

Interinstitutional agreement on better law-making

2016/2005(ACI) - 13/04/2016 - Final act

PURPOSE: to improve cooperation between the European Parliament, the Council and the Commission ('the three institutions') in order to deliver high quality legislation.

NON LEGISLATIVE ACT: Interinstitutional Agreement between the European Parliament, the Council and the European Commission on better law-making.

CONTENT: by this Agreement, the three Institutions recognise their joint responsibility in delivering high-quality Union legislation and in ensuring that this legislation:

focuses on areas where it has the greatest **added value** for European citizens,

- is as efficient and effective as possible in delivering the **common policy objectives** of the Union,
- is as **simple and as clear as possible**, avoids overregulation and administrative burdens for citizens, administrations and businesses, especially small and medium-sized enterprises ("SMEs"),
- is designed with a view to **facilitating its transposition and practical application** and to strengthening the competitiveness and sustainability of the Union economy.

The Agreement improves how the EU legislates in several ways:

Programming: the Union's annual and multiannual programming will be strengthened. The Commission will engage in a **dialogue** with the European Parliament and the Council, both before and after the adoption of its annual work programme. It will duly take account of the views expressed by the European Parliament and the Council at each stage of the dialogue, including their requests for initiatives. When the Commission intends to withdraw a legislative proposal, it will provide the reasons for such withdrawal. It will take due account of, and respond to, the co-legislators' positions.

Impact assessment: respecting the principles of subsidiarity and proportionality as well as fundamental rights, impact assessments must **examine whether Union action is necessary or not**. They must:

- map out alternative solutions and, where possible, potential short and long-term costs and benefits, assessing the **economic, environmental and social impacts**;
- address, whenever possible, the "**cost of non-Europe**" and the impact on competitiveness and the administrative burdens of the different options, having particular regard to SMEs, digital aspects and territorial impact.

Impact assessments must not lead to undue delays in the law-making process or prejudice the co-legislators' capacity to propose amendments.

Public and stakeholder consultation: the Commission will, before adopting a proposal, conduct public consultations in an open and transparent way, ensuring the widest possible participation. The results of public and stakeholder consultations shall be communicated without delay to both co-legislators and made public.

Ex-post evaluation of existing legislation: in the context of the legislative cycle, evaluations of existing legislation and policy, based on efficiency, effectiveness, relevance, coherence and value added, should

provide the basis for impact assessments of options for further action. The use of **review clauses** in legislation will be systematically examined.

Delegated acts: with a view to enhancing transparency, the Commission commits to consulting Member States' **experts** and conducting public consultations, prior to the adoption of delegated acts. The three Institutions commit to set up, at the latest by the end of 2017, a **joint functional register of delegated acts**, in order to enhance transparency, facilitate planning and enable traceability of all the different stages in the lifecycle of a delegated act.

Transparency and coordination of the legislative process: the three Institutions agree that the European Parliament and the Council, as the co-legislators, are to exercise their powers on an equal footing. The Commission shall carry out its role as facilitator by treating the two branches of the legislative authority equally.

The three Institutions will ensure the transparency of legislative procedures, on the basis of relevant legislation and case-law, including an appropriate handling of **trilateral negotiations**. They undertake to identify, by 31 December 2016, ways of further developing platforms and tools to that end, with a view to establishing a dedicated **joint database** on the state of play of legislative files.

Simplification: the three Institutions commit to promoting the most efficient regulatory instruments, such as harmonisation and mutual recognition, and to cooperate in order to update and simplify legislation, while ensuring that the objectives of the legislation are met.

By way of contribution to its regulatory fitness and performance programme (REFIT), the Commission undertakes to present annually an overview, including an **annual burden survey**, of the results of the Union's efforts to simplify legislation and to avoid overregulation and reduce administrative burdens.

ENTRY INTO FORCE: 13.4.2016.