

**C L I F F O R D**  
**C H A N C E**



**EUROPEAN COMMISSION PUBLISHES ANNUAL WORK  
PROGRAMME – WHAT'S IN STORE FOR 2022?**

## CONTENTS

- The European Commission Work Programme 3
- The 2022 Work Programme 3
- What are some of the key initiatives and themes for 2022? 3
- What about outstanding items from the 2021 Work Programme? 5
- Overview of key initiatives 6
- Contacts 11

## The European Commission Work Programme

Every year, the European Commission adopts a work programme which sets out the legislative proposals that will be published in the following year. The document outlines the key themes and the action that will be taken under each heading. It is accompanied by a detailed annex that lists the initiatives along with an estimated timeline. Departures from the Work Programme are relatively rare, and would normally be due to unforeseen circumstances that were not known at the time of its adoption. This happened, for example, in relation to the **2020 Work Programme** which had to be adjusted half-way through the year as the COVID-19 crisis took hold in Europe.

It is also worth mentioning that a vast amount of the work of the European Commission now takes place at the level of delegated and implementing acts which do not feature in the annual Work Programme. In 2021, a particularly hot topic has been the preparation of the taxonomy delegated acts on sustainable finance.

## The 2022 Work Programme

On 19 October 2021, the European Commission adopted its **Work Programme for 2022**, providing a detailed outline of the legislative initiatives we can expect to see over the course of the coming year. During her annual State of the Union speech in September 2021, Commission President Ursula von der Leyen had already provided an insight into what we should expect. Among other things, she listed a new European Chips Act, as well as an amendment to the Blocking Statute Regulation and an update to certain competition policy instruments. These have now been set out in the Work Programme, along with information about the expected timing of the Commission's proposals throughout 2022.

## What are some of the key initiatives and themes for 2022?

In line with the priorities of the current Commission, the initiatives put forward revolve around six themes: the environment (*A European Green Deal*), technology (*A Europe Fit for the Digital Age*), business and employment (*An Economy that Works for People*), foreign policy (*A Stronger Europe in the World*), education and lifestyle (*Promoting our European Way of Life*), and democracy and freedom (*A New Push for European Democracy*).

Since the beginning of Ursula von der Leyen's term as Commission President, the Work Programme has contained significant and ambitious proposals including new rules for online platforms (the Digital Markets Act), an update to the 2000 e-Commerce Directive (the Digital Services Act), legislation on artificial intelligence, and the Fit for 55 Package of 13 legislative initiatives to reduce greenhouse gas emissions in Europe by 55% by 2030. In contrast, this year's Programme is more of a complement to initiatives that were launched under the previous Work Programme and are already under way. It is difficult to see where the big policy developments will come from as there are no landmark initiatives foreseen. There are, however, some themes that we can draw out of the Commission's plans:

### At a glance

- The Commission has set out its legislative programme for 2022
- On first reading it appears relatively light compared with recent years where we saw proposals on online platforms or new regulations on artificial intelligence, but there are several important initiatives planned
- A European Chips Act will counter the EU's reliance on third country manufacturers
- A new Single Market Emergency Instrument will seek to ensure a co-ordinated response to future crises
- Revisions to several key competition policy instruments are foreseen, including a revision to the notice on market definition and updates to the vertical and horizontal block exemption Regulations
- There are several significant changes for the financial services sector including a politically difficult planned reform of insolvency proceedings, a new initiative on instant payments and another on facilitating SME access to capital
- ESG policies feature throughout the programme, including new proposals on the right to repair and carbon removal certification.

