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'I' ITEM NOTE

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 2023, 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 IIA at technical level, focusing in particular on legislative programming and monitoring.

Below an overview of the work undertaken or pursued during 2023.

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 2024 in its *Letter of Intent*² of 13 September 2023, based also on the annual Strategic Foresight Report³ published on 6 July 2023. The *Letter of Intent* was presented and discussed at the Council (General Affairs) of 19 September 2023. The Commission adopted its 2024 Work Programme⁴ on 17 October 2023 and presented it to the EP Plenary on the same day and to the Council (General Affairs) on 15 November 2023⁵.

As the Joint Declaration on the EU legislative priorities for 2023 and 2024 covers the period until the end of the current legislative term, no negotiations on a new Joint Declaration took place in 2023.

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 2023 Annual Report on Impact Assessment within the Council⁶ was endorsed by COREPER on 21 June 2023.

² ST 12541/23.

³ ST 11782/23.

⁴ ST 13917/23 + ADD 1.

⁵ ST 16313/23 contains the comments received from delegations after that meeting.

⁶ ST 10082/23 + COR 1.

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 and ready to resume talks on these aspects with the EP, the Commission and the High Representative. No developments have taken place recently.
5. In the area of **delegated and implementing acts** (paragraphs 26 to 31 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 part of the act continued at technical level in 2023. Interinstitutional contacts also took place at technical level with a view to renewing the Framework Agreement for the joint register of delegated and implementing acts. This process is expected to be formally concluded in early 2024.
6. On **legislative transparency** (paragraph 38 of the IIA), the approach set out in the COREPER note on strengthening legislative transparency from 14 July 2020⁷ continues to be implemented and relevant documents were published accordingly throughout 2023.

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 portal is meant to provide easy access to comprehensive information in an understandable and user-friendly manner, with direct links to existing repositories run by the institutions.

⁷ ST 9493/20.

Technical work has continued at interinstitutional and operational level in 2023 to finalise mapping of relevant events in the ordinary legislative procedure and the visual aspects of the Portal. The development of the agreed features started in July 2023. In 2024 efforts will continue to focus on the last phases of the portal's developments, including testing the features and the data transmission, with the aim to deliver a minimum viable product by April 2024 and the fully-fledged portal by 2025.
