



Brussels, 17 December 2021  
(OR. en)

14699/21

INST 440  
POLGEN 195  
JUR 682  
IA 199  
CODEC 1592

#### 'I' ITEM NOTE

|          |  |
|----------|--|
| From:    | General Secretariat of the Council   |
| To:      | Permanent Representatives Committee  |
| Subject: | Implementation of the Interinstitutional Agreement on Better Law-Making<br>- State of play |

1. The Interinstitutional Agreement on Better Law-Making (IIA) entered into force on 13 April 2016<sup>1</sup>. A significant number of strands of work related to its implementation or follow-up have been taken forward since.

In the course of 2021, 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.

Below an overview of the work undertaken or pursued during 2021.

---

<sup>1</sup> 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 2022 in its Letter of Intent<sup>2</sup> of 15 September 2021, based also on the annual Strategic Foresight Report<sup>3</sup> published on 8 September 2021. After the presentation of the Letter of Intent at the Council (General Affairs) of 21 September 2021, the Presidency sent a letter<sup>4</sup> to the President of the Commission summarising the debate organised into seven main priorities: Single Market, the economy and taxation; Green and digital transitions; Health and social policy; Justice and home affairs; Democracy and the Rule of Law; Role of the EU in the world and Security, defence and external borders. The Commission adopted its 2022 Work Programme<sup>5</sup> on 19 October 2021 and presented it to the EP Plenary on the same day and to the Council (General Affairs) on 23 November 2021.

The interinstitutional negotiations regarding the Joint Declaration on the EU legislative priorities for 2022 were initiated in November. The text was approved by the Council on 14 December 2021 and signed by the Presidents of the three Institutions on 16 December 2021.

An assessment at political level of the implementation of the previous Joint Declaration on EU's 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 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.

---

<sup>2</sup> ST 11603/21

<sup>3</sup> ST 11601/21

<sup>4</sup> ST 12610/21

<sup>5</sup> ST 13003 + ADD 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. 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.
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 were scheduled but had to be postponed due to the COVID-19 pandemic. An attempt to renew these talks have so far not been successful.
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 2020<sup>6</sup>, continued being published throughout 2021.

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.

---

<sup>6</sup> ST 9493/20

Technical work has continued at Interinstitutional and operational level in 2021 focusing on mapping of relevant processes, documents and events in the ordinary legislative procedure with a view to preparing a detailed work plan.

---