1. There is a *continued strong focus on the environment, the Green Deal and tackling climate change*, with new initiatives such as carbon removal certification, a new “right to repair” for consumers, and measures to reduce the release of microplastics in the environment. There are also several planned revisions to existing environmental legislation on water and air quality.
2. Unsurprisingly, the *COVID-19 pandemic has led to action in a number of areas*, with perhaps the most striking initiative in the form of a “Single Market Emergency Instrument” to ensure a co-ordinated response to future crises and ensure solidarity between EU Member States. It will be interesting to see the text of this proposal when it is published (in early 2022, according to current estimates) as it could be significant. Another fallout of the crisis is the supply of semiconductors. A “European Chips Act” is foreseen in 2022 as the EU seeks to secure a stable supply of semiconductors.
3. We also see the theme of *“strategic autonomy” creeping into the Programme* via the European Chips Act, but also via the amendment to the Blocking Statute Regulation. The latter has the potential to have a particular impact on financial services and the EU-US relationship.
4. *Financial services remain in focus* with a planned reform of insolvency proceedings (part of the Capital Markets Union), a new initiative on instant payments, and another on facilitating SME access to capital. The reform to insolvency proceedings, while significant and with the potential to make a real difference, will be politically difficult to achieve because of the known resistance to change in justice ministries across the EU.
5. There are *important updates to competition policy*. The vertical and horizontal block exemption Regulations will be updated, likely in May and December 2022, respectively. There will be a revision of certain procedural aspects of EU merger control in the first half of 2022, and a revision of the Notice on market definition at the end of 2022.
6. The new *relationship between the United Kingdom and EU* has also impacted the Work Programme, with, for example a proposal to improve security-related information exchanges between the EU and third countries.
7. Finally, with a clear eye on developments in Poland, the Commission is planning a *new European Media Freedom Act* in the second half of 2022. The aim is to increase transparency, independence and accountability around actions affecting media ownership and pluralism.

## What about outstanding items from the 2021 Work Programme?

In addition to everything that is planned for 2022, it is worth noting that 2021 is not yet over and several important items from the **2021 Work Programme** have yet to be published:

- On financial services, the Commission must push through the Basel III final implementation, the sixth Capital Requirements Directive and the third Capital Requirements Regulation (CRD6/CRR3) as well as the revision of the Markets in Financial Instruments Directive (MiFID) and Regulation (MiFIR). An anti-money laundering package is also awaited before the end of the year.
- On **sustainable corporate governance**, we await the proposal on mandatory supply chain due diligence and directors' duties which was pushed back twice, and is now expected in December 2021.
- A new **Data Act** aimed at ensuring access to and the use of data, including in business-to-business and business-to-government situations, is also expected to be published in December 2021.
- Lastly, it seems the **sustainable products initiative**, scheduled for the end of 2021, has been pushed back to 2022. It will revise the Ecodesign Directive and propose new measures to make products more durable, reusable, repairable, recyclable or energy-efficient.

Many of these proposals, once published, will make headlines in 2022 as they are debated in the European Parliament and among Member States. And of course, items already proposed in 2021 (and 2020) continue to make their way through the institutions. The **Digital Markets Act**, **Artificial Intelligence Act** and the **proposal for a Regulation on foreign subsidies distorting the internal market** will require careful political negotiations between the institutions if they are to reach a conclusion in 2022.

Likewise, there are initiatives that were proposed earlier than 2020 that continue to stumble through the legislative process without making much progress yet use up legislative capacity. An example is the **European deposit protection scheme**, which was proposed in 2015 and is still live, but stuck in legislative limbo.

In the following pages, we focus on the European Union's legislative and policy agenda for 2022, setting out the key initiatives in more detail to present a forward-looking view.

## Overview of key initiatives

Theme(s)	Initiative	Description	Nature of proposal and legal basis	Expected publication date of proposal
ESG	<b>Carbon removal certification</b>	This initiative will propose EU rules on certifying carbon removals. It will develop rules to monitor, report and verify the authenticity of these removals. The aim is to expand sustainable carbon removals and encourage the use of innovative solutions to capture, recycle and store CO <sub>2</sub> by farmers, foresters and industries.	Legislative, in the form of a Regulation based on Article 192(1) TFEU  An impact assessment will be carried out and a public consultation will be organised in Q1 2022	Q4 2022
Tech ESG	<b>Initiative on the Right to Repair</b>	Part of the European Green Deal, this initiative seeks to extend the useful life of goods and promote repair over replacement following a review of the Sale of Goods Directive. It will encourage consumers to make more sustainable choices by providing incentives and tools to use goods for a longer time, including by repairing defective goods.  It will also encourage producers to design goods that last longer and are easily repairable.	Legislative, in the form of a Directive – legal base to be confirmed  An impact assessment will be carried out and a public consultation will be organised in Q1 2022	Q3 2022
Tech IoT Cybersecurity	<b>European Cyber Resilience Act</b>	The European Cyber Resilience Act will aim to establish common EU cybersecurity standards for relevant products and services, including connected objects on the Internet of Things (IoT). The new rules would establish a new duty of care for connected device manufacturers to address software vulnerabilities and ensure deletion of personal and sensitive data once the device has reached the end of its useful life.	Legislative  An impact assessment will be carried out	Q3 2022
Semiconductors Tech	<b>European Chips Act</b>	The global shortage of semiconductors in the wake of the COVID-19 pandemic led the Commission to consider the EU's self-sufficiency in this sector. The European Chips Act will seek to encourage semiconductor production within the single market and reduce the EU's international dependence on third country manufacturers. The aim will be to double domestic production to 20% of the global market by 2030.	Pending confirmation	Q2 2022
Crisis response Single Market	<b>Single Market Emergency Instrument</b>	Prompted by the COVID-19 pandemic, this proposal seeks to improve the co-ordination and resilience of the single market in times of crisis. The initiative will establish a co-ordinated response mechanism while promoting solidarity and safeguarding supply chains. Other elements include reinforced co-operation and information sharing in public procurement, reinforced governance tools and procedures and improved transparency and co-ordination on intra-EU export restrictions and services restrictions.	Legislative, legal base TBC  An impact assessment will be carried out	Q1 2022

