

Implementation of the Interinstitutional Agreement on Better Law-Making

On 13 April 2016, the Commission, Parliament and Council signed the Interinstitutional Agreement (IIA) on Better Law-Making, replacing its 2003 predecessor. About two years on from its entry into force, Parliament is expected to vote on an own-initiative joint report on the interpretation and implementation of the IIA during its May II plenary session. The report takes stock of progress made and identifies the main issues outstanding.

Context

Following the Commission's comprehensive Better Regulation package of May 2015, the three institutions concluded a new IIA on Better Law-Making, which entered into force on 13 April 2016. The agreement expresses the three institutions' shared commitment to promote simplicity, clarity and consistency of Union legislation, and better coordination and transparency of the legislative process. The agreement, inter alia, strengthened interinstitutional cooperation on the EU's multiannual and annual programming, and put stronger emphasis on the way Union law is drafted, implemented, evaluated and applied in practice. While the full implications of the IIA have still to emerge, the own-initiative report on the interpretation and implementation of the IIA takes stock of the initial period and notes outstanding issues of concern.

European Parliament position

On the [recommendation](#) of its Committee on Constitutional Affairs (AFCO), Parliament endorsed the draft IIA in its resolution of [9 March 2016](#). It welcomed the improvements brought by the new agreement and identified issues requiring follow-up action (e.g. negotiations on the delineation criteria for delegated and implementing acts (DIAs), or further practical arrangements for interinstitutional cooperation in specific areas). Parliament's general overhaul of its rules of procedure incorporated the changes needed to adapt its internal procedures to the provisions of the new IIA. Further work examining the initial implementation of the agreement and outstanding issues was conducted between May 2016 and November 2017 by a joint working group set up by the Committees on Legal Affairs (JURI) and Constitutional Affairs (AFCO).

The JURI and AFCO committees, acting under Rule 55 of the Rules of Procedure, adopted their joint report on the interpretation and implementation of the IIA on 25 April 2018. The report welcomes the progress made so far in implementing the agreement, noting, in particular, the two [joint declarations](#) on the EU's legislative priorities (for 2017 and 2018/2019), improved access for Parliament experts to documents and meetings concerning the preparation of delegated acts, and the [joint register of delegated acts](#), which became operational on 12 December 2017. The report also identifies issues where implementation efforts should be stepped up and/or which remain unsatisfactory. For example, negotiations on information-sharing when negotiating and concluding international agreements, and on the non-binding criteria for delineation of DIAs, have still to be concluded. The report expresses 'dissatisfaction' regarding the Council's reluctance to accept the use of delegated acts where Article 290 TFEU criteria are met, despite the concessions made regarding consultation of national experts in the preparation of such acts. It also calls for a better flow of information from the Council, and for greater efforts to set up a joint database on the state of play of legislative acts, as required by the IIA. Lastly, the report reiterates the call to Member States to be transparent about 'gold-plating' when transposing Union legislation and, regarding IAs, reminds Parliament's committees 'of the importance of availing themselves of this tool wherever needed'.

Own-initiative report: [2016/2018\(INI\)](#); Committees responsible: JURI/AFCO (jointly under Rule 55); Rapporteurs: Pavel Svoboda (EPP, Czech Republic), Richard Corbett (S&D, United Kingdom).

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