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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Legislative programming
- *Exchange of views*

1. In 2016, the European Parliament, the Council and the Commission agreed to reinforce the Union's annual and multiannual programming through the Interinstitutional Agreement on Better Law-Making¹ (IIA-BLM paragraphs 4 - 11). Also in 2016, the Council approved its Practical arrangements on annual programming².
2. Both, the multiannual programming and the successive annual programmes should aim to ensure that the three Institutions, each acting within their own powers and prerogatives, work effectively together to deliver on the Strategic Agenda 2019-2024 (SA) agreed by the European Council in June 2019 which guides the work of the Institutions over the next five years.

¹ 15506/15

² 6879/16

3. The exchange of views at the Council (General Affairs) on 25 February 2020 would be primarily to identify, in light of our policy objectives, the policy areas and themes which should be highlighted in the Joint Declaration on the EU's legislative priorities for 2020 (JD 2020), including the list of major legislative proposals subject to the ordinary legislative procedure (OLP) on which realistic progress can be made in 2020. As for multiannual programming (MAP), the exchange of views is of a preliminary nature, given that the Council will come back to this topic in May 2020.

The Commission Work Programme for 2020

4. The Commission Work Programme for 2020³ (CWP 2020) includes six headline ambitions, 43 new policy objectives, 28 new legislative initiatives and 34 proposals for withdrawals or repeals, in addition to the 44 initiatives for regulatory simplification (REFIT) and the identification of 126 priority ongoing files.
5. After the presentation by the Commission of the CWP 2020, the Council (General Affairs) will hold an exchange of views meeting on it at the abovementioned meeting.

The Joint Declaration on legislative priorities

6. Joint Declarations (JDs) have proved valuable in the past in helping to streamline cooperation between the three Institutions on the legislative procedure and to deliver tangible results. The JDs are political documents and do not entail any legal commitments on the part of the Institutions.

³ 5652/20 + ADD 1

7. The Presidency is of the view that the following principles should guide the JD 2020:

- The JD 2020 should have a two-tier structure:
 - a) a general and more political part which could serve to highlight broader policy areas or themes;
 - b) a list of major legislative proposals subject to the OLP which could contain both new legislative initiatives and pending proposals;
- The IIA-BLM refers to the listed proposals as receiving "*priority treatment in the legislative process.*" This does not *per se* mean fast-tracking and/or setting deadlines and it should be understood as to signalling willingness to make progress on the listed proposals in 2020.
- The IIA refers to joint monitoring of the implementation of the JD. This could be achieved through informal exchanges rather than creating a reporting mechanism.

During the exchange of views with the Commission on legislative programming in the Council on 25 February 2020, the Presidency would like to invite the delegations to present their views on the following questions:

- *Which policy areas or themes should receive "priority treatment" during 2020 (political part)?*
- *Which OLP files (new and/or pending) should be emphasised in the accompanying list of proposals, based on the understanding among delegations that realistic progress can be made during 2020 (list of proposals)?*

8. The outcome of this exchange of views and the letter⁴ from the Finnish Presidency to the President of the Commission which followed the exchange of views on legislative programming held at the Council (General Affairs) meeting on 10 December 2019, will be the basis for engaging with the other two Institutions within the overall framework provided by the SA. The Presidency will keep delegations informed throughout the negotiation process.
9. The Presidency will propose to the Council (General Affairs) to approve, as resulting from the negotiations with the other two Institutions, the JD 2020 at its meeting on 24 March 2020 in order to have it signed by the Presidents of the three Institutions shortly after.

Multiannual programming

10. With regard to the MAP, that will be conducted for the first time with the 2019–2024 Commission, the IIA-BLM foresees that upon the appointment of a new Commission, in order to facilitate longer-term planning, the three Institutions will exchange views on the principal policy objectives and priorities for the new term. They will, on the Commission's initiative and as appropriate, draw up joint conclusions to be signed by the Presidents of the three Institutions. The IIA-BLM also foresees that the three Institutions will, on the Commission's initiative, carry out a mid-term review of the joint conclusions and adjust them as appropriate.
11. At the Council (General Affairs) meeting on 25 February 2020, the Presidency invites delegations to exchange views on the MAP around these questions:
 - *Having regard to the SA, which are the major policy objectives that can help the Institutions to respond to the current challenges in the new term?*
 - *How can the Council monitor the implementation of the joint conclusions with a view to the mid-term review?*

⁴ 15268/19