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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 2019, 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.

¹ OJ L 123, 12.5.2016, p.1.

Below an **overview** of the work undertaken or pursued during the second half of 2019.

2. With regard to **annual and multiannual programming** (paragraphs 4 to 11 of the IIA), a first informal exchange of views on programming took place at the margins of the **General Affairs Council** meeting on 19 November, followed by a formal public debate on the issue at the **General Affairs Council** meeting on 10 December. The Council's input will be transmitted to the Commission by way of a letter from the Presidency summarising these discussions to the Commission. Due to the institutional transition phase, an assessment at political level on the implementation of the **Joint declaration** on the EU's legislative priorities for 2018–2019² 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 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.
4. Concerning practical arrangements for cooperation and information sharing on **international agreements** between the Council, the European Parliament, 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 European Parliament, the Commission and the High Representative in the future.

² 15546/17.

5. On the issue of **delegated and implementing acts** (paragraph 27 of the IIA), considerable progress has been made with regard to the Regulatory Procedure with Scrutiny (RPS) adaptation. The European Parliament and the Council reached an agreement on a first package of the RPS proposals aligning a significant number of acts containing references to the RPS to the legal framework introduced by the Lisbon Treaty, which was published in the *Official Journal*³ on 25 July 2019. Work on the remaining acts as well as on the legal acts in the area of justice will continue in 2020, taking into account the initial technical discussions held during the second semester 2019.
6. As concerns paragraph 28 of the IIA on delegated and implementing acts, more specifically the so-called **delineation criteria** to distinguish between delegated and implementing acts, the Council, the European Parliament and the Commission reached an agreement on those criteria. The Council adopted the criteria on 18 June 2019. The publication in the *Official Journal*⁴ took place on 3 July 2019.
7. As part of the efforts to ensure the **transparency** and **communication** of the legislative procedure (paragraph 38 of the IIA), 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.

³ OJ L 198, 25.7.2019, p. 241.

⁴ OJ C 223, 3.7.2019, p. 1.

To this end, services are identifying the available data to be displayed, and the institution responsible for providing it, with a view to aggregating it in the joint portal. They continue to evaluate technical proposals for the development of the JLP, including a preliminary estimate of the costs involved and expected timeline. This would allow the institutions to decide on the IT structure and content of the JLP.

In the Council and during the Finnish Presidency new measures to improve transparency and to make the Council's work more understandable to the public⁵ have been followed. The experiences acquired are summarised in a Presidency's report⁶.

⁵ 11999/19; 12876/19.

⁶ 14856/19 + COR 1.