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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Implementation of the Interinstitutional Agreement on Better Law-Making - Work undertaken during the Presidency

1. The Interinstitutional Agreement on Better Law-Making (IIA) entered into force on 13 April 2016. Since then a number of strands of work related to its implementation or follow up have been taken forward. The following provides an overview of work undertaken during the Presidency.
2. The main focus of implementation during the Presidency has been on **annual programming**. The Council in accordance with the provisions of the IIA (paragraphs 6 and 7) and the Council practical arrangements¹:
 - on 20 September 2016 held an exchange of views on the Commission's "letter of intent". This exchange was summarised in a letter from the Presidency to the Commission²;
 - on 15 November 2016 discussed the Commission's Work Programme for 2017.

¹ Document 6879/16.

² Document 12878/16.

3. Subsequently, the Presidency, together with the two incoming presidencies (Malta and Estonia), have negotiated a **joint declaration** on interinstitutional programming for 2017 with the European Parliament and the Commission as foreseen in the IIA¹. The declaration identifies the main legislative priorities of the three institutions for 2017.
4. The IIA foresees that the three institutions meet in order to negotiate "practical arrangements for co-operation and information sharing" in relation to **international agreements**. Under the Presidency initial talks have started, focusing primarily at clarifying the respective positions of the institutions and taking stock of existing arrangements and practices². They are scheduled to continue under the incoming Presidency.
5. As concerns the other follow up negotiation agreed in the IIA (paragraph 28) on delegated and implementing acts, more specifically the so called **delineation criteria** to distinguish between delegated and implementing acts, initial preparations have been undertaken. It will now be up to future Presidencies to decide how to take this file forward.
6. Also on the issue of delegated and implementing acts, it should be noted that in accordance with the provisions of the IIA (paragraph 29), the Commission should before the end of the year submit a legislative proposal concerning **the alignment of certain basic acts** to the Lisbon Treaty. This proposal has not yet been submitted and it will be for the incoming Presidency to begin work in relation thereto.
7. Work has been ongoing between the three institutions in relation to two important but more technical issues.

One is the establishment of a **joint register on delegated acts**. A number of inter-institutional meetings at technical level have taken place defining the scope and content of the register. According to the plans on the table, the register will consist of a part open to the public and a restricted part reserved for administrative/practical and technical communication between institutions. The register must be established by the end of 2017.

¹ Document 15145/16 submitted for approval by the Council on 13 December 2016. To be signed on the same day in Strasbourg.

² Document 15097/16.

The other is the **joint database on the state of play of legislative files**. Contacts between institutions at technical level have been ongoing. These have confirmed the aim to focus on traceability and on presenting the state of play in user friendly way, also catering for an audience of non experts. In first instance, the task has been to clarify which IT platform best can serve the intended purpose. Views are converging on a joint web portal (website) which will provide certain information of a joint nature (in particular related to the state of play of files) and links to already existing websites in relation to documents and more detailed information.

8. The joint database also forms part of the efforts to ensure **transparency** of the legislative procedure. In this context, the Presidency has also held **joint press conferences** together with the Parliament on certain important files following agreement reached in trilogue negotiations.
9. As foreseen in the IIA, the Interinstitutional Coordination Group has met with a view to **monitoring** the agreement at technical level. The annual discussion foreseen at political level will only take place in 2017.
10. During the second semester of 2016, several provisions of the IIA have been tackled at the working as well as at the political level. The most tangible progress has been achieved in particular on programming. However, much work remains to be continued in 2017. Notably, in addition to the negotiations and technical tools mentioned above, the three institutions will in 2017 for the first time jointly monitor the implementation of the abovementioned joint declaration on annual legislative programming.
