

European Commission Work Programme for 2020

An ex-ante impact assessment/ex-post evaluation perspective for parliamentary committees

SUMMARY

This briefing is intended as a background overview for parliamentary committees planning their activities in relation to the European Commission's 2020 work programme (CWP 2020). It offers a brief description of the work programme's content and of related publications provided by the Ex-Ante Impact Assessment Unit (IMPA) and the Ex-Post Evaluation Unit (EVAL) of the European Parliamentary Research Service (EPRS), in particular initial appraisals of Commission impact assessments and implementation appraisals.

Following the same format as in previous years, the CWP 2020 announces multiple legislative proposals, whether entirely new or updating existing legislation. Also, as in previous years, the annexes to the CWP 2020 provide a fairly clear overview of new initiatives, regulatory fitness and performance (REFIT) initiatives, pending priority proposals, intended withdrawals and repeals of existing legal acts envisaged. Under the CWP 2020, the Commission plans to submit at least 97 new legislative and non-legislative initiatives to the European Parliament, and at least 44 REFIT initiatives (both legislative and non-legislative), by the end of 2020.

Commission work programme 2020 communication

On 29 January 2020, the new European Commission published and presented its work programme for 2020: 'A Union that strives for more', [COM\(2020\) 37](#). This sets out a targeted agenda to implement the von der Leyen Commission's [six priorities](#) for 2019-2024 and the key initiatives that support them. The six priorities are:

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

The European Commission presented the CWP 2020 in the form of a [communication](#), with five annexes providing more in-depth information about the Commission's legislative and non-legislative intentions for 2020.

The communication is structured along the six priorities set out in President von der Leyen's [political guidelines](#) and focuses on the priorities for the European Parliament and those in [the European Council's Strategic Agenda for 2019-2024](#). The work programme focuses in particular on the

opportunities that can be generated by 'the twin ecological and digital transition'.¹ According to the CWP 2020, the [UN Sustainable Development Goals](#) will be placed at the centre of EU policy-making.

The Commission underlines its strong commitment to strengthen its special relationship with the European Parliament, and in this regard supports a right of initiative for the Parliament.² [Better regulation](#) will continue to be the main tool for designing and evaluating EU policies and laws. The CWP 2020 explicitly refers to the application of a 'one in, one out' approach (although it does not provide any further explanation),³ and draws on the benefits of strategic foresight for the design and implementation of policies for the years to come.

The unprecedented challenge of negotiating a new partnership with the United Kingdom distinguishes the CWP 2020 from previous work programmes.

Based on the CWP 2020, the European Commission, the European Parliament and the Council will now start discussions with a view to establishing a list of joint legislative priorities on which co-legislators agree to take swift action.

Annexes to the Commission work programme 2020

In addition to the Commission's communication, the CWP includes five annexes relating to **new** legislative or non-legislative initiatives ([Annex I](#)), **REFIT** initiatives reviewing existing legislation, evaluations and fitness checks ([Annex II](#)), **pending** priority legislative files ([Annex III](#)), **withdrawals** of pending proposals ([Annex IV](#)) and envisaged **repeals** of existing legislation ([Annex V](#)). The following table gives a breakdown of dossiers and individual files (initiatives) included in the CWP's five annexes.

Table 1 – Commission work programme 2020 annexes

Annex	Dossiers	Dossier files
Annex I: New initiatives	43 dossiers	29 legislative initiatives 67 non-legislative initiatives 1 unknown type of initiative
Annex II: REFIT initiatives	44 dossiers	33 non-legislative initiatives (evaluations, fitness checks and reports) 10 legislative initiatives amending existing legislation 1 unknown type of initiative
Annex III: Priority pending proposals	126 dossiers	126 priority files
Annex IV: Withdrawals	32 dossiers	32 intended withdrawals
Annex V: Envisaged repeals	2 dossiers	2 intended repeals

Source: CWP 2020.

