Brussels, 27 June 2017

# Joint Legislative Portal

# Concept paper and first progress report

## I. General context and objectives

On 13 April 2016, the European Parliament, the Council and the Commission signed an inter-institutional agreement on Better Law-making. In paragraph 39 of the agreement, the three institutions undertake to identify ways to improve traceability of the various steps in the legislative process by means of platforms and tools with a view to establishing a dedicated joint database on the state of legislative files[1].

It has ensued from the different discussions related to this point of the IIA that the purpose of this provision is primarily to improve the transparency of the legislative process vis-à-vis the general public while it should also contain content and functionalities that cater to audience with professional interests, including the institutions. The new platform should clearly show the different steps in the legislative procedures in the three institutions without the need of additional and often burdensome search in the various existing public platforms and databases.

In the context of the discussions on the implementation of this point of the agreement, it has also become clear that the institutions could also profit from the future platform to address some of the observations raised by the Ombudsman following her strategic inquiry into the transparency of trilogues concluded on 12 July 2016.

## II. Organisation and procedure

In June 2016, the institutions agreed to set up a technical level working group whose aim was to identify, evaluate and propose ways to implement the objectives of paragraph 39. Each institution nominated several members of staff, representing both the business and technical aspects of the future platform (for a list of members of the working group, see annex III). The organisation of the work of the working group was entrusted to the European Parliament, which also hosted all meetings of the working group in 2016.

The working group met several times between June 2016 and June 2017 with email exchanges and bilateral meetings between the interinstitutional meetings.

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[1] *"39. In order to facilitate traceability of the various steps in the legislative process, the three Institutions 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."*

**III. Main content and functionalities of the future platform**

The working group agreed that the future solution should not be heavy, i.e. the future platform should function as a portal, which will reuse existing data available in the various workflow tools and other databases and platforms already operational within the institutions and aggregate the information in one place. It is not proposed to conceive the future platform as a completely new legislative database, as this would require manual feeding from the different institutions, would risk high running costs, duplication of data and possibly even imply changes in the internal procedures within the institutions. The portal will, however, contain certain content linked to the legislative process, which at present may not be contained in any existing information tools or databases of the individual institutions and will thus require an adaptation of those existing tools or databases.

Due consideration was also given to existing solutions - the Legislative Observatory (OEIL) of the European Parliament and EUR-Lex of the Publications office. The working group agreed that apriori none of the existing solutions currently provides or could directly be adapted to provide the necessary content and functionalities, including ease of access for the general public, in an interinstitutional context. The also pointed out that the new portal should, however, draw on the experience from work on other projects, such as the PublicAccess.eu pilot project, the European Union Open Data Portal and the Legislative Observatory.

The working group agreed that given the main objectives of the new platform, the main target audience is the general public: the portal should provide citizens with an easy access to comprehensive information on specific legislative procedures, in a manner which is understandable and user-friendly. The working group however also agreed that personalisation of the user experience should be foreseen so that, where possible and available, more detailed view and more extensive data could be made available.

The new portal should clearly show the role of the different institutions in the respective stages of the legislative process. The various events should be added as they happen and displayed in chronological sequence (timeline view). The portal should also, where relevant, contain information on planned events, including the adoption of the legislative act. This should cover both formal steps of the procedures set out in the Treaty and information from the institutions about other steps which form part of the process.

The portal should also enable immediate access to all related available documentation, without the need for additional search in other portals or databases, through direct links to existing repositories of legislative documents in the different platforms (registry, databases etc.) run by the individual institutions. Access to documents would be provided in line with the institutions' own rules or policies.

To ensure synergies and efficiencies, it is recommended that the portal makes use, to the extent possible, of already existing concepts and components in web design available to the EU institutions.

Details concerning the proposed content and functionalities are listed in annexes I and II, which may be reviewed, if necessary, in light of their feasibility during the implementation period.

## IV. Phased approach

The portal should eventually cover all legislative procedures, but due to its potential technical and business complexity, the working group endorsed a phased approach to its implementation.

