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#### 'I/A' ITEM NOTE

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From: Presidency  
To: Permanent Representatives Committee/Council  
Subject: Implementation of the Interinstitutional Agreement on Better Law-Making  
- State of play

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1. The Interinstitutional Agreement on Better Law-Making (IIA) entered into force on 13 April 2016<sup>1</sup>. A significant number of strands of work related to its implementation or follow-up have been taken forward.

In the course of 2018, several provisions of the IIA have been addressed at the technical as well as at the political level. As provided for in the IIA (paragraph 50), the Interinstitutional Coordination Group is meeting regularly to **monitor** the implementation of the agreement at the technical level. A meeting at political level to monitor the agreement is also foreseen.

The following provides an **overview** of the work undertaken or pursued during the second half of 2018.

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<sup>1</sup> OJ L123, 12 May 2016, p.1.

2. On **Annual programming** (paragraphs 6 and 7), an assessment at political level on the implementation of the **joint declaration** on EU's legislative priorities for 2018-2019<sup>2</sup> is yet to take place.
3. The Presidency with the support of the Council's General Secretariat has ensured appropriate information of the competent Council's preparatory bodies on applicable procedures and the latest developments related to the handling of impact assessment within the Council. Work towards raising awareness of applicable procedures has continued at all levels over the period.
4. The IIA provides in its paragraph 40 for the three institutions to meet in order to negotiate "practical arrangements for co-operation and information sharing" in relation to **international agreements**. The discussions between the Council, the European Parliament, the Commission and the High Representative have been ongoing since November 2016. The Presidency has continued the work within the Council, following the political meeting held in May 2018, with discussions at the level of Antici +1 and Coreper and engaged proactively with negotiating partners with a view to finding suitable compromise solutions on the outstanding issues. A political level meeting is expected to take place in December 2018.
5. On the issue of **delegated and implementing acts** (paragraph 27), three interinstitutional technical meetings have taken place so far under the Austrian Presidency on the two RPS adaptation proposals<sup>3</sup>. The Council has shown its commitment and readiness to discuss all acts included in the two proposals. In addition, the discussions on the five acts which were not covered by the Council general approach of 20 March 2018 were finalised at Working Party level and the general approach on both proposals is expected to be completed by the end of the year.

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<sup>2</sup> 15546/17

<sup>3</sup> 6932/18 and 6933/18 + addenda

6. As concerns paragraph 28 on delegated and implementing acts, more specifically the so-called **delineation criteria** to distinguish between delegated and implementing acts, under the Austrian Presidency five technical meetings took place at which further progress was made and the negotiations at technical level were finalized. A political meeting on delineation criteria took place on 29 November 2018.
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.

Services of the three institutions kept on working on the development of the joint database on the state of play of legislative files (paragraph 39). Discussions have been ongoing since June 2016. The aim is to offer both further traceability of the various steps in the legislative process, and the possibility to retrieve the related documents. As the main target audience is the general public, the joint legislative 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.

To this end, services are identifying the available data to be displayed, and the Institution responsible to provide it, with a view to aggregating it in one single joint portal. This analysis will provide the Institutions with an overall preliminary estimate of the costs incurred for the adaptation of each Institution's internal systems and procedures. A number of technical meetings have taken place in 2018. The next step at technical level will be the agreement on the IT structure and display of the portal, in order to present options and an estimate of the costs for its development.

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