

# Adjusted European Commission work programme 2020

## Updated overview for parliamentary committees

### SUMMARY

This briefing is intended as a background overview for parliamentary committees (and their respective secretariats) who are planning their activities in relation to the adjusted European Commission work programme for 2020 (adjusted CWP 2020), adopted on 27 May 2020.

The initial CWP 2020 was adopted by the Commission on 29 January 2020, before the coronavirus outbreak in Europe. Since the beginning of the crisis, the Commission's focus has been on 'protecting lives and livelihoods', through the adoption of 291 decisions (figure up to 27 May) and other acts aimed at mitigating the impact of the crisis. As stated by the Commission, 'almost all of these were neither planned, nor were featured in the original CWP 2020 published in January'. These extraordinary efforts have therefore had consequences for the execution of the work programme.

Our analysis shows that the adjustments made by the Commission regarding both the scope and timing of the CWP do not appear to be significant. In terms of scope, no planned **legislative initiative** was cancelled (and two legislative initiatives were added). In terms of timing, the adjustments made generally involve some limited delay compared to the timing originally planned. Analysis of legislative initiatives (the focus of this briefing) in Annex I/New initiatives and Annex II/REFIT initiatives, reveals that, out of the 35 legislative proposals originally planned, 21 retain the same envisaged timeframe in the adjusted CWP and 14 are delayed, in general by one to two quarters. Only two legislative initiatives are delayed by a full year. Furthermore, out of three **legislative/non legislative initiatives**, one has retained the original timing, one was delayed by one quarter and one by two quarters.

Based on the information in the adjusted CWP, it appears that the Commission will present (or has presented) **26 legislative proposals during 2020**: 3 legislative proposals in the first quarter (Q1), 0 in Q2, 7 in Q3 and as many as 16 in Q4 (these numbers include two new initiatives from the adjusted CWP). The remaining **11 legislative proposals have been moved to 2021**, whereas 2 new initiatives were added.

This briefing updates our previous analysis on the original CWP 2020 ([PE 631.767](#)).

The briefing is structured as follows: first, it gives context for the Commission Work Programme 2020 (CWP 2020) by providing relevant chronological milestones (the original CWP from January 2020 and the adjusted CWP from May 2020). This is followed by a comparison of the two CWP 2020 iterations, most notably, by focusing on the changes introduced in the adjusted CWP from May 2020. Given that major initiatives are included in Annex I and Annex II of the CWP (and that, in addition, changes to the original CWP relate only to these two annexes), the briefing provides a more detailed analysis of the two annexes.

As indicated above, most of the changes in the adjusted CWP relate to some (generally slight) delays in the envisaged date for legislative proposals – these are considered in some detail further in the briefing.

Finally, the briefing includes information on two types of European Parliamentary Research Service (EPRS) publications which might be of interest to relevant committees (and their respective secretariats) in their consideration of the upcoming legislative proposals. These are: Initial Appraisals of Commission Impact Assessments (provided by the Ex-Ante Impact Assessment Unit, IMPA) and Implementation Appraisals (provided by the Ex-Post Evaluation Unit, EVAL).

Last but not least, the Annex to this briefing contains an overview of legislative initiatives included in the adjusted CWP 2020. Each initiative includes the following information: a) whether the initiative is 'new initiative' (Annex I) or a 'REFIT initiative' (Annex II); b) committee concerned (note that this is a very tentative indication and subject to change); c) timing of the initiative, including where relevant, the original CWP timing and the adjusted CWP timing; d) assumed type of initiative; and e) information on whether an impact assessment is planned or not.

## Two versions of the 2020 Commission work programme

The European Commission initially presented its CWP 2020 ([COM\(2020\) 37](#)) on 29 January 2020, under the title: 'A Union that strives for more'. The CWP sets out a targeted agenda to implement the [six priorities](#) for 2019-2024, originally presented in President von der Leyen's [political guidelines](#) and the key initiatives that support them. The six priorities are:

- A European Green Deal;
- An economy that works for people;
- A Europe fit for the digital age;
- Promoting our European way of life;
- A stronger Europe in the world; and
- A new push for European democracy.

The Commission presented the CWP 2020 in the form of a [communication](#), with five annexes providing greater detail on the Commission's legislative and non-legislative intentions for 2020. The communication is structured according to the six priorities and focuses on the priorities for the European Parliament and those in the [European Council's Strategic Agenda for 2019-2024](#). The work programme focuses particularly on the opportunities that can be generated by 'the twin ecological and digital transition'. According to the CWP 2020, the [UN Sustainable Development Goals](#) will be placed at the centre of EU policy-making.

