

# Interinstitutional agreement on better law-making

2016/2005(ACI) - 19/05/2015 - Document attached to the procedure

This Commission Communication accompanies the Communication entitled 'Better regulation for better results - An EU agenda'. It contains the **proposal for an Interinstitutional Agreement between the European Parliament, the Council of the European Union and the Commission** on Better Regulation.

By this Agreement, the three institutions agree to pursue better regulation by means of the following series of initiatives and procedures:

**1) Programming and planning:** the three institutions agree to reinforce the Union's annual and multiannual programming. The Commission will:

- **exchange views** with the European Parliament and the Council ahead of the adoption of its annual work programme, on the basis of a written contribution from the President of the Commission;
- **give serious consideration to the requests** made by the European Parliament or the Council for the submission of legislative proposals.

Based on the Commission Work Programme, the three institutions will agree annually a **list of proposals that will receive priority treatment** in the legislative process.

**2) Impact assessment:** the positive contribution of impact assessment in improving the quality of Union legislation is recognised. Impact assessments should:

- address the existence, scale and consequences of a problem and **whether Union action is needed**;
- map out **alternative solutions** assessing the economic, environmental and social impacts;
- be based on best available evidence and be **proportionate** with regard to their scope and focus.

The Commission will carry out impact assessments of the initiatives that are **expected** to have significant economic, environmental or social impacts. The Commission's Regulatory Scrutiny Board will carry out a **quality check** of its impact assessments. The final results of the impact assessments will be **made available** to the European Parliament, the Council and national parliaments.

The European Parliament and the Council will start their consideration of Commission proposals by examining the Commission's impact assessment.

**3) Quality of the legislation:** legislation should: (i) be comprehensible and clear; (ii) allow parties to easily understand their rights and obligations; (iii) include appropriate reporting, monitoring and evaluation requirements; (iv) avoid disproportionate costs; and (v) be practical to implement. Each institution may call for an **independent panel** to carry out an assessment of these factors following any substantial amendment to the Commission proposal.

**4) Stakeholder consultation and feedback:** the Commission will conduct public **internet-based** consultations to seek views and information from interested parties. The results of each consultation will be made public.

Stakeholders will be given the **opportunity to voice their opinions during an eight-week period** following the adoption by the Commission of its proposal and the related impact assessment, in parallel with the consultation process established for national parliaments.

**5) Ex-post evaluation of existing legislation:** the agreement covers the following points:

- work to evaluate the performance of Union legislation, including related public and stakeholder consultations will be organised in the most consistent and coherent manner;
- proposals for significant amendments or development of Union legislation should be rooted in robust prior evaluation of the efficiency, effectiveness, relevance, coherence and value added of existing law and policy;
- all EU **spending** and non-spending activities should be evaluated in a proportionate way;
- the three institutions commit to systematically consider the use of **review clauses**. In cases where legislation should only apply for a fixed period of time, **sunset clauses** will be used.

**6) Legislative instruments:** the Commission will explain to the European Parliament and to the Council in the explanatory memoranda which accompany its proposals: (i) its choice of legislative instrument; (ii) how the measures proposed are justified in the light of the principles of subsidiarity and proportionality and are compatible with fundamental rights. It will also give an account of both the scope and the results of any stakeholder consultation.

**7) Delegated and implementing acts:**

- in accordance with the “**Common Understanding on Delegated Acts**”, the Commission commits to gathering, prior to the adoption of delegated acts, all necessary expertise including through the consultation of experts from the Member States and through public consultations ;
- the three institutions agree to refrain from adding in Union legislation, procedural requirements, sui generis procedures or additional roles for committees, other than those set out in [Regulation \(EU\) No 182/2011 of the European Parliament and of the Council](#) concerning comitology.

**8) Coordination of the legislative process:** the three institutions agree to:

- **improve the coordination** of their preparatory and legislative work in the context of the ordinary legislative procedure;
- establish with the Commission an **indicative timetable** for the various stages leading to the final adoption of each legislative proposal;
- **keep each other regularly informed** about their work throughout the legislative process and about on-going negotiations among them via appropriate procedures;
- ensure an appropriate degree of **transparency** of the legislative process, including of trilateral negotiations between the three institutions.

**9) Simplification:** the three institutions agree to cooperate continuously to update and simplify legislation and to **reduce unnecessary regulatory burdens** for business, administrations and citizens. They will take the Commission’s Regulatory Fitness and Performance ([REFIT](#)) Programme, or any other future programme with a similar objective, as a basis for this task.

**Implementation and application of Union legislation:** Member States are called upon to:

- swiftly and correctly apply Union legislation;
- communicate clearly to their public the **national measures** when transposing or implementing Union legislation or ensuring the implementation of the Union budget;

- **cooperate with the Commission** in obtaining information and data needed to monitor and evaluate the implementation of EU law.

The Commission will **report** annually to the European Parliament on the application of Union legislation.