Theme(s)	Initiative	Description	Nature of proposal and legal basis	Expected publication date of proposal
<b>Sanctions</b>	<b>Amendment of the Blocking Statute Regulation 2271/96</b>	In its 2021 Communication “The European economic and financial system: fostering openness, strength and resilience”, the Commission announced that it would consider amending the Blocking Statute to further deter and counteract the extraterritorial application of sanctions to EU operators by countries outside the EU. The planned revision would also streamline the application of the current EU rules, including by reducing compliance costs for EU citizens and businesses.	Legislative, legal base TBC  An impact assessment will be carried out	Q2 2022
<b>Access to capital</b> <b>Financial services</b> <b>SMEs</b>	<b>Facilitating small and medium-sized enterprises’ access to capital</b>	In a bid to encourage participation in public markets and fuel the post-COVID recovery, the Commission aims to simplify the existing listing rules and reduce compliance costs for small and medium-sized enterprises (SMEs).	Legislative, based on Article 114 TFEU  An impact assessment will be carried out	Q3 2022
<b>Payments</b> <b>Financial services</b>	<b>Initiative on instant payments in the EU</b>	Following a public consultation earlier in 2021, the initiative will seek to further promote the ability to make instant payments throughout the EU.	Pending confirmation	Q2 2022
<b>Capital Markets Union</b> <b>Financial Services</b> <b>Insolvency proceedings</b>	<b>Initiative on harmonising certain aspects of substantive law on insolvency proceedings</b>	The Capital Markets Union (CMU) initiative aims to promote access to finance for businesses and encourage a frictionless single market for capital. Discrepancies between the insolvency laws of the EU Member States create barriers to the free movement of capital in the internal market and make EU cross-border investment more uncertain. This initiative will seek to review and harmonise various aspects of the law on insolvency across Member States.	Pending confirmation	Q3 2022
<b>Security information exchanges</b> <b>Relations with third countries</b>	<b>Reciprocal access to security-related information</b>	The Commission will propose a framework for reciprocal access to security-related information for front-line officers between the EU and key third countries (including the United Kingdom since its departure from the EU) to counter shared security threats.	Legislative  An impact assessment will be carried out	Q4 2022
<b>Competition</b>	<b>Revision of the vertical block exemption Regulation and of the vertical guidelines</b>	This initiative aims to revise the rules on agreements between parties active at different levels in the same economic supply chain to cater for business needs in accordance with competition rules. It will provide stakeholders with up-to-date guidance; for example, taking into account the growth of e-commerce.	Non-legislative revision, based on Article 103 TFEU and Regulation 19/65/EEC  An impact assessment will be carried out	Q2 2022
<b>Competition</b>	<b>Revision of the horizontal block exemption Regulation and of the horizontal guidelines</b>	The initiative aims to revise the Commission’s block exemption regulations on research and development and specialisation agreements and the accompanying horizontal guidelines. The revision aims to ensure that companies have clear guidance on what horizontal co-operation agreements they can conclude without risk of infringing competition law. It also aims to simplify administrative supervision of horizontal co-operation agreements by the Commission, national competition authorities and national courts.	Non-legislative revision, based on Article 103 TFEU and Regulation 19/65/EEC  An impact assessment will be carried out	Q4 2022