Underlining its strong commitment to strengthen its special relationship with the European Parliament, the Commission supports a right of initiative for the Parliament. It envisages that [Better Regulation](#) will continue to be the main tool for designing and evaluating EU policies and laws and will draw on the benefits of strategic foresight for the design and implementation of policies in the years to come. Interestingly, the CWP 2020 explicitly refers to the application of a 'one in, one out' approach (although it does not provide any further explanation).<sup>1</sup>

In terms of the **number of legislative initiatives** (which are in the focus of this briefing), the **original CWP 2020 envisaged a total of 35 proposals for legislative acts**: 25 legislative acts (new initiatives, presented in Annex I) and a further 10 legislative initiatives (REFIT initiatives, essentially revisions of existing legislation, presented in Annex II). The timing of the initiatives was skewed towards the end of year, with 2 legislative initiatives envisaged for Q1 2020, 3 for Q2, 8 for Q3 and as many as 22 legislative initiatives envisaged for Q4 2020.

In terms of the **overall tone**, the original CWP, designed before the Covid-19 crisis, presented an optimistic prospect for the future – '[a]fter years of crisis management, Europe [could] now look forward again'. The Commission noted that the Europe's economy was 'now growing for the seventh consecutive year' and predicted such a trend 'to continue this year and next.'

## Covid-19 forces the Commission to focus on crisis management efforts

The Covid-19 outbreak in Europe forced the Commission to refocus, on 'protecting lives and livelihoods'. The Commission adopted many decisions and other acts in response to the crisis (291 acts as reported on 27 May). It goes without saying that the Commission's extraordinary efforts in tackling the Covid-19 pandemic have had consequences on the execution of its work programme planned before the pandemic, resulting in the adjusted work programme for 2020 ([COM\(2020\) 440](#)). This revision of the original CWP, initially planned for 29 April, was presented on 27 May 2020, together with the revised [Multiannual Financial Framework](#) (MFF) and the [Recovery Plan for Europe](#).

## Adjustments neither affect the scope nor greatly delay timing of the initiatives

The Commission's adjustments in terms of both the CWP's scope and timing do not appear to be significant. In terms of scope, **no planned initiative was cancelled** (and two legislative initiatives were added). In terms of timing, the adjustments made generally involve **some delay compared to the timing originally planned** – usually by one to two quarters

Of the **25 originally planned legislative initiatives from Annex I**, as many as **15 retain their original timing**, while 4 initiatives have been delayed by 1 quarter and 4 by 2 quarters. Furthermore, two of the legislative initiatives from Annex I have already been adopted at the time of drafting this paper (European Climate Law on 4 March and Just Transition Fund on 14 January 2020).

As for the **10 legislative initiatives from Annex II** that were originally planned for 2020, **6 have been delayed to 2021**. Notably, the biggest delay across the adjusted CWP pertains to two Annex II initiatives (review of Directive 2002/65/EC on the distance marketing of consumer financial services, and Uniform rounding rules), which have been delayed for a full year (from Q4 2020 to Q4 2021).

The Commission indicates that those initiatives that are essential or support the immediate recovery would be adopted as planned in the initial CWP 2020. These include: the strategy for sustainable and smart mobility, the renovation wave strategy, the strategy for smart sector integration, the digital services act, the reinforcing of the youth guarantee, and the white paper on an instrument on foreign subsidies. In addition, the Commission communication states that a certain number of urgent major initiatives delayed by the pandemic (the new pact on migration or the updated skills agenda for Europe), will be adopted 'as swiftly as possible', while others will be delayed until later in the year or to early 2021, in order to make sure they 'can be well prepared and consulted on'.

The adjusted CWP 2020 has also enabled the Commission to reiterate the importance of the **Better Regulation** principles, which, in the Commission's words 'must continue to be at the heart of our law-making'. In this regard, the Commission confirmed that its communication on Better Regulation would be presented in Q4 2020 (originally envisaged for Q2 2020).

In addition, in its communication on the adjusted CWP, the Commission announced that:

- It is setting up the **fit-for-future** platform (F4F), with a view to involving stakeholders and all levels of government in simplifying and modernising EU legislation, as 'the crisis also strengthens the need to alleviate unnecessary regulatory burden at a time when Europe is set to kick-start its economy'. The platform was [launched on 11 May](#), and its [website](#) is already online;
- It intends to expand **public consultations and feedback** opportunities for initiatives to be delivered in 2020 or early next year, as 'the Covid-19 related crisis has made it harder for European citizens to have their say'. Where possible, the consultation period would be extended by up to an additional six weeks, while public consultations would not be launched at this stage for initiatives rescheduled for a later date, unless duly justified;
- The first **annual strategic foresight report**, envisaged to be presented in Q3 2020, intends to take the impact of the public health crisis on major trends and policy responses into account. In line with the EU recovery plan, the report would give 'special

attention to the need for the EU and its Member States to build up its resilience towards present and future systemic shocks, such as the Covid-19 crisis'.

The communication also states that 'the recovery will need strong policy direction, as well as investment', as outlined in the Commission communication on the EU recovery plan, and that 'this will be further reflected with new proposals mentioned in the Commission's Letter of Intent to the European Parliament and Council on the occasion of President von der Leyen's **State of the Union address in September 2020**'; these would then feature in the CWP 2021, to be adopted in October.

## Annexes to the adjusted Commission work programme 2020

The Commission's original communication on the CWP 2020 includes **five annexes**. The adjusted CWP retains this structure, and makes adjustments only to the initiatives from Annex I (new initiatives) and Annex II (REFIT initiatives).

