

29/11/2022



SEED POLICY LAB 1 : EU Law-making

Fulya BATUR



This project has been funded with support from the European Commission. This publication reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Co-funded by the
Erasmus+ Programme
of the European Union





Let's test our knowledge !

FRANCAIS

Poll | 4 questions [Edit Poll](#) 

1. Quelles sont les 3 principales institutions pour l'élaboration des politiques Européennes?

- Le Sénat européen, le Parlement et la Commission
- La Commission européenne, le Parlement et le Conseil

2. Qui fait des propositions législatives dans l'UE ? (Single Choice) *

- La Commission européenne
- Le Conseil européen
- Le Parlement européen

3. Qui peut adopter la législation européenne sur les semences ? (Single Choice) *

- La Commission européenne seule
- Le Conseil européen et le Parlement européen
- Le Conseil européen et la Commission

4. Quels sont les textes législatifs les plus importants de l'UE ? (Single Choice) *

- Règlement et directive du Conseil et du Parlement
- Règlement et directive de la Commission
- Décision de la Commission

ITALIAN

Poll | 4 questions [Edit Poll](#) 

1. Quali sono le 3 principali istituzioni europee coinvolte nella politica

- Il Senato europeo, il Parlamento e la Commissione
- Commissione europea, Parlamento e Consiglio

2. Chi fa proposte legislative nell'UE? (Single Choice) *

- La Commissione europea
- Il Consiglio europeo
- Il Parlamento europeo

3. Chi può adottare la legislazione UE sulle sementi? (Single Choice) *

- La sola Commissione europea
- Il Consiglio europeo e il Parlamento
- Il Consiglio europeo e la Commissione

4. Quali sono le leggi più importanti dell'UE? (Single Choice) *

- Regolamenti e direttive del Consiglio e del Parlamento
- Regolamento e direttiva della Commissione
- Decisione della Commissione

DEUTSCH

Poll | 4 questions [Edit Poll](#) 

1. Welches sind die 3 wichtigsten europäischen Institutionen, die an der Politikgestaltung beteiligt sind? (Single Choice) *

- Der Europäische Senat, das Parlament und die Kommission
- Die Europäische Kommission, das Parlament und der Rat

2. Wer macht Gesetzesvorschläge in der EU? (Single Choice) *

- Die Europäische Kommission
- Der Europäische Rat
- Das Europäische Parlament

3. Wer kann EU-Rechtsvorschriften über Saatgut erlassen? (Single Choice) *

- Die Europäische Kommission allein
- Der Europäische Rat und das Parlament
- Der Europäische Rat und die Kommission

4. Welches sind die wichtigsten EU-Gesetze? (Single Choice) *

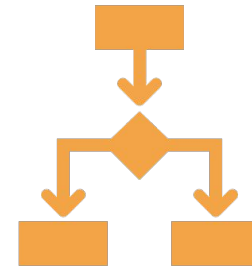
- Verordnung und Richtlinie des Rates und des Parlaments
- Verordnung und Richtlinie der Kommission
- Entscheidung der Kommission