In the first phase, priority will be given to the ordinary legislative procedure. Once the OLP is fully integrated, it will be followed by special legislative procedures (consultation, consent, budget) and may be further complemented, if the institutions decide so, with information on other relevant procedures of interinstitutional character.

The same approach will also be used for the content: while information about most key events, as well as documents and other important data, should be available immediately from the launch of the portal, additional or less important material could be added later subject to further consideration.

In a transitional phase, the portal would be set up as monolingual. Once fully up and running, the portal itself will have a multilingual interface, whereas links would be provided only to those language versions of documents existing at the source.

Subject to availability of resources, the portal should be progressively developed in a way that allows for responsive design, or accessible interface for disabled users.

## V. Financing

At present, it is not yet possible to provide an estimate of the development and running costs of the interinstitutional portal. A quantification of the overall costs and their detailed breakdown will be carried out in the next phase of the preparatory process, after the content and functionalities of the portal, and (if necessary) adaptations of the data source databases will have been agreed upon.

The working group agreed to recommend dividing the future costs for the development, as well as running and technical maintenance costs equally. It is envisaged that modalities of the financing will be specified in an interinstitutional Memorandum of understanding (MoU). Any developments or adaptations related to the internal databases feeding the portal will be financed by each institution concerned.

The development and running costs should be covered from the annual budgets of the institutions. Consideration was given also to alternative sources of financing, specifically the ISA2 programme, however, such option has not found a favourable support by all participants and was therefore not retained.

**VI. Management structure**

The working group agreed to recommend that a permanent management structure should be set up to oversee the development of the project as well as the running and maintenance of the future portal. All three institutions should be represented in the future management structure at equal terms.

**VII. Next steps**

Following agreement at working group level, this concept paper and progress report will be submitted for internal validation within each institution and approval at interinstitutional level.

Subject to validation, the immediate next step would be to elaborate detailed specifications of the portal and a detailed estimate of financial costs: each institution will provide a list of relevant internal databases and appoint an IT expert to analyse, in collaboration with other relevant experts, the availability of data in the existing internal databases and available technical possible means for their sharing with the future portal and, where relevant, assess any necessary adaptations to the internal databases or processes which are necessary to achieve the objectives of this project. Such analysis will serve as a basis for the elaboration of detailed technical specifications of the project, which will be followed by a detailed estimation of the cost of the project and specification of concrete sources of financing.

On this basis a decision will be taken on the roles and responsibilities and a permanent management structure steering the implementation the project will be set up.

# Annex I. Content of the portal

## Phase I - ordinary legislative procedure

All items should be available from the beginning, unless indicated otherwise in the table

| STAGE | EVENTS/DATES | LINKS/DOCUMENTS | INFORMATION ABOUT PLANNED EVENTS |
|---|---|---|---|
| COM proposal | - adoption of the legislative proposal by the Commission | - Commission proposals and accompanying documents, where relevant (SWD with impact assessment, public consultation etc.)<br>- Link to COM Better Regulation portal<br>- where relevant: amended Commission proposals or withdrawals<br>- where relevant: corrigenda to Commission proposals | |
| Advisory opinions | - dates of opinions of advisory committees and institutions (CoR, EESC, Court of Auditors, ECB, EDPS) | - opinions on advisory bodies | - deadlines for advisory bodies (EP) |
| National Parliaments | - dates of adoption of reasoned opinions and other responses | Reasoned opinions (and other formal reactions) of national parliaments | - deadlines for national parliaments |
| EP mandate | - receipt and referral in the EP<br>- deliberations in EP committee(s) with links to recorded videos<br>- adoption of final report/opinion/draft mandate where relevant; recommendations for second reading etc.; agreement where relevant<br>- confirmation of mandate by plenary | - draft reports/opinions, amendments, compromise amendments, final reports/opinions;<br>-negotiating mandate;<br>- later: links to recorded videos | - foreseen dates for deliberations and adoption of reports/opinions/negotiating mandates in committee and plenary. |
| Council mandate | - deliberations in Council working parties<br>- deliberations in Coreper<br>- adoption of mandate in | - working group documents (where not publicly available, a link will be made to the Council register of | - foreseen dates of deliberations in Council working parties and in Coreper<br>- foreseen dates for the |