Theme(s)	Initiative	Description	Nature of proposal and legal basis	Expected publication date of proposal
Competition	<b>Revision of certain procedural aspects of EU merger control</b>	The initiative aims to improve EU merger control procedures by making merger control more efficient and less burdensome in cases that are unlikely to raise competition concerns. This should in turn allow the Commission to devote more resources to those cases where a detailed investigation is required. The initiative will explore options to further simplify the process in both simplified and, where possible, non-simplified merger cases.	Non-legislative revision based on Commission Regulation 802/2004 and Commission Notice on simplified procedure  An impact assessment will be carried out	Q2 2022
Competition	<b>Revision of the Notice on market definition</b>	The initiative aims to ensure that the notice provides up-to-date guidance on the principles and best practices in market definition that the Commission applies in antitrust and merger cases, including recent evolutions in the methodologies and market developments, such as those associated with the digitisation of the economy.  An updated notice should increase legal certainty and provide more up-to-date guidance on the Commission's approach to market definition, including in areas not currently covered, such as digital markets. An updated notice should see benefits for the Commission and national competition authorities, by reducing the need to explain the basic principles of market definition where they apply EU competition law, and by providing a reference tool for national competition authorities that do not have their own market definition guidelines in the application of national law.	Non-legislative revision	Q4 2022
Media	<b>European Media Freedom Act (EMFA)</b>	Building on the provisions of the revised Audiovisual Media Services Directive (AVMSD), the initiative will aim to establish an EU-wide mechanism to increase transparency, independence and accountability around actions affecting media ownership and pluralism. The initiative would also aim to support the resilience capacities of innovative media actors as well as strengthen the governance model of public service media to reduce the risks of politicisation and further guarantee media diversity and pluralism.	Legislative, based on Article 114 TFEU  An impact assessment will be carried out	Q3 2022
Pharmaceuticals	<b>Revision of general pharmaceutical legal framework</b>	The revision will aim to ensure access to quality, safe, efficacious and affordable medicines in the EU by fostering innovation and enhancing security of supply while adapting to new scientific and technological developments. Drawing lessons from the COVID-19 pandemic, it will support a future-proof and crisis-resistant pharmaceuticals system.	Legislative, based on Articles 114 and 168 TFEU  An impact assessment will be carried out	Q4 2022
Customs	<b>Review of Union customs legislation</b>	The review will update the code to take account of developments such as the rise of e-commerce. It will aim to improve controls on e-commerce to ensure collection of duties and taxes, as well as protection against non-compliant products.	Legislative, based on Articles 33, 114 and 207 TFEU  An impact assessment will be carried out	Q4 2022



Theme(s)	Initiative	Description	Nature of proposal and legal basis	Expected publication date of proposal
<b>Taxation</b>	<b>Proposal on implementation of OECD global agreement on reallocation of taxing rights</b>	Mandated by the G20, the Organisation for Economic Co-operation and Development (OECD) is working on reforms to the international corporate tax framework. Among other things, it is looking at how to give jurisdictions a right to tax part of the profits of certain non-resident international businesses by providing for a reallocation of a portion of global profits among the jurisdictions where the group has customers or users, using a formula. The Commission will propose a Directive to implement this within the EU.	Legislative, in the form of a Directive based on Article 115 TFEU	TBC
<b>Plastics</b> <b>ESG</b>	<b>Measures to reduce the release of microplastics in the environment</b>	The objective of this initiative is to reduce the unintentional release of microplastics from textiles, tyre abrasion, and pre-production plastic pellets into the environment, thereby reducing the potential risks to human health.	Legislative, based on Article 114 TFEU  An impact assessment will be carried out	Q4 2022
<b>Plastics</b> <b>ESG</b>	<b>Restriction on microplastics</b>	This initiative will introduce measures to tackle intentionally added microplastics. The Commission estimates it could prevent 500,000 tonnes of microplastics from ending up in the environment over 20 years.	Non-legislative	Q4 2022
<b>Plastics</b> <b>ESG</b>	<b>Policy framework for bio-based, biodegradable and compostable plastics</b>	There is currently no EU law in place that applies to bio-based (BBP), biodegradable and compostable plastics (BDCP) in a comprehensive manner. The initiative will seek to address the sustainability challenges and ensure a beneficial use of BBP and BDCP. It will be developed in close co-ordination with the revision of the Packaging and Packaging Waste Directive as to the use of BBP and BDCP in packaging.	Non-legislative	Q2 2022
<b>Transport</b> <b>ESG</b>	<b>EU framework for harmonised measurement of transport and logistics emissions</b>	This initiative will set up a common framework for multiple business and administrative purposes, and in the process facilitate the reporting of emissions.	Legislative, based on Articles 91 and 100(2) TFEU  An impact assessment will be carried out	Q4 2022
<b>Transport</b> <b>Tourism</b>	<b>Multimodal digital mobility services</b>	The initiative will seek to set up route planners or ticket vendors that help to compare travel options across transport modes including trains, airplanes and buses. The aim is to better integrate public transport and rail services.	Legislative, based on Article 91 TFEU  An impact assessment will be carried out  A public consultation is open until 2 November 2021	Q4 2022
<b>ESG</b> <b>Water quality</b>	<b>Integrated water management – revised lists of surface and groundwater pollutants</b>	This initiative will see a revision of the lists of pollutants particularly affecting surface and groundwaters, and of their corresponding regulatory standards. The revision is expected to take some substances off the current list of 45 and add others.	Legislative, in the form of a Directive – legal base 192 TFEU  An impact assessment will be carried out	Q3 2022