**EUROPEAN
INSTITUTIONS**



**LEGAL - POLICY
INSTRUMENTS**



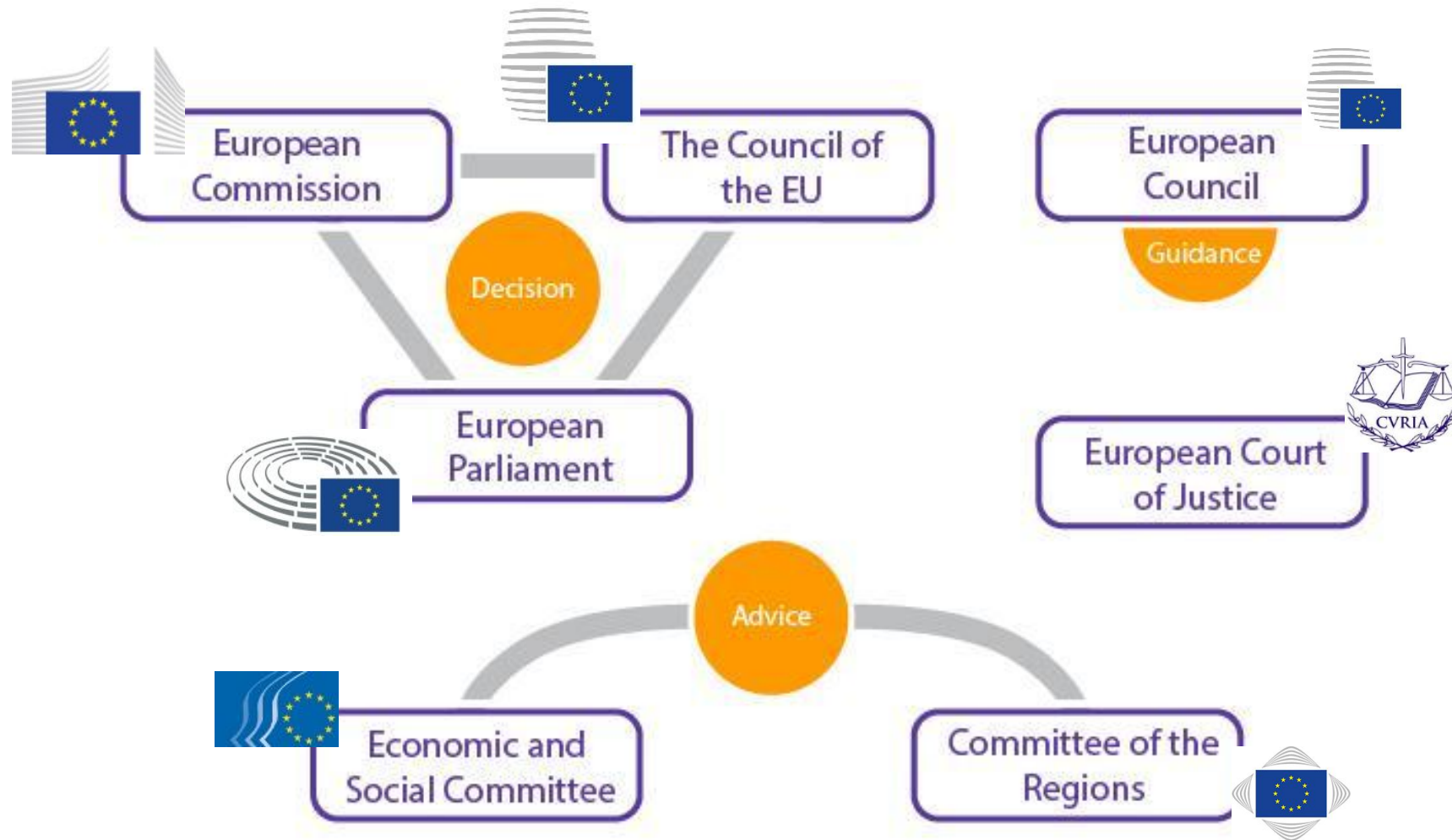
PROCEDURE



*Example from seed
marketing laws*



EUROPEAN INSTITUTIONS





EUROPEAN INSTITUTIONS



EUROPEAN COMMISSION



COUNCIL OF EU



EUROPEAN PARLIAMENT



EUROPEAN INSTITUTIONS



Who?

- 27 Commissioners, one from each EU country
- Around 32.000 civil servants (nomin, temp, contract)
- Divided into 33 Directorate Generals (incl. General Secretariat & Joint Research Centre)

What?

- Proposes new legislation
- Executive organ (monitors implementation)
- Guardian of the treaties
- Represents the EU on the international stage



EUROPEAN INSTITUTIONS



EUROPEAN COMMISSION



What about seeds?

DG SANTE
 Seeds marketing
 Plant health
 Plant protection
 GMO's
 UPOV

DG AGRICULTURE
 Common Agricultural
 Policy
 Organics
 Genetic Resources

DG ENVIRONMENT
 Biodiversity
 Nature Protection
 Soil

DG INTERNAL MARKET
 Intellectual Property





EUROPEAN INSTITUTIONS



Who?

