



Brussels, 21 June 2019
(OR. en)

10455/19

INST 172
POLGEN 125
JUR 345
IA 172
CODEC 1244

'I' ITEM NOTE

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

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.

In the course of 2019, 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 of the IIA), the Interinstitutional Coordination Group meets regularly to **monitor** the implementation of the agreement at the technical level.

The following provides an **overview** of the work undertaken or pursued during the first half of 2019.

2. With regard to **annual programming** (paragraphs 6 and 7 of the IIA), an assessment at political level on the implementation of the **joint declaration** on the EU's legislative priorities for 2018-2019² is yet to take place.

¹ OJ L 123, 12.5.2016, pp.1-14.

² 15546/17.

3. The 2019 Annual report on **impact assessment** (paragraph 17 of the IIA) within the Council³, prepared by the Presidency with the assistance of the General Secretariat of the Council, was endorsed by COREPER following discussions in the Mertens group⁴. Over the period, the Presidency and the General Secretariat of the Council continued to work towards raising awareness of applicable procedures at all levels to ensure that the competent preparatory bodies of the Council are adequately informed on these procedures and on the latest developments related to the handling of impact assessments within the Council.
4. The work on practical arrangements for cooperation and information sharing on **international agreements** between the Council, the European Parliament, the Commission and the High Representative (paragraph 40 of the IIA), ongoing since November 2016, continued within the Council, with discussions at Antici +1 level and in COREPER, and through proactive engagement with negotiating partners. After it became clear in April 2019 that an agreement could not be reached before the end of the EP's legislature, the Council adopted a statement⁵ in order to express its assessment of the negotiations. In reply to a letter⁶ from the EP co-negotiators to the Presidency, this assessment was conveyed to them in a letter⁷ on 28 May 2019. The Council remains committed to good interinstitutional cooperation in the crucial area of international agreements in a way that respects Treaty procedures and the institutions' respective roles and responsibilities. It remains ready to resume talks on these aspects with the European Parliament, the Commission and the High Representative in the future.
5. On the issue of **delegated and implementing acts** (paragraph 27 of the IIA), considerable progress has been made with regard to the Regulatory Procedure with Scrutiny (RPS) adaptation. The European Parliament and the Council reached an agreement on a first package of the RPS proposals⁸ aligning a significant number of acts containing references to the RPS to the legal framework introduced by the Lisbon Treaty. On 14 June 2019 the Council approved the EP's position at first reading on that package⁹. The signature and publication in the *Official Journal* are to take place in the coming weeks. Work on the remaining acts will continue during the next legislative term.

3 10014/19.

4 10013/19.

5 8515/19.

6 8897/19.

7 9007/19.

8 5623/17 ADD 1 REV 1 and 5705/17 + ADD 1.

9 9424/1/19 REV 1, 9424/19 ADD 1+ ADD 3 and PE-CONS 65/19.

6. As concerns paragraph 28 of the IIA on delegated and implementing acts, more specifically the so-called **delineation criteria** to distinguish between delegated and implementing acts, the Council, the European Parliament and the Commission reached an agreement on those criteria. The Council adopted the criteria¹⁰ on 18 June 2019. The publication in the *Official Journal* is to take place in the coming weeks.
7. As part of the efforts to ensure the **transparency** and **communication** of the legislative procedure (paragraph 38 of the IIA), work has been ongoing at technical level between the services of the three institutions on the development of a joint database on the state of play of legislative files (paragraph 39 of the IIA) or Joint Legislative Portal (JLP). The aim is to offer both further traceability of the various steps in the legislative process, and the possibility to retrieve related documents. As the main target audience is the general public, the JLP 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 for providing it, with a view to aggregating it in the joint portal. They are also evaluating technical proposals for the development of the JLP, including a preliminary estimate of the costs involved and expected timeline. This would allow the institutions to decide on the IT structure and content of the JLP.

¹⁰ 9343/19 + COR 1 and 8559/19 REV 1.