

November 2017

Implementation appraisals following the Commission Work Programme 2018

This briefing is intended as a background overview for parliamentary committees planning their activities in relation to the European Commission's work programme 2018 (CWP). It gives (i) a brief description of the content of the work programme, and (ii) an explanation of what committees can expect in terms of *implementation appraisals* in the next few months from the Ex-Post Evaluation Unit in the European Parliamentary Research Service (EPRS). Implementation appraisals are pro-active briefings providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of an EU law, drawing on input from EU institutions and bodies, as well as external organisations.

1. General introduction on the content of the CWP

On 24 October 2017, the European Commission published and presented its work programme for 2018: 'An agenda for a more united, stronger and more democratic Europe'.¹ The CWP sets out a targeted agenda to complete the ten priorities of the Juncker Commission² and the strategies that underpin them.³ The CWP was presented by the European Commission in the form of a communication with various annexes providing fairly detailed information about the Commission's legislative intentions for 2018.

1.1. The CWP communication

The European Commission's [communication](#) explains the CWP's two-fold focus. The first focus is to complete the work in the priority policy areas established at the beginning of the Commission's mandate, and to table all legislative proposals no later than **May 2018**, so that Parliament and the Council have enough time to complete their legislative work before the upcoming elections to the European Parliament in June 2019.⁴ The second focus has a different perspective and follows the Commission's [white paper on the future of Europe](#) and the [State of the Union](#) 2017 address. As to concrete proposals, the communication is not very clear, since it merely provides a general description of the programme. More specific proposals are included in the CWP's annexes.

¹ COM(2017) 650 final.

² Regarding the progress of Commission initiatives linked to the Juncker Commission initiatives, see the [Legislative Train Schedule](#).

³ *ibid.*, p. 14.

⁴ COM(2017) 650 final, p. 2.

1.2. The CWP annexes

In addition to the Commission's communication, the CWP includes five annexes relating to:

- new (legislative or non-legislative) initiatives ([Annex 1](#)),
 - REFIT initiatives ([Annex 2](#)),
 - priority pending proposals ([Annex 3](#)),
 - withdrawals ([Annex 4](#)), and
 - repeals ([Annex 5](#)).
- **Annex 1** includes 26 dossiers. Each of these dossiers includes at least one initiative. The initiatives included in the dossiers can be legislative, non-legislative or both. The title of Annex 1 'new initiatives' can be misleading as the legislative initiatives included in this Annex are either:
 - (a) entirely new legislative initiatives introducing a brand new piece of legislation, or
 - (b) legislative initiatives amending the already existing legislation.
 - **Annex 2** includes 12 dossiers with 12 REFIT initiatives.⁵ The REFIT initiatives are exclusively legislative initiatives.
 - **Annex 3** includes a list of 66 priority pending proposals. 34 of these priority pending proposals are mentioned in the [Joint Declaration](#) on the EU legislative priorities for 2017, signed by the Presidents of the European Parliament, of the Council and of the Commission.
 - In **Annex 4**, the Commission provides a list of 15 pending legislative proposals which it intends to withdraw by April 2018.
 - The list of repeals included in **Annex 5** includes three files of existing legislation which the Commission envisages to repeal in the coming months.

The CWP also includes two infographics linked with its Annexes, namely on [new initiatives](#) (Annex 1) and on [priority pending proposals](#) (Annex 3). The European Commission in parallel published the REFIT scoreboard, its summary, a Commission Staff Working Document on overview of the Union's efforts to simplify and to reduce regulatory burdens,⁶ Q&A and a press release. All these documents are accessible on the [Commission's CWP website](#).

2. Focusing on Annexes 1 and 2

2.1. The uncertainties of the content

Neither Annex 1 nor Annex 2 of the CWP is absolute in enumerating possible upcoming legislative initiatives. Both annexes include a disclaimer, highlighting that the information included therein 'is indicative only and subject to change during the preparatory process, notably in view of the outcome of an impact assessment process'.⁷

⁵ REFIT is [the Commission's Regulatory Fitness and Performance Programme](#).

⁶ SWD(2017) 675 final.

⁷ See, Annex 1, p. 2 and Annex 2, p. 2.

Thus, it is possible that the European Commission will *not submit* a proposal that has originally been included in one of the annexes. Conversely, the CWP 2018 also does not exclude the Commission's *possibility to submit* a legislative proposal outside of its work programme.

