair to the Commission's first VP Frans Timmermans of 30 April 2015⁵, which forms the basis for negotiations with the other two institutions.

⁵ Doc. 8294/15

5. The Communication on Better Regulation and the accompanying REFIT Programme will be dealt with by the Competitiveness Council and will be examined by the Working Party on Competitiveness and Growth (Better Regulation). The Competitiveness Council will express its views on the Better Regulation Agenda at its meeting of 1st October 2015.

6. In light of the above, the Working Party on Competitiveness and Growth (Better Regulation) will be invited to examine the Commission Better Regulation package, including its accompanying documents in a series of meetings in July and September following a thematic approach.

7. At its meeting of 7 July, the Communication as well as a set of topics extracted horizontally across the whole package will be presented by the Commission and delegations will have a first exchange of views on them. Topics identified by the Presidency for this first meeting are the following:
 - Stakeholder consultation
 - Impact Assessment and
 - REFIT / Simplification.

8. The Presidency will ensure timely input from the Working Party on Competitiveness and Growth (Better Regulation) to Coreper II, via a contribution to be sent by the Chair of Coreper I.