# INTER-INSTITUTIONAL REGISTER OF DELEGATED ACTS (2017.04)

## IDENTIFICATION OF THE ACTION

| | |
|---|---|
| Service in charge | European Commission, SG |
| Associated Services | European Parliament, Council, DIGIT |

## EXECUTIVE SUMMARY

Delegated acts are acts adopted by the Commission in order to amend or supplement non-essential elements of basic acts, on the basis of empowerments given by the legislator (European Parliament and Council) in the basic acts themselves[1]. The Commission adopts around 100 such acts per year, across quasi all policy areas.

Delegated acts are planned, prepared by the Commission with the help of expert groups, adopted by the College and then subject to an objection period by the legislator. During this scrutiny period, the European Parliament and the Council can each decide to tacitly agree, to object the act, to extend the objection period or to express its early non-objection to the act. Should no objection be raised, the act is then published in the Official Journal and enters into force. Several documents can be produced during the lifecycle of delegated acts, and there is currently no system allowing for an integrated view. Moreover, there is also no inter-institutional working tool allowing for a smooth communication and interaction between the three institutions around such acts, despite them having become a reality more than five years ago (with the entry into force of the Lisbon Treaty).

That is why the three institutions decided, in the Inter-Institutional Agreement on Better Law-Making of 13 April 2016, to jointly set up and manage a dedicated Register for Delegated Acts. This Register would allow an integrated view over the full life-cycle of delegated acts and related documents, including the relevant actions taken on the delegated acts within each Institution, in addition to serving as a transmission tool between the three institutions for all exchanges related to such acts. It will be built on the basis of existing tools, reusing as much as possible from what has already been implemented in other projects and acting mainly as an information aggregator, avoiding information duplication. Also, it will be built with future inter-operability in mind, in order to allow its evolution towards increased inter-connectivity in the future.

## OBJECTIVES

The objective of this action is to set-up an inter-institutional Register for Delegated Acts, that both responds to the needs of the three institutions (Commission, European Parliament, Council) and increases the transparency of the preparation and adoption of delegated acts, so that the institutions, the Member States and the public at large have a better view of the full life-cycle of delegated acts, from planning to entry into force. As such, the Register complies with the objectives of the ISA2 programme of increasing interoperability (given that it is designed to be an inter-institutional tool), of facilitating electronic cross-sector interactions (given that delegated acts are adopted in all policy areas) and of promoting reuse of interoperability solutions by European public administrations (by heavily relying on already existing solutions).

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[1] See art. 290 TEU and the Common Understanding on Delegated Acts annexed to the Inter-Institutional Agreement on Better Law-Making of 13 April 2016.

## SCOPE

The Register should cover the entirety of the lifecycle of a delegated act, from planning and preparation down to adoption and entry into force, including revocation/tacit renewal of the empowerment. The Register should allow a timeline view of all the relevant documents with the focus being on every individual delegated act. Also, it would also be useful to be able to search the different delegated acts adopted (or under preparation) on the basis of the same basic act and delegated acts adopted linked to the different expert groups.

The scope of the project also includes the new functionalities needed in already existing systems to allow the inter-operability of those with this new Register (and potentially with any other future system that might be interested in re-using the available information).

## ACTION PRIORITY

The proposed action complies with all the prioritisation criteria listed in art 7 of the ISA2 Decision (Decision (EU)2015/2240), as follows:

(a) the contribution of the action to the interoperability landscape, measured by the importance and necessity of the action to complete the interoperability landscape across the Union;

The Register responds to a pressing need for interoperability between the Commission, the European Parliament, the Council and the Publications Office as far as the preparation, adoption and follow-up of delegated acts is concerned. While the various stages of the lifecycle of a delegated act are in principle already accessible through various websites or information systems, there is no integrated view available. Moreover, the IT tools of the three institutions do not currently interoperate, with official exchanges still taking place over e-mail or paper transmissions. This also applies to exchanges with the Member States, currently via e-mail. The proposed system will try to fill this gap, acting on top of existing ones, retrieving the information from its original source and acting as an information aggregators.

(b) the scope of the action, measured by its horizontal impact, once completed, across the sectors concerned;

Albeit only dealing with delegated acts, the Register will have an important cross-sector effect, as delegated acts are adopted in virtually all sectors of EU activity. The table in Annex II provides an overview of the number of acts per year and per DG (as a proxy of the policy field). These numbers are expected to grow in the following years, once the alignment of the Regulatory Procedure with Scrutiny to the regime of delegated and implementing acts is completed.