Furthermore, when dealing with legislative proposals coming from the Commission, it is also necessary to take into account those proposals that were supposed to be presented according to the previous versions of the Commission work programme but have not yet been submitted.⁸

2.2. Annexes 1 and 2

Currently, Annex 1 includes 26 general dossiers structured according to the Juncker Commission's priorities as presented in 2014. The actual number of (legislative or non-legislative) initiatives included in this annex is in fact higher – 44. This difference is due to the fact that some of these dossiers include several individual legislative or non-legislative initiatives. The following tables provide an analysis of the different initiatives included in Annex 1 and Annex 2 of the CWP.

As shown in table 1, the majority of the initiatives included in Annex 1 are legislative initiatives (25), whereas the minority are non-legislative (14).⁹ In four cases, it is possible to presume that the Commission will present both a legislative and a non-legislative initiative. In one case, the type of initiative is not specified at all.¹⁰ According to the CWP, 24 legislative initiatives included in Annex 1 will be accompanied by an impact assessment. Four legislative files, despite being included among 'new initiatives' in Annex 1, are described as REFIT initiatives and as such should have been included in Annex 2.¹¹

Table 1: Legislative and non-legislative initiatives included in Annex 1

Total number of new legislative and non-legislative initiatives in Annex 1	44
Legislative initiatives	25
– <i>Legislative initiatives amending existing legislation</i>	9
– <i>'Brand new' legislative initiatives</i>	16
Legislative/non-legislative initiative¹²	4
Non-legislative initiative	14
Unknown	1

Similarly to the CWP's Annex 1, Annex 2 is also structured according to the Juncker Commission's priorities. It includes 12 general dossiers, with each dossier including only one initiative. According to the CWP, 11 initiatives included in Annex 2 will be accompanied by an impact assessment. Table 2 shows that the majority

⁸ This is the case, for example, for point 14 of Annex 2 CWP 2017 (on road infrastructure and tunnels safety) or point 3 of Annex 2 CWP 2017 (on Domain Name Regulation).

⁹ These figures are based on the assessment of the CWP 2018 at the time of its adoption.

¹⁰ See point 15 of Annex 1.

¹¹ See table 2.

¹² Annex 1 of the CWP does not provide an explanation of the term 'legislative/non legislative initiative'. Nonetheless, it can be assumed that the Commission has yet to decide about the final form of the initiative. Because of that, these initiatives have been treated in this briefing as both legislative and non-legislative.

of initiatives included in Annex 2 are legislative (11), while the character of one initiative is presently unknown.

Table 2: Legislative and non-legislative initiatives included in Annex 2

Total number of new legislative and non-legislative initiatives in Annex 2	12
Legislative initiatives	11
Unknown	1

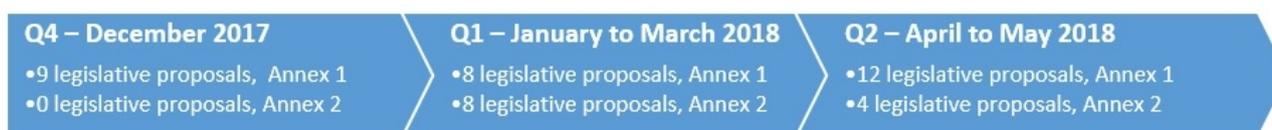
Not all initiatives included in the annexes have the same level of detail. Some are rather general and do not render possible a direct identification of a legislative act concerned, such as point 2 of Annex 1 on the multi-annual financial framework,¹³ or point 2 of Annex 2 on an initiative to streamline requirements in follow-up to a Fitness Check on Environmental Monitoring and Reporting. Some other points provide a clear and specific definition of the legislation that is likely to be impacted by the Commission's legislative proposals, such as point 20 of the Annex 1 on a revision of the Immigration Liaison Officers Regulation.

2.3. Timing issues

The timing of the legislative proposals included in both annexes is rather general, only referring to a given quarter of 2018 or the last quarter of 2017. In this respect, the CWP should be read together with additional Commission documents, such as [tentative agendas for forthcoming Commission meetings](#).

According to the information included in the CWP 2018, the Commission intends to submit 9 legislative proposals based on the CWP 2018 in the fourth quarter of 2017; in the first two quarters of 2018, the Commission intends to submit 16 legislative proposals. The following table shows the division of the legislative proposals according to the given quarter in which they should be proposed.

Table 3: Division of legislative proposals in time



¹³ For example, this particular point only announces a 'comprehensive proposal for the future Multi-annual Financial Framework beyond 2020 (Q2 2018) followed by proposals for the next generation of programmes and new own resources' without any other specification.

