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# The Juncker Commission's ten priorities

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State of play in 2016

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## IN-DEPTH ANALYSIS

This publication provides an overview of the work done by the European Commission under the first two work programmes of Jean-Claude Juncker's presidency, and more specifically of the initiatives it has taken in the framework of its ten priority areas for actions.

It draws on a wide range of publications by EPRS, and builds, in particular, on the briefing '[The ten priorities of the Juncker Commission: State of play a year on](#)', by Ariane Debyser. It has been compiled by Desislava Boyadjieva with contributions from authors across EPRS – Piotr Bakowski, Angelos Delivorias, Gregor Erbach, Stephan Huber, Elena Lazarou, Anita Orav, Eva-Maria Poptcheva, Christian Scheinert, Andrej Stuchlik, Marcin Szczepanski, Laura Tilindyte, Sofija Voronova and Astrid Worum – as well as colleagues from the Office of the Deputy Secretary-General. Graphics are by Eulalia Claros, Christian Dietrich and Giulio Sabbati.

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## EXECUTIVE SUMMARY

A year and a half has elapsed since Commission President Jean-Claude Juncker took office on 1 November 2014, having presented the ten priority areas which would serve as his Commission's guiding lines for the next five years and which would therefore form the basis of its annual work programmes. As the European Commission approaches the midway point of the second of those work programmes, and begins the preparation of the third, this publication seeks to provide an overview of the progress made and the work accomplished so far in each of the 10 priority areas, taking stock of what has been achieved on the path of 'getting Europe back to work', and identifying those areas where difficulties have been experienced or further efforts are required.

The document also considers the implications of the different structure and more political nature of the Juncker Commission's work programmes compared to those of the Barroso Commission. In this respect, it notes that, although this may bring greater flexibility, helping to shape the coordinated approach of the institutions, it also makes it more difficult in some ways to identify and anticipate the precise nature and timing of the individual initiatives to be expected. While the new Interinstitutional Agreement on Better Law-Making, adopted in April 2016, contains specific provisions formalising the increased involvement of Parliament in the annual programming exercise, and in particular on the content and follow-up of its initiatives, the rather general nature of the programme itself may complicate the task of scrutinising its delivery. The structure and *modus operandi* of the Juncker Commission is also very different to that of its predecessor, having moved towards a more thematic, cross-cutting approach which seeks to better reflect the interconnection of policies and the importance of political coordination and coherence across sectors. Some commentators warn, however, that overlapping responsibilities in some areas could lead to conflict, putting political coherence at risk.

During its first year in office, the Juncker Commission adopted strategic documents on all ten of its stated priorities. The 2016 work programme, concentrating on five major priority areas, promised a continuation of that initial thrust, with a large number of envisaged legislative and non-legislative initiatives and policy packages responding to a varying extent, and sometimes differing levels of ambition, to Parliament's concerns. In some of the priority areas, all of the originally promised initiatives have already been delivered. In others, there still remain large gaps. The rate of progress on those that have been delivered also differs considerably. While some have already been adopted and others are undergoing consideration in Parliament, or are subject to ongoing negotiations between Parliament and Council, progress on many of those identified by the Commission as a priority is often solely dependent on Council, Parliament having already adopted its position on the matter, in some cases as long ago as 2013. A detailed comparison with Parliament's resolution on the 2016 programme, also reveals that there remain areas where its specific requests for action have still not been addressed.

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## 1. Introduction

Prior to his election as President of the European Commission in July 2014, Jean-Claude Juncker set out ten policy priorities which would serve as the political mandate for his five-year term in office. With the stated aim of focusing on the 'big things', he outlined ten priority areas in which he wanted the EU to make a difference and deliver concrete results for citizens. The Commission Work Programmes for 2015 and 2016 were based on these guidelines, and on putting these priorities into practice.

- A new boost for jobs, growth and investment
- A connected digital single market
- A resilient Energy Union with a forward-looking climate change policy
- A deeper and fairer internal market with a strengthened industrial base
- A deeper and fairer Economic and Monetary Union (EMU)
- A reasonable and balanced free trade agreement with the United States
- An area of justice and fundamental rights based on mutual trust
- Towards a new policy on migration
- Europe as a stronger global actor
- A Union of democratic change.

On 27 October 2015, the Juncker Commission, as promised, presented a more political Commission Work Programme for 2016 (CWP 2016), using its own ten priorities as a basis for its legislative and non-legislative initiatives. During its first year in office it had adopted strategic documents on all ten of those priorities.

The **CWP 2016** – entitled 'No time for business as usual' – has six annexes, each featuring a number of items, as indicated below:

Annex 1 – New initiatives	23 items
Annex 2 – REFIT	27 items
Annex 3 – Pending priority proposals	17 items
Annex 4 – Withdrawals and modifications	20 items
Annex 5 – Repeals	28 items
Annex 6 – Legislation applicable in 2016	68 items.

Compared to the Barroso Commission, the Juncker Commission opted for a different structure, which provides the CWP with a clearer political narrative of what the Commission intends to achieve during its current term. This has helped to focus policy-making and the legislative process along the same lines. The general tone that a more political programme entails has created necessary flexibility, but at the same time it may also lead to the CWP being a less clear indicator on the initiatives to be expected from the European Commission in more concrete terms.

Indeed, a closer reading of the Commission's Work Programme 2016 reveals some interesting aspects:

- **Scope and number of initiatives** – Various items of the CWP 2016 contain more than one legislative proposal, but the actual number of proposals may be even higher than indicated, partly due to the use of legislative packages.

- **Coherence** – The inter-related measures included in the CWP 2016 are not always presented simultaneously or in a policy-coherent manner, which makes it more difficult for other institutions to plan their work and to coordinate positions across the various legislative files.
- **Comprehensiveness** – The CWP 2016 is not detailed enough to be read as a stand-alone document. Other European Commission documents are needed to gain a clearer understanding of what legislative proposals each initiative contains.
- **Timing of proposals** – The overall absence of a clear indication as to when a proposal is to be expected limits the usefulness of the CWP in its current form as a planning and scrutiny tool.

**REFIT actions in CWP 2016** – The way the Regulatory Fitness and Performance Programme (REFIT) items are set out in the CWP 2016 are not clear. At times REFIT items are included in Annex 1, 'New Initiatives', although it could reasonably be expected that the dedicated Annex 2 includes all the REFIT initiatives.

The main part of the present document considers each of the Commission's 10 priorities in turn, looking at the initiatives put forward by the Commission and progress in the legislative process in the Council and Parliament on the priority proposals. The graphic representation at the end of each priority summarises the progress made on legislative proposals in that area. The document also looks at the new structure introduced by President Juncker and the Commission's way of working.

#### **Support to parliamentary work – EPRS publications**

The European Parliamentary Research Service provides a range of products allowing parliamentary committees and individual Members to follow up on delivery under the ten priorities of the Commission Work Programme. Its Directorate for Impact Assessment and European Added Value also aims to inform in particular on the preparation, implementation and effectiveness of EU law in general.

The implementation and effectiveness of existing EU law is covered by *Implementation Appraisals*, *European Implementation Assessments* and the *Rolling Check-List on recent findings of the European Court of Auditor's Special Reports*; the duty to deliver reports or review EU legislation is monitored through the *Rolling Check-List of Review Clauses in EU legislation*; new and ongoing legislative dossiers submitted to Parliament can be monitored through *Legislation in Progress* briefings, while the quality of the European Commission's impact assessment reports accompanying legislative proposals is scrutinised through *Initial Appraisals* provided to the committees.

All these documents and further information regarding specific files referred to below can be found on the [EP Think Tank](#).

## 2. Main developments in the implementation of the ten political guidelines

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

The first priority of the political guidelines was the package on 'Jobs, Growth and Investment', announced in Juncker's election campaign, and little time was lost in preparing the proposal. Accordingly, the Commission put forward in November 2014 an [Investment Plan](#) for Europe (also known as the 'Juncker Plan') which [focuses](#) on 'removing obstacles to investment, providing visibility and technical assistance to investment projects and making smarter use of new and existing financial resources'. In January 2015, the Commission adopted the [legislative proposal](#) for a regulation on the [European Fund for Strategic Investments](#) (EFSI), which is a key component of the plan's strategy.

Designed to overcome current market failures by addressing market gaps and mobilising private investment, EFSI supports strategic investment projects. Endowed with €16 billion in guarantees from the EU budget (see box) and €5 billion from the European Investment Bank (EIB), [EFSI](#) was set up within existing EIB Group structures. It aims to [encourage](#) private investors to participate in new investment projects, focused on developing infrastructure and innovation (managed by the EIB), and on providing support for small and medium-sized enterprises (managed by the European Investment Fund, EIF). By taking on part of the risk through a first-loss liability, EFSI will allow more than €315 billion of additional investment to be mobilised during a three-year investment period, thereby helping create [2.1 million jobs](#). To that end, the EU's [2016 budget](#), adopted on 25 November 2015, included €2 billion in commitments and €500 million in payments, which have already borne fruit: by [12 April 2016](#),<sup>1</sup> €11.2 billion<sup>2</sup> had already been approved under EFSI, and is expected to trigger a total investment of €82 billion.

On 28 May 2015, Parliament and Council reached a compromise agreement on the proposed EFSI Regulation, to reduce the planned cuts in the Connecting Europe Facility (CEF) and Horizon 2020 budgets. The ECOFIN Council approved the regulation on 19 June and Parliament on 24 June, and its adoption by the Council followed on 25 June 2015. Since then, Draft amending budget 1/2015, to translate the EFSI's budgetary implications into the 2015 EU budget was adopted on 7 July 2015. Parliament noted its contentment that 'an additional €1 000 million compared to the initial Commission proposal will be financed through the Global MFF margin for commitments, stemming from margins left available in the 2014 and 2015 budgets, thus reducing the redeployment from CEF and Horizon 2020'. Parliament further succeeded in pushing for improvements on the initial financing structure of the plan, its governance rules, working arrangements and democratic accountability, and obtained the right to approve the appointment of the EFSI managing director.

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<sup>1</sup> Please note that, although the figures come from the EIB website, they are still provisional and unaudited.

<sup>2</sup> EIB has approved 57 projects, representing a volume of financing of €7.8 billion, while the EIF has approved 165 SME financing agreements, with total financing under EFSI of €3.4 billion.

In addition to EFSI, the Regulation also provided for the establishment of a European investment advisory hub ([EIAH](#)) and a European investment project portal ([EIPP](#)). The EIAH is a joint Commission and EIB initiative, whose purpose is to share good practices and real-life case studies on project finance and management, while the EIPP is a portal listing investment opportunities in the EU and providing potential investors with clear and transparent information.

### *Jobs and growth*

Throughout 2015 and well into 2016, a number of initiatives were taken to deliver on the top priority of creating jobs and boosting growth. In the context of the mid-term review of the Europe 2020 strategy, the Commission published in March 2015 a [communication](#) presenting the results of a [public consultation](#) held on the subject: stakeholders noted that while the strategy remained relevant and the flagship initiatives had served their purpose, despite the negative effects of the financial and economic crisis, their visibility had remained weak and there was scope to improve the strategy's delivery.

On 10 July 2015, the Commission put forward a [proposal](#) unveiling its plan to provide €13.1 billion for investment in 276 transport projects under CEF. Along with EFSI, the CEF will play a major role in bridging the investment gap in Europe and in creating more favourable conditions for growth and jobs.

On 17 September 2015, the Commission adopted a [proposal](#) for a Council recommendation, involving [three key steps](#) to help the more than 12 million people, who have been unemployed for over a year, re-enter the labour market. Furthermore, it [increased](#) the pre-financing rate for funding under the [Youth Employment Initiative](#), providing around €1 billion to national and regional authorities to support up to 650 000 young people not in employment, education or training.