(c) the geographical reach of the action, measured by the number of Member States and of European public administrations involved;

The Register will be a joint tool, designed and managed together by the Commission, the European Parliament and the Council. It is the first inter-institutional tool involving the three institutions. Moreover, the Publications Office will be involved, as they publish in the Official Journal both the basic act, containing the empowerment for the Commission to adopt delegated acts, as well as the delegated acts themselves. Also, as all Member States participate in the works of the expert groups preparing delegated acts, they could benefit from the improved transparency. Moreover, the services implemented to share the information between the institutions could also be used by the Member States should they be interested.

(d) the urgency of the action, measured by its potential impact, taking into account the lack of other funding sources;

The Inter-Institutional Agreement on Better Law-Making of 13 April 2016 contains an explicit requirement for the Register to be set up by the end of 2017. It is therefore imperative for the development work to take place during 2017, on the basis of the analysis already carried out in 2016 (both within the framework of the landscaping exercise[2] and with additional resources from the Commission, 100K under Heading 5).

(e) the re-usability of the action, measured by the extent to which its results can be re-used;

As the Register will be the first inter-institutional tool managed by the three institutions, it will create a precedent for interoperability and joint management of common databases/tools. As such, it could be reused for further inter-institutional projects, such as a modernisation of the Commission's Comitology Register (dating back to 2002) and its interoperability with Parliament, Council and Member State tools.The services to be built in existing systems to allow the inter-operability with the Register could also be used in the future by any other system, either by the institutions or by any public administration in the Member States. Also, there are other tools (such as the Comitology Register) that could benefit from inter-institutional data exchanges, so any functionality implemented for this purpose could eventually be re-used.

(f) the re-use by the action of existing common frameworks and elements of interoperability solutions;

- CEF building blocks – eTrustEx and/or eDelivery - will be used for the exchange of information between the Commission, the Council, and the Parliament.
- The IMMC Core Metadata exchange protocol will be used to ensure a good understanding between the different systems involved
- The Register will get information from Eur-Lex (via the already existing web services provided by this system) and documents from Decide (that will be retrieved from the Hermes External Repository). Also, European Parliament and Council back-end systems will be interfaced.

(g) the link of the action with Union initiatives to be measured by the collaboration and contribution level of the action to Union initiatives such as the DSM.

This project has a clear link with one of the ten priorities of the Juncker Commission, namely "democratic change". Increased transparency over the decision-making process and facilitating stakeholder participation in the policy-making process are elements of this strategic objective. The Register, by allowing an integrated view over the lifecycle of delegated acts, will greatly facilitate both stakeholders' and institutional players' participation.

## Contribution to the interoperability landscape

*The contribution of the action to the interoperability landscape, measured by the importance and necessity of the action to complete the interoperability landscape across the Union*

| Question | Answer |
|---|---|
| *Does the proposal directly contribute to implementing the European Interoperability Strategy, the European Interoperability Framework, or other EU policies with interoperability* | This Register is a clear example of interoperability between the Commission, EP and Council, being the first true joint interinstitutional tool, across policy areas. |

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[2] Action 2016.17 in the 2016 ISA2 Work Programme

| Question | Answer |
|---|---|
| *requirements, or needed cross-border or cross-sector interoperability initiatives? If yes, please indicate the EU initiative / policy and the nature of contribution.* | |
| *Does the proposal fulfil an interoperability need for which no other alternative solution is available?* | There is currently no structured exchange of documents/information between the three institutions as regards the preparation and post-adoption treatment of delegated acts. The creation of the Register is therefore seen as the best solution, given the business workflows it needs to support. |

## Cross-sector

*The scope of the action, measured by its horizontal impact, once completed, across the sectors concerned*

| Question | Answer |
|---|---|
| *Will the proposal, **once completed** be useful, from the interoperability point of view, and utilised in two (2) or more EU policy areas? If yes, which are those?* | The Register will be used in all policy area, see annex II for an overview (using the DGs as proxy) |
| *For proposals or their parts **already in operational phase**: have they been utilised in two (2) or more EU policy areas? Which are they?* | NA |

## Cross-border

*The geographical reach of the action, measured by the number of Member States and of European public administrations involved.*

| Question | Answer |
|---|---|
| *Will the proposal, **once completed** be useful, from the interoperability point of view, and used by public administrations of three (3) or more EU Members States?* | Although the use of the inter-operability solutions by Member States administrations is not in the scope of the projects, the solutions built for the exchange of information between the European institutions could be used by Member States too. |
| *For proposals or their parts **already in operational phase**: have they been utilised by public administrations of three (3) or more EU Members States?* | NA |