Theme(s)	Initiative	Description	Nature of proposal and legal basis	Expected publication date of proposal
ESG Water quality	<b>Revision of the Urban Wastewater Treatment Directive</b>	This initiative will revise the Directive after a recent evaluation identified certain shortcomings and the need for new public health considerations such as better preventing pandemics by wastewater surveillance.	Legislative, in the form of a Directive – legal base 192 TFEU  An impact assessment will be carried out	Q2 2022
ESG	<b>Revision of EU Ambient Air Quality legislation</b>	This initiative will propose a revision of air quality standards to align them more closely with World Health Organization (WHO) recommendations.	Legislative, based on 192 TFEU  An impact assessment will be carried out	Q3 2022
ESG	<b>Revision of Regulation 1272/2008 on Classification, Labelling and Packaging (CLP)</b>	This initiative will implement the EU Chemicals Strategy for sustainability by, for example, introducing new hazard classes. It will also facilitate chemicals' access to the internal market by easing some labelling requirements. It will also increase the level of assessment performed by industry to cover the additional hazard classes and require relabelling of some products.	Legislative, based on 114 TFEU  An impact assessment will be carried out	Q2 2022
ESG Pesticides Biodiversity	<b>Sustainable use of pesticides – revision of the EU rules</b>	The Commission will propose an amendment to the sustainable use of pesticides Directive in line with the objectives of the European Green Deal and Farm to Fork Strategy, in particular to reduce significantly the use and risk of chemical pesticides.	Legislative, based on Article 192(1) TFEU  An impact assessment will be carried out	Q1 2022
ESG	<b>Review of EU rules on fluorinated greenhouse gases</b>	In addition to raising the level of ambition and ensuring long-term EU compliance with international rules, the review will also help ensure that the rules are easier to enforce and coherent with other legislation.	Legislative, based on Article 192(1) TFEU  An impact assessment will be carried out	Q2 2022
ESG Electronics Tech	<b>Revision – Restriction of the use of hazardous substances in electronics</b>	This initiative will strengthen and simplify legislation to better protect citizens and the environment against hazardous chemicals found in electrical and electronic products.	Revision  Legal base is Article 114 TFEU  An impact assessment will be carried out	Q4 2022
Consumer goods ESG	<b>Revision of Regulation 648/2004 on the making available and placing on the market of detergents</b>	This initiative will address identified weaknesses and adapt the regulatory requirements for detergents to recent developments such as the placing on the market of microbial cleaning products where it is not clear whether they fall under the scope of the Regulation or not.	Legislative, based on Article 114 TFEU  An impact assessment will be carried out	Q4 2022
Motor vehicles ESG	<b>Revision of end-of-life vehicles Directive and Directive on type approval of motor vehicles</b>	The revision will consider rules on mandatory recycled content for certain materials of components and improving recycling efficiency. It will also consider merging of the two Directives into a single instrument, covering the whole life cycle of the automotive sector, compared with the current situation where cars are covered by Directive 2005/64/EC when they are put on the market, while end-of-life cars are covered by Directive 2000/53/EC.	Revision  Legal base is Article 114 and/ or Article 192 TFEU  An impact assessment will be carried out	Q4 2022
Design	<b>Revision of the Design Directive and Revision of the Community Design Regulation</b>	The review will aim to make the framework fit for purpose in the digital age and increase legal certainty and predictability to the benefit of individual designers, design-intensive industries and SMEs by, for example, simplifying procedures and reducing administrative burdens (including fees).	Legislative revision, based on Article 114 TFEU  An impact assessment will be carried out	Q2 2022