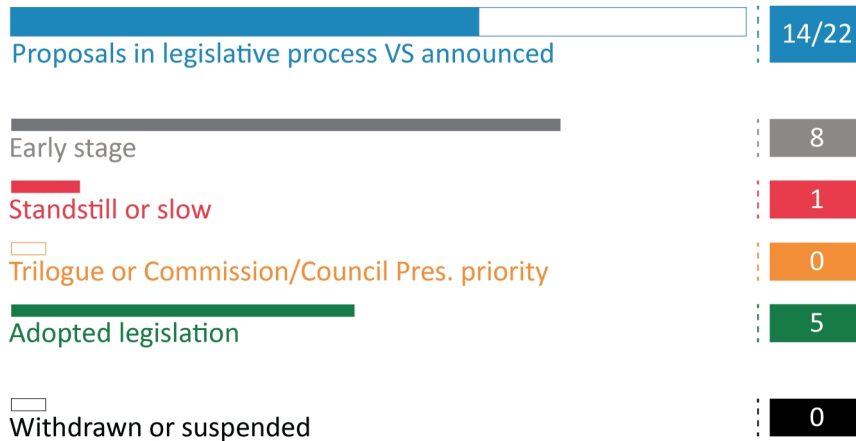
On 13 October 2015, the Commission adopted its '[Horizon 2020](#)' [2016-2017 work programme](#), which funds research and innovation. With a budget of almost €16 billion for the two years, the programme was 'directly aligned with the [agenda of the Commission President Jean-Claude Juncker](#)'.

While it welcomed the Commission's focus on 10 strategic priorities, the Parliament, in its [resolution](#) of 16 September 2015, called for improvements in various areas to strengthen mobility across Europe, enhance competitiveness, modernise EU industry and eliminate discrimination in the labour market. In another [resolution](#) of 28 October 2015, it deplored that the Commission's proposal on the review of the Europe 2020 strategy was delayed from the beginning of 2015 to the end of 2016.

On 27 October, the Commission adopted its [2016 Work Programme](#), in which it adopted five initiatives – a New Skills agenda for Europe, a new start for working parents, a Circular Economy package, the review of the Multiannual Financial Framework 2014-2020 and the next steps for a sustainable European future. The Circular Economy package was the Commission's first priority: on 2 December 2015, it adopted an EU [action plan](#) for it and described the package as contributing 'to broad political priorities by tackling climate change and the environment while boosting job creation, economic growth, investment and social fairness'.

Finally, on 26 November 2015, the Commission presented its [Annual Growth Survey 2016](#), launching the EU's annual cycle of [economic governance](#), accompanied by a set of [recommendations for the euro-area](#).





## Priority 2: A Connected Digital Single Market

A prosperous digital economy can give European markets an impetus and open up niches for new employment. To succeed in this endeavour, Europe needs to overcome legislative fragmentation, offer European consumers an improved product by removing online barriers, and help businesses expand their online sales. This can happen through the creation of a fully integrated [Digital Single Market](#) (DSM), on the basis of the EU-28 national ones.

Accordingly, on 6 May 2015, the Commission adopted the [DSM strategy](#), based on three pillars which involve 16 legislative and non-legislative actions ranging from areas such as consumer contract rules and parcel delivery to audiovisual media services and telecoms rules, to be initiated by the end of 2016. The first pillar aims to improve access for consumers and businesses to digital goods and services, the second focuses on creating growth-conducive conditions and a level playing field for digital networks and innovative services, and the third on maximising the growth potential of the digital economy.

An important action under the first pillar is the modernisation of the [copyright rules](#). The first steps were taken in December 2015 with the adoption of an [action plan](#) for the copyright reform and a proposal for a regulation on the [cross-border portability](#) of online content services. The proposed regulation aims at ensuring that consumers can access and continue using their online content when travelling to other EU countries. In March 2016, the Commission launched a public [consultation](#) on the role of publishers in the copyright value chain and on the 'panorama exception' which will help to assess the need for, or support, initiatives in this field as part of the modernisation of copyright rules.

In order to improve protection of consumers who shop online and help EU businesses boost their online sales, the Commission adopted two [proposals](#) in December 2015: one on the supply of [digital content](#) (for instance, when consumers buy or rent movies online) and one on the [online sale of goods](#). These proposals aim to tackle the fragmentation of the current DSM legal framework. To further facilitate online trade the Commission has also [launched](#) a platform to help consumers and businesses solve disputes over purchases made online.

Following the [results](#) in early 2016 of the public consultation on [geo-blocking](#), the Commission published an [inception impact assessment](#) detailing its proposals to address unjustified geo-blocking of digital content and other related discrimination linked to a consumer's place of residence or nationality. Geo-blocking has also been addressed in the [e-commerce sector inquiry](#), which will lead to the publication of a report on competition concerns affecting European e-commerce markets. At this stage it is too early to say whether legislative solutions will be tabled.

Further important closed consultations analysed presently by the Commission include those on cross-border [parcel delivery](#), a review of the [Satellite and Cable Directive](#) and proposals to reduce the administrative burden on businesses arising from differing [VAT regimes](#).

Data protection plays an important role in the context of the second pillar. The new comprehensive rules in this area, proposed by the previous Commission, were [adopted](#) by the Parliament in April 2016. Following this important development the Commission is now preparing the [revision](#) of the e-Privacy Directive.

The Commission is also analysing the first [results](#) of the public consultation on the regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy. Having attracted a lot of attention particularly in the United States, these results may, according to some [observers](#), lead to a legislative proposal.

Further important completed consultations currently being analysed by the Commission include those on the review of the [Audiovisual Media Services Directive](#), the [wholesale roaming markets](#), the public-private partnership on [cybersecurity](#) and the regulatory framework for [electronic communications](#).

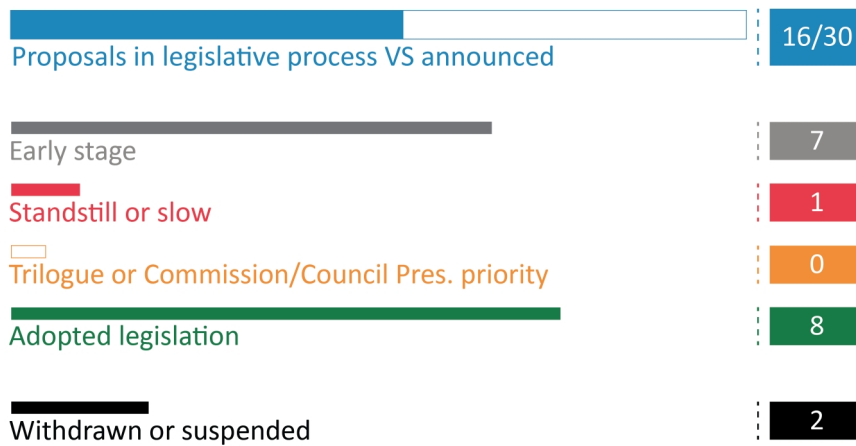
Within the third pillar, the Commission [adopted](#) in April 2016 a set of communications on Digitising European Industry, the European Cloud Initiative, the e-Government Action Plan for 2016-2020 and the priorities of ICT Standardisation. These strategies intend to support initiatives for the digital transformation of industry and related services, help to boost investment through strategic partnerships and networks, accelerate the development of common standards in priority areas (such as 5G communication networks) and modernise public services.

In February 2016, the Commission also adopted a long-term strategy for the use of the 694-790 MHz [frequency band](#), reallocating part of it for the use of mobile internet services rather than television broadcasting.

Parliament has long urged to end EU market fragmentation and to start utilising the full potential of an integrated [digital market](#) as a prerequisite for [jobs and growth](#) in the EU. Recent [mapping of the cost of non-Europe](#) has revealed that the DSM could contribute around €520 billion to the GDP of the EU-28. In specific policy areas, for instance as a result of the adoption of cloud computing, 80% of organisations could reduce costs by 10% to 20%. Other benefits include enhanced mobile working (46%), productivity (41%) and standardisation (35%), as well as new business opportunities (33%) and new markets (32%).

Parliament is co-deciding on a number of important proposals concerning the DSM such as those on the [Connected Continent package](#) (telecoms single market), the [data protection rules](#), the [Payment Services Directive](#) and the [Cyber Security Directive](#).

Experts, digital industry, businesses and consumers have generally welcomed the strategy, but some demand greater clarity and insist on removing existing obstacles to a fully integrated DSM. Many stakeholders are expecting difficult negotiations, among the Member States.



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

In line with the EU's commitment to provide its citizens and businesses with secure and affordable energy, while also addressing the causes of climate change, the Commission launched on 25 February 2015 the [European Energy Union strategy](#), which was endorsed by the European Council in March 2015. The strategy builds on the [2030 policy framework for climate change and energy](#) which laid down three key targets for the EU by 2030: at least 40% cuts in greenhouse gas emissions compared to 1990; at least a 27% market share for renewable energy; and at least a 27% improvement in energy efficiency. The Energy Union strategy has five inter-related dimensions:

1. Energy security, solidarity and trust
2. A fully integrated European energy market
3. Energy efficiency contributing to moderation of demand
4. Decarbonising the economy
5. Research, innovation and competitiveness

On 15 July 2015, the Commission issued a Summer [Energy package](#) consisting of legislative proposals (energy efficiency labelling; reform of the Emissions Trading System, ETS) and two communications (energy markets; consumers). On 18 November 2015, the Commission published a report on the [State of the Energy Union](#) together with an updated roadmap, a monitoring report on progress in meeting key indicators, and fact sheets on each Member State. The Commission has committed to presenting these reports annually in order to track progress and guide the policy debate.

On 16 February 2016, the Commission presented the [Sustainable Energy Security package](#), consisting of two legislative proposals (security of gas supply; intergovernmental agreements) and two communications (liquefied natural gas and gas storage strategy; heating and cooling strategy). Vice-President Šefčovič [announced](#) that 2016 would be the 'year of delivery', in which all the major initiatives for the Energy Union would be presented.

#### *Energy security, solidarity and trust*

Measures taken by the EU to improve energy security since adopting the European Energy Security strategy in May 2014 are outlined in an [implementation report](#). On 16 February 2016, the European Commission proposed a [new regulation on the security of gas supply](#) in order to strengthen the collective response to future supply risks. In reaction to existing intergovernmental agreements (IGA) with non-EU countries

in the field of energy that are incompatible with EU law, the Commission proposed a [decision on IGAs](#) that would require Member States to submit draft IGAs for an ex-ante check. The Commission intends to propose legislation on the security of electricity supply in 2016.

#### *Fully integrated European energy market*

On 15 July 2015, the Commission presented an initial set of proposals to deliver a [new deal for energy consumers](#). A [regulation on energy price statistics](#), proposed in November 2015, aims to improve the collection and comparability of gas and electricity price statistics in Member States.

A European energy market needs physical interconnections to transport gas and electricity between Member States. In February 2015, the Commission issued a [communication on electricity interconnections](#) describing measures needed to reach the target of 10% electricity interconnection by 2020. In November 2015, the Commission adopted a list of 195 key energy infrastructure projects, known as Projects of Common Interest (PCI). These projects can receive financial support from the Connecting Europe Facility (CEF) and the European Fund for Strategic Investment (EFSI).

A legislative proposal for a new [electricity market design](#) is expected by the end of 2016. It should fully integrate all market players – including flexible demand, energy service providers and renewables – at minimum cost.

#### *Energy efficiency contributing to moderation of demand*

The European Commission promotes 'energy efficiency first' as a principle, meaning that energy efficiency should be given consideration before taking steps to expand production, import or transport capacity. In July 2015, the Commission proposed a new [regulation on energy efficiency labelling](#) which aims to make energy labels easier for consumers to understand. The Commission's [progress report on energy efficiency](#) finds that additional efforts are needed to reach the 2020 energy efficiency target. The Commission plans to review all relevant legislation in 2016, notably the Energy Efficiency Directive and the Energy Performance of Buildings Directive.

#### *Decarbonising the economy*

This priority is focused on the transition towards a low-carbon economy, in order to meet the EU's climate targets and international commitments. In July 2015, the Commission proposed a [reform of the EU ETS](#) in line with the EU's 2030 greenhouse gas reduction target.