3. Implementation appraisals following from the CWP 2018

3.1. The concept of an implementation appraisal

Implementation appraisals are pro-active briefings providing a synthetic and succinct analysis (4-12 pages) of the operation of *existing* EU legislation (see section 1.2. above referring to Annex 1, point b)). They focus on specific pieces of secondary European law, directives or regulations, which are to be amended or reviewed by the co-legislators following legislative proposals envisaged in the Commission work programme. Implementation appraisals also cover those legislative proposals included in the CWP that are submitted as a part of the Commission's Regulatory Fitness and Performance ([REFIT](#)) programme.

Legislative proposals not amending existing EU legislation, non-legislative initiatives, implementing and delegated acts and international agreements included in the CWP, are *not* covered by implementation appraisals.

Implementation appraisals are primarily intended to support parliamentary committees in their detailed consideration of incoming draft European amending legislation. 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.

The aim is to publish an implementation appraisal before the legislative proposal reaches Parliament. At the latest, they are published before the responsible parliamentary committee starts its consideration of a legislative proposal. All implementation appraisals are publicly accessible on the [Parliament's Think Tank](#).

3.2. Implementation appraisals and the CWP 2018

According to the above-mentioned concept, some of the files included in the first two annexes of the CWP 2018 – new initiatives and REFIT initiatives – will be covered by implementation appraisals, drafted by the Ex-Post Evaluation Unit in the European Parliamentary Research Service (EPRS). The current analysis of the respective annexes shows that approximately

- 11 legislative initiatives included in Annex 1 (amending the existing legislation) and
- 10 REFIT initiatives included in Annex 2

will be (or already are) covered by an implementation appraisal.

It should be noted that the changing character of the files included in the CWP 2018¹⁴ could possibly influence the actual number of forthcoming implementation appraisals.

¹⁴ See Section 2.1 of this briefing.

4. Division of intended legislative initiatives according to parliamentary committee

The analysis of the CWP shows that the intended legislative initiatives (beyond those qualifying for implementation appraisals as stated before) included in Annexes 1 and 2 do not cover all parliamentary committees. Only 12 parliamentary committees can probably expect a legislative proposal based on the CWP 2018 by May 2018.

The Annex to this briefing presents an overview of legislative initiatives included in Annexes 1 and 2 of the CWP¹⁵ provisionally divided by parliamentary committee, subject to confirmation of official referral.¹⁶ The table also notes the quarter in which the legislative proposal is expected to be submitted by the Commission. The last column of the table included in the Annex shows the cases in which the Ex-Post Evaluation Unit intends to prepare an implementation appraisal.

5. Conclusion

Based on the analysis of the CWP 2018, especially its first two annexes, several conclusions can be reached. Various items of the CWP 2018 can contain more than one legislative proposal. The actual number of legislative proposals may therefore be higher than indicated, partly also due to the use of legislative packages. Furthermore, the CWP 2018 is not detailed enough to be read as a stand-alone document. Other European Commission documents are needed to gain a clearer understanding of the legislative proposals each initiative contains and when precisely they are due.

Although the European Commission has promised to submit all its legislative (and non-legislative) proposals by May 2018, the CWP 2018 only contains a general indication regarding their content and when these proposals are to be expected. This limits the CWP's usefulness as a planning and scrutiny tool for the European Parliament. The CWP 2018 is a working and flexible tool. It is not absolute as to its contents, since legislative proposals can and are expected to be submitted also outside of the current CWP.

For the purposes of planning of implementation appraisals, the CWP 2018 nevertheless gives some valuable indications. It seems likely to initiate a total of 41 Commission legislative initiatives, of which 29 are included in Annex 1 of the CWP and 12 in Annex 2. These legislative initiatives are likely to be delivered to 11 parliamentary committees up to and including May 2018. Due to this accelerated presentation schedule, 9 initiatives are scheduled to be presented already in 2017 and the remaining 32 during the first five months of 2018.

The two most concerned committees would appear to be the Committee on Economic and Monetary Affairs (ECON) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE). With regard to the identified legislative initiatives, the Ex-Post Evaluation Unit intends to deliver a certain number of briefings to the parliamentary committees concerned, providing them with a succinct overview of publicly available material on the implementation, application and effectiveness to date of an EU law concerned.

¹⁵ As the Ex-Post Evaluation Unit does not prepare implementation appraisals on non-legislative initiatives, such initiatives included in Annex 1 and Annex 2 are not included in the table.

¹⁶ The committees identified in the annex of this briefing refer to the committee dealing with the legislative proposal at the time of adoption of the original legislative act.