- **Annex I** includes 43 dossiers linked to the von der Leyen Commission's six priorities.⁴ Each of these dossiers includes at least one legislative or non-legislative initiative. The **non-legislative** initiatives include: 15 initiatives linked to the European Green Deal priority (communications, action plans and strategies); 12 initiatives linked to the digital age priority (strategies, follow-ups, white papers); eight initiatives linked to the economy that works for people priority; another eight initiatives linked to the stronger Europe in the world priority; nine initiatives linked to promoting our European way of life and 15 initiatives connected with the new push for European

democracy. The legislative initiatives include seven related to the European Green Deal, nine related to a Europe fit for the digital age, six to an economy that works for Europe, two to a stronger Europe in the world, three initiatives are linked to promoting our European way of life, and two are planned for the new push for European democracy.

- Annex II includes 44 dossiers corresponding to 44 initiatives for regulatory simplification, including both legislative and non-legislative initiatives.⁵ This annex announces 25 evaluations, 7 revisions, 4 fitness checks, 5 reviews, a report, a targeted modification and an extension of a regulation.
- Annex III includes 126 pending priority initiatives files, of which 56 are multiannual financial framework (MFF) related. Some 100 of them are to be adopted under the ordinary legislative procedure (COD), 9 fall under the non-legislative procedure (NLE), while a further 11 initiatives require consultation with Parliament (CNS) and 5 the consent of Parliament (APP). The annex also contains a proposal from the High Representative of the Union for Foreign Affairs and Security Policy. Also the priority pending proposals are divided according to the six von der Leyen Commission priorities.⁶
- In Annex IV, the Commission provides a list of 32 pending legislative proposals that it intends to withdraw by July 2020.⁷ These legislative proposals will be withdrawn because they are either obsolete (23), or because there is no foreseeable agreement (8), or both (1).
- The list of repeals included in Annex V only contains two files regarding existing legislation that the Commission plans to repeal.⁸ In the first case, there is an insufficient level of compliance and the definitions and text of the regulation became outdated and other data sources became available (Regulation (EEC) No 1108/70 of the Council of 4 June 1970 introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway). In the second case, the existing regulation is simply obsolete because the treaty already provides regulation for the subject matter (Council Regulation 86/1797/EEC abolishing certain postal fees for customs presentation).⁹

EP initial appraisals of Commission impact assessments

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

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

It should be noted that the changing character of the files included in the CWP 2020 could impact on the actual number of forthcoming initial appraisals.

EP implementation appraisals

European Parliament implementation appraisals are pro-active briefings providing a synthetic and succinct analysis (4-12 pages) of the operation of existing EU legislation. They focus on specific pieces of secondary European law, directives or regulations that are to be amended or reviewed by the co-legislators following legislative proposals envisaged in the CWP. Thus, implementation appraisals cover those legislative proposals included in the CWP that are submitted as a part of the Commission's regulatory fitness and performance ([REFIT](#)) programme, under 'legislative initiatives amending existing legislation'. These briefings are prepared by the Ex-Post Evaluation Unit (EVAL) of EPRS.

Legislative proposals not amending existing EU legislation, i.e. entirely new EU legislation, non-legislative initiatives, implementing and delegated acts, and international agreements included in the CWP, are not covered by implementation appraisals. Implementation appraisals give priority to those legislative proposals that were mentioned in the CWP and in the joint declaration on EU legislative priorities for the given year.

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

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

Similarly to the above regarding initial appraisals, the changing character of the files included in the CWP 2020 could possibly influence the actual number of forthcoming implementation appraisals.

Focusing on Annexes I and II

Currently, **Annex I** includes 43 general dossiers – policy objectives structured according to the von der Leyen Commission's priorities presented in 2019. The actual number –97– of (legislative or non-legislative) initiatives included in this annex is in fact twice as high. This difference is due to the fact that some of these dossiers include several individual legislative or non-legislative initiatives (see, Table 1). The majority of the initiatives included in Annex I are non-legislative initiatives (63), whereas a minority are legislative (25). In four cases, the Commission envisages presenting both a legislative and a non-legislative initiative.¹⁰ In one case, the type of initiative is not specified at all (point 18, Annex I).