## CONTACTS



**Michel Petite**  
Avocat of Counsel  
Paris  
T: +33 1 4405 5244  
E: michel.petite@cliffordchance.com



**Katrin Schallenberg**  
Partner  
Paris  
T: +33 1 4405 2457  
E: katrin.schallenberg@cliffordchance.com



**Miguel Odriozola**  
Partner  
Madrid  
T: +34 91 590 9460  
E: miguel.odriozola@cliffordchance.com



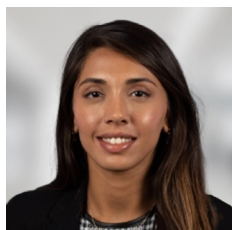
**Gail Orton**  
Head of EU Public Policy  
Paris  
T: +33 1 4405 2429  
E: gail.orton@cliffordchance.com



**Thomas Vinje**  
Partner, Chairman,  
Global Antitrust Group  
Brussels  
T: +32 2 533 5929  
E: thomas.vinje@cliffordchance.com



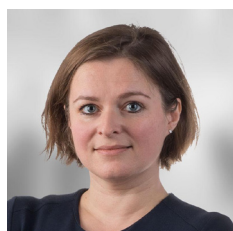
**Marc Besen**  
Partner  
Düsseldorf  
T: +49 211 4355 5312  
E: marc.besen@cliffordchance.com



**Soniya Ambadkar**  
Trainee Solicitor  
Paris  
T: +33 1 4405 8382  
E: soniya.ambadkar@cliffordchance.com



**Frédérick Lacroix**  
Partner  
Paris  
T: +33 1 4405 5241  
E: frederick.lacroix@cliffordchance.com



**Caroline Dawson**  
Partner  
London  
T: +44 207006 4355  
E: caroline.dawson@cliffordchance.com



**Jonathan Lewis**  
Partner  
Paris  
T: +33 1 4405 5281  
E: jonathan.lewis@cliffordchance.com



**Dessislava Savova**  
Partner  
Paris  
T: +33 1 4405 5483  
E: dessislava.savova@cliffordchance.com



**Luciano Di Via**  
Partner  
Rome  
T: +39 064229 1265  
E: luciano.divia@cliffordchance.com

# CLIFFORD CHANCE

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

[www.cliffordchance.com](http://www.cliffordchance.com)

Clifford Chance, Brussels, Avenue Louise 65, Box 2,  
1050 Brussels, Belgium

© Clifford Chance 2021

Clifford Chance LLP is a limited liability partnership registered in England and Wales under number OC323571

Registered office: 10 Upper Bank Street, London, E14 5JJ

We use the word 'partner' to refer to a member of Clifford Chance LLP, or an employee or consultant with equivalent standing and qualifications

If you do not wish to receive further information from Clifford Chance about events or legal developments which we believe may be of interest to you, please either send an email to [nomorecontact@cliffordchance.com](mailto:nomorecontact@cliffordchance.com) or by post at Clifford Chance LLP, 10 Upper Bank Street, Canary Wharf, London E14 5JJ

Abu Dhabi • Amsterdam • Barcelona • Beijing • Brussels • Bucharest • Casablanca • Delhi • Dubai • Düsseldorf • Frankfurt • Hong Kong • Istanbul • London • Luxembourg • Madrid • Milan • Moscow • Munich • Newcastle • New York • Paris • Perth • Prague • Rome • São Paulo • Shanghai • Singapore • Sydney • Tokyo • Warsaw • Washington, D.C.

Clifford Chance has a co-operation agreement with Abuhimed Alsheikh Alhagbani Law Firm in Riyadh.

Clifford Chance has a best friends relationship with Redcliffe Partners in Ukraine.