- Council of Ministers (one Minister per country), different configurations per topic
- Rotating Presidency, every six months

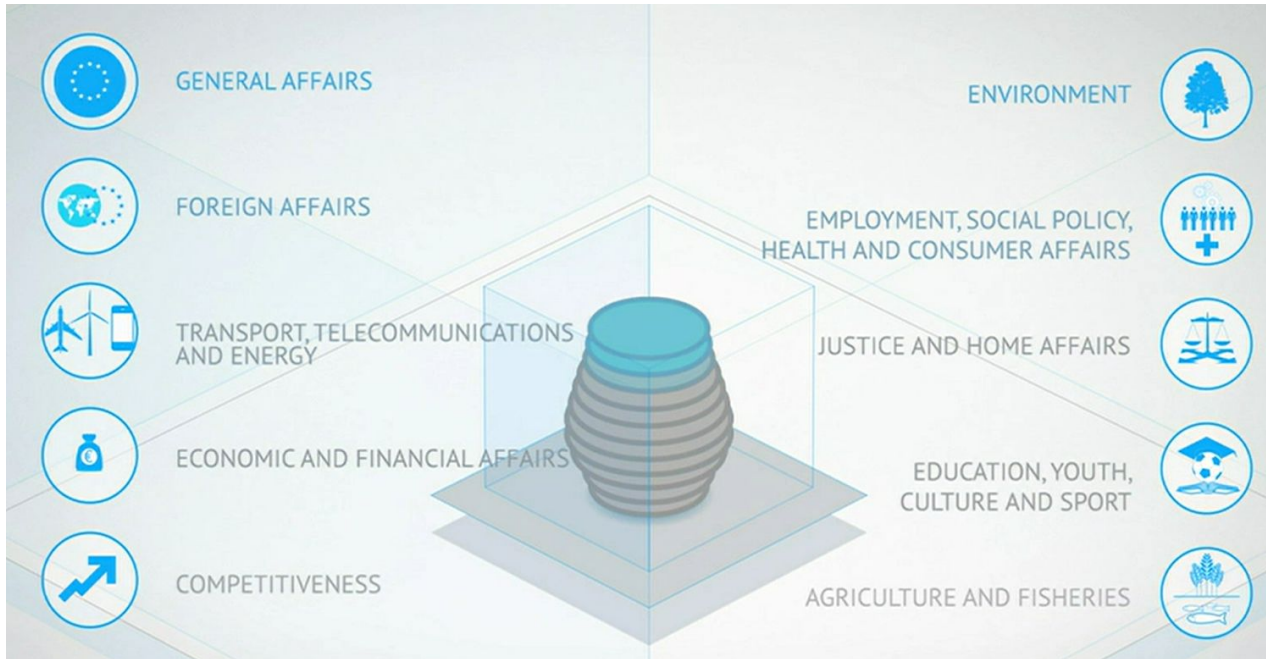
France	January-June	2022
Czech Republic	July-December	2022
Sweden	January-June	2023
Spain	July-December	2023
Belgium	January-June	2024
Hungary	July-December	2024
Poland	January-June	2025

What?

- Legislative branch (makes the law)
- Co-decides with EP & Manages common foreign policy



EUROPEAN INSTITUTIONS



10 Configurations

- No hierarchy between
- Ministers of countries, chaired by Presidency
- Votes by simple majority, qualified majority or unanimous vote

Preparatory Bodies

Permanent Representations for each country in Brussels

- COREPER I (socio-eco) & COREPER II (foreign)
- Working Parties, specialised in different topics (more than 100)