## Urgency

*The urgency of the action, measured by its potential impact, taking into account the lack of other funding sources*

| Question | Answer |
|----------|--------|
| *Is your action urgent? Is its implementation foreseen in an EU policy as priority, or in EU legislation?* | Yes, the requirement to deliver the Register by the end of 2017 comes from the Inter-Institutional Agreement on Better Law-Making of 13 April 2016. |
| *Does the ISA² scope and financial capacity better fit for the implementation of the proposal as opposed to other identified and currently available sources?* | As this is by definition a multi-institution, cross-border and cross-sector project, ISA2 seems to offer the best framework for its development. |

## Reusability of action outputs

*The re-usability of the action, measured by the extent to which its results can be re-used*

Can the results of the proposal be re-used by a critical part of their target user base, as identified by the proposal maker? For proposals or their parts already in operational phase: have they been re-used by a critical part of their target user base?

| Name of reusable solution | Register of Expert Groups REST Services |
|---------------------------|------------------------------------------|
| Description | A set of REST services that would allow other Information systems to get information from the Register. It could be useful for systems such as Decide or the Better Regulation Portal, which would be able to get a list of existing groups and information about them in real-time. It could also eventually be re-used by Member States administration, who might be interested on getting information regarding groups which they are part of. |
| Reference | |
| Target release date / Status | Q4/2017 |
| Critical part of target user base | |
| For solutions already in operational phase - actual reuse level (as compared to the defined critical part) | NA |

## Level of reuse by the proposal

*The re-use by the action of existing common frameworks and elements of interoperability solutions.*

| Question | Answer |
| --- | --- |
| Does the proposal intend to make use of any ISA[2], ISA or other relevant interoperability solution(s)? Which ones? | The proposed system will use CEF bulding blocks (eTrustEx and/or eDelivery) for the exchange of information between the institutions, and the IMMC schema will be used to simplify the understanding and re-use of the information (both by the parties included in the proposal and by any other future stakeholder) |
| For proposals or their parts already in operational phase: has the action reused existing interoperability solutions? If yes, which ones? | NA |

## Interlinked

*The link of the action with Union initiatives to be measured by the collaboration and contribution level of the action to Union initiatives such as the DSM.*

| Question | Answer |
| --- | --- |
| Does the proposal directly contribute to at least one of the Union's high political priorities such as the DSM? If yes, which ones? What is the level of contribution? | This project has a clear link with one of the ten priorities of the Juncker Commission, namely "democratic change". Increased transparency over the decision-making process and facilitating stakeholder participation in the policy-making process are elements of this strategic objective. The Register, by allowing an integrated view over the lifecycle of delegated acts, will greatly facilitate both stakeholders' and institutional players' participation. |

## PROBLEM STATEMENT

Delegated acts are prepared by Commission services with the help of expert groups. They are then adopted by the College, normally through written procedure, and sent to the EP and Council for their scrutiny during the objection period. Once the objection period is over, they are published in the Official Journal and enter into force. The table in Annex I provides the full list of documents produced in the lifecycle of a delegated acts and the IT applications/websites where they are available today. It shows that information, while in general publicly available, is dispersed. Also, there is currently no standard practice/unified transmission channel at the preparatory stage (expert groups), DGs using e-mail, CIRCABC, own websites, etc. in order to document the

discussions in the expert groups. At the other end of the process, there is no centralized repository of documents after the adoption stage, documenting the position of and the actions taken by the other institutions (objections, extensions of deadlines, early non-objections, revocation of empowerments). The Joint Register aims to remedy these shortcomings, by offering an integrated access to all the stages in the lifecycle of a delegated act and by serving as an aggregator of information between the three institutions.

## EXPECTED BENEFICIARIES AND ANTICIPATED BENEFITS

[please write maximum 200 words. Please also include a preliminary assessment of the financial benefits and cost-savings resulting from implementing the action.]

| Beneficiaries | Anticipated benefits |
|---|---|
| Stakeholders and the public at large Member States European Institutions | **Increased transparency** The system will allow for a better follow-up on the development of delegated acts, which is a strong demand from stakeholders, institutions and Member States alike. Contacts with the Council Presidencies (The Netherlands, Slovakia, Malta) indicate strong Member State support for this project. |
| European Institutions (Commission, Parliament and Council) | **Improved communication** By implementing the means for the different institutions' systems to inter-operate, the communication between the parties will improve both in terms of efficiency and reliability. This same means could potentially be re-used by the Member States as well |