According to the CWP, **24 initiatives included in Annex I will be accompanied by an impact assessment** – 2 legislative and non-legislative initiatives, 1 non-legislative initiative and 21 legislative initiatives. For three legislative initiatives, of which one has already been adopted (the Just Transition Fund, the others being the European Climate Law and the 8th environmental action programme), no impact assessment is mentioned. This is also the case for two legislative and non-legislative initiatives (the action plan on human rights and democracy and the new pact on migration and asylum).

As Annex I, **Annex II** is also structured according to the von der Leyen Commission priorities. It includes 44 general dossiers, with each dossier including only one initiative. Annex II is however less explicit, compared to Annex I, as regards the type of initiative (legislative or not). Nonetheless, the type of the majority of the initiatives can be assumed. Annex II explicitly designates one initiative as non-legislative, while an additional 32 initiatives can be assumed as non-legislative. Legislative

initiatives included in Annex II are in a clear minority (10) while the character of one initiative is presently unknown. Annex II explicitly plans for eight legislative initiatives and two additional legislative initiatives can be assumed as such, as they concern changes of existing legislation (initiatives 26 and 27). **Annex II explicitly notes that eight legislative initiatives and one non legislative initiative would be accompanied by an impact assessment.**

Not all initiatives included in the annexes are described in the same **level of detail in the CWP**. The content of the initiatives included in Annex II (REFIT) are generally more detailed than those included in Annex I. Some are rather general and do not allow direct identification of a legislative act concerned, such as point 15 of Annex I (Aviation services package), or point 34 of Annex II (Uniform rounding rules). Other points provide a clear and specific definition of the legislation that is likely to be impacted by the Commission's legislative proposals, such as the majority of legislative initiatives included in Annex II.

Interestingly enough, Annex I – New initiatives – includes several initiatives that will most probably change existing law and could have been better included in Annex II (for example, point 15, Annex I).

CWP disclaimer and timing of legislative proposals

The CWP 2020 communication stresses that the set of initiatives contained in the annexes is **neither exhaustive nor definitive**. The Commission explicitly notes that 'the position of an initiative does not change the responsibilities set out in the mission letters sent to every Member of the College by President von der Leyen' and highlights the fact that over the course of the year emerging challenges might require its immediate action'.¹¹ The CWP 2020 does not therefore exclude the possibility that the Commission submit a proposal outside the framework of its work programme.

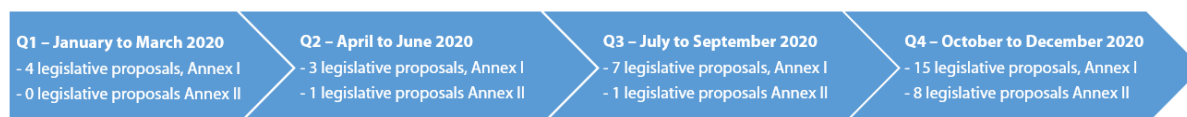
Furthermore, neither Annex I nor Annex II of the CWP are absolute in enumerating possible upcoming legislative initiatives. Annex I includes a **disclaimer**, highlighting that the information included therein 'is indicative only and subject to change during the preparatory process, notably in view of the outcome of an impact assessment process'.¹² Thus, it is possible that the Commission might decide not to submit a proposal that was originally included in Annex I.

It is emphasised that Annex II only sets out the 'most significant revisions, evaluations and Fitness Checks'.¹³ With the extent of what is considered significant being undefined, it is possible that the Commission might not carry out all the initiatives listed in Annex II. Another uncertainty concerns the fact that the Commission does not consistently stipulate whether the planned REFIT initiative is a legislative or a non-legislative file. Although Annex II provides this information with regard to some of the files, it is lacking for the majority of them.

