

European Commission's 2016 Work Programme

SUMMARY

On 27 October 2015, the European Commission adopted its Work Programme for the year ahead (2016 CWP), and presented it to the European Parliament the same day. Based on the 10 political guidelines set out in mid-2014 by President Jean-Claude Juncker, it builds on the 'framework strategies' adopted by the Commission since entering office and places emphasis on the legislative measures and concrete follow-up actions needed to implement them.

The 2016 CWP includes relatively few entirely new actions. Most of the initiatives it contains have already been announced and fit into the framework strategies presented earlier; a few of them were to be presented before the end of 2015. The CWP also looks beyond 2016, providing for the necessary preparatory work, such as evaluations, consultations or impact assessments, for actions to be included in future work programmes.

Confronted with major unexpected events dominating the political agenda, such as the migration crisis and, more recently, the major terrorist attacks in Paris, the Commission may be compelled, as in 2015, to adapt to emerging challenges, taking immediate action and/or accelerating implementation in certain areas (for example, with counter-terrorism measures).

The EP had adopted a resolution in September 2015 setting out its recommendations for the forthcoming CWP. In that it called on the Commission to use its right of initiative to the full extent, in order to give the Union clear leadership, reaffirmed its attachment to the 'Community method' and welcomed progress in the negotiations on a new inter-institutional agreement on better law-making, since completed.



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The road to the 2016 Commission Work Programme

The European Commission adopted its work programme for 2016 on 27 October 2015. While the Commission's ownership of the work programme reflects its near monopoly over formal legislative initiative, since the entry into force of the Lisbon Treaty the Union's annual and multiannual programming is to be done with a view to achieving agreement with the two co-legislators, Parliament and Council (Article 17(1) TEU). The [2010 Framework Agreement](#) between the EP and Commission provides that the latter must take into account the priorities expressed by the Parliament and must justify any departure from the proposals set out in the CWP. Its [Annex 4](#) sets out a detailed **timetable** for establishing CWPs, with the aim of facilitating the Parliament's effective participation in the planning process.

Key events in the elaboration of the [2016 CWP](#) since the State of the Union address

9 September 2015: State of the Union [address](#) delivered by Jean-Claude Juncker, President of the European Commission, followed by a State of the Union [debate](#) in the EP plenary

9 September 2015: [Letter](#) from President Juncker and First Vice-President Frans Timmermans to the President of Parliament and the President of the Council outlining the main initiatives to be taken up to the end of 2016, constituting the starting point of the interinstitutional dialogue to prepare the 2016 CWP

10 September: Meeting between the Commission President and Coreper

16 September: EP adopts a non-legislative resolution on the preparation of the 2016 CWP

6 October: Meeting of the Commission with the Conference of Committee Chairs

13 October: Discussion with Commission First Vice-President at the General Affairs Council [Meeting](#)

20 October: Meeting of the Commission President and the First Vice-President with the Parliament's Conference of Presidents

27 October: 2016 CWP adopted by the Commission and presented to Parliament, followed by a debate in the EP plenary.

In the letter of intent of 9 September outlining the main initiatives to be taken up to the end of 2016, including those scheduled for later in 2015, President Juncker and First Vice-President Timmermans underlined that 'the current challenges confirm that EU action needs to be anchored in the ten priorities, outlined in the European Commission's [political guidelines](#)'. They noted that while the 2015 CWP set out the vision and strategic framework for the Commission's work, efforts in 2016 will focus on the concrete follow-up to the new strategies. In particular, the Commission pointed out that 'Efforts will centre on determined action on the refugee crisis and migration, on supporting jobs and growth, in particular through investment and the deepening of our single market, on strengthening the Economic and Monetary Union and its social dimension, and on working for a fairer tax regime'.

EPRS support to Members and committees on CWP 2016

DG EPRS continually monitors implementation of the Commission's Work Programme (CWP) and produces an annual analysis of planned legislative proposals and REFIT initiatives as well as briefings on individual elements of the programme, in particular ['legislation in progress'](#) briefings following developments on all the major legislative proposals, and initial appraisals of the ex-ante impact assessments which accompany every new legislative proposal.