The table below gives an **overview of the Commission initiatives from the adjusted CWP 2020**. These include legislative, non-legislative, combined (i.e. a mix of legislative and non-legislative measures), and 'unknown' types of initiative. The initiatives are usually clustered in '**dossiers**' **indicating the policy objective of several initiatives**. As an example, the European Green Deal 'dossier' contains one legislative and two non-legislative initiatives.

Table 1 – Adjusted CWP 2020 Annexes

Annex	Dossiers	Dossier files
<b>Annex I: New initiatives</b>	43 dossiers	<b>27 new legislative initiatives</b> (25 from the original CWP and 2 added initiatives) <b>3 legislative and non-legislative initiatives</b> 65 non-legislative initiatives 1 unknown type of initiative <sup>2</sup>
<b>Annex II: REFIT initiatives</b>	44 dossiers	<b>10 legislative initiatives amending existing legislation</b> 33 non-legislative initiatives (evaluations, fitness checks and reports) 1 unknown type of initiative
<b>Annex III: Priority pending proposals</b>	126 dossiers	126 priority files
<b>Annex IV: Withdrawals</b>	32 dossiers	32 intended withdrawals
<b>Annex V: Envisaged repeals</b>	2 dossiers	2 intended repeals

Source: Authors' elaboration of CWP 2020 and the adjusted CWP 2020.

- **Annex I** includes 43 dossiers linked to the von der Leyen Commission's six priorities. Each dossier includes at least one legislative or non-legislative initiative. The **non-legislative** initiatives include: 15 initiatives linked to the European Green Deal priority (communications, action plans and strategies); 12 initiatives linked to the digital age priority (strategies, follow-up, white papers); eight initiatives linked to the 'economy that works for people' priority; eight initiatives linked to the 'stronger Europe in the world' priority; eight initiatives linked to 'promoting our European way of life' and 14 initiatives connected with the 'new push for European democracy'. **Legislative initiatives** include seven initiatives related to the European Green Deal, ten related to 'a Europe fit for the digital age' (one addition compared to the original CWP: 'A strategy for Europe - fit for the digital age ex-ante competition tool'), six to 'an economy that works for Europe' (one addition compared to the original CWP: 'Revision of the Directive on automatic exchange of information'), one to 'a stronger Europe in the world', two initiatives are linked to 'promoting our European way of life', and one is planned for 'the

new push for European democracy'. Furthermore, Annex I includes three legislative/non-legislative initiatives.

- **Annex II** includes 44 dossiers corresponding to 44 initiatives for regulatory simplification, including both legislative and non-legislative initiatives. Annex II is the same as in the original CWP – no initiative has been added. This annex announces 25 evaluations, 7 revisions, 4 fitness checks, 5 reviews, a report, a targeted modification and an extension of a regulation. In total, it includes **10 legislative initiatives**.
- **Annex III** includes 126 pending priority initiative files, of which 56 are related to the multiannual financial framework (MFF). The annex also contains a proposal from the High Representative of the Union for Foreign Affairs and Security Policy. The priority pending proposals are also divided according to the six von der Leyen Commission priorities.
- In **Annex IV**, the Commission provides a list of 32 pending legislative proposals that it intends to withdraw by July 2020.<sup>3</sup> These proposals will be withdrawn because they are either obsolete (23), or because no agreement is envisaged (8), or both (1).
- The list of repeals included in **Annex V** only contains two files regarding existing legislation that the Commission plans to repeal.<sup>4</sup>

## Focusing on Annexes I and II

As already noted, the **adjustments made** by the Commission do not appear to be significant, neither in terms of their scope nor in terms of the timing. **No planned initiative was cancelled** (and two legislative initiatives were added). The adjustments made generally involve **some delay, compared to the timing originally planned**.

### Adjusted CWP 2020 Annex I

**Annex I** of the adjusted CWP includes 43 general dossiers – policy objectives structured according to the von der Leyen Commission's priorities presented in 2019. The actual number (93) of (legislative, non-legislative or 'mixed' legislative/non legislative) initiatives included in this annex is in fact twice as high. This difference is due to the fact that some of these dossiers include several individual legislative or non-legislative initiatives (see Table 1). The majority of the initiatives included in Annex I are non-legislative initiatives (65). One new non-legislative initiative has been added in Annex I of the adjusted CWP (Tax good governance in the EU and beyond, linked to the 'economy that works for people' priority).

As for the **legislative initiatives**, Annex I includes a **total** of **27** legislative files: **25** from the **original CWP 2020** and **2** initiatives **added in the adjusted CWP**. These are:

- the ex-ante competition tool linked to the 'Europe fit for the digital age' priority;
- the revision of the Directive on automatic exchange of information, linked to the 'economy that works for people' priority;

In three cases, the Commission envisages presenting both a legislative and a non-legislative initiative. These **'combined' initiatives** are:

- 'a new pact on migration and asylum' and accompanying legal proposals,
- the action plan to fight tax evasion and to make taxation simple and easy,
- 'disinformation – getting the facts right'/European democracy action plan.

In one case, the type of initiative is not specified at all (point 18, Annex I).

