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From: General Secretariat of the Council
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 since.

In the course of 2022, 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 technical level, focusing in particular on legislative programming and monitoring.

Below an overview of the work undertaken or pursued during 2022.

¹ OJ L 123, 12.5.2016, p. 1.

2. With regard to **annual and multiannual programming** (paragraphs 4 to 11 of the IIA): the Commission set out the key new initiatives for 2023 in its Letter of Intent² of 14 September 2022, based also on the annual Strategic Foresight Report³ published on 29 June 2022. After the presentation of the Letter of Intent at the Council (General Affairs) of 20 September 2022, the Presidency sent a letter⁴ to the President of the Commission summarising the debate under six headings: support to Ukraine; energy; Single Market and the economy; green and digital transitions, strengthening supply chains; enlargement, international trade and the EU's global role; and mental health and social policy. The Commission adopted its 2023 Work Programme⁵ on 18 October 2022 and presented it to the EP Plenary on the same day and to the Council (General Affairs) on 18 November 2022.

The interinstitutional negotiations regarding the Joint Declaration on the EU legislative priorities for 2023 and 2024 were initiated in November. The text was approved by the Council on 13 December 2022 and signed by the Presidents of the three Institutions on 15 December 2022.

An assessment at political level of the implementation of the previous Joint Declaration on EU legislative priorities is yet to take place.

3. In the area of **impact assessment** (paragraphs 12 to 18 of the IIA) within the Council, the Presidency and the General Secretariat of the Council (GSC) 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.

The Presidency has included the issue of impact assessment (IA) within the Council as a regular item on the agenda of the Working Party on Competitiveness and Growth (Better Regulation) during its term and has provided an updated overview to delegations on the latest information and developments related to the handling of IAs within the Council. The 2022 Annual Report on Impact Assessment within the Council⁶ was endorsed by COREPER on 8 June 2022.

² ST 12009/22.

³ ST 10889/22.

⁴ ST 12841/22.

⁵ ST 13847/22 + ADD 1.

⁶ ST 9633/22.

4. Concerning practical arrangements for cooperation and information sharing on **international agreements** between the Council, the European Parliament (EP), the Commission and the High Representative (paragraph 40 of the IIA), 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 stated in 2019 that it remained ready to resume talks on these aspects with the EP, the Commission and the High Representative in the future. No developments have taken place since.
5. On the issue of **delegated and implementing acts** (paragraph 27 of the IIA), following an agreement between the EP and the Council on the first package of the Regulatory Procedure with Scrutiny (RPS) adaptation in July 2019, work on the remaining act should continue. Following adoption by the co-legislators, the act adapting a number of legal acts in the area of justice was published on the *Official Journal* on 25 October 2022⁷.
6. On **legislative transparency** (paragraph 38 of the IIA), documents that should be made public in accordance with the COREPER note on strengthening legislative transparency from 14 July 2020⁸, continued being published throughout 2022.

As part of the efforts to ensure the **transparency** and **communication** of the legislative procedure, 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 procedure 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 on the different stages of the legislative procedure, in an understandable and user-friendly manner, with direct links to existing repositories run by the institutions.

⁷ Regulation (EU) 2022/2040 of the European Parliament and of the Council of 19 October 2022 amending Regulation (EC) No 805/2004 as regards the use of the regulatory procedure with scrutiny in order to adapt it to Article 290 of the Treaty on the Functioning of the European Union, OJ L 275, 25.10.2022, p. 30.

⁸ ST 9493/20.

Technical work has continued at interinstitutional and operational level in 2022 to finalise mapping of relevant processes, documents and events in the ordinary legislative procedure. Currently, exchanges are focusing on the visual aspects of the project. In 2023 efforts will focus on developing the portal as such, with the aim to deliver a minimum viable product by the end of 2023 and the full portal by the end of 2024.