The Commission's [climate action progress report](#) shows that the EU has managed to decouple economic growth and greenhouse gas emissions, and remains on track to meet its 2020 emissions reduction target.

A legislative proposal concerning the Effort Sharing Decision for greenhouse gas reductions in the sectors outside the ETS and new rules for accounting for greenhouse gas emissions from land use and forestry are expected before the summer of 2016. The Commission intends to propose a new Renewable Energy package by the end of 2016.

#### **COP21 and the Paris Agreement**

The European Union played a leading role in the negotiations for a new global climate agreement ([Paris Agreement](#)) that was concluded on 12 December 2015 at the UN Climate Change Conference (COP21). A European Parliament delegation took part in these negotiations.

The Commission [considers](#) the Paris Agreement a success and has outlined actions to realise the EU's commitments.

### *Research, innovation and competitiveness*

As part of the ETS reform, the Commission proposed an Innovation Fund that would provide financial support for projects in the areas of renewable energy, carbon capture and storage and low-carbon innovation. It would be funded from the sale of 400 million emission allowances. On 4 March 2016, the Commission launched a public [consultation](#) on the development of a research, innovation and competitiveness strategy for the Energy Union.

### *European Parliament*

Parliament set out its views on the Energy Union in its [resolution of 15 December 2015](#), reiterating its calls for more ambitious targets for energy efficiency and renewable energy. A parliamentary delegation participated in the COP21 climate negotiations in Paris. As co-legislators, Parliament and Council will take the final decision on the legislative proposals put forward by the Commission. In addition, Parliament has set out its positions ahead of certain major legislative proposals through own-initiative reports (for example on [energy efficiency](#), [energy market design](#), and [renewable energy sources](#)).



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

With this priority, Commission President Juncker made a political commitment to unleash the full potential of the Single Market and make it the platform for Europe to thrive in the global economy.

The further completion of the EU's Single Market requires a multi-pronged approach. It encompasses the Capital Markets Union (CMU), progress in the field of taxation destined to achieve fairer corporate taxation, a roadmap for the Single Market strategy, improved labour mobility, as well as moves towards a European market for consumer financial services.

### *Capital Markets Union*

Through the establishment of the [Capital Markets Union](#) by 2019, the Commission aims to diversify and improve access to funding for enterprises, as well as to increase the shock absorption capacity of the European economy. For their funding, European businesses, especially SMEs, are still heavily dependent on banks and much less so on capital markets, and therefore face higher costs. Diversifying their funding sources would not only lower their costs, but also ease the flow of capital from financial investors to projects and attract foreign investment into the EU. The Commission laid

out its vision of achieving the CMU in its [Green Paper](#) of 28 February 2015, where it described a series of approaches encompassing market-led initiatives, non-legislative measures, legislation, enforcement of EU competition law, and, within the context of the [European Semester](#), making use of the Country Specific Recommendations. The Green Paper, which launched a series of public consultations, also touched upon issues such as venture capital, private equity and covered bonds.

On 30 September 2015, the Commission published an [action plan](#) outlining the roadmap and timetable for CMU, with 33 actions and related measures. At the same time, it published the first CMU-related legislative initiatives: the securitisation initiative, covering the [Securitisation Regulation](#), and an amendment to the [Capital Requirements Regulation](#), both aimed at improving the risk sensitivity of securitisation, as well as an amendment to the [Solvency II Delegated Regulation](#), aimed at facilitating participation of insurers in investment projects. Further implementing regulations have been adopted since. On 30 November 2015, a legislative proposal for a new [Prospectus Regulation](#), repealing the one in force, was published. It intends to better balance the need for providing relevant information about an enterprise to potential investors, and the often heavy burden for enterprises, especially SMEs, to produce the prospectus documentation.

On 25 April 2016, the Commission published its [First Status Report](#) intended to inform on CMU achievements and outline the next steps. The Securitisation Regulation was agreed in December 2015, and the new rules to support investment by insurers entered into force. In the short term, the Commission intends to tackle the following issues: business restructuring and insolvency, promoting personal pensions, crowdfunding, venture capital markets, and passporting rules. The report also points to the [Call for Evidence](#), a cumulative assessment of the financial services legislation.

#### *Tax measures*

The aim, as outlined in the Commission's [political guidelines](#), is to combat corporate tax evasion and tax fraud. In corporate taxation, there is currently a low level of transparency, making it possible for companies to exploit legal loopholes by using [aggressive tax planning](#) to minimise their tax bills and by applying abusive tax practices. On 18 March 2015, as a first step to address this situation, the Commission adopted a [Tax Transparency package](#), introducing, among other things, an automatic exchange of information among Member States concerning their tax rulings. The package included two legislative proposals: one introducing the [automatic exchange of information](#) on tax rulings, which Council [adopted](#) on 24 November 2015, and a second one for a [Council directive](#) repealing the [Directive on taxation on saving incomes](#), adopted by Council on 10 November 2015.

On 17 June 2015, the Commission adopted an [Action Plan](#) for Fair and Efficient Corporate Taxation in the EU. It does not intend to harmonise tax rates, but sets out a series of measures built around five key areas: (i) re-launching the Common Consolidated Corporate Tax Basis (CCCTB), (ii) bringing taxation closer to where profits are generated, (iii) adding measures for creating a better tax environment for businesses, (iv) seeking further progress on tax transparency, and (v) improving tools for cooperation between Member States. A centerpiece of the Action Plan is the [CCCTB](#), which in its former version was meant to be introduced on a voluntary basis by the Member States, and might now be made compulsory and introduced in steps.

An impetus to the Commission's actions in the field of corporate taxation is provided by the [findings](#) of Parliament's Special Committees on Tax Rulings TAXE I and its sequel,

[TAXE II](#), which were set up in the wake of the LuxLeaks scandal, as well as by Parliament's committee of inquiry into the [Panama Papers](#), due to become operational in the near future.

#### *Upgrading the Single Market*

The [Single Market](#), which is one of the EU's great achievements, is still hampered by a number of obstacles, preventing it from fully deploying its advantages. In particular, the rules are not known enough, are not sufficiently implemented, or are encountering other kinds of barriers. To overcome this, on 28 October 2015 the Commission published a [roadmap](#) for the Single Market strategy. It focuses on: (i) creating opportunities for consumers and businesses, (ii) encouraging modernisation and innovation, and (iii) ensuring practical delivery. It is intended to enable the collaborative ('sharing') economy, to help SMEs and start-ups to grow, and to promote the market without borders for services. Further steps include addressing restrictions in the retail sector, reducing discrimination of consumers and entrepreneurs, and overhauling the standards system. Finally, the roadmap envisages modernising public procurement, consolidating the intellectual property framework, and increasing the implementation and enforcement of Single Market rules. The instruments to achieve all this will cover a broad range, which includes providing guidance about how existing law applies, proposing new or amended legislation, providing EU funding, and encouraging best practices.

#### *Labour Mobility package*

Labour mobility as a priority was [announced](#) in the Political Guidelines for the new Commission, which were presented by Jean-Claude Juncker, then candidate for Commission President, in Parliament's plenary of 15 July 2014. The Labour Mobility package was then [outlined](#) in Annex 1 of the Commission Working Programme for 2015. It comprises three actions: (i) supporting labour mobility and tackling abuse by means of better [coordination](#) of social security systems, a field where no proposal has yet been made, (ii) the targeted review of the [Posting of Workers Directive](#), for which a proposal was [published](#) on 8 March 2016 (the procedure faces difficulties, given that in May 2016, more than one third of national parliaments/chambers had raised a 'yellow card', thus requiring the Commission to review its proposal), and (iii) enhanced European Employment Services ([EURES](#)), a procedure that was [completed](#) on 13 April 2016 and is intended to facilitate the freedom of movement of workers inside the EU.



## Priority 5: A Deeper and Fairer Economic and Monetary Union

This priority reflects the understanding that through the completion of the Economic and Monetary Union (EMU), Europe can create a better and fairer life for its citizens, prepare for the global challenges lying ahead, and provide conditions for its Member States to prosper.

In line with the political guidelines and [following up](#) on the 24 October 2014 [Euro Summit](#), which called for further work to be carried out 'to develop concrete mechanisms for stronger economic policy coordination, convergence and solidarity' and 'to prepare next steps on better economic governance in the euro area', European Commission President Jean-Claude Juncker prepared in cooperation with Euro Summit President Donald Tusk, Eurogroup President Jeroen Dijsselbloem, European Central Bank President Mario Draghi and European Parliament President Martin Schulz, a report on [Completing Europe's Economic and Monetary Union](#) ('The Five Presidents' Report').

This report, presented on 22 June 2015, provides a blueprint on how to deepen the European Monetary Union (EMU) and the successive stages needed to implement this, starting from July 2015. In stage 1, entitled 'deepening by doing' (1 July 2015 – 30 June 2017), the report prescribes building on existing instruments and treaties to boost competitiveness and structural convergence, complete the Financial Union, achieve responsible fiscal policies at national and euro-area level, and enhance democratic accountability. Stage 2, 'completing EMU' prescribes far-reaching measures to make the convergence process more binding, in particular through a set of commonly agreed benchmarks that could be given a legal nature, with the final stage to be reached at the latest by 2025 (see below).

Parliament's contributions were based on its past and ongoing positions, in particular those set out in its [resolution](#) of 24 June 2015 on 'Review of the economic governance framework: Stocktaking and challenges'. In this resolution, Parliament placed particular [emphasis](#) on the democratic legitimacy and accountability of the European Semester and the proposal for a fiscal capacity within the euro area. It furthermore demanded that the [European Stability Mechanism](#) (ESM) and the Fiscal Compact (the fiscal part of the [Treaty on Stability, Coordination and Governance](#), TSCG) be fully integrated into the Community framework and thus made formally accountable to Parliament.

The European Council of 25-26 June 2015 took [note](#) of the 'Five Presidents' Report'. However, developments regarding EMU were overshadowed by the Greek crisis. Following [Greece's](#) default on an IMF loan on 30 June 2015 and the expiry of the financial assistance programme from the European Financial Stability Facility, EU leaders were confronted with the looming prospect of Greece leaving the euro area. After tense negotiations, a preliminary agreement was finally reached on 13 July 2015 between the Heads of State or Government of the euro area, providing a roadmap for further discussions and a potential third bail-out programme for Greece, which was finalised by [mid-August](#) 2015.

On 30 September 2015, the Commission adopted an [action plan](#) setting out 33 key measures to achieve a Capital Markets Union. The action plan sets out a host of measures to strengthen capital markets as a way to attract more investment – including foreign – for European companies and infrastructure projects. It aims, among other things, to improve access to finance for European SMEs and start-ups, especially in innovative industries. To this end, the Commission also proposed two pieces of



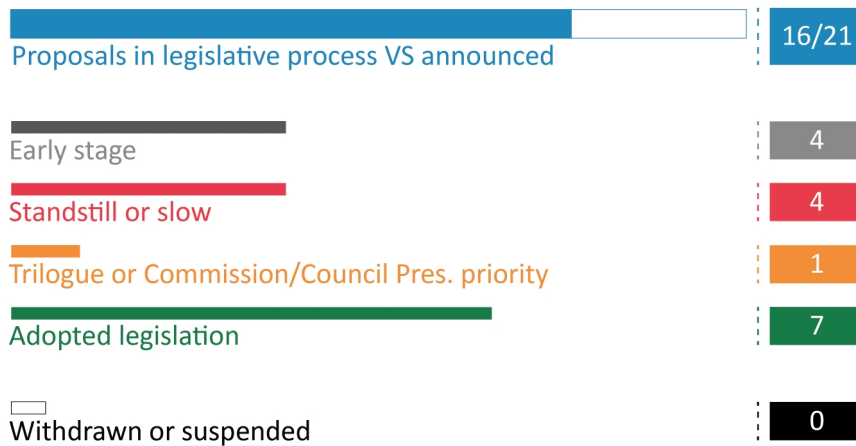
legislation to revive the [securitisation](#) market: a first regulation setting out common rules on securitisation and providing a framework for simple, transparent and standardised (STS) securitisations; and a second regulation amending the existing capital requirements, to accommodate the new rules in the overall prudential framework.