According to the adjusted CWP, **of 27 legislative initiatives from Annex I, a large majority (22) will be accompanied by an impact assessment**. Among the remaining five are: two already adopted legislative initiatives for which no impact assessment was provided (the Just Transition Fund and the European Climate Law), and three initiatives with no indication that an impact assessment will be provided (revision of the Directive on automatic exchange of information, the 8th environmental action programme, and the Agreement between EU and ACP countries). Of the

three 'combined' legislative and non-legislative initiatives, two will be accompanied by an impact assessment, while for one ('a new pact on migration and asylum'), there is no indication that it will be accompanied by an impact assessment. Finally, it is interesting to note that one non-legislative initiative will be accompanied by an impact assessment (2030 climate target plan).

## Adjusted CWP 2020 Annex II

**Annex II** is also structured according to the von der Leyen Commission priorities. It includes **44 general dossiers**, the difference here being that each dossier includes only one initiative. Annex II is however less explicit, compared to Annex I, in terms of type of initiative (legislative or not), and timing of initiative. Although the type of the majority of the initiatives can be assumed in most cases, a clear indication of the legislative or non-legislative nature of each initiative would provide greater clarity in Annex II.

There appear to be **10 legislative initiatives in Annex II in total** (8 legislative initiatives and 2 additional legislative initiatives can be assumed, as they concern changes to existing legislation (initiatives 26 and 27).

As to whether these initiatives will be accompanied by an **impact assessment**, Annex II explicitly notes that **eight legislative initiatives (as well as one non legislative initiative) will be accompanied by an impact assessment.**

Not all initiatives included in the annexes are described in the same **level of detail in the CWP**. The content of the initiatives included in Annex II (REFIT) are generally more detailed than those included in Annex I. Some are rather general and do not allow direct identification of the legislative act concerned, while other points provide a clear and specific reference to the legislation that is likely to be impacted by the Commission's legislative proposals, such as the majority of legislative initiatives included in Annex II.

Finally, it is pertinent to note that the general distinction between Annex I legislative initiatives ('new' initiatives) and Annex II legislative initiatives ('REFIT' initiatives, i.e. those revising/amending existing legislation) is not always followed through. Thus, Annex I ('new' initiatives) includes several initiatives that will amend existing legislation and could have been more appropriately included in Annex II ('REFIT' initiatives) – the review of the Directive on security of network and information systems (Annex I, point 12), for example. The CWP does not provide an explanation for this, although it might be assumed that Annex I might have higher political weight and corresponding visibility and might thus be chosen for the 'prominent' legislative initiatives.

## CWP disclaimer and timing of legislative proposals

### Disclaimer – Possibility of more (or fewer) initiatives than planned

The January communication on the original CWP 2020 stresses that the set of initiatives contained in the annexes is **neither exhaustive nor definitive**. It further notes that 'more challenges and opportunities will emerge over the course of the year and the Commission will be ready to act swiftly'. Indeed, this is exactly what happened – in its efforts to manage the crisis, the Commission had to act swiftly, address burning issues and thus readjust its original planning. Along the same lines, the adjusted CWP 2020 from May notes that the information provided 'is **indicative only and subject to change**' (although the 'disclaimer' from the adjusted CWP is more narrow in scope and refers essentially to possible changes in view of the future outcome of the impact assessment process, rather than the more 'general' disclaimer in the original CWP which refers to 'future challenges and opportunities').

Importantly, the CWP 2020, both in its original and adjusted version, does not exclude the possibility that the Commission may submit proposals in addition to those announced. The reverse is also true, as it is possible that the Commission may decide not to submit a proposal included in the CWP 'in

view of the outcome of an impact assessment process' (e.g. the impact assessment might indicate that the 'no change' option is the best of several options considered).

A further uncertainty in Annex II is the Commission emphasis that Annex II sets out only the 'most significant revisions, evaluations and Fitness Checks'.<sup>5</sup> It is therefore reasonable to conclude that additional revisions, evaluations and Fitness Checks may be presented during the year.

Neither Annex I nor Annex II of the CWP should therefore be taken as absolute in enumerating upcoming legislative initiatives.

Another uncertainty concerns the fact that the Commission does not consistently stipulate whether the planned REFIT initiative is **legislative or a non-legislative**. While Annex I provides clear information on this for most (although not all) initiatives, Annex II does not.

Finally, both the original and the adjusted CWP clearly state that the position of an initiative does not change the responsibilities set out in the mission letters sent to every Member of the College by President von der Leyen.<sup>6</sup>

## Timing – Some, although not significant, delays

As for the **timing of the initiatives**, Annex I includes more precise information of the timing for each of the initiatives (indicating the quarter of the year in which the initiative is expected, both the original and the adjusted quarter, so that delays compared to the original planning are easy to spot, as well as the difference between the two). To the contrary, the timing of the Annex II initiatives is rather general, simply indicating that most initiatives will be (or have been) finalised by the end of 2020, with the exception of 11 to be finalised at a later stage (these are marked with asterisk in the adjusted CWP). These include six legislative initiatives, two of which are delayed for a full year.