The **timing** of the proposals included in both annexes is rather general, and with regard to the REFIT initiatives set out in Annex II, this information is sometimes missing altogether. In this respect, the CWP 2020 should be read together with additional Commission documents, such as tentative agendas for forthcoming Commission meetings, roadmaps or inception impact assessments.

According to the information included in Annex I of the CWP 2020, the Commission intends to submit 15 out of 29 legislative proposals in the fourth quarter of 2020. In the first two quarters of 2020, the Commission plans to submit four legislative proposals, while the remaining seven legislative proposals are envisaged for the third quarter of 2020. Concerning the REFIT initiatives set out in Annex II, the majority of the initiatives do not include a specific date when a submission of an initiative is intended. Only 11 initiatives (out of 44) include this data. Out of this number, eight legislative proposals are planned for the last quarter of 2020 while only two initiatives are planned for Q1-Q3 of 2020. The non-legislative initiative with a specific date is intended for Q4 2020. The following table shows the division of the legislative proposals according to the given quarter in which they should be proposed.

Table 2 – Chronological schedule for legislative proposals



Division of legislative initiatives by parliamentary committee

The analysis of the CWP shows that the intended legislative initiatives included in Annexes I and II do not cover all parliamentary committees. It seems that on the basis of the CWP 2020, only 13 parliamentary committees are likely to receive legislative proposals by December 2020.

The annex to this briefing presents an overview of legislative initiatives included in Annexes I and II of the CWP,¹⁴ **provisionally** divided by parliamentary committee, subject to confirmation of official referral. The table also notes the quarter in which the legislative proposal is expected to be submitted by the Commission.

Conclusions

Based on the analysis of the CWP 2020, especially its first two annexes, several conclusions can be drawn. Due to the use of legislative packages, the CWP 2020 is not sufficiently detailed to be read as a stand-alone document. Other European Commission documents are needed to gain a clearer understanding of the legislative proposals each initiative contains and when precisely they are due.

Although the Commission has promised to submit all its legislative (and non-legislative) proposals in the course of 2020, the CWP 2020 only contains a general indication regarding their substance and when these proposals are to be expected. This impacts on the CWP's usefulness as a planning and scrutiny tool for the European Parliament. Nonetheless, the CWP 2020 has to be perceived as a flexible working tool. It is not absolute as to its proposals, since additional legislative proposals can and are expected to be submitted outside of the current CWP, with or without a supporting IA.

Based on the text of the CWP, it seems likely that the Commission will present at least 39 legislative initiatives in 2020, of which 29 are included in Annex I of the CWP and 10 in Annex II. These legislative initiatives are likely to be delivered to at least 13 parliamentary committees; 31 legislative initiatives (new initiatives and REFIT initiatives) will be supported by an impact assessment. This last figure represents about 80 % of the 39 legislative initiatives included in Annexes I and II.

The three committees most concerned with legislative proposals would appear to be the Committee on the Environment, Public Health and Food Safety (ENVI), the Committee on the Internal Market and Consumer Protection (IMCO) and the Committee on Economic and Monetary Affairs (ECON).

With regard to the legislative initiatives identified in the CWP, the Ex-Post Evaluation Unit might provide a certain number of briefings for the parliamentary committees concerned, giving a succinct overview of publicly available material on the implementation, application and effectiveness to date of an EU law concerned.

In turn, the Ex-Ante Impact Assessment Unit will likely provide, to the extent possible, an initial appraisal of the quality of the impact assessments included in the CWP 2020, in particular those accompanying legislative proposals.