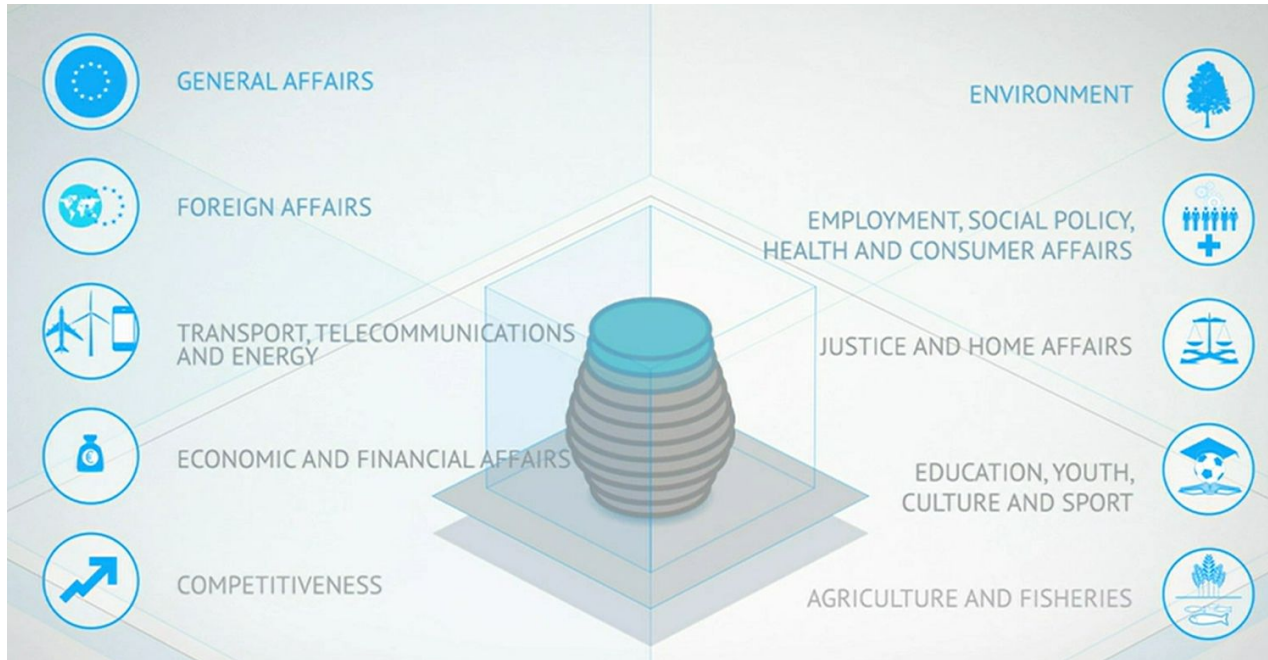
EUROPEAN INSTITUTIONS



COUNCIL OF EU



What about seeds?



ENVIRONMENT COUNCIL

*Food Safety (GMO)
Biodiversity Strategy*

AGRIFISH COUNCIL

*Common Agricultural Policy
Genetic Resources
Seed Marketing – Plant Health*



EUROPEAN INSTITUTIONS



Who?

- Direct Elections since 1979 (next ones in May 2023)
- 705 MEPs (Members of the European Parliament)
- Number attributed to each country roughly proportionate to population