In line with the Five President's Report (stage 1), the Commission presented, on 21 October 2015, concrete [steps to complete EMU](#). The proposals contain a euro-area [system of national competitiveness authorities](#) and an advisory [European Fiscal Board](#). This Board shall focus on 'the horizontal consistency of the decisions and implementation of budgetary surveillance', and advise on the 'fiscal stance appropriate for the euro area'. Moreover, the Commission [proposed](#) a more efficient external representation of the EMU in relation to multilateral financial institutions such as the IMF, while also reinforcing democratic accountability and legitimacy before the Parliament. As to economic governance, the Commission set out to 'revamp' the European Semester process by strengthening parliamentary control and by better integrating euro area and national dimensions in addressing EMU issues prior to country-specific recommendations.

On 24 November 2015, the Commission proposed a regulation for a [European Deposit Insurance Scheme](#) (EDIS), to create the so-called third pillar of the Banking Union. It aims to reduce the potential spill-over risk of local bank failures on the financial stability of the economic and monetary union as a whole. According to the proposal, the EDIS would be introduced gradually, in three separate phases between 2017 and 2024, complementing national deposit guarantee schemes. In parallel, the Commission published a communication proposing additional measures for risk sharing and risk reduction in the banking sector.

On 8 March 2016, the Commission initiated the creation of a [European Pillar of Social Rights](#) for the euro area. The initiative will identify common principles and benchmarks with a view to a greater convergence of employment and social performance over time. Announced by Commission President Jean-Claude Juncker in his State of the Union address of 9 September 2015, this initiative aims to complement the EU 'social acquis', in order to guide policies in a number of fields essential for well-functioning and fair labour markets and welfare systems. The Commission is carrying out a [public consultation](#) until 31 December 2016. A legislative proposal, if there is to be one, will not be put forward before early 2017. The 'Social Pillar', aims to become a reference framework covering about 20 policy domains grouped in three categories: (i) equal opportunities; (ii) fair working conditions; and (iii) adequate and sustainable social protection. Addressing only euro-area Member States, this pillar takes note of the increasing importance of tackling social imbalances within the Monetary Union too.

In spring 2017 the Commission will, in consultation with the Presidents of the other EU institutions, present a white paper assessing progress made and outlining the next steps needed, including measures of a legal nature to complete EMU. Preparatory work includes a public consultation and analytical input from a High Level Expert Group which will be set up in September 2016. Parliament monitors this process closely and began discussion on a [budgetary capacity](#) for the euro area in February 2016.



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

The United States constitutes the EU's top export market and some 5 million jobs in the Member States are supported by these exports. Realising that tightening economic ties is important, the two sides have undertaken negotiations on a Transatlantic Trade and Investment Partnership (TTIP), which the EU believes should be done on the basis of reciprocal benefits and transparency. Negotiations have reached their 13th round.

On 27 October 2015, the Commission presented its work programme for 2016 at Parliament's plenary session in Strasbourg. According to the [Communication](#), Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and the USA remain a top priority for the Commission for 2016 and the Commission is '...committed to negotiating a fair and balanced deal with the US, with a new approach to investment protection'. On 14 October 2015, the Commission proposed a new trade and investment strategy for the EU: '[Trade for All](#): Towards a more responsible trade and investment policy', which, among other things, 'prioritises concluding major ongoing projects like ... TTIP'. Based on three key principles – effectiveness, transparency and values – the new strategy aims to ensure that trade policy benefits as many people as possible.

TTIP discussions have covered all chapters. At the [end of April 2016](#), there were 17 consolidated documents on the negotiation table (that is, documents containing both EU and US proposals to further discuss and finalise), while for the other chapters there were textual proposals from either the EU or the US side. In April 2016, TTIP negotiations reached their [13th round](#) in New York City, leading to significant progress. A further round may take place in July 2016. The USA would like to see the conclusion of negotiations before the year-end, while President Obama is still in office; EU Chief Negotiator Ignacio Garcia Bercero has [stated](#) the EU's commitment to work towards finalising negotiations in 2016, but only if the substance of the negotiations is *right*.

Several [problematic issues](#) in the discussions remain, in particular: the divergent views on the (negative or positive) approach to be used for liberalising services<sup>3</sup> and the extent of concessions in this area; the extent of US concessions in the public procurement chapter; the suspension of discussions on data flows until the current EU-US data protection issues are solved; the fact that the EU proposal for extending geographical protection beyond the existing EU-US wine agreement remains controversial for the US; discussions have just restarted on the investment chapter and the EU has submitted its proposal for an investment court to replace the US-favoured arbitration system; finally, the EU-US divergences on the Sanitary and Phyto-Sanitary Chapter and food safety issues remain among the most controversial issues in the negotiations.

Support for TTIP across Europe has varied.<sup>4</sup> Member States such as Germany and Austria have seen a rise of anti-TTIP movements. The main civil society concerns remain data protection, investor-state dispute settlement (ISDS) and regulatory cooperation.

Just like any other EU trade agreement, TTIP will have to obtain Parliament's consent in order to be signed by the Council, as per Articles 207 and 218 [TFEU](#). In a [resolution](#) from July 2015, Parliament made recommendations to the Commission on the TTIP negotiations. In particular, Parliament issued a condition *sine qua non* to its consent: the replacement of the arbitration system in ISDS. Parliament's recommendations called for **an ambitious and comprehensive** trade and investment agreement aimed at ambitious market access in trade in goods, services, investment and procurement; reduction of non-tariff barriers; and enhanced regulatory compatibility across the Atlantic. At the same time, members called for a **balanced approach**, including a list of sensitive products subject to transitional periods, quotas or even exclusion; for a **rule-based** framework (calling for compliance with data protection, environmental, labour and consumer laws and geographical indications). They further stressed that regulatory cooperation must respect the established regulatory systems and the state's right to regulate public services. Finally, they called for enhanced **transparency** in the negotiations. Parliament's concerns are being taken into account by the Commission:

On ISDS, in response to Parliament's request for a new system, the Commission proposed the creation of an [investor-state court](#). A similar court was [introduced](#) in the EU-Canada Comprehensive Economic and Trade Agreement (CETA) and was integrated in the [EU-Vietnam Free Trade Agreement](#) of January 2016 (currently under legal revision). The Commission also proposed an article on the right to regulate, to clarify that investment protection provisions shall not be interpreted as a commitment from governments not to change their legal framework, and to ensure their right to regulate.<sup>5</sup> The proposal of the

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<sup>3</sup> There are two main approaches to specific commitments for liberalisation in services: the positive commitment list approach and the negative list approach. The first indicates that no commitment has been made unless specified in the commitments list, while the second makes explicit a general obligation to liberalise, which is then restricted by a list of specific exceptions. The negative commitment approach obviously has a stronger liberalisation effect, as liberalisation is the rule and not the exception.

<sup>4</sup> Christian Bluth, [GED study](#): Attitudes to global trade and TTIP in Germany and the United States, Bertelsmann Stiftung, 2016.

<sup>5</sup> EU text proposal for the [chapter on investment in TTIP](#), November 2015.

Commission was formally submitted to the USA and is currently [being discussed in the negotiations](#).

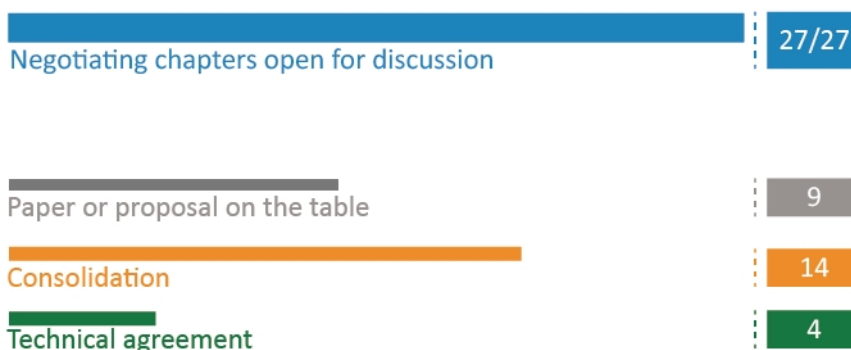
In its [report on the 12th negotiating round](#), the Commission pointed out that agricultural goods deemed as sensitive had not been reviewed.

In a [joint statement](#) from 20 March, EU Trade Commissioner Cecilia Malmström and US Trade Representative Michael Froman confirmed that 'US and EU trade agreements do not prevent governments, at any level, from providing or supporting services in areas such as water, education, health and social services', nor do they 'impede governments' ability to adopt or maintain regulations to ensure the high quality of services and to protect important public interest objectives'. Parliament's resolution asked for this clear commitment to be reflected in the final text of the agreement.

The Commission has several times reiterated that it would not negotiate on the audio-visual sector, which is explicitly excluded from its [negotiation mandate](#). The Commission also excluded negotiations on [genetically modified organisms](#) (GMOs). It highlighted that any regulatory cooperation in TTIP would respect domestic legislative and regulatory procedures, and that equivalence and harmonisation would be envisaged only on [specific aspects of regulation](#) if it enhances or at least maintains existing levels of protection.

On transparency, the Commission has put the [EU's negotiating papers online](#) along with many other [relevant documents](#), and engaged in dialogue with Parliament and stakeholders. Numerous [meetings](#) with NGOs, stakeholders and civil society have already been held or are yet to take place. An agreement with the Commission granted [MEPs full access to all confidential TTIP documents](#) in December 2015. The Commission negotiated a similar arrangement to give EU Member States' governments the possibility to create reading rooms where members of national parliaments can also consult the consolidated documents.<sup>6</sup>

The Commission has also provided for public consultation a [draft impact assessment](#) from May 2016, made by consultancy Ecorys, on the effects of TTIP on the EU Member States' economies and sustainable development.



<sup>6</sup> [Coreper of 16 and 17 December](#) discussed the implementation of the agreement; see also the [reply](#) of 11 April 2016 to Parliamentary question number E-015494-15.

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

### *Priority shift*

President Juncker's [Political Guidelines](#) were ambitious in their emphasis on strengthening justice and fundamental rights across the EU. However, over the last couple of years, the EU has been increasingly confronted with major security challenges, which has necessitated a shift in the focus of EU action within the Area of Freedom, Security and Justice, with a strong dominance of security. In particular, 2015 and 2016 witnessed a series of terrorist attacks which resulted in issues such as [radicalisation](#), [extremist propaganda](#) and ['foreign fighters'](#) being higher than ever on both national and EU agendas.

Europol's counter-terrorism capacity has been strengthened with the creation, within its structure, of the European Counter-Terrorist Centre ([ECTC](#)), the EU counter-terrorism hub, operational since January 2016. The Centre has pooled and streamlined Europol's resources to improve intelligence-sharing and expertise in terrorism travel and financing, better address online terrorist propaganda (a newly set up [Internet Referral Unit](#)) and illegal arms trafficking.

In November 2015, the Commission adopted a package of measures aiming to strengthen the control of firearms, which included, most importantly, the proposal for a [revised Firearms Directive](#). It was closely followed by the December 2015 proposal for a [Directive on combating terrorism](#). The purpose of the latter is to implement new international standards by criminalising such activities as travelling for terrorist purposes; the funding, organisation and facilitation of such travel; receiving training for terrorist purposes; and providing funds used for committing terrorist offences.

Furthermore, in February 2016, the European Commission [announced](#) new measures for strengthening the fight against terrorism financing, such as targeted amendments to the recent [Fourth Anti-Money Laundering Directive](#) of May 2015, as well as legislative proposals on harmonising criminal sanctions for money laundering across the EU and on illicit cash movements (to be presented before the end of 2016).

Tragic events across the EU seem to have created a momentum for adopting not only specific counter-terrorism tools, but also long-awaited general instruments having an important security dimension.