To gain a clear understanding of the timing of CWP initiatives, the information contained in Annex II should be read together with additional Commission documents, such as tentative agendas for forthcoming Commission meetings, roadmaps or inception impact assessments. This, to a lesser degree, is also relevant for Annex I initiatives, as despite precise information given in Annex I on the timing of initiatives, changes are possible during the year.

As noted above, the **adjustments made by the Commission regarding both the scope and timing of the CWP do not appear to be significant**. In terms of scope, no planned initiative was cancelled. As noted in the adjusted CWP communication, 'the Commission is determined to deliver on the commitments made in its Work Programme'.

## Details of adjustments to timing for Annex I and Annex II are as follows:

### Annex I (new initiatives)

Out of a total of 93 initiatives in the original CWP Annex I,<sup>7</sup> 25 have already been adopted<sup>8</sup> and 39 initiatives retain their original timing. Some 29 initiatives have been delayed to later in 2020 or 2021. Among these, the majority (21) have been delayed by 1 quarter, while 7 have been delayed by 2 quarters and 1 initiative is delayed without indicating the quarter compared to the original timing.<sup>9</sup>

Regarding **Annex I legislative initiatives only**, out of a total of 27 legislative files in Annex I, 4 initiatives have been delayed by 1 quarter and 4 by 2 quarters. Two of the legislative initiatives from Annex I have been adopted at the time of drafting this paper (European Climate Law and Just Transition Fund). The majority (15 legislative initiatives) retain their original timing. As noted earlier, two new legislative initiatives were added in the adjusted CWP Annex I.

As to the adjusted/current timing of the legislative initiatives, the Commission intends to submit 6 legislative proposals in the third quarter of 2020, 14 in the fourth quarter of 2020, 4 in the first quarter of 2021, and 1 in the second quarter of 2021. Finally, it plans to submit the three legislative and non-legislative proposals in 2020 – one in Q2 and two in Q4.<sup>10</sup>

## Annex II (REFIT, including significant revisions, evaluations and Fitness Checks)

As indicated above, unlike Annex I, the majority of the initiatives from Annex II do not include a specific date for intended submission of an initiative. Out of a total of 44 initiatives in Annex II, only 11 initiatives include timing. It is thus impossible to gauge possible future delays for most of the Annex II files with any kind of certainty, except for these 11.

Concerning **Annex II legislative initiatives**, out of 10 legislative initiatives in Annex II, 6 have been delayed to 2021. Notably, the biggest delay across the adjusted CWP pertains to two Annex II files – review of Directive 2002/65/EC on the distance marketing of consumer financial services, and Uniform rounding rules (both originally planned for Q4 2020 and delayed to Q4 2021).

Table 2 shows the division of the legislative proposals for both Annex I and Annex II according to the quarter in which they should be proposed.

Table 2 – Chronological schedule for CWP 2020 legislative proposals

	Q1 2020	Q2 2020	Q3 2020	Q4 2020	2021
Annex I	2	0 (1) <sup>11</sup>	6	14 <sup>12</sup>	5
Annex II	1	0	1	2	6

Source: EPRS.

Finally, three 'combined' legislative/non-legislative proposals are all expected in 2020 (Q3, Q4, Q4).<sup>13</sup>

## Division of legislative initiatives by parliamentary committee

Analysis of the CWP shows that the intended legislative initiatives included in Annexes I and II do not cover all parliamentary committees. It seems that, on the basis of the CWP 2020, 13 parliamentary committees are likely to address (or have addressed) legislative initiatives in 2020.

The annex to this briefing presents an overview of legislative initiatives included in Annexes I and II of the CWP, provisionally divided by **parliamentary committee**. Needless to say, it is not always possible to determine with certainty which committee(s) will be responsible for which file. Thus, the **'committee' column** should be taken as a **very tentative indication**. Once the proposals are adopted by the Commission and are referred to the Parliament, the final decision will be subject to the official referral procedure, results of which might well differ from our tentative prediction. The difficulty is amplified by the fact that information on the scope of the future proposals is insufficient to allow for a more certain allocation of files per committee (the digital services act or the initiative on artificial intelligence for example).

Table 2 includes both the original timing for the legislative proposal and, where this has been changed, the adjusted timing (quarter in which the legislative proposal is expected to be submitted by the Commission).

## Overview of further reading

This section provides information about two types of European Parliamentary Research Service (EPRS) briefings which might be of interest to parliamentary committees (and their respective secretariats) in their consideration of the upcoming legislative proposals. These are: **initial appraisals of Commission impact assessments**, prepared by the Ex-Ante Impact Assessment Unit (IMPA), and **implementation appraisals**, prepared by the Ex-Post Evaluation Unit (EVAL) of the EPRS Directorate for Impact Assessment and European Added Value.

## Initial appraisals of Commission impact assessments - ex-ante perspective

Initial appraisals of Commission impact assessments are pro-active briefings prepared by IMPA, which provide a concise (usually up to eight pages in length) critical **overview and analysis of the quality of the European Commission impact assessments** (IAs) accompanying the latter's legislative proposals. Initial appraisals check that certain quality criteria have been met and identify the basic methodological strengths and weaknesses of the Commission's text, in the light of its own better regulation guidelines and relevant European Parliament resolutions.