Number of seats from February 2021

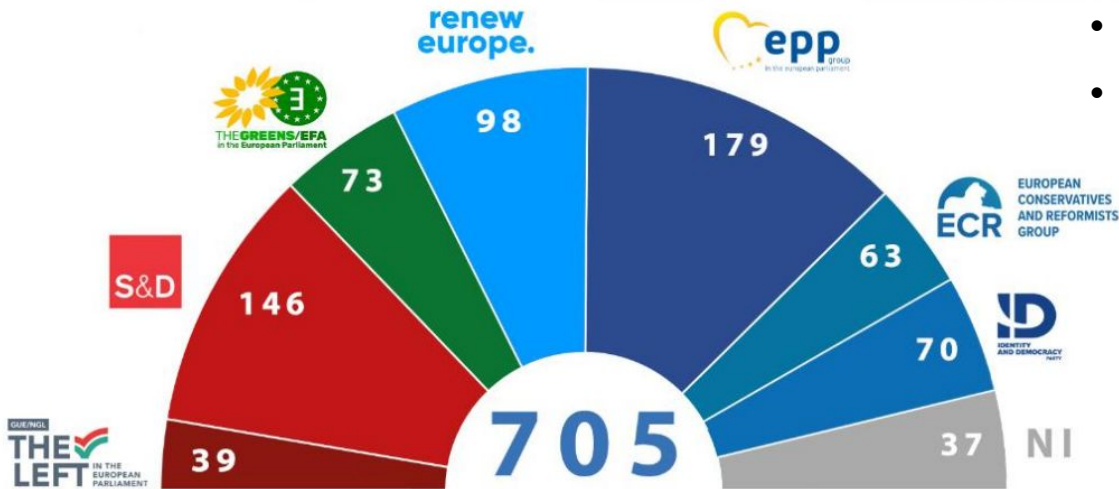




EUROPEAN INSTITUTIONS



EUROPEAN PARLIAMENT



Who?

- MEPs work in political groups & not by country
- Divided into Committees, Final votes in Plenary

What?

- Legislative branch (makes the law)
- Co-decides with Council of the EU



EUROPEAN INSTITUTIONS



EUROPEAN PARLIAMENT



What about seeds?

AGRI COMMITTEE
(48 members – 48 substitutes)

Common Agricultural Policy

Seeds marketing
Plant health
Genetic Resources



LINS (DE)

ENVIRONMENT COMMITTEE
(88 members – 88 substitutes)

Biodiversity
Nature Protection
Soil
GMO's











CANFIN (FR)

Home / Members

Members

[Download full list](#)

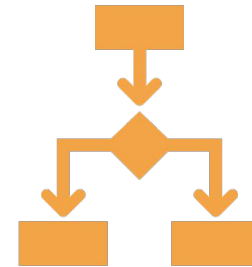
 Norbert LINS Chair PPE Germany	 Francisco GUERREIRO Vice-Chair Verts/ALE Portugal	 Daniel BUDA Vice-Chair PPE Romania	 Mazaly AGUILAR Vice-Chair ECR Spain
 Elsi KATAINEN Vice-Chair Renew	 Clara AGUILERA Member S&D	 Atidzhe ALIEVA-VELI Member Renew	 Álvoro AMARO Member PPE



**EUROPEAN
INSTITUTIONS**



**LEGAL - POLICY
INSTRUMENTS**



PROCEDURE



LEGAL – POLICY INSTRUMENTS

**BINDING
INSTRUMENTS**

FOUNDING EU TREATIES

- Instruments of international law

- States have negotiated & ratified the EU treaties in their national orders
- Each new Treaty has added competences, prepared new membership & ensured more democracy/transparency (EP role)

- Basis for EU action

- Ground rules to be followed in division of competence & procedure
- Commission cannot propose action if not envisaged in Treaties

SUBSIDIARITY

no EU action if MS can deal
with issue

PROPORTIONALITY

EU action does not exceed what is
necessary to achieve goals



LEGAL – POLICY INSTRUMENTS

BINDING INSTRUMENTS

FOUNDING EU TREATIES

REGULATIONS AND DIRECTIVES OF COUNCIL & PARLIAMENT

- **REGULATION**

- directly binding throughout the EU as of the date set down in the Official Journal
- “direct effect” : citizens can claim rights

- **DIRECTIVE**

- end results to be achieved in every member state, leaves it up to national governments to decide how to adapt their laws to achieve these goals
- Margin of manoeuvre

- **Decisions**

- Addressed to specific institution & situation
- Directly applicable & binding for them

- **Opinions & Recommendations**

- Non-binding (ECOSOC, CoR)



LEGAL – POLICY INSTRUMENTS

BINDING INSTRUMENTS

FOUNDING EU TREATIES

REGULATIONS AND DIRECTIVES OF COUNCIL & PARLIAMENT

REGULATIONS AND DIRECTIVES OF THE COMMISSION

Principle : national laws implement EU law, BUT Commission can be empowered to adopt legal acts !