On 11 May 2016, the [Europol Regulation](#) was adopted to replace the 2009 [Europol Decision](#). Whilst the Regulation may fall short of expectations as to the extent of a major post-Lisbon reform, it does

### EU security policy

The new [European Agenda on Security](#) – adopted by the Commission on 28 April 2015 – is the major relevant policy instrument defining the EU's response for the years 2015-2020. It served as a major building block of the renewed [Internal Security strategy](#) adopted by the Council on 16 June 2015.

The Agenda is hinged on three priorities: terrorism and radicalisation, organised crime and cybercrime. Conceived as a shared agenda between the Union and its Member States, it covers, in particular, issues such as information exchange between law enforcement authorities and EU agencies, operational police cooperation, and training and co-funding for security at EU level.

The action to be taken was further specified by the Action Plans adopted in December 2015 on [firearms and explosives](#) and in February 2016 on [strengthening the fight against terrorist financing](#). The progress made was assessed in the Commission [Communication](#) of April 2016 promoting the concept of collective security in the form of a 'Security Union'.

bring some novelty including better data-protection safeguards and detailed rules on parliamentary scrutiny. A Joint Parliamentary Scrutiny Group, with members of the Parliament and national parliaments, will thus be created. Moreover, the Regulation covers information-exchange agreements with third countries and makes it possible for Europol – under stringent conditions – to exchange data with private parties.

The controversial [Passenger Name Records \(PNR\) Directive](#) is another long-debated and recently adopted instrument. The Directive obliges airlines to transfer passengers' data for all 'extra-EU flights', that is, flights between the EU and third countries, to national authorities. Member States have the possibility to extend this obligation to intra-EU flights. The data, stored by so-called 'Passenger Information Units' (PIUs), will have to be retained for five years.

The use of personal data for law enforcement purposes makes it very important to have a solid data-protection framework in place. Therefore the Parliament had urged the Council to advance in parallel trilogues on the PNR Directive and the Data Protection package (see below). The aim was to align the related provisions, not least in view of a 2014 [CJEU ruling](#) invalidating the 2006 Data Retention Directive. The [PNR Directive](#) and the [package](#) were finally approved by the Parliament on 14 April 2016.

Whereas compromises has been secured between the two co-legislators on Europol, Data Protection and PNR, little progress has been made for the [European Public Prosecutor's Office](#) (EPPO) and related proposals for the [Eurojust Regulation](#) and the Directive on the fight against fraud to the Union's financial interests by means of criminal law ([PIF Directive](#)). In March 2015, the Council reached a [general approach](#) on the Eurojust Regulation, with the exclusion of provisions relating to EPPO, as negotiations on the [EPPO proposal](#) were not sufficiently advanced. Up to now, the Council has agreed on some articles of the EPPO proposal but [negotiations](#) are still ongoing. As to the PIF proposal, it is currently the subject of [trilogue discussions](#), following Parliament's first reading in April 2014.

#### *Data protection*

The Commission proposed a comprehensive reform of EU data protection rules in January 2012. The recently adopted package is composed of the [General Data Protection Regulation](#) and the [Directive](#) on the use of personal data for law enforcement and judicial purposes. The EU thus has a harmonised data protection framework in line with the [Digital Single Market strategy](#) on the one hand, and [The European Agenda on Security](#), on the other.

The EU citizens' rights to privacy and data protection have to be upheld also outside the EU's borders, in particular as regards [law enforcement cooperation](#) with the USA, further complicated by the [Snowden revelations](#). To restore trust, the Commission has negotiated a so-called '[Umbrella Agreement](#)' – a legally binding framework agreement to protect data transferred across the Atlantic. One of the EU's main requests was for the Agreement to provide its citizens the same judicial redress rights as US citizens enjoy in case of privacy breaches. With the enactment of the US Judicial Redress Act in February 2016, the Agreement can now be finalised.

The transatlantic transfer of data for commercial purposes has also been challenged, when, in October 2015, the Court of Justice of the EU invalidated, in its [Schrems Ruling](#), the 2000 Commission's 'Safe Harbour' [Decision](#) on the adequacy of the US data protection system. In February 2016, the Commission concluded negotiations with the USA on the new framework, the [EU-US 'Privacy Shield'](#), and subsequently [presented](#) its

draft adequacy decision and other legal texts to put the new regime in place. The Privacy Shield would offer clear safeguards and transparency obligations on US government access to personal data, as well as judicial redress possibilities for EU citizens.

#### *New procedural safeguards in criminal procedure*

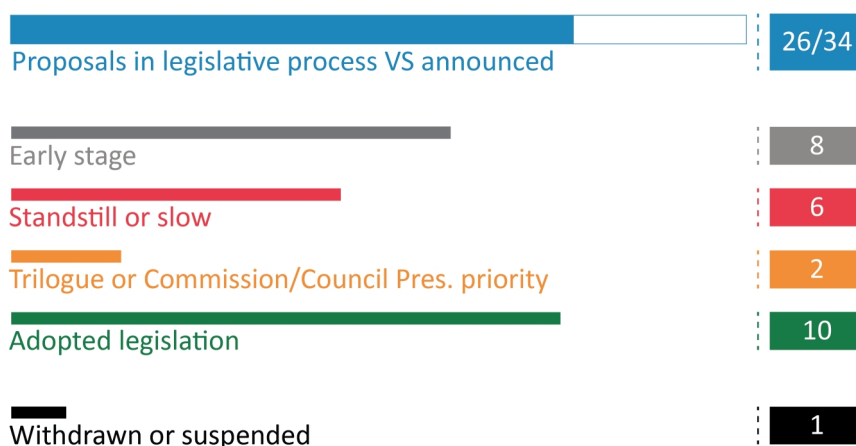
With the advancement of cooperation in combating organised crime and terrorism, it has become indispensable to have EU-wide tools in place which would ensure a balance between prosecution and defence and enhance mutual trust between Member States. In line with a 'step by step' approach promoted by the 2009 Roadmap on procedural rights, the Commission presented in 2013 a package of three new proposals. Two of them (one on [presumption of innocence and the right to be present at trial](#) and another one on [procedural safeguards for children suspected or accused in criminal proceedings](#)) were adopted in February and April 2016 respectively. Meanwhile, the proposal on [provisional legal aid for suspects and accused persons](#) is awaiting first reading in the EP, provisionally scheduled for September 2016.

#### *Addressing violence against women*

In March 2016, the Commission presented [proposals](#) on the signing and concluding on behalf of the EU, of the Council of Europe Convention to fight violence against women and domestic violence (the [Istanbul Convention](#)). The Parliament has repeatedly [called](#) for EU accession to this Convention and for its ratification by individual Member States (most recently in its [resolution of 9 June 2015](#) on the EU strategy for equality between women and men post-2015). So far, the Convention has been signed by 27 and ratified by 13 EU Member States.

#### *Cross-border aspects of family law*

In 2011, the Commission adopted two proposals to clarify the rules applicable to property regimes: one for international married couples and one for registered partnerships. With no unanimity reached in the Council, 17 Member States requested enhanced cooperation. Therefore, in March 2016, the Commission made [new proposals](#) including [one](#) for a Council decision authorising enhanced cooperation, a [proposal](#) for a regulation on matrimonial property regimes and a [proposal](#) for a regulation on patrimonial property. They have been scheduled for the plenary session of June 2016. Moreover, the Commission is currently working on a proposal to review the [Brussels IIa Regulation](#), that is, a single instrument on jurisdiction, recognition and enforcement of judgments in disputes involving more than one EU Member State, related to divorce, legal separation, marriage annulment and parental responsibility (for example, child custody). The proposal is expected in late June 2016.



## Priority 8: Towards a New Policy on Migration

The unprecedented refugee crisis and the migratory pressure on the EU's external borders have evolved into its most pressing priority. While already seen as an area for priority action, developments in the field of migration were spurred by the unprecedented influx of migrants in 2015 and the rising death toll among persons attempting to enter the EU. Frontex [reported](#) that in 2015, 1.83 million irregular border crossings were detected at the EU's external borders – six times more than in 2014 and 17 times more than in 2013, with Greece's Aegean islands continuing to bear the brunt of the massive inflow of people.

On 20 April 2015, the Commission presented a [10-point plan](#) for immediate action at a Joint Foreign and Home Affairs Council. This was followed by a special meeting of the European Council on 23 April 2015, at which Member States' leaders [tasked](#) the Commission with proposing measures for immediate action, as well as policy options for the medium and longer term.

On 13 May 2015, the Commission presented a [European Agenda on Migration](#) covering both short-term measures for responding to the crisis and long-term measures for managing migration in all its aspects. The measures are organised around four pillars: 1) Reducing the incentives for irregular migration, 2) Border management, 3) A strong common asylum policy, and 4) A new policy on legal migration.

The Agenda was followed on 27 May 2015 by the [First Implementation package](#), in which the Commission [proposed](#) to activate, for the first time, an emergency mechanism under [Article 78\(3\)](#) TFEU, to allow the most affected Member States – Italy and Greece – to benefit from a provisional relocation of 40 000 persons to other Member States. At the same time, the Commission launched a ['hotspot' approach](#) to provide assistance along those specific sections of the border, characterised by 'disproportionate mixed migratory flows'.

On 9 September 2015, the Commission [proposed](#) to relocate a further 120 000 asylum-seekers from Italy, Greece and Hungary and [set up](#) a permanent relocation mechanism that could be triggered automatically in emergency situations. It also published a [proposal](#) for establishing a list of third countries considered ['safe countries of origin'](#) based on the criteria set out in the Asylum Procedures Directive and in full compliance with the principle of *non-refoulement*. This would make it possible to fast-track asylum applications from citizens of countries entered on the list (initially six Western Balkan countries and Turkey).

On 23 September 2015, the Commission published a [communication](#) on managing the refugee crisis, identifying a set of priority actions to be taken within six months. Since then, the Commission has regularly published [reports](#) on the state of play of implementing the priority actions.

With hundreds of thousands of people embarking on perilous journeys to reach the EU borders, the EU now faces an [unprecedented migratory crisis](#). It is argued that the so-called Dublin system – defining the Member State responsible in individual cases for examining applications for international protection – has led to overburdening of Member States at the EU's southern external borders. Diverging asylum standards across the EU have resulted in a great number of asylum-seekers travelling to Member States with higher reception standards. Therefore the solutions proposed involve harmonising national asylum standards and distributing asylum-seekers more evenly across the EU.

Facts and figures reflecting the latest trends in the migration flows and an overview of the asylum system and procedures in the EU can be found in [EPRS's animated infographic](#).



On 15 December 2015, the Commission published two legislative proposals for border management: a [European travel document](#) for the return of illegally staying third-country nationals and a [European Border and Coast Guard](#).

Following the bi-annual [assessment](#) of the functioning of the [Schengen area](#) at the end of 2015, which identified serious deficiencies in external border management by Greece, and in response to the temporary [reintroduction](#) of internal border control by several EU Member States, the Commission published on 4 March 2016 a [communication](#) 'Back to Schengen – A Roadmap', setting out ways to re-establish the proper [functioning of the Schengen area](#) by the end of 2016.

As regards border management, the Commission published on 6 April 2016 a proposal for an [Entry-Exit system](#) under the Smart Borders package. The new system would be used for registering the data of all third-country nationals entering and exiting the EU, with the aim to improve border management, enhance security and identify visa overstayers.

On 4 May 2016, the Commission presented a substantial package of legislative proposals aimed at addressing the migration challenge from three different aspects, namely Schengen, visas and asylum. Firstly, it proposed a [recommendation](#) to the Council to permit five countries (Austria, Germany, Denmark, Sweden and Norway) to maintain the temporary internal border controls for another six months under the Schengen Borders Code. Secondly, the Commission made three proposals to amend the EU visa list, waiving visa requirements to citizens of 1) [Turkey](#) and 2) [Kosovo](#) as well as 3) reviewing the [suspension mechanism](#), making it easier to re-impose visa requirements in the event of migration control issues. Thirdly, the Commission presented three proposals to reform the Common European Asylum System (CEAS) by: 1) amending the [Dublin Regulation](#), which would include, inter alia, a new 'fairness mechanism' and a possibility to opt out of the mechanism in return for a 'solidarity contribution', 2) reinforcing the [Eurodac](#) system for fingerprinting migrants and 3) enhancing the mandate of the European Asylum Support Office ([EASO](#)), turning it into a European Union Agency for Asylum.

