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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 2016¹. A significant number of strands of work related to its implementation or follow-up have been taken forward.

During the second 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 is due to take place before the end of the Presidency.

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

¹ OJ L123, 12 May 2016, p.1.

2. On **annual programming** (paragraphs 6 and 7), the second assessment at political level on the implementation of the **joint declaration** on EU's legislative priorities for 2017² is scheduled on 14 December 2017 between Prime Minister Ratas, Presidents Tajani and Juncker.

In accordance with the IIA and Council practical arrangements³, the General Affairs Council, at its meeting of 20 November 2017, held an exchange of views with the Commission on the Commission's work programme for 2018 and on the preparations of the joint declaration for 2018/2019. Following trilateral talks and subject to its approval by the three institutions, the joint declaration is due to be signed by their Presidents on 14 December 2017.

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). In line with COREPER decision to endorse a pilot project on impact assessment of substantial amendments by the Council⁴, a call for tender was published on 1 September 2017. This tender aims to secure a Council's own capability to carry out impact assessments as of 2018. In line with the mandate it received from COREPER, the Working Party on Competitiveness and Growth (Better Regulation) finalised work on a template and general terms of reference for an impact assessment 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). A political-level meeting took place on 4 July with the Parliament and the Commission. It allowed to better define the scope of the exercise and to identify the main issues. As agreed at that meeting, the Council took the lead in providing a draft text to facilitate discussions. The Council has continued to engage proactively in the exercise at the technical level and has also proposed holding another political level meeting before the end of the Estonian Presidency.

² 15375/16

³ 6879/16

⁴ 7582/17, 8680/17

5. On the issue of **delegated and implementing acts** (paragraph 27), the Council has made significant progress in a dedicated Working Party on the Commission proposal⁵ on the alignment of certain legal acts which still refer to the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty. The Presidency will submit a progress report on this file to the General Affairs Council meeting of 12 December 2017⁶.
6. As concerns paragraph 28 on delegated and implementing acts, more specifically the so-called **delineation criteria** to distinguish between delegated and implementing acts, a political kick-off meeting was held on 12 September 2017. The Council is currently working on a mandate to start the negotiations.
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) which is technically ready and will be officially launched mid December, thus meeting the deadline set in the IIA. Transparency will be further enhanced by covering the entirety of the lifecycle of a delegated act, from planning and preparation down to adoption and entry into force. It will be a concrete tool for the benefit of the citizens and of the institutions. The register will be fed directly by the IT systems of the three institutions and Agora.

The other is the **joint database on the state of play of legislative files** (paragraph 39). The services of the three institutions expect its development to start in 2018. In order to offer both further traceability of the various steps in the legislative process, and the possibility to retrieve the related documents, the future tool should consist in a platform using existing data available from the institutions, but aggregating it in one single joint portal. As the main target audience is the general public, the portal would provide easy access to comprehensive information, in an understandable and user-friendly manner, with direct links to existing repositories run by the institutions.

⁵ 5623/17 + ADD1 REV1

⁶ 14916/17