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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.

In the course of 2020, 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.

Below an overview of the work undertaken or pursued during 2020.

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 2021 in its Letter of Intent² of 16 September 2020 based also on its first ever annual Foresight Report³ published on 9 September 2020. After the presentation of the Letter of Intent at the Council (General Affairs) of 22 September 2020 and the exchange of views in the Permanent Representatives Committee (COREPER) with VP Šefčovič, the Presidency sent a letter⁴ to the President of the Commission summarising the debate organised into five main priorities: The Single Market, Its Social Dimension and Industrial Base, The Green and Digital Transitions, Europe in the World, Public Health and Implementation. The Commission adopted its 2021 Work Programme⁵ on 19 October 2020 and presented it to the EP Plenary on 20 October 2020 and to the Ministers of European Affairs during the informal videoconference of 17 November 2020.

The interinstitutional negotiations regarding the Joint Declaration on the EU legislative priorities for 2021 and the first-ever Joint Conclusions on the Policy Objectives and Priorities for 2020-2024 were initiated in November. Both texts⁶ were approved by written procedure by the Council on 4 December 2020.

An assessment at political level of the implementation of the Joint Declaration on EU's legislative priorities for 2018-2019 is yet to take place.

The negotiations on the Joint Declaration on EU's legislative priorities for 2020 started in March 2020 and were interrupted because of the COVID-19 outbreak, with subsequent EU action being focused as a priority on the immediate response to the pandemic.

2 ST 10651/20

3 ST 10648/20

4 ST 11770/20

5 ST 12115 + ADD 1

6 ST 13546/1/20 REV 1 and 13547/1/20 REV 1

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 standing item on the agendas of the Working Party on competitiveness and growth (Better regulation) during its term and has discussed the latest information and developments in relation to the handling of IAs within the Council, providing an updated overview to delegations.

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 remains ready to resume talks on these aspects with the EP, the Commission and the High Representative in the future.
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 acts as well as on the legal acts in the area of justice started in January 2020 with two technical meetings taking place in January and February 2020. Further technical meetings had been scheduled for the months of March and April, but had to be postponed due to the COVID-19 pandemic.

6. On **legislative transparency** (paragraph 38 of the IIA), on 14 July 2020, COREPER endorsed the approach on strengthening legislative transparency⁷ which contains a number of measures to that effect. It listed the documents which shall be public upon circulation and those which shall be made public by the GSC upon examination or endorsement by COREPER.

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 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.

In October 2020, the services agreed to resume talks on the basis of the Publications Office (PO) proposal to develop the portal, with the understanding that the three Institutions will jointly steer the project as system owners, the PO acting as service provider. Discussions continue among services on the development of the project, f.i. on the technical specifications of the portal and the identification of the data to be displayed.

⁷ ST 9493/20