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|  | Coreper or Council/general approach or Council political agreement | documents), Coreper documents (where not publicly available, a link will be made to the Council register of documents), adopted Council documents , Council positions including statement of reasons<br>- later: links to recorded videos | adoption of mandate in Coreper or Council (general approach or Council political agreement) |
| Negotiations | - trilogue dates | - where relevant: Coreper/Committee chair acceptance letters with annexed provisional agreement (summary agendas after each trilogue)[1]; | - trilogue calendar |
| Second reading & conciliation |  | -where relevant: Commission opinions on EP and Council positions | - deadlines for second reading and conciliation |
| Agreement | - confirmatory vote in committee<br>- confirmation of negotiated agreement in Coreper or Council<br>- deliberations and adoption of the negotiated agreement by plenary<br>- formal adoption of agreement by the Council (decision or Council position, where relevant) | - later: links to EP plenary and Council minutes<br>- later: links to recorded videos<br>- finalised agreed text<br>- any formal statements by the institutions which are part of the agreement | - planned date for confirmation in Coreper or Council<br>- planned date for confirmation in EP committee<br>- basic timeframe for legal-linguistic finalisation<br>- planned date for adoption in plenary<br>- planned date for adoption in Council |
| Signature and publication | - date of signature<br>- date of publication in OJ | - link to OJ (Eur-Lex) | - planned date of signature<br>- planned date of publication in the OJ |
| Empowerments |  | - when the final act includes delegation of power, links to delegated and/or implementing acts adopted on this basis as they are published in the Official Journal - |  |

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[1] Inclusion of this feature depends on future political decisions related to the implementation of the Ombudsman´s recommendations on the transparency of the legislative procedures.

| | | information from the future Register of delegated acts and existing comitology register | |
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| Implementation & application & review | | - Commission follow-up reports<br>- information from the future THEMIS (?)<br>- later: links to national implementing legislation and links to transposition measures in Eur-Lex | - dates for transposition, implementation and review |

Contextual information:

- responsible EP committees (report and opinions)
- members of EP negotiating team (rapporteurs and shadow rapporteurs, committee chairs),
- relevant Council working bodies (WP, Coreper I or II), responsible Council formation, names of responsible Coreper and Council chairs
- responsible members of the Commission
- responsible Commission services (Unit/DG)
- later: link to annual and multiannual programmes – Joint Declaration of the three institutions, annual and multiannual programming, Commission Annual Work Programme
- later: links to related research documents from the institutions (such as European added value, Cost of Non-Europe, EPRS studies etc.)
- later: links to additional available audio-visual material produced by the institutions

**Phase II - special legislative procedures**

Detailed specifications will be agreed later, upon the completion of phase I

## Annex II. Functionalities of the portal

User interface:

- timeline view
- user-friendly interface (later: personalisation based on individual accounts, extended data view for "expert" users)
- developed with a multilingual structure, though the user interface will initially be English only, later extended to all languages
- visual highlighting of pre-defined of key events (adoption of mandates, negotiations, adoption by plenary/Council, signature, publication)
- easy, single click access to documents from all three institutions as well as advisory committees and national parliaments
- advanced search functions, which may be later extended to a "federated" search for documents in different institutions' registers and websites
- clear visibility of the role of the different institutions in the legislative cycle
- later: contextual help providing explanations of the procedural steps
- the inter-institutional web publication rules and recommendations should be respected from the outset

Technical features:

- automatic data feeding/data fetching from existing databases with minimum manual interventions.
- identification of the file should be possible on the basis of a common identifier (incl. COD number, key words in title, and if possible, European Legislative Identifier ELI)
- sufficient level of security
- to be prepared for an accessible interface also for disabled users
- to be prepared for a responsive design (desktop/mobile device)

Back-office functionalities:

- possibility to generate usage statistics, data overviews, listings etc.
- possibility to manually add/edit additional information not provided by existing data sources (alerts, non-structured information etc.)
- tools to check consistency of data (automatic identification of dead links, checking of past/future dates etc.)
- notification of defined changes