A Legal Migration package, including a proposal for a revised [EU Blue Card Directive](#), which was called for in the European Agenda on Migration, has been announced for June 2016.

#### *First commitments from Member States*

Following the publication of the European Agenda on Migration, diverging views were apparent at the [June 2015 European Council](#) meeting concerning the Commission's proposal on relocation and whether consensus or qualified majority voting should apply. In the end, setting aside the distribution key proposed by the Commission in May, Heads of State or Government agreed on [23 September 2015](#) on 'the temporary and exceptional relocation over two years from the frontline Member States Italy and Greece to other Member States of 40 000 persons in clear need of international protection'. In the final decision adopted by the Council a week later, on [22 September](#) Member States agreed by qualified majority to relocate a further 120 000 asylum-seekers from Italy and Greece, but not Hungary (as initially proposed) at the request of its government. Both emergency measures were promptly [backed](#) by the European Parliament. Furthermore, all Member States would participate in the resettling from third countries of 20 000 displaced persons in clear need of international protection.

The Council in its [session of 8 October](#) 2015 and the European Parliament in its 14 October 2015 part-session agreed on a further [amendment](#) of the 2015 budget in order to manage the migration crisis.

The [European Council meeting of 15 October 2015](#) was focused on securing the European Union's external borders: working towards an integrated border management system and reinforcing the mandate of Frontex with a view to developing a [European Border and Coast Guard System](#). EU leaders also considered further cooperation with third countries and looked at how to best 'respond to the influx of refugees in Europe and ensuring returns'. In this regard, the European Council welcomed the [EU-Turkey Draft Action Plan](#) presented by Commission President Juncker to Turkish President Erdoğan on 5 October 2015.

In view of the unfolding emergency in the countries along the Western Balkans migratory route, Commission President Jean-Claude Juncker called a ['Leaders' Meeting'](#) in Brussels on 25 October 2015, where Heads of State or Government discussed the refugee flows along the Western Balkans route and agreed upon a [17-point plan](#) of pragmatic and operational measures. Following the meeting, on 27 October the Commission decided to [increase the level of co-financing](#) for transport of the assistance delivered via the EU Civil Protection Mechanism for the countries needing help in the refugee crisis from 55% to 85%.

The [Valletta Summit on migration](#), which had been called for by the April European Council, was organised on 11-12 November 2015 to discuss the root causes of migration, tackle migrant trafficking and improve cooperation on return and readmission with African and other key countries of origin and transit.

On 29 November 2015, at the [meeting of EU Heads of State or Government with Turkey](#), a decision was reached to 'activate' the [Joint Action Plan](#), agreed on 15 October 2015 ad referenda. The parties issued a [joint statement](#) to confirm their commitments. Turkey undertook to implement readmission agreements and immediately increase its cooperation with the EU on irregular migrants. The EU committed €3 billion for the refugee facility for Turkey.

On 18-19 February 2016, the [European Council](#) observed that the EU-Turkey Joint Action Plan remains a priority to stem migration flows and confirmed its intention to hold a special meeting with Turkey. The meeting was organised on 7 March 2016, when EU Heads of State and Government discussed the Action Plan with their Turkish counterpart and identified the [principles](#) for cooperation with Turkey, in particular 'to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the EU Member States, within the framework of the existing commitments'.

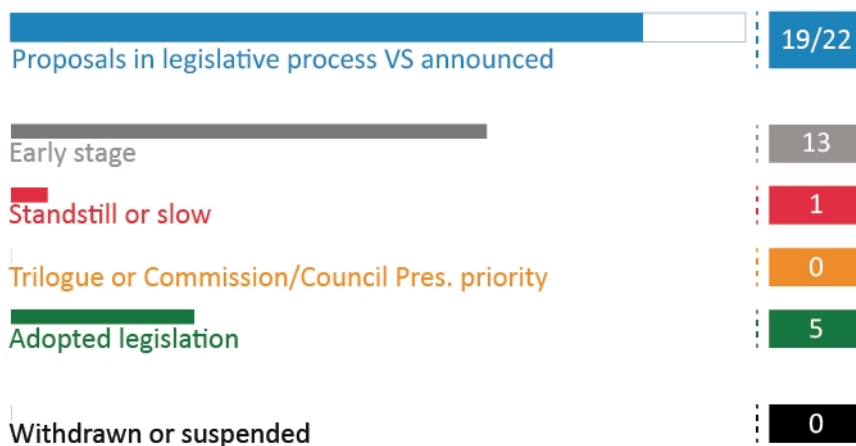
On 9 March, the Commission proposed a [draft amending budget](#), earmarking €100 million in commitments and €80.2 million in payments from the 2016 EU budget to support Greece and other Member States overwhelmed by the refugee crisis. The draft amending budget was accepted by the Council on 16 March and the European Parliament on [13 April 2016](#).

Another meeting between the [EU and Turkey](#) was held on 18 March 2016 in parallel with the March [European Council](#). A joint [statement](#) was issued with Turkish Prime Minister Ahmed Davutoğlu on stopping the flow of irregular migration via Turkey to Europe, breaking the business model of smugglers and offering migrants an alternative to putting their lives at risk. The future of the implementation of the plan, however,

remains conditional on Turkey's progress in fulfilling the requirements of its [visa liberalisation roadmap](#).

On 12 April 2016, the European Parliament adopted a non-legislative [resolution](#) on 'The situation in the Mediterranean and the need for a holistic EU approach to migration', advocating for a substantial reform of the Dublin Regulation, a centralised EU asylum system and the creation of legal ways for migration.

On 12 May, the Council adopted a [recommendation](#) allowing Austria, Germany, Denmark, Sweden and Norway to extend temporary internal border controls for up to six months, having deemed the measures adopted by Greece inadequate to secure the management of the common external Schengen borders.



## Priority 9: A Stronger Global Actor

In his political guidelines, Commission President Juncker observed: 'We need a stronger Europe when it comes to foreign policy. The Ukraine crisis and the worrying situation in the Middle East show how important it is that Europe is united externally.'

In March 2015, Federica Mogherini, High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission, together with Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn, launched a [joint consultation](#) on the future of the [European Neighbourhood Policy](#) (ENP). In this context, Parliament adopted a [resolution](#) in July 2015 in which it asked for a more flexible and reactive ENP and reaffirmed both the necessity to keep the ENP as a single policy while making sure it is a part of the broader EU foreign policy. Parliament also called for the review of the ENP to take into account the need for differentiation between

The [European Neighbourhood Policy \(ENP\)](#) was developed in 2004 to prevent new dividing lines from emerging between the enlarged EU and its neighbours, and to strengthen the prosperity, stability and security of all. The policy is based on the values of democracy, the rule of law and respect for human rights and applies to: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia and Ukraine. It is further enriched by regional cooperation initiatives — the [Eastern Partnership](#) and the [Union for the Mediterranean](#).

The ENP has been reviewed several times since the 2011 'Arab Spring'. The reviewed ENP applies the incentive-based approach ('more-for-more'), under which the EU develops stronger partnerships with neighbours that make more progress towards democratic reform.

The new [European Neighbourhood Instrument \(ENI\)](#) with a budget of €15.4 billion for 2014-2020, is the main financial instrument for implementing the ENP.

partners, and the continued importance of supporting human rights.

In November 2015, after finalising its consultations on the ENP, the Commission published a [communication](#) on the review of the ENP spelling out the Union's renewed approach to its eastern and southern neighbours. The Council adopted [conclusions](#) on the review in December 2015, welcoming the Commission's proposals and inviting the High Representative and the Commission to provide regular reporting to track developments in the neighbourhood as required by the ENI Regulation.

The Commission work programme for 2016 includes in its [planned legislative initiatives](#) a proposal for a Decision of the Parliament and the Council on the participation of the Union in a Partnership for Research and Innovation in the Mediterranean Area (PRIMA), jointly undertaken by several Member States (third quarter of 2016). This initiative is within the context of the ENP and is tentatively foreseen to take place in the third quarter of 2016.

On **development**, the Commission adopted on 5 February 2015 a [communication](#) on 'Global Partnership for Poverty Eradication and Sustainable Development after 2015' which was to inform EU positions in preparation for the [Third Financing for Development Conference](#) in Addis Ababa in July 2015 and the [UN Summit](#) on the [Post-2015 development agenda](#) in New York in September 2015.

In a [resolution](#) of 19 May 2015, Parliament welcomed the communication but regretted a certain lack of commitment concerning the timeline for future financial targets. It urged the EU 'to affirm its political leadership throughout the preparatory process towards the definition of a sustainable development framework, a renewed agreement on financing for development and other means of implementation, along the commitments and values stated in its founding Treaties', and pointed out that provision of EU development aid should not be conditioned by other partner donors. It also insisted 'that the EU and its Member States should maintain their position as major donors of development aid while pushing for shared responsibility'. The Council adopted [conclusions](#) on a New Global Partnership for Poverty Eradication and Sustainable Development after 2015 on 26 May 2015. An agreement was reached at the UN Conference in [Addis Ababa](#) in July 2015, providing a basis for implementing the global sustainable [development agenda](#) which world leaders adopted in September that year.

Building upon the premise that European development cooperation will assume an appropriate role in the global strategy, the Commission and European External Action Service (EEAS) have begun thinking about a possible [reform](#) of the [European Consensus on Development](#). On 12 May 2016 the Foreign Affairs Council decided to [launch](#) a review of EU development policy aiming to include aspects such as migration and security and to link it to the implementation of EU actions to achieve the UN Sustainable Development Goals (SDGs).

In its [resolution](#) on the CWP 2016, Parliament called on the Commission to deliver a follow-up action plan to the [European Consensus on Humanitarian Aid](#) and to focus on fragile states, peace-building and state building in its development policy. The CWP 2016 includes a possible new legislative proposal on [Capacity building in support of security and development in third countries](#); a [public consultation](#) to gather additional views of stakeholders was initiated in April 2016.

The CWP 2016 also [envisages](#) a Recommendation for a Council Decision to open negotiations on 'Towards a new partnership between the European Union and the

African, Caribbean and Pacific Countries after 2020' in the fourth quarter of 2016 in anticipation of the expiration of the [Cotonou Partnership Agreement](#) on 29 February 2020.

In the area of **security and defence**, in [May](#) 2015 the Commission published a Progress Report outlining developments regarding the implementation of its Communication on Defence. The European Council [Conclusions](#) of 25 and 26 June highlighted that the High Representative would continue to work towards the preparation of an EU [global strategy](#) on foreign and security policy, to be submitted to the European Council by June 2016, as well as on a more effective, visible and result-orientated common security and defence policy (CSDP), the further development of both civilian and military capabilities and the strengthening of Europe's defence industry.

The global strategy has been one of the main activities of the Commission over the past year. In anticipation of its submission, the Parliament adopted in April 2016 a [resolution](#) on 'The EU in a changing global environment – a more connected, contested and complex world'. The resolution focuses on four main themes: defending the European Union's people, states, societies and values; stabilising Europe's wider neighbourhood; strengthening multilateral global governance; and engaging with the EU, national parliaments and European citizens.

On defence, Parliament supports the development of a strong CSDP and defence cooperation among Member States. However in three resolutions, adopted on 21 May 2015, it expressed regret at the slow progress in enhancing the EU's operational, industrial and capability resources to manage crises and ensure its strategic autonomy, and [urged](#) Member States to use CSDP tools and resources more effectively and coherently in order to better cope with new security challenges. On 19 April 2016, the Council adopted [conclusions](#) on countering hybrid threats, in which it highlighted the possible CSDP contributions in this area.