It publishes implementation appraisals in the form of briefings outlining from an *ex-post* perspective the state of implementation of individual pieces of EU legislation that are about to be amended. In doing so, it follows the CWP as well as any additional initiative outside the CWP.

It also provides, inter alia, specific analysis, overviews and tools including rolling checklists on: [Review Clauses in EU legislation](#), [International Agreements](#), [Special Reports of the European Court of Auditors](#), and [Evaluation in the European Commission](#).

Content of the 2016 Commission Work Programme

Organised around the 10 priorities of the political guidelines, the CWP 2016 thus builds on the framework strategies adopted by the new Commission since its inception (see box) and places the emphasis on the legislative measures needed to implement these.

It also looks beyond 2016, providing for the preparatory work such as evaluations, consultations and impact assessments, needed for further actions to be included in future work programmes. It also included actions still to be taken in 2015.¹

In terms of presentation, the 2016 CWP follows largely the same format as in 2015, with a [Communication](#) entitled 'No time for business as usual', introducing the work programme, along with several annexes:

- [Annex I](#), entitled 'New initiatives', enshrines the 23 key initiatives to be taken in the next 12 months across the ten priorities of President Juncker's political guidelines.
- [Annex II](#) sets out the list of new initiatives under the European Commission's Regulatory Fitness and Performance Programme (REFIT²), to be undertaken in 2016 and not already covered in Annex I.
- [Annex III](#) identifies the existing priority pending proposals deserving, according to the Commission, speedy adoption by the co-legislators.³
- [Annex IV](#) lists the pending proposals to be withdrawn or modified.
- [Annex V](#) sets out the list of envisaged repeals.
- [Annex VI](#) provides the list of legislation that becomes applicable in 2016.

Framework Strategies

The key strategies adopted by the Juncker Commission up to the end of 2015 are, in particular, the [Investment Plan for Europe](#); the [Digital Single Market](#) (DSM) Strategy; the [Energy Union](#); the Action Plan for [Fair and Efficient Corporate Taxation](#) in the EU; the [upgraded Single Market Strategy](#) for people and business; the Action Plan on [Building Capital Markets Union](#), the [Five Presidents' report](#) (together with other EU institutions) providing a blueprint on how to deepen EMU and the first concrete measures to begin its implementation (in [July](#) and [October](#) 2015); the new [Trade and Investment Strategy](#); the [European Agenda on Security](#); the [European Agenda on Migration](#); the [review](#) of the European Neighbourhood Policy (ENP) together with the HR/VP; and the [Better Regulation Package](#).

Priority 1: A New Boost for Jobs, Growth and Investment

The major initiatives to boost jobs, growth and investment are:

- a **New Skills Agenda for Europe** to promote life-long skills development, including the mutual recognition of qualifications.
- a **New start for working parents**, embracing a set of measures to better address the work-life balance challenges with which working parents are confronted, and to support women's participation in the labour market.

- A **Circular Economy Package**. Aiming to improve efficiency in the use of resources, covering whole value chains, and enabling the development of new markets and business models through innovation. The [package](#) was presented on 2 December, and consists of an action plan and four legislative proposals on waste.
- The **Review of the Multiannual Financial Framework (MFF) 2014-2020** will, inter alia, look at how to better target funding on the priorities the EU is confronted with, such as the refugee crisis. It will also look at ways to further orient the EU budget towards results and to simplify rules where possible.
- **Next steps for a sustainable European future**. Taking into account the Europe 2020 review and the internal and external implementation of the UN Sustainable Development Goals, this initiative should set out a new approach to ensure Europe's economic growth and social and environmental sustainability beyond 2020.

The Commission will also focus its efforts on improving the investment environment and deepening the Single Market. It will look at a range of health threats or issues, notably the challenge of anti-microbial resistance, the single market for health products, preparatory work on the dangers of endocrine disruptors, and a review of existing occupational health and safety legislation.