- **COMMISSION REGULATION**

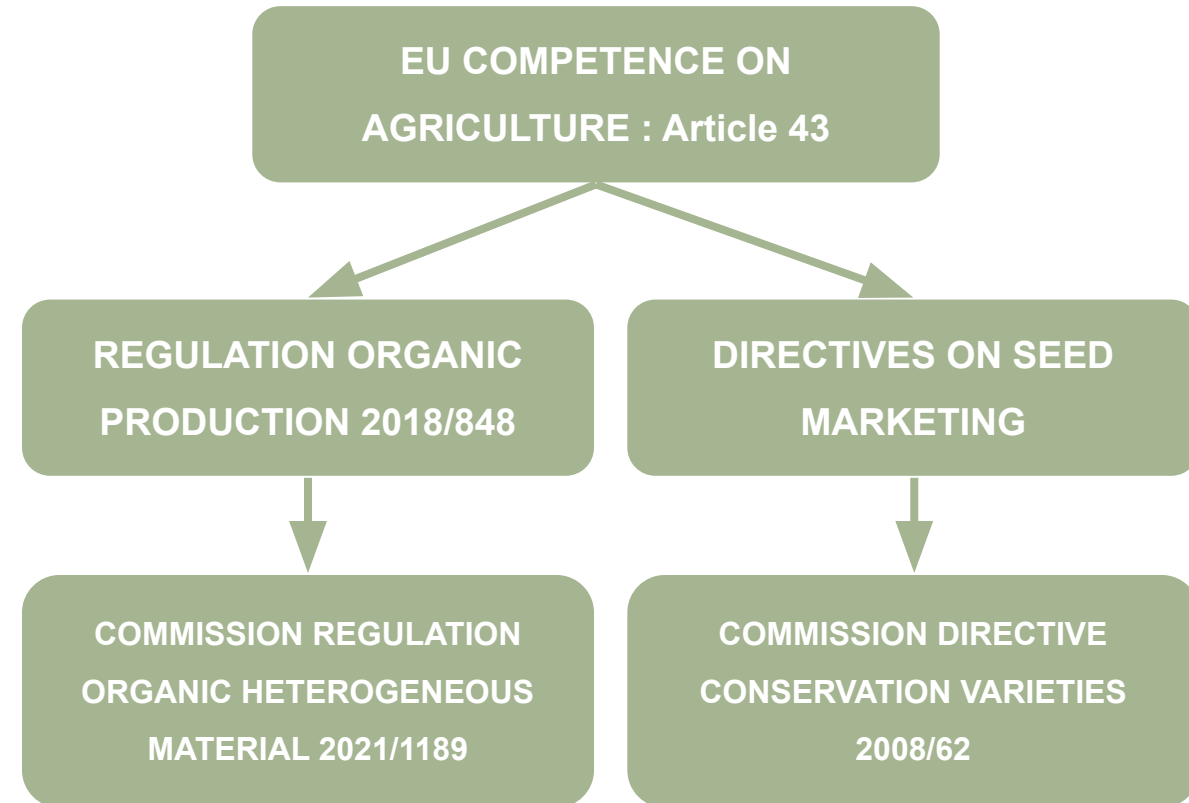
- Implementing Acts
 - Uniform conditions needed across EU
- Delegated Acts
 - Specific delegation of power in an over-arching text (Regulation, Directives & Decisions of the European Council & Parliament)

- **COMMISSION DIRECTIVE**

- Same principle as Commission Regulations, but need to be transposed into national laws



LEGAL – POLICY INSTRUMENTS





LEGAL – POLICY INSTRUMENTS

FOUNDING EU TREATIES

**REGULATIONS AND
DIRECTIVES OF COUNCIL &
PARLIAMENT**

**REGULATIONS AND
DIRECTIVES OF THE
COMMISSION**

NON-BINDING INSTRUMENTS

- **COMMUNICATION FROM COMMISSION**

- Main goals & objectives to be translated into binding texts
- Political commitment

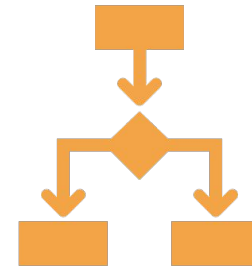
- *Ex: The European Green Deal, Biodiversity Strategy*



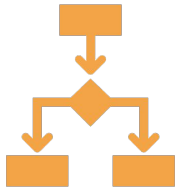
EUROPEAN INSTITUTIONS



