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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Legislative programming
- *Exchange of views*

Introduction

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. A united response by the EU institutions to the multiplicity of crises the EU is facing, from geopolitics, energy, economics to climate change, after the COVID-19 pandemic and Russia's war of aggression against Ukraine, is crucial in 2023 and beyond.

¹ OJ L 123, 12.5.2016, p. 1

² 6879/16

The Commission work programme for 2023

3. The Commission work programme for 2023³ (CWP 2023) includes six headline ambitions, 43 new policy objectives, 32 to 38 new legislative initiatives and two proposals for withdrawals or repeals, in addition to the eight initiatives for regulatory simplification (REFIT) and the identification of 116 ongoing priority files.
4. On 18 November 2022 the Council (General Affairs) will hear the presentation by the Commission of its work programme for 2023 and will hold an exchange of views on it. The ministerial discussion will be primarily intended to identify, in the light of our policy objectives, the policy areas or themes and proposals which should be highlighted in the Joint Declaration on the EU's legislative priorities for 2023-2024 (JD 2023-2024) on which realistic progress can be made before the end of this legislative term.

The Joint Declaration on legislative priorities

5. The current legislative term will end during the first semester of 2024, when the European Parliament elections will take place. The next Joint Declaration will thus cover the remainder of the legislative term, as was the case in 2018-2019.
6. Joint Declarations have proved valuable in the past in helping to streamline cooperation between the three institutions on the legislative procedure and to deliver tangible results. They are political documents and do not entail any legal commitments on the part of the institutions.
7. The usual two-tier structure of the Joint Declarations includes:
 - a) a general and more political part highlighting broader policy areas or themes; and
 - b) a list of major legislative proposals subject to the ordinary legislative procedure (OLP) including both new legislative initiatives and pending proposals.

³ 13847/22 + ADD 1

8. 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 signalling common willingness to make progress on the listed proposals in 2023-2024.
9. The outcome of this exchange of views and the letter⁴ from the President of the Council to the President of the Commission which followed the exchange of views on legislative programming held at the Council (General Affairs) meeting on 20 September 2022, will be the basis for engaging with the other two institutions. The Presidency will keep delegations informed throughout the interinstitutional negotiation process of the JD 2023-2024.
10. The Presidency will propose to the Council to approve, as resulting from the negotiations with the other two institutions, the JD 2023-2024 at its meeting on 13 December 2022 (General Affairs) in order to have it signed by the Presidents of the three institutions shortly after.
11. Delegations will find in the Annex the Presidency questions for the exchange of views.

⁴ 12841/22

Legislative programming: Exchange of views**GAC 18 November 2022**

After the COVID-19 pandemic and its far-reaching effects, which the EU and its Member States faced with rapid and decisive actions, Russia's escalating war of aggression against Ukraine in 2022 has posed another significant political, security, economic and humanitarian challenge. The EU's and Member States' commitments towards Ukraine will require increased efforts and coherent actions. At the same time, the EU must remain united to protect its citizens and businesses and to address the negative impacts of Russia's aggression and its weaponisation of food and energy exports.

For the exchange of views on legislative programming in the Council on 18 November 2022, the Presidency would like to invite delegations to focus on the following questions:

- *Which policy areas or themes should receive “priority treatment” during the next eighteen months?*
- *In the accompanying list of proposals to the Commission work programme for 2023, which OLP proposals (new and/or pending) should be emphasised in the run-up to the end of the current legislative term?*