Pending proposals which have been tabled but not yet adopted by the co-legislators include the 2015 [proposal](#) on the integration of the long-term unemployed into the labour market; the 2014 regulation [proposal](#) on a European network of Employment Services, workers' access to mobility services and the further integration of labour markets; and the 2012 [proposal](#) on improving the gender balance among non-executive directors of companies listed on stock exchanges.

Priority 2: A Connected Digital Single Market

The key initiative in this field consists of the **implementation of the Digital Single Market Strategy**, covering a [Communication on copyright](#) – subsequently adopted in December 2015 – along with a [legislative proposal](#) on portability and proposals on digital contract rights. Further initiatives on copyright, geo-blocking, free flow of data, the cloud, and VAT for electronic commerce will follow. Following agreement on the Connected Continent [proposals](#), the Commission is also working on a comprehensive review of the telecoms regulatory framework. It plans to revise the Audiovisual Media Services Directive, the Satellite and Cable Directive, and the Regulation on Consumer Protection Cooperation. It aims to present all proposals relevant to the Digital Single Market before the end of 2016.

One currently pending item under this heading, flagged as priority, is the [proposal](#) on a high common level of network and information security across the Union.

Priority 3: A Resilient Energy Union with a Forward-Looking Climate Change Policy

The main initiative in this field will be to make progress on the actions foreseen in the Energy Union Roadmap (updated in [November](#) 2015), attached to the Energy Union package, consisting of proposals on electricity market design and the regulatory framework, including the review of the Agency for the Cooperation of Energy Regulators (ACER), and the revision of the Regulation on security of electricity supply; the revision of the security of gas supply Regulation and of the Decision on inter-governmental agreements; proposals on the effort-sharing decision and the integration

of the Land Use, Land-Use Change and Forestry sector into the 2030 Climate and Energy framework; a renewable energy package and an energy efficiency package.

The Commission will also promote the use of non-discriminatory road-charging schemes based on the polluter-pays and user-pays principles and develop an integrated strategy for Energy Union research, innovation and competitiveness.

One existing pending proposal for priority adoption by the co-legislators is the [proposal](#) on the reduction of national emissions of certain atmospheric pollutants.

Priority 4: A Deeper and Fairer Internal Market with a Strengthened Industrial Base

The key initiatives falling under this priority are:

- A **Labour Mobility Package**, which will include a targeted revision of the Directive on the posting of workers and revision of the regulations on social security coordination.
- The **Follow-up to the Single Market Strategy**, consisting notably of concrete measures to help SMEs and start-ups grow, to facilitate cross-border provision of services, to release the potential of collaborative-economy business models; the development of a new approach towards business failure and insolvency; the review of the EU intellectual property enforcement framework; proposals for market information tools and an improved notification procedure under the Services Directive; and an action plan to improve awareness of the mutual recognition principles in the goods sector. The Commission will work towards upgrading the existing standards system and ensuring that Single Market legislation is properly implemented. It will also look at the road transport market, in particular at legal and technical access barriers and the enforcement of applicable social legislation.
- A **European Defence Action Plan** to ensure that the European defence market is ready in terms of capabilities to meet future security needs.
- An **Action Plan on VAT**, whose purpose will be to deliver efficient and fraud-proof VAT regimes, including initiatives on VAT rates and VAT for electronic commerce, and a Communication setting out the definitive VAT regime. The Commission also intends to withdraw some existing VAT proposals (see section below on 'Withdrawals and modification of pending proposals and repeals').
- **Corporate Tax Package.** The Commission will propose a set of measures to enhance transparency of the corporate tax system and fight tax avoidance, including by implementing international standards on base erosion and profit shifting. It intends to

REFIT Initiatives in the 2016 CWP

According to the 2016 CWP, the Commission will undertake 40 REFIT actions – 13 related to new initiatives and referred to in annex I of the CWP, while the remaining 27 are listed in annex II. The REFIT actions contributing to key initiatives include the simplification of the applicable rules for the European Structural and Investment Funds (ESIF) and, following their respective REFIT reviews, the revision of the Audiovisual Media Services Directive, the Satellite and Cable Directive, and the Regulation on Consumer Protection Cooperation to ensure the system actually delivers for citizens. The new REFIT actions listed in annex II cover topics such as maritime legislation, occupational health and safety legislation, the Port Reception Facilities Directive, food legislation, some elements of the REACH framework, the EU' nature legislation and the standard procurement document and forms for public procurement.

withdraw the blocked proposal for a Common Consolidated Corporate Tax Base and replace it with proposals for a staged approach, starting with agreeing a mandatory tax base.