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

- N – Legislative initiative included in Annex I of the CWP
- R – Legislative initiative included in Annex II of the CWP

Committee ¹⁵	Expected legislative initiative	Presentation (Quarter) ¹⁶	Assumed type of initiative	Impact Assessment Expected
Foreign Affairs (AFET)	European democracy action plan (N)	Q4 2020	New initiative	YES
AFET/ Human Rights (DROI)	Action plan on human rights and democracy (2020-2024) (N)	Q1 2020	New initiative	NO
AFET/ International Trade (INTA)	Signature and conclusion of the Agreement between the EU and the countries of Africa, the Caribbean and the Pacific (N)	Q3 2020	New initiative	NO ¹⁷
Economic & Monetary Affairs (ECON)	Action Plan to fight tax evasion and to make taxation simple and easy (N)	Q2 2020	New initiative	YES
	Review of the Capital Requirements legislation (N)	Q2 2020	Existing legislation	YES
	Proposal on Crypto Assets (N)	Q3 2020	New initiative	YES
	Review of the regulatory framework for investment firms and market operators, including the establishment of an EU consolidated tape (N)	Q3 2020	Existing legislation	YES
	Cross-sectoral financial services act on operational and cyber resilience (N)	Q3 2020	New initiative	YES
	Review of the Benchmark Regulation (N)	Q3 2020	Existing legislation	YES
	Uniform rounding rules (R)	Q4 2020	Existing legislation	YES
Employment & Social Affairs (EMPL)	European unemployment reinsurance scheme (N)	Q4 2020	New initiative	YES
Environment, Public Health & Food Safety (ENVI)	European climate law enshrining the 2050 climate neutrality objective (N)	Q1 2020	New initiative	NO
	8th Environmental action programme (N)	Q2 2020	New initiative	NO
ENVI/ECON	Just Transition Fund (N)	Q1 2020	New initiative	NO

Committee ¹⁵	Expected legislative initiative	Presentation (Quarter) ¹⁶	Assumed type of initiative	Impact Assessment Expected
ENVI/Internal Market and Consumer Protection (IMCO)	Empowering the consumer for the green transition (N)	Q2 2020	New initiative	YES
	Commission Proposal to review Directive 2002/65/EC on the distance marketing of consumer financial services (R)	Q4 2020	Existing legislation	YES
	Revision of the General Product Safety Directive 2001/95/E (R)	Q4 2020	Existing legislation	YES
	Revision of the EU Battery Directive (R)	Q4 2020	Existing legislation	YES
ENVI/Transport and Tourism (TRAN)	ReFuelEU aviation (N)	Q2 2020	New initiative	YES
	FuelEU maritime (N)	Q2 2020	New initiative	YES
Women's Rights & Gender Equality (FEMM)	Binding pay transparency measures following European gender equality strategy (N)	Q1 2020	New initiative	YES
IMCO	Review of the NIS Directive (N)	Q2 2020	Existing legislation	YES
	Proposal on customs single window (N)	Q3 2020	New initiative	YES
	Consortia Block Exemption (Commission) Regulation (R)	Q2 2020	Existing legislation	NO
	Targeted modification of the General Block Exemption (Commission) Regulation (R)	Q3 2020	Existing legislation	NO
Industry, Research and Energy (ITRE)	Follow-up to the White Paper on artificial intelligence (N)	Q2 2020	New initiative	YES
	Common chargers for mobile phones and similar devices (N)	Q3 2020	New initiative	YES
	Review of the Roaming Regulation (N)	Q4 2020	Existing legislation	YES
	Revision of the Trans-European Energy Networks (TEN-E) Regulation (R)	Q4 2020	Existing legislation	YES
	Proposal for additional measures on critical infrastructure protection (N)	Q4 2020	New initiative	YES

Committee ¹⁵	Expected legislative initiative	Presentation (Quarter) ¹⁶	Assumed type of initiative	Impact Assessment Expected
Legal Affairs (JURI)	Review of the Non-Financial Reporting Directive (N)	Q4 2020	Existing legislation	YES
JURI/IMCO	Revision of the Machinery Directive 2006/42/EC (R)	Q4 2020	Existing legislation	YES
	Commission proposal to review Directive 2008/48/EC on credit agreement for consumers (R)	Q4 2020	Existing legislation	YES
	Digital services act (N)	Q4 2020	New initiative	YES
Civil Liberties, Justice & Home Affairs (LIBE)	A new pact on migration and asylum and accompanying legal proposals (N)	Q1 2020	Unknown	NO
	Strengthening of Europol's mandate (N)	Q4 2020	Existing legislation	YES
Fisheries (PECH)	Revision of the Marketing Standards Regulation applicable to fishery and aquaculture products in the EU (R)	Q4 2020	Existing legislation	YES
TRAN	Revision of airport charges (N)	Q4 2020	Existing legislation	YES
	Revision of the provision of air services (N)	Q4 2020	Existing legislation	YES