They are transmitted to the committee(s) responsible and the committee(s) for opinion, whenever possible, at the initial stages of the committees' consideration of the corresponding legislative proposal. In accordance with the Interinstitutional Agreement on Better Law-Making of 13 April 2016, the European Parliament is committed to take full account of Commission IAs when considering the latter's legislative proposals. In this context, the initial appraisals of the Commission's impact assessments seek to support the informed and effective consideration of legislative proposals at committee stage by providing a focused and timely input, geared at promoting evidence-based policy-making. All initial appraisals are published and can be accessed on the [Parliament's Think Tank website](#) (see an [example](#)).

## Implementation appraisals - ex-post perspective

Implementation appraisals are pro-active briefings prepared by EVAL, providing **overview and analysis of the operation of existing EU legislation**. Implementation appraisals thus cover only those initiatives from CWP that revise existing legislation (excluding legislative proposals that do not amend existing EU legislation, i.e. entirely new EU legislation).

Implementation appraisals are primarily intended to support parliamentary committees in their detailed consideration of legislative proposals amending existing EU legislation. Specifically, their aim is to provide an overview and analysis of publicly available sources on the implementation, application and effectiveness of a piece of EU legislation throughout the various stages of the policy cycle. Sources used include – but are not limited to – published reports, communications and studies coming from the European institutions, European agencies and advisory bodies, as well as accessible documents from various external stakeholders, including national parliaments or European citizens.

Thus, implementation appraisals cover, as a rule, those legislative proposals included in the CWP submitted as part of the Commission's regulatory fitness and performance (REFIT) programme (essentially, revisions of existing legislation). Given that some of the 'new' initiatives from Annex I also include some revision to existing legislation, implementation appraisals can also cover legislation from Annex I.

The overall aim is to provide implementation appraisals for most CWP initiatives that revise/amend existing legislation, and certainly for those legislative initiatives that constitute legislative priorities in a given year.

Implementation appraisals are intended to be published before the legislative proposal reaches Parliament or, at the latest, before the parliamentary committee responsible starts its consideration of a legislative proposal. All implementation appraisals are publicly accessible on the [Parliament's Think Tank website](#) (see an [example](#)).

Finally, publications that might be of interest to committees in their consideration of forthcoming CWP proposals on Parliament's Think Tank website include [legislation in progress](#) briefings, the [legislative train schedule](#), and topical publications (for example on the [digital services act](#)).

## Conclusion

It is self-evident that the European Commission's extraordinary efforts to tackle the Covid-19 pandemic have consequences for the execution of a work programme planned before the pandemic. Our analysis shows that the Commission's **adjustments on both the scope and timing of the CWP do not appear to be significant**. In terms of scope, **no planned initiative was cancelled** (and two legislative initiatives have been added). Adjustments to the timing generally involve **some delay compared to the original plan** (usually one to two quarters later).

**Annex I** – Of the **25 originally planned legislative initiatives from Annex I, as many as 15 retain their original timing**, while 4 initiatives have been delayed by 1 quarter and 4 by 2 quarters. Two of the legislative initiatives from Annex I have been adopted at the time of drafting this paper (European Climate Law and Just Transition Fund).

**Annex II** – The picture is somewhat different for REFIT initiatives in Annex II (which include revisions of existing legislation). Here, **of 10 legislative initiatives originally planned for 2020, 6 are delayed to 2021**. Notably, the biggest delay across the adjusted CWP pertains to two Annex II files (review of Directive 2002/65/EC on the distance marketing of consumer financial services, and Uniform rounding rules, both originally planned for Q4 2020 and delayed to Q4 2021).

Based on the adjusted CWP, it appears that the Commission will present (or has presented) **26 legislative proposals in 2020: 3 legislative proposals in Q1, 0 in Q2, 7 in Q3 and 16 in Q4**.

These legislative initiatives are likely to be delivered to at least 13 parliamentary committees, as presented in the first column of the Annex to this briefing. However, it is not always possible to determine with certainty which committee(s) will be responsible for which file, **the 'committee' column of the chart** should be taken as a **very tentative indication**.

EPRS will provide (to the extent possible given time and resource constraints) parliamentary committees with two types of publications of possible interest in their consideration of CWP legislative proposals in 2020: **initial appraisals of Commission impact assessments**, prepared by the IMPA unit, and **implementation appraisals**, prepared by the EVAL unit.

Finally, the CWP 2020 contains only a general indication of the substance of forthcoming proposals. To obtain the full picture of any initiative included, additional information must be gleaned from other European Commission documents. Furthermore, the list of initiatives contained in the annexes is **neither exhaustive nor definitive** and may, as we have just seen, be adjusted later to fit changing circumstances.