- A **Space Strategy for Europe** will seek to coordinate the different strands of EU space activities.

Other initiatives in selected specific sectors include the follow-up to the aviation strategy and, in the agricultural sector, a report on the functioning of the milk market. The 2016 CWP also mentions the implementation of the Capital Markets Union, in particular a [proposal to review the Prospectus Directive](#) (published on 30 November) and further measures to promote venture capital.

Pending proposals for adoption by the co-legislators highlighted by the Commission are the [proposal](#) on enhanced cooperation in the area of a financial transaction tax; the [proposal](#) on a European securitisation framework; and the [proposal](#) on market access to port services and financial transparency of ports.

Priority 5: A Deeper and Fairer Economic and Monetary Union

Under this heading, the Commission has identified its priorities as:

- The setting-up of a **Pillar of Social Rights** addressing gaps in existing legislation, identifying common principles and reference benchmarks in order to move towards greater convergence of employment and social performance.
- **European Bank Deposit Insurance Scheme / Completion of the Banking Union.** The Commission would propose to set up a [European Bank Deposit Insurance Scheme](#) based on a reinsurance mechanism, and present a [Communication](#) setting out the further measures needed to complete the Banking Union. Both were adopted in [November](#) 2015.

Building on the [Five Presidents' report](#) on how to deepen EMU and the presentation of the first concrete [measures](#) to begin implementation, the Commission will prepare for the transition from stage 1 to stage 2 of completing the EMU and for the Commission White Paper on this issue scheduled for spring 2017.

A pending proposal for adoption by the co-legislators noted by the Commission is the [proposal](#) on establishing a European Platform on undeclared work (expected to be discussed in the Parliament's February plenary).

Priority 6: A Reasonable and Balanced Free Trade Agreement with the US

Follow-up to the Trade and Investment Strategy. The Commission will continue to pursue negotiations with the United States on the Transatlantic Trade and Investment Partnership (TTIP) agreement. It hopes to make progress at the WTO (implying notably, as laid down in the [Strategy](#), pushing for the conclusion the Doha Round of WTO talks and making proposals for 'more focused and targeted outcomes of the WTO'); engage strategically with Asia and ensure that EPAs are well implemented.⁴

Priority 7: An Area of Justice and Fundamental Rights Based on Mutual Trust

The Commission will concentrate on **the implementation of the European Agenda on Security** and in particular make a proposal to revise the 2008 Framework Decision on terrorism to tackle the phenomenon of foreign terrorist fighters, review and improve the legislative framework for controlling firearms and present a proposal on combatting fraud and counterfeiting on non-cash means of payment. On 18 November, the

Commission adopted a [package](#) of measures on firearms and on 2 December, [measures](#) to combat terrorism (a new [proposed](#) directive) and illegal trafficking of firearms and explosives.

Work will continue on the accession of the EU to the European Convention on Human Rights.

The pending proposals for adoption by the co-legislators emphasised by the Commission are the data protection proposals (general data protection [regulation](#) and [directive](#)); the [proposal](#) on the European Union Agency for Law Enforcement Cooperation and Training (Europol); the Passenger Name Record (PNR) [proposal](#) (on all three of these, the EP and Council have since reached agreement on the texts); the [proposal](#) on the establishment of the European Public Prosecutor's Office; and the [proposal](#) on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

Priority 8: Towards a New Policy on Migration

The new (or key) initiatives falling under this priority are:

- **Better Migration Management.** As far as legal migration is concerned, the initiative will include an extension of the Blue Card approach. Regarding asylum and refugees, it will include a proposal for a structured system on resettlement of refugees as well as a revision of the Dublin system for allocation of responsibility for asylum applications. The Commission wishes to reinforce the role of the European Asylum Support Office (EASO) and to overhaul the Common European Asylum System.
- **Border Management Package.** In this area, the Commission has now made proposals ([presented](#) on 15 December 2015) to make progress towards a European Border and Coast Guard, building on a significant reinforcement of Frontex.