The CWP 2016 includes several additional initiatives in the area of security, such as an [EU-wide strategic framework for supporting Security Sector Reform](#) and a [European Defence Action Plan](#). In its September 2015 [resolution](#) on the CWP, the EP highlighted the importance of building a genuine internal market for defence and security, deepened cooperation among European defence industries, a competitive European defence technological and industrial base and a more collaborative approach to security and defence R&D and procurement.

On 18 May 2015, the Council established a new Common Security and Defence Policy (CSDP) operation – EUNAVFOR MED, to disrupt the business model of human smugglers and traffickers in the southern central Mediterranean.

The second phase of the operation, now renamed Operation Sophia, was launched in October 2015, with the UN Security Council giving a one-year [mandate](#) to intercept vessels on the high seas off the Libyan coast suspected of migrant smuggling. The EU mission is still operating in international waters, and not – as originally intended – in Libyan waters.



## Priority 10: A Union of Democratic Change

With regard to the 10th political priority, Commission President Juncker's Political Guidelines presented in 2014, but equally the Commission's Work Programme (CWP) for 2015 and for 2016, expressed the intention to make the EU more democratic and to enhance its openness, accessibility and accountability. This was to be achieved by, inter alia, revitalising the '[special partnership' with the European Parliament](#), strengthening a political rather than technocratic dialogue with Union legislators, enhancing transparency, and improving interaction with national parliaments regarding the principle of subsidiarity. **Transparency** and **better law-making**, including a new **Interinstitutional Agreement** (IIA) to that end, have been at the core of initiatives falling under this priority in 2015 and 2016.

On 19 May 2015, the Commission presented a comprehensive **Better Regulation package**, consisting of initiatives covering the entire policy cycle. Its key elements include increased stakeholder involvement, strengthened impact assessment, a more independent Regulatory Scrutiny Board, stronger commitment to review and evaluate Union legislation, and a new Interinstitutional Agreement on Better Law-Making. **Impact assessments** (IA) remain at the core of the Commission's Better Regulation strategy and the quality of IAs is assessed by its **Regulatory Scrutiny Board** (RSB), three of whose members (out of a total of seven) have for the first time been recruited from outside the EU institutions.<sup>7</sup> The Commission announced the final [composition of the RSB](#) on 4 May 2016. The Better Regulation package also signals increased attention to 'closing the policy cycle' by means of **review and evaluation** of the existing stock of Union legislation, the results of which should form the basis of new initiatives ('evaluate first').

Recognising that a renewed commitment on the part of all three main institutions involved in the legislative process (Parliament, Council and Commission) is needed in order for better law-making efforts to succeed, a Commission proposal for a **new Interinstitutional Agreement** (IIA) formed a key element of the Better Regulation package. The three institutions launched negotiations on the new IIA on 25 June 2015

<sup>7</sup> On 1 July 2015, the RSB replaced the Impact Assessment Board (the Commission's internal body scrutinising IA work). The RSB members for the first time work full time on tasks arising from their membership of the Board.

and finalised them on 8 December 2015. The IIA entered into force on **13 April 2016**, after having been signed by the respective institutions.

Among many other things, the IIA envisages strengthened interinstitutional cooperation with regard to multiannual and annual programming, and calls upon the Commission to, inter alia, give due consideration to *own initiative* requests made by Parliament and Council.<sup>8</sup> It emphasises the positive contribution of **better law-making tools** (IAs, stakeholder consultation and ex-post evaluations) to better quality legislation, yet explicitly reaffirms the long-standing principle that impact assessment remains an **aid** to political decision-making and not a substitute for it. Similar to the existing practice, Parliament and Council remain free to carry out impact assessments of their substantial amendments whenever they 'consider this to be appropriate and necessary.'

When preparing *delegated* acts, the Commission commits to conducting consultations with EU-28 experts, to which Parliament and Council are to have systematic access. To facilitate the use of **delegated and implementing acts**, the IIA envisages further negotiations between the institutions with a view to establishing non-binding *delineation criteria* for both categories. Moreover, by the end of 2016, the Commission is expected to re-table a proposal on the still outstanding **alignment** of pre-Lisbon Treaty legislation to the system created by Articles 290 and 291 TFEU.

The new IIA, as well as the Better Regulation package in general, place new emphasis on the question of how Union law is being **transposed** by Member States and **applied** 'on the ground'. In its Better Regulation Communication the Commission explicitly stresses that 'not all rules come from Brussels' and urges Member States to avoid unjustified '**gold-plating**' of EU rules. The IIA also contains provisions to that effect: it calls upon the Member States to 'communicate clearly' to their public when transposing Union legislation. Accordingly, elements which Member States choose to add in the process of transposition 'that are in no way related' to Union legislation, should be made '**identifiable**' in the accompanying documents. It remains to be seen how Member States respond to this requirement and what the interpretation of the term 'in no way related' will be.

The new IIA undoubtedly brings important improvements in terms of inter-institutional cooperation, yet also requires **follow-up action** in several areas.<sup>9</sup> These include, inter alia, (improved) practical arrangements for inter-institutional cooperation and transparency of trilateral negotiations, a continuing need for delineation criteria regarding delegated and implementing acts, as well as a need for reviewing the relevant points of Parliament's Rules of Procedure with a view to possible adjustments. An own-initiative report of Parliament's Committee on Constitutional Affairs (ACFO) regarding the interpretation and implementation of the IIA (rapporteurs: Pavel Svoboda (EPP, Czech Republic) and Richard Corbett (S&D, UK)) is now in preparation (2016/2018(INI)).

In its Resolution of 12 April 2016 on the Regulatory Fitness and Performance Programme (REFIT), the European Parliament requested the Commission to grant it full

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<sup>8</sup> On the basis of Articles 225 and 241 TFEU, respectively. The Commission is expected to reply to such requests within three months.

<sup>9</sup> As also set out in the report on the conclusion of the IIA, drafted by Danuta Hübner (EPP, Poland) and adopted by Parliament's Committee on Constitutional Affairs (AFCO) on 23 February 2016.

access to any assessments in that connection, including the source data collected and preparatory documents. It furthermore pointed to the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents and to the Joint Political Declaration of 27 October 2011 of the European Parliament, the Council and the Commission on explanatory documents, and called on the Commission to ensure that Parliament has access to explanatory documents.

Furthermore, in his Political Guidelines, President Juncker [pledged](#) enhanced **transparency** when it comes to contacts with stakeholders and lobbyists, by saying: 'I would like ordinary people in Europe to know who has been to see who, and who has spoken to whom, and I would like the other institutions to follow suit'. Parliament has called in several resolutions, including the [one on the 2016 CWP](#), for the current non-obligatory Parliament-Commission transparency register for interest representatives to be replaced by a **joint mandatory transparency register** also including the Council. Shortly after taking office, in November 2015, the Commission adopted two decisions requiring [Commissioners](#), their cabinets and [Directors-General](#) to make public information concerning meetings held by them with organisations and self-employed individuals. The establishment of a mandatory Transparency Register is the only initiative foreseen in the CWP 2016 under the Chapter 'A Union for Democratic Change'. It should be noted, however, that whilst Parliament is calling on the Commission to present a [legislative proposal on a mandatory transparency register](#), the Commission's initiative refers to an **Interinstitutional Agreement**. The Commission launched in March 2016 a three-month consultation on a [proposal for a mandatory Transparency Register](#).

Whilst the European Commission has not planned any further initiatives under this chapter, Parliament also called in its resolution on the CWP 2016 for:

- Follow-up to the opinion of the Court of Justice of the EU (CJEU) on the EU's accession to the European Convention on Human Rights;  
On 18 December 2014, the CJEU delivered its opinion on the draft agreement on accession of the EU to the European Convention on Human Rights (ECHR). The Court declared the draft accession agreement incompatible with Article 6(2) TEU or with Protocol (No 8) relating to Article 6(2) TEU. The Commission is further pursuing negotiations with the contracting parties to the ECHR.
- A proposal for a regulation on a European law of administrative procedure;  
Parliament [had requested](#) the Commission to submit a proposal for a regulation on a European law of administrative procedure (legislative initiative) already on 15 January 2013. In response, the previous Commission gave assurance of its intention to launch a detailed stocktaking exercise.
- Unblocking the revision of the regulation on access to documents;  
Deadlock in the Council has prevented agreement on the 2008 [proposal on the revision](#) of Regulation (EC) No 1049/2001 on access to documents.
- Prompt revision of the European Citizens Initiative Regulation.  
The European Parliament adopted on 28 October 2015 [a resolution on the European Citizens' Initiative \(ECI\)](#) calling inter alia for the revision of the ECI Regulation. The Commission considers, however, that 'only three years after the effective entry into application of the ECI Regulation, it is still too early to launch a legislative revision'. However, as part of its ongoing assessment of the functioning of ECI, the [Commission is considering further improvements](#) to be




















implemented under the current legal framework in several of the areas highlighted in Parliament's resolution.



### 3. Juncker Commission: new structure and modus operandi?

Figure 1: Portfolios in the Juncker Commission

PRESIDENT				
Jean-Claude Juncker 				
VICE-PRESIDENTS				
Frans Timmermans <i>First Vice-President</i> Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights 		Federica Mogherini <i>High Representative</i> High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission 		
Kristalina Georgieva  Budget & Human Resources	Maroš Šefčovič  Energy Union	Jyrki Katainen  Jobs, Growth, Investment and Competitiveness	Valdis Dombrovskis  Euro & Social Dialogue	Andrus Ansip  Digital Single Market
COMMISSIONERS				
Věra Jourová  Justice, Consumers and Gender Equality	Günther Oettinger  Digital Economy & Society	Pierre Moscovici  Economic and Financial Affairs, Taxation and Customs	Marianne Thyssen  Employment, Social Affairs, Skills and Labour Mobility	Corina Crețu  Regional Policy
Johannes Hahn  European Neighbourhood Policy & Enlargement Negotiations	Dimitris Avramopoulos  Migration, Home Affairs and Citizenship	Vytis Andriukaitis  Health & Food Safety	Jonathan Hill  Financial Stability, Financial Services and Capital Markets Union	Elżbieta Bieńkowska  Internal Market, Industry, Entrepreneurship and SMEs
Miguel Arias Cañete  Climate Action & Energy	Neven Mimica  International Cooperation & Development	Margrethe Vestager  Competition	Violeta Bulc  Transport	Cecilia Malmström  Trade
Karmenu Vella  Environment, Maritime Affairs and Fisheries	Tibor Navracsics  Education, Culture, Youth and Sport	Carlos Moedas  Research, Science and Innovation	Phil Hogan  Agriculture & Rural Development	Christos Stylianides  Humanitarian Aid & Crisis Management

NB: The colours assigned to the Vice-Presidents in the above table reflect those used by the Commission.

The new European Commission took office on 1 November 2014. Its [political priorities](#) were sketched out by President Juncker in the run-up to his election by Parliament in July 2014, and then during the subsequent parliamentary hearings of the Commissioners-designate. The annual [Commission Work Programme](#) adopted in December 2015 mirrored these ten priorities. The work programme for 2016 confirms the Commission's focus on the same set of priorities, albeit the events of the first year under President Juncker required the Commission to refocus on specific priorities within the set of ten.

The setting of the EU political and legislative agenda for the current political cycle was embedded in a wider political process, which started with the elections to the European Parliament and the participation of lead candidates nominated by political groups. This brought a deeper political link between Parliament and the EU executive, in a bid to respond to calls for more political decision-making by the European Commission, instead of a technocratic approach. Indeed, President Juncker's approach has seen increased consultation with both the Parliament and Council in the run-up to the Commission's adoption of the 2016 work programme.

The striving for a more 'political' Commission is also said to be at the origin of a new structure based on thematic clusters for which seven Vice-Presidents, including the High Representative for Foreign Affairs and Security Policy, are responsible. But it is also noted by many commentators that a structure involving Vice-Presidents without own portfolios is a means to solve the problem of finding substantial portfolios for 27 Commissioners. Previously, the Commission had had a rather horizontal decision-

making structure with each Commissioner developing proposals within their Directorate-General and then proposing them to the College.