Annex: Division of legislative files included in the CWP 2018 by parliamentary committee and implementation appraisals by the Ex-Post Evaluation Unit (EVAL)

Green	An implementation appraisal will be prepared by the Ex-Post Evaluation Unit
Yellow	An implementation appraisal has already been published by the Ex-Post Evaluation Unit
Red	No implementation appraisal envisaged

- N Legislative initiative included in Annex 1 of the CWP
R Legislative initiative included in Annex 2 of the CWP
1 Entirely new legislative initiative
2 Legislative initiative not linked to a regulation or a directive (but a decision)

Committee ¹⁷	Expected legislative initiative	Expected presentation	EVAL
ENVI	A REFIT revision of the Drinking Water Directive (N)	Q4 2017	
	A proposal for a regulation on minimum quality requirements for reused water (N)	Q4 2017	1
	EU Civil Protection Mechanism (N)	Q4 2017	2
	A proposal to improve the EU food supply chain (N)	Q1 2018	1
	Follow up to Environmental Monitoring and Reporting Fitness Check (R)	Q1 2018	
EMPL	A REFIT revision of the Written Statement Directive (N)	Q4 2017	
	An initiative on a European Social Security Number (N)	Q2 2018	1
	A proposal to establish a European Labour Authority (N)	Q2 2018	1
	An initiative on access to social protection for atypical self-employed workers (N)	Q2 2018	1
TRAN	TEN-T investments (R)	Q1 2018	
	Single Maritime Window initiative (R)	Q2 2018	
	Recognition of electronic transport documents for freight carriage by public authorities and/or commercial partners (R)	Q2 2018	
PECH	Review of the Fisheries Control System (R)	Q2 2018	
ITRE	Follow-up to the solidarity aspect of the Energy Union (N)	Q4 2017 ¹⁸	
	Public Sector Information – Directive 2013/37/EU (R)	Q2 2018	
IMCO	A new Deal for Customers (R)	Q1 2018	
IMCO/CULT	Proposal on fairness in platform-to-business relations (N)	Q1 2018	1
BUDG	Multi-annual Financial Framework beyond 2020 (N)	Q2 2018	1
ECON	A revised framework for investment firms (N)	Q4 2017	
	Integration of the substance of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union into EU law (N)	Q4 2017	1
	Transformation of the European Stability Mechanism into a European Monetary Fund within EU law (N)	Q4 2017	
	Proposals on the development of secondary markets for non-performing loans (N)	Q1 2018	1

¹⁷ The committee identified refers to the committee dealing with the legislative proposal at the time of adoption of the original legislative act.

¹⁸ As the legislative proposal has already been submitted, this initiative will be covered by a forthcoming EU legislation in progress briefing by the Members' Research Service, EPRS.

	Protection of secured creditors from business borrowers' default (N)	Q1 2018	1
	Enabling framework for the development of EU Sovereign Bond-backed Securities (N)	Q1 2018	1
	Proposal establishing rules at EU level allowing taxation on profits generated by multinationals through the digital economy (N)	Q1 2018	1
	A REFIT initiative on reducing barriers to cross-border distribution of alternative investment funds and UCITS (N)	Q1 2018	
	European framework for covered bonds (N)	Q1 2018	1
	A proposal for an EU framework on crowd and peer to peer finance (N)	Q1 2018	1
	An Action Plan on sustainable finance with regulatory measures (N)	Q1 2018	1
	General arrangements for excise duty (R)	Q1 2018	
JURI	Revision of the Regulation on taking of evidence ¹⁹ (R)	Q2 2018	
	Revision of the Regulation on service of documents (R)	Q2 2018	
LIBE	A proposal allowing interoperability between EU information systems for security, border and migration management (N)	Q4 2017	1
	Revision of the common visa code (N)	Q1 2018	
	A proposal to improve cross-border access of law enforcement authorities to electronic evidence (N)	Q1 2018	1
	A REFIT revision of the Visa Information System (N)	Q2 2018	
	Revision of the Immigration Liaison Officers Regulation (N)	Q2 2018	
	REFIT revision of Regulation on marketing and use of explosive precursors (N)	Q2 2018	
	ID Cards and Residence Documents (R)	Q2 2018	1
	Emergency Travel Documents (R)	Q2 2018	
	Initiatives to facilitate cross-border access to and use of financial data by law enforcement authorities (N)	Q2 2018	

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¹⁹ The committee responsible at the time of adoption of this regulation (2001) was the then Committee on Legal Affairs and the Internal Market.