Confronted in 2015 with an unprecedented migrant crisis, in May 2015 the Commission presented a [European Agenda on Migration](#) to tackle the challenge of migration management, including a set of immediate measures to respond to the emergency situation. In 2016, it will place the emphasis on rethinking the management of the common external border and the European asylum framework. It will also push for the implementation of the [Action Plan on return](#) and agreements on pending proposals within the European Agenda on Migration.

Pending proposals prioritised for adoption by the co-legislators are the [proposal](#) on a permanent crisis relocation mechanism and the [proposal](#) on an EU common list of safe countries of origin.

Priority 9: A Stronger Global Actor

The key initiatives falling under this priority are:

- **A Post-Cotonou Framework**, i.e. a new policy framework covering the relations between the EU and the African, Caribbean and Pacific countries.
- **Capacity-building in the security sector.** The Commission intends to review and further develop the EU instruments dedicated to security and development in third countries (including possibly creating a new one), in order to help them improve security-sector governance and capacity-building.

- Pointing out the importance of the external dimension to deliver on major internal policy objectives related to migration, energy and climate change, the Commission will make a 'substantive' **contribution to the Global Strategy on Foreign and Security Policy**, prepared under the responsibility of the High Representative/Vice-President.

Additionally, the Commission will work to strengthen the partnership with Turkey and support the work of the High Representative/Vice-President towards deepening bilateral relations with other key partners, such as China and, subject to the full implementation of the nuclear agreement, Iran.

Priority 10: A Union of Democratic Change

The main initiative falling under this priority is the **proposal for an Inter-institutional Agreement on a mandatory Transparency Register** for interest representatives seeking to influence policy-making in the European Parliament, the Council and the Commission.

The Commission also wished, with the co-legislators, to work towards the conclusion of the negotiations, by the end of 2015, of a new Inter-institutional Agreement on Better Law-making⁵ (the three institutions' negotiators concluded discussions in December 2015, and the resultant text is to be submitted to plenary for approval in 2016) and keep on strengthening dialogue with national Parliaments as well as its 'Citizens' Dialogues.⁶

The pending [proposal](#), on the possibility of restricting or prohibiting the use of genetically modified food and feed, was [rejected](#) by the EP on 28 October 2015.

Withdrawals and modifications of pending proposals and repeals

The Commission proposes to withdraw or amend 20 pending legislative proposals by April 2016, as against 80 in the 2015 CWP and 30 a year over the previous five years. The proposals to be withdrawn are, according to the Communication 'earlier Commission proposals which are no longer relevant, have been blocked or no longer meet the necessary level of ambition'. The Commission will only confirm [withdrawals](#) after having heard the European Parliament's views.

Proposals to be withdrawn within six months if no agreement is reached by the co-legislators are the 2013 [proposal](#) on statistics of goods transport by inland waterways and the 2013 [proposal](#) on rail transport statistics.

To be withdrawn and replaced by new or modified proposals are the 2011 [proposal](#) on a Common Consolidated Corporate Tax Base (CCCTB); the 2013 [proposal](#) on establishing an Entry/Exit System (EES) to register entry and exit data of third-country nationals crossing the EU's external borders, the 2013 [proposal](#) establishing a registered traveller programme (RTP) and the 2013 [proposal](#) on the use of the EES and the RTP (Smart Borders Package). For these three proposals the Commission announced in its European Agenda on Migration its intention to present modified proposals in 2016.

The 2013 [proposal](#) on the common system of value added tax as regards a standard VAT return, is proposed to be withdrawn because the draft compromise text has, according to the Commission, 'denatured' the initial proposal. Other proposals are to be withdrawn either because there is no prospect of agreement in Council or because they are obsolete and/or overtaken or superseded by another piece of legislation or proposal.