ENDNOTES

¹ COM(2020) 37 final, p. 1

² COM(2020) 37 final, p. 2

³ In its communication on the CWP, the Commission promises to develop a new instrument based on the 'one in, one out' approach that would 'ensure that newly introduced administrative burdens are offset by relieving people and businesses – notably SMEs – of equivalent administrative costs at EU level in the same policy area' (COM(2020) 37 final, pp. 9-10. Further information could be expected in the forthcoming communication on better regulation.

⁴ The new policy objectives include 8 initiatives for the European Green Deal, 9 for a Europe fit for the digital age, 6 for an economy that works for people, 7 are linked to a stronger Europe in the world, 4 initiatives are planned for promoting our European way of life, and 9 initiatives for a new push for European democracy.

⁵ The majority of REFIT initiatives will be undertaken under the European Green Deal and Europe fit for the digital age priority areas.

⁶ The broadest priority areas, in a term of proposals, are: an economy that works for people and promoting our European way of life.

⁷ The intended withdrawals include legislative proposals for 16 regulations, 12 Council decisions, and four directives. The priority areas most concerned are: a European Green Deal, with 15 intended withdrawals, and a stronger Europe in the world, with 9 intended withdrawals.

⁸ The planned repeals are from the transport and taxation policy areas.

⁹ The Commission also published two factsheets, one of which elaborates on the Commission's [new policy objectives for 2020](#) and is, therefore, identical to Annex I. The second factsheet '[Explaining the Commission Work Programme](#)', provides a brief definition of the CWP, as well as a timeline leading up to its adoption, the structure of the document and key figures of the 2020 CWP. All these documents are accessible on the Commission's [CWP website](#), together with the Commission's [press release](#).

- ¹⁰ Annex I of the CWP does not provide an explanation of the term 'legislative and non-legislative initiative'. Nonetheless, it can be assumed that the Commission has yet to decide about the final form of the initiative. At the same time, the Commission could also decide to adopt both an legislative and a non-legislative initiative. These initiatives have therefore been treated in this briefing as both legislative and non-legislative.
- ¹¹ COM(2020) 37 final, p. 2.
- ¹² See, Annex I, p. 1, footnote 1.
- ¹³ See, Annex II, p. 1, footnote 1.
- ¹⁴ As the Ex-Post Evaluation Unit does not prepare implementation appraisals on non-legislative initiatives, any such initiatives in Annex 1 and Annex 2 are not included in the table.
- ¹⁵ The committees identified in the annex of this briefing refer to the committee dealing with the legislative proposal at the time of adoption of the original legislative act. This does not mean that the same committee will deal with the proposal coming from the Commission. This is underlined by the fact that in some cases, the competences of the committees that originally dealt with the proposal was divided among different committees. In the case of new initiatives, the committee designation is merely illustrative, based on the general subject field covered by specific committees.
- ¹⁶ The presentation refers to the date given in the CWP 2020 for the submission of the legislative proposal.
- ¹⁷ The Commission conducted an [impact assessment](#), which accompanied the 2016 joint communication by the European Commission and the High Representative to the European Parliament and the Council – A renewed partnership with the countries of Africa, the Caribbean and the Pacific (JOIN(2016) 52 final), and a Commission recommendation for a Council decision authorising the opening of negotiations on a Partnership Agreement between the European Union and countries of the African, Caribbean and Pacific (ACP) Group of States (COM(2017) 763 final). This impact assessment was [appraised](#) by the Ex-Ante Impact Assessment Unit of EPRS.

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