In contrast, under the new clusters structure, the Vice-Presidents are entrusted with 'priority projects', currently handled by seven ['project teams'](#), some of which are rather large (like that on the Digital Single Market, led by Vice-President Andrus Ansip and involving 13 Commissioners). The Vice-Presidents are supported by the rest of the Commissioners in submitting proposals to the College, which then takes the decision according to the principle of collegiality: by consensus, or on some occasions by a simple majority vote. To secure greater coherence with the overall political guidelines set by the President, Vice-Presidents are said to have been given the power to block proposals from individual Commissioners, which could be seen as damaging in terms of the principle of collegiality, albeit it should foster increased efficiency.

**Figure 2 - Membership of project teams in the Juncker Commission**

Commissioner	Portfolio	Project Teams							
		Better Regulation, Interinstitutional Relations, Rule of Law and Charter of Fundamental Rights	Union for Foreign Affairs and Security Policy	Budget and human resources	Energy Union	Jobs, Growth, Investment and Competitiveness	The Euro and Social Dialogue	The Digital Single Market	
		Timmermans	Mogherini	Georgieva	Šefčovič	Katinnen	Dombrovskis	Ansip	
Günther Oettinger	Digital Economy and Society	●		★	●	★		★	
Johannes Hahn	European Neighbourhood Policy and Enlargement Negotiations	●	★	★		●			
Cecilia Malmström	Trade	●	★	★	●	●			
Neven Mimica	International Cooperation and Development	●	★	★					
Miguel Arias Cañete	Climate Action and Energy	●	★	★	★	★			
Karmenu Vella	Environment, Maritime Affairs and Fisheries	●		★	★	●			
Vytenis Andriukaitis	Health and Food Safety	●		★		●		●	
Dimitris Avramopoulos	Migration, Home Affairs and Citizenship	★	●	★		●			
Marianne Thyssen	Employment, Social Affairs, Skills and Labour Mobility	●		★	●	★	★	★	
Pierre Moscovici	Economic and Financial Affairs, Taxation and Customs	●		★	●	★	★	★	
Christos Stylianides	Humanitarian Aid and Crisis Management	●	●	★					
Phil Hogan	Agriculture and Rural Development	●		★	★	●		★	
Jonathan Hill	Financial Stability, Financial Services and Capital Markets Union	●		★		●	★	●	
Violeta Bulc	Transport	●	●	★	★	★		●	
Elżbieta Bieńkowska	Internal Market, Industry, Entrepreneurship and SMEs	●		★	★	●	★	★	
Věra Jourová	Justice, Consumers and Gender Equality	★		★	●	●	★	★	
Tibor Navracsics	Education, Culture, Youth and Sport	●		★		●	★	●	
Corina Crețu	Regional Policy	●		★	★	★	★	★	
Margrethe Vestager	Competition	●		★	●	●		●	
Carlos Moedas	Research, Science and Innovation	●		★	★	●		●	

Indeed, the increased presidentialisation of the Commission in the past decade with the goal of greater effectiveness and political accountability is now counter-balanced by a strong role for the seven Vice-Presidents, and in particular the First Vice-President, Frans Timmermans. He is in charge of a large cross-cutting area, including, inter alia, Better Regulation and watching over subsidiarity.<sup>10</sup> Also holding a strong role is Vice-President Kristalina Georgieva, who is responsible for scrutinising all proposals to ensure that they fit current budgetary parameters. The current more vertical approach within the thematic clusters should ensure greater coherence and coordination in a large Commission of 28 Members.

In this sense, the clusters structure seeks to change the Commission's *modus operandi* by avoiding 'silo' management with a lack of coherence between the different Commission portfolios, and contribute to greater political coordination within and strategic decision-making by the Commission as a whole.<sup>11</sup> Such a change has long been demanded by many political actors and by [experts](#).

While the new structure indeed seems to be well-suited to ensuring stronger coherence of the EU's legislative planning with the political priorities, the overlap between different policy areas leads inevitably to some Commissioners having to coordinate their portfolio with two or more Vice-Presidents.<sup>12</sup> This has led commentators to warn against possible conflicts putting political coherence at risk. On the other hand, the collaboration between a Vice-President and another Commissioner, who might often be from different political families (e.g. Vice-President Valdis Dombrovskis, EPP, and Commissioner Pierre Moscovici, PES, on matters related to the euro area) reflects the broader political majorities that need to be secured in Parliament for legislation to be passed.

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<sup>10</sup> K. Lannoo, [The Juncker Commission: A laudable attempt at reform](#), CEPS 2014.

<sup>11</sup> Y. Bertoncini, [The Juncker Commission and new institutional and legitimacy set-up. What main issues and challenges?](#), written for EP Directorate-General for Internal Policies, Policy Department 'Citizens' Rights and Constitutional Affairs', on the request of the Committee on Constitutional Affairs, 2015, pp. 13 et seq.

<sup>12</sup> Commissioner Carlos Moedas for instance, in charge of Research, Science and Innovation, needs to coordinate his portfolio both with Vice-President Jyrki Katainen (Jobs, Growth, Investment and Competitiveness) and with Vice-President Kristalina Georgieva (Budget and Human Resources).

## 4. The Commission's Work Programme for 2016: 'No time for business as usual!'<sup>13</sup>

On 9 September 2015, the President and the First Vice-President of the Commission addressed a letter ('letter of intent') to the Presidents of the European Parliament and the Council outlining 'the main initiatives that we will take until the end of 2016, including those you can expect in the remaining months of 2015'.

On 16 September 2015 the European Parliament adopted a resolution on the Commission Work Programme 2016 ([2015/2729\(RSP\)](#)).

On 27 October 2015 the Commission adopted its Work Programme 2016 ([COM\(2015\)610 final](#)). That same day, First Vice President Timmermans presented the 2016 Commission Work Programme (2016 CWP) in Parliament's plenary. He emphasised that the 2016 CWP encompasses a *substantive legislative agenda that reflects a broad degree of convergence with Parliaments' priorities*.

The 2016 CWP comprises **98 new initiatives**:<sup>14</sup>

- **23 key policy initiatives**,
  - 18 legislative/non-legislative and 5 non-legislative;
- **20 withdrawals or modifications** of pending proposals;
- **27 REFIT actions** (12 legislative) to review the quality of existing EU legislation;
- **28 repeals**;

and **17 priority pending proposals** where the Commission wants the co-legislators to take swift action.

Under the 2009-2014 mandate, the Commission proposed an average of over 130 (+33%) new initiatives in each annual Work Programme.

The next section provides an assessment of the degree of convergence of Parliament's 16 September 2015 ([2015/2729\(RSP\)](#)) resolution and the CWP 2016.

### Comparative assessment

It should be made clear from the outset that this comparative assessment cannot be an accurate exercise as the texts to be compared are not homogeneous. Parliament's resolution combines general policy statements with specific requests whilst the CWP is specific on pending proposals, withdrawals and repeals but less so on new initiatives and REFIT. The type of convergence assessed is therefore more potential than real.

<sup>13</sup> This section is based on a note prepared by the Office of Parliament's Deputy Secretary General, following the adoption of Parliament's resolution on the 2016 work programme.

<sup>14</sup> For those items marked 'Legislative/Non-legislative' or 'Legislative/Evaluation' in the CWP, it is not possible to determine at this stage whether legislative proposals will be submitted. For those items marked 'Legislative', the absence of information on intended legal bases does not permit to ascertain which type of proposals (i.e. co-decision, consultation) the Commission will submit.

### *I. Priority pending legislative proposals*

The list put forward by the Commission could be considered as the starting point of the joint declaration on annual interinstitutional programming exercise set out in point 7 of the IIA on Better Law-Making.

The Commission identifies **17 pending proposals** where it requests swift progress by the legislators and adoption by 2016. Their breakdown by type of procedure is:

- 13 by ordinary legislative procedure (COD);
- 3 by special legislative procedure (2 CNS and 1 APP)
- 1 Non-legislative procedure (NLE)

The files identified as priority by the Commission include procedures where the final adoption or any progress in negotiations depend solely on the Council (9 files) and one procedure which Parliament has already rejected (GMOs). Several **other important files for Parliament**, most notably, the alignment of pre-Lisbon files to new delegated and implementing powers framework, are excluded from the list.

### *II. New initiatives*

On the basis of the detailed comparison of Parliament's resolution on the CWP 2016 with the CWP 2016 itself, the following broad conclusions by priority topics are drawn. (The list at the end of this section provides a summary of Parliament's specific requests not explicitly addressed in the CWP.)

**A new boost for jobs, growth and investment:** here, there is partial convergence with Parliament's requests. The lack of detail on the 'Pillar of Social Rights' initiative makes it impossible to assess whether Parliament's requests, such as for the adoption of convergence guidelines or actions to reduce child poverty, are properly addressed. A different level of ambition is shown on the review of the 2014-2020 MFF as Parliament requests a revised legislative proposal.

**Fight against tax fraud and tax evasion:** The CWP proposals seem to tally well with Parliament's request, in particular a staged approach for the Common Consolidated Corporate Tax base proposal.

There also appears to be good alignment on the **digital single market, Energy Union and climate change policy areas**.

**Environmental and health issues:** the level of ambition of Parliament's request for a Circular Economy Package and the Commission's response of a 'broad action plan, including actions on monitoring effective progress, and a waste proposal with long-term targets' might differ.

There is an absence of proposals regarding **an integrated and efficient transport sector** which therefore leaves unanswered several requests of Parliament. Nor is there any coverage of **fisheries policy**.

**A deeper and fairer Economic and Monetary Union:** the level of ambition of Parliament's request for a 'blueprint putting forward all the measures required to make the Economic and Monetary Union (EMU) more resilient and turn it into a framework for better coordination and structural convergence, using the Community method', seems higher than the Commission's planned response.

**An area of justice and fundamental rights based on mutual trust:** here, there is only partial CWP convergence with Parliament's requests. A number of specific requests remain unanswered.

There is good convergence on **migration and asylum and foreign policy**.

On **development policy**, Parliament's call to focus action on fragile states and to elaborate strategies on peace-building and state-building seems somewhat different to the Commission's plans to foster capacity building in the security sector in third countries

**A Union of democratic change:** there is poor convergence of the CWP with Parliament's requests in this area, with no reference to several specific requests.

*List of Parliament's requests not specifically addressed in the CWP 2016*

***A new boost for jobs, growth and investment***

- Adoption of convergence guidelines under the ordinary legislative procedure;
- Coordination of Member States' social policies;
- New European Sales Law proposal based on Parliament's position at first reading

***Fight against tax fraud and tax evasion***

- EU definition of tax havens.

***Environmental and health issues***

- Review of the Tissues and Cells Directive and the Advanced Therapies Regulation.

***An integrated and efficient transport sector***

- Eurovignette;
- Review of the Directive on Clean and Energy Efficient Road Transport vehicles.

***Agriculture and fisheries policies***

- Single European Ecolabel for fishery and aquaculture.

***International trade policies***

- Revision of Regulation on transitional arrangements for bilateral investment.

***An area of justice and fundamental rights based on mutual trust***

- Binding mechanism for breaches of Article 2 TEU values;
- Proposal for a reform of the European Arrest Warrant;
- Accession to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

***A Union of democratic change***

- Alignment of all pending pre-Lisbon files;
- Follow-up to the opinion of the Court of Justice on the EU's accession to the European Convention on Human Rights;
- Proposal for a regulation on a European law of administrative procedure;
- Unblocking the revision of the regulation on access to documents;
- Prompt revision of the European Citizens Initiative Regulation.

## 5. Main references

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As the European Commission under its President Jean-Claude Juncker begins the preparation of its 2017 work programme, this publication seeks to provide an overview of the work already done since the Commission took office in each of its 10 priority areas. Moreover, as this Commission approaches the midway point of its second annual work programme, it is of growing interest to assess progress towards the targets that the Commission has set itself, and to identify areas in which difficulties in making progress have been encountered.

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