## Annex: Division of legislative files in the adjusted CWP 2020 by parliamentary committee

- For committee assigned, see division of legislative initiatives by parliamentary committee above.
- Presentation refers to the date given in the adjusted CWP 2020 for the submission of the legislative proposal. The first date indicates the timing planned in the original CWP in January 2020, and the second the delayed timing from the May 2020 adjusted CWP.
- N (new initiatives) – legislative initiative included in Annex I of the adjusted CWP
- R (REFIT) – legislative initiative included in Annex II of the adjusted CWP

Committee (tentative)	Expected legislative initiative	Presentation (Quarter)	Assumed type of initiative	Impact assessment indicated
DEVE	Signature and conclusion of the Agreement between the EU and the countries of Africa, the Caribbean and the Pacific (N)	Q3 2020	New initiative	NO <sup>14</sup>
ECON/FISC	Action plan to fight tax evasion and to make taxation simple and easy (legislative and non-legislative) (N)	Q2 2020 > Q3 2020	New initiative	YES
ECON/FISC	Revision of the Directive on automatic exchange of information (new/May 2020) (N)	Q3 2020	Existing legislation	NO
ECON	Review of the Capital Requirements legislation (N)	Q2 2020-> Q4 2020	Existing legislation	YES
ECON	Proposal on crypto assets (N)	Q3 2020	New initiative	YES
ECON	Review of the regulatory framework for investment firms and market operators (MiFID II and MiFIR) (N)	Q3 2020	Existing legislation	YES
ECON	Cross-sectoral financial services act on operational and cyber resilience (N)	Q3 2020	New initiative	YES
ECON	Review of the Benchmark Regulation (N)	Q3 2020	Existing legislation	YES
ECON	Uniform rounding rules (R)	Q4 2020 > Q4 2021	Existing legislation	YES
ECON	A strategy for a Europe fit for the digital age – ex-ante competition tool (new/May 2020) (N)	Q4 2020	New initiative	YES
EMPL/ECON	European unemployment reinsurance scheme (N)	Q4 2020	New initiative <sup>15</sup>	YES
ENVI	European climate law enshrining the 2050 climate neutrality objective (N)	Q1 2020 adopted	New initiative	NO
ENVI	8th environmental action programme (N)	Q2 2020-> Q4 2020	New initiative <sup>16</sup>	NO
ENVI/IMCO	Revision of the EU Battery Directive (R)	Q4 2020	Existing legislation	YES
FEMM	Binding pay transparency measures	Q4 2020	New initiative	YES

Committee (tentative)	Expected legislative initiative	Presentation (Quarter)	Assumed type of initiative	Impact assessment indicated
	following European gender equality strategy (N)			
IMCO	Empowering the consumer for the green transition (N)	Q4 2020-> Q2 2021	New initiative <sup>17</sup>	YES
IMCO	Commission proposal to review Directive 2002/65/EC on the distance marketing of consumer financial services (R)	Q4 2020 > Q4 2021	Existing legislation	YES
IMCO	Revision of the General Product Safety Directive 2001/95/E (R)	Q4 2020 > Q1 2021	Existing legislation	YES
IMCO	Review of the Directive on security of network and information systems (NIS Directive) (N)	Q4 2020	Existing legislation	YES
IMCO	Proposal on customs single window (N)	Q3 2020 > Q4-2020	New initiative	YES
IMCO	Consortia Block Exemption Regulation (R) <sup>18</sup>	Q2 2020 > Q1 2020 adopted	Existing legislation	NO
IMCO	Targeted modification of the General Block Exemption (Commission) Regulation (R)	Q3 2020	Existing legislation	NO
IMCO	Common chargers for mobile phones and similar devices (N)	Q3 2020 > Q1 2021	New initiative	YES
ITRE	Review of the Roaming Regulation (N)	Q4 2020 > Q1 2021	Existing legislation	YES
ITRE	Revision of the Trans-European Energy Networks (TEN-E) Regulation (R)	Q4 2020	Existing legislation	YES
ITRE/JURI/LIBE	Follow-up to the white paper on artificial intelligence, including on safety, liability, fundamental rights and data (N)	Q4 2020 > Q1 2021	New initiative	YES
JURI	Review of the Non-Financial Reporting Directive (N)	Q4 2020 > Q1 2021	Existing legislation	YES
JURI/IMCO	Revision of the Machinery Directive 2006/42/EC (R)	Q4 2020 > Q1 2021	Existing legislation	YES
JURI/IMCO	Commission proposal to review Directive 2008/48/EC on credit agreement for consumers (R)	Q4 2020 > Q2 2021	Existing legislation	YES
JURI/IMCO	Digital services act (N)	Q4 2020	New initiative <sup>19</sup>	YES
LIBE	Disinformation – getting the facts right (new/May 2020)/European democracy action plan (legislative and non-legislative) (N)	Q2 2020 / Q4 2020	New initiative	YES
LIBE	Proposal for additional measures on critical infrastructure protection (N)	Q4 2020	Existing legislation	YES