The 2016 CWP also includes the list of legal acts (28) that the Commission intends to repeal. In a few cases, the envisaged repeal is related to the adoption of a future piece of legislation.

European Parliament position

Ahead of the Programme's adoption by the Commission on 27 October, the EP adopted a non-legislative [resolution](#) on 16 September on the 2016 CWP, tabled by the EPP, S&D, ALDE and Greens/EFA groups. Welcoming the focus of the Commission on the 10 strategic priorities, the EP 'urges the Commission to use its right of initiative to its full extent in order to give the Union clear leadership...' and 'reaffirms the importance it attaches to the "Community method", the transparency of the legislative process, democratic legitimacy and the role and responsibility of national parliaments'.

Welcoming the then-ongoing negotiations on a new inter-institutional agreement on better law-making that should lead to 'improvements in the quality of the Commission's legislative drafting, the strengthening of its impact assessment of draft laws', the Parliament recalls its view 'that better law making should not be seen as a tool for deprioritising areas falling within EU competences and that political decisions within the democratic decision-making process should prevail over technical assessments'. Pointing out that it expects the Commission to present a list of legislation and proposals to be reviewed or repealed, the EP also stressed that 'REFIT must not be used as a pretext for lowering the level of ambition on issues of vital importance, for deregulating or for lowering social and environmental standards'.

Covering the whole spectrum of the strategic priorities, the EP resolution provided very detailed recommendations for the 2016 CWP, including on withdrawals and REFIT actions. It notably expected a proposal for the next phase of the Europe 2020 Strategy for Growth and Jobs and mentioned that the Strategy 'should be supported by full use of the European Fund for Strategic Investments and a revised MFF 2014-20', urged the Commission to follow up on the 'five presidents' report' and to come forward with the measures required to make the EMU more resilient and called for a comprehensive and global approach to asylum and migration policy. To fight tax fraud and tax evasion, the EP in particular called on the Commission 'to come up with a communication to develop an EU definition of tax havens'.

Main references

[Setting EU priorities 2014-2019](#) – The ten points of Jean-Claude Juncker's political guidelines, European Parliamentary Research Service, 2014.

[European Commission's 2015 Work Programme](#), European Parliamentary Research Service, 2015.

[The ten priorities of the Juncker Commission: State of play a year on](#), European Parliamentary Research Service, 2015.

[Mapping the Cost of Non-Europe, 2014-2019](#), European Parliamentary Research Service, Third edition (April 2015).

Endnotes

¹ Several of the initiatives listed in the 2016 CWP have been adopted by the Commission since its publication on 27 October 2015. This is the case, for example, with the 18 November [package](#) of measures on firearms and the 2 December Circular Economy [package](#).

² To keep legislation simple – not to go beyond what is strictly necessary to achieve policy goals and to avoid overlapping layers of regulation – the Commission uses its Regulatory Fitness and Performance Programme

([REFIT](#)). Under REFIT, the Commission screens the entire stock of EU legislation on an on-going and systematic basis to identify burdens, inconsistencies and ineffective measures and corrective actions. The actions include, for example, legislative initiatives to simplify and reduce regulatory burden, the proposed repeal of legislation, the withdrawal of proposals with little chance of adoption or whose initial objectives can no longer be achieved, as well as evaluations and Fitness Checks to examine the relevance, coherence, efficiency, effectiveness and EU added value of EU legislation.

- ³ Several of the pending proposals listed in the 2016 CWP as priorities for the Commission have seen significant progress made towards adoption since the publication of the CWP on 27 October 2015.
- ⁴ Economic Partnership Agreements (EPAs).
- ⁵ The Commission's original [proposal](#) from May 2015 was for an IIA on 'better regulation', but the negotiators finally agreed on an [IIA on better law-making](#).
- ⁶ Built on the model of 'town hall meetings' or local fora during which politicians debate with citizens, [citizens' dialogues](#) allows Members of the Commission to listen directly to citizens and reply to their questions.

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