## EXPECTED MAJOR OUTPUTS

| Output name | Register of Delegated acts public interface |
|---|---|
| Description | A public system hosted in the Europa site, which will allow anyone (European institutions, member state authorities and the public at large) to get the information regarding the lifecycle of a delegated act |
| Reference | |
| Target release date / Status | Q4/2017 |

| Output name | Register of Delegated acts joint database |
|---|---|
| Description | A joint database fed by the three institutions with all the relevant events/documents and a UI for the EC/EP/GSC staff. |
| Reference | |
| Target release date / Status | Q4/2017 |

## ORGANISATIONAL APPROACH

### Expected stakeholders and their representatives

| Stakeholders | Representatives |
|---|---|
| Commission | SG.B2 will act as the system owner of the Register and will closely associate the system supplier (DIGIT.B2) and the relevant networks of DG users (expert group coordinators, comitology coordinators, legislative coordinators). |
| European Parliament | DG IPOL (CODE), DG ITEC |
| Council | GIP (DRI Legislation Unit), DGA 5 |

### Identified user groups

DG coordinators for expert groups and comitology, EP and Council coordinators (both active contributors and users of the system), Member State administrations and the public at large.

### Communication plan

Dedicated trainings will be organized in the three institutions targeting the main user groups of the future Register (for the Commission that would be the expert group coordinators and the comitology coordinators). In terms of external communication, the necessary communication strategy will be put in place, involving a press release, launch statements on social media, communication via the representations in the Member States.

### Governance approach

The project will follow the standard PM2 governance structure:

Project Owner: Mr. KLAUS, Henning (SG.B2)

System Supplier: Mr; BARCELLAN, Roberto (DIGIT.B2)

Project Manager: Mr. TORRECILLA SALINAS, Carlos (DIGIT.B2)

Business Manager: Ms. TANASESCU, Irina (SG.B2)

Business Implementation Group (BIG): Representatives from the Institutional Affairs Unit in the Commission, and the Codecision Units in the EP and the Council.

The Heads of Unit of the Codecision Units in the EP and the Council will be part of the Project Steering Committee together with the standard members (Project Owner, System Supplier, Business Manager and Project Manager). It is left to each institution to organize itself internally for the link between business and IT and to decide on the participation to the coordination meetings of other colleagues, according to the topics on the agenda. A formal inter-institutional project team structure will be established in September 2016 and may be formalised through an exchange of letters.

This structure could refer, as necessary, to the Interinstitutional Coordination Group which is responsible for monitoring the overall implementation of the Interinstitutional Agreement on Better Law-Making.

## TECHNICAL APPROACH AND CURRENT STATUS

During the analysis phase, the specific technology to be used will be determined. The expected usage of the system will also have to be estimated in order to define the infrastructure requirements to ensure the correct performance of the system.

Phase I of the System will include:

- The public interface: It will be hosted in the Commission Data Centre and available in the Europa site. This interface is the main entry point for the public to view the details on the delegated acts.
- The inter-institutional interface: it will provide privileged access to information that is not made public. Each institution will determine who has access to the restricted area.
- A back office system, accessible to users of the institutions (with an ECAS-based authentication system) to manage the information available
- The services to retrieve information and/or documents from systems which already provide inter-operability capabilities.
- The data exchange services in the systems that do not currently provide them. These services must provide a secure and reliable mechanism. They should also be conceived in a way that could allow the potential re-use in the future (hence the use of standards such as the IMMC ones to improve compatibility both now and in the future).

Phase II will include:

- The counterpart to the services mentioned in the last point, to integrate the information/documents from these systems in the overall view.
- A reporting and statistics service to allow the interested parties to retrieve different sets of historical information.

## COSTS AND MILESTONES

### Breakdown of anticipated costs and related milestones

| Phase: Initiation Planning Execution Closing/Final evaluation | Description of milestones reached or to be reached | Anticipated Allocations (KEUR) | Budget line ISA/ others (specify) | Start date (QX/YYYY) | End date (QX/YYYY) |
|---|---|---|---|---|---|
| Execution | Register of Delegated Acts Phase 1 | 689 | ISA | Q1/2017 | Q4/2017 |
| | | | | | |
| | | | | | |
| | | | | | |
| | **Total** | 689 | | | |

## Breakdown of ISA funding per budget year

| Budget Year | Phase | Anticipated allocations (in KEUR) | Executed budget (in KEUR) |
|---|---|---|---|
| 2016 | | | |
| 2017 | Execution | 689 | |
| | | | |
| 2019 | | | |
| 2020 | | | |

## ANNEX AND REFERENCES

| Description | Reference link | Attached document |
|---|---|---|
| IIA BL | http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2016:123:TOC | |