Committee (tentative)	Expected legislative initiative	Presentation (Quarter)	Assumed type of initiative	Impact assessment indicated
LIBE	A new pact on migration and asylum and accompanying legal proposals (legislative and non-legislative) (N)	Q1 2020 > Q2 2020	Unknown	NO
LIBE	Strengthening of Europol's mandate (N)	Q4 2020	Existing legislation	YES
PECH	Revision of the Marketing Standards Regulation applicable to fishery and aquaculture products in the EU (R)	Q4 2020 > Q1 2021	Existing legislation	YES
REGI	Just Transition Fund (N)	Q1 2020 adopted	New initiative	NO
TRAN	Revision of airport charges (N)	Q4 2020	Existing legislation	YES
TRAN	Revision of the provision of air services (N)	Q4 2020	Existing legislation	YES
TRAN/ENVI	FuelEU maritime – green European maritime space (N)	Q4 2020	New initiative	YES
TRAN/ENVI	ReFuelEU aviation – sustainable aviation fuels (N)	Q4 2020	New initiative	YES

## ENDNOTES

- <sup>1</sup> In its communication on the CWP, the Commission announced it would develop a new instrument based on the 'one in, one out' approach that would 'ensure that newly introduced administrative burdens are offset by relieving people and businesses – notably SMEs – of equivalent administrative costs at EU level in the same policy area' (COM(2020) 37 final, pp. 9-10). Further information could be expected in the forthcoming communication on better regulation.
- <sup>2</sup> Fair minimum wages for workers in the EU (Annex I, point 18).
- <sup>3</sup> The intended withdrawals include legislative proposals for 16 regulations, 12 Council decisions, and 4 directives. The priority areas most concerned are: the European Green Deal, with 15 intended withdrawals, and 'a stronger Europe in the world', with 9 intended withdrawals.
- <sup>4</sup> The planned repeals are from the transport and taxation policy areas.
- <sup>5</sup> See the adjusted CWP – COM(2020)440, Annex II, p. 6, footnote 3.
- <sup>6</sup> Original CWP – COM(2020) 37 final, p. 2., and the adjusted CWP – COM(2020)440, p.2.
- <sup>7</sup> The figure 93 indicates the number of legislative, non-legislative and 'combined' legislative and non-legislative initiatives from Annex I in the original CWP. Note that three further initiatives were introduced to Annex I in the adjusted CWP (two new legislative initiatives and one new non-legislative initiative). Table 1 therefore includes 96 initiatives under Annex I.
- <sup>8</sup> Note that the 25 adopted initiatives include two unique cases. The first concerns the 'European unemployment reinsurance scheme' (EURES) initiative, planned for Q4 (legislative initiative, Annex I, point 18). The adjusted CWP notes that a 'temporary instrument' relating to this planned initiative has been adopted ('SURE' adopted in Q2). We include 'SURE' among the 25 adopted initiatives. However, the legal basis for the 'SURE' proposal is Article 122 TFEU (exceptional temporary response to the Covid-19 crisis), and the originally planned initiative is yet to be adopted in Q4. The second case concerns the planned 'Stepping up our engagement with the Western Balkans – the Commission's contribution to the Western Balkans Summit' initiative (non-legislative, Annex I, point 27). Originally planned for Q2, its 'timetable' is now split between 'adopted' and 'Q4 2020'. We include this initiative among the 25 adopted initiatives, while noting that the remaining part of the initiative has been delayed to Q4.

- <sup>9</sup> Green paper on ageing, Annex I, point 36.
- <sup>10</sup> Two legislative/non-legislative initiatives are expected in Q4 2020: the action plan to fight tax evasion and to make taxation simple and easy and 'disinformation – getting the facts right'/European democracy action plan. A third, 'a new pact on migration and asylum', originally planned for Q1, was initially delayed to Q2 and then again to [Q3](#).
- <sup>11</sup> The number in brackets indicates the adoption, albeit temporary, of one instrument. See endnote 8 above.
- <sup>12</sup> This number includes the European unemployment reinsurance scheme initiative (legislative, Annex I, point 18), planned for Q4, despite temporary instrument having been adopted. See also endnotes 8 and 11.
- <sup>13</sup> See endnote 10.
- <sup>14</sup> The Commission conducted an impact assessment, which accompanied the 2016 joint communication by the European Commission and the High Representative to the European Parliament and the Council – A renewed partnership with the countries of Africa, the Caribbean and the Pacific (JOIN(2016) 52 final), and a Commission recommendation for a Council decision authorising the opening of negotiations on a Partnership Agreement between the European Union and countries of the African, Caribbean and Pacific (ACP) Group of States (COM(2017) 763 final). This impact assessment was appraised by the EPRS Ex-Ante Impact Assessment Unit.
- <sup>15</sup> The Commission notes that the SURE temporary instrument was adopted in Q2 2020. See also endnote 8 above.
- <sup>16</sup> Formally a new initiative, although in substance it is a continuation of the 7th environmental action programme.
- <sup>17</sup> May include amendment of several legislative acts on consumer protection.
- <sup>18</sup> The Consortia Block Exemption Regulation was adopted on 24 March 2020; it is a Commission regulation rather than a legislative act. Nonetheless, it is included here to enable comparison with the March 2020 EPRS briefing on CWP.
- <sup>19</sup> Presumably partly a revision of the e-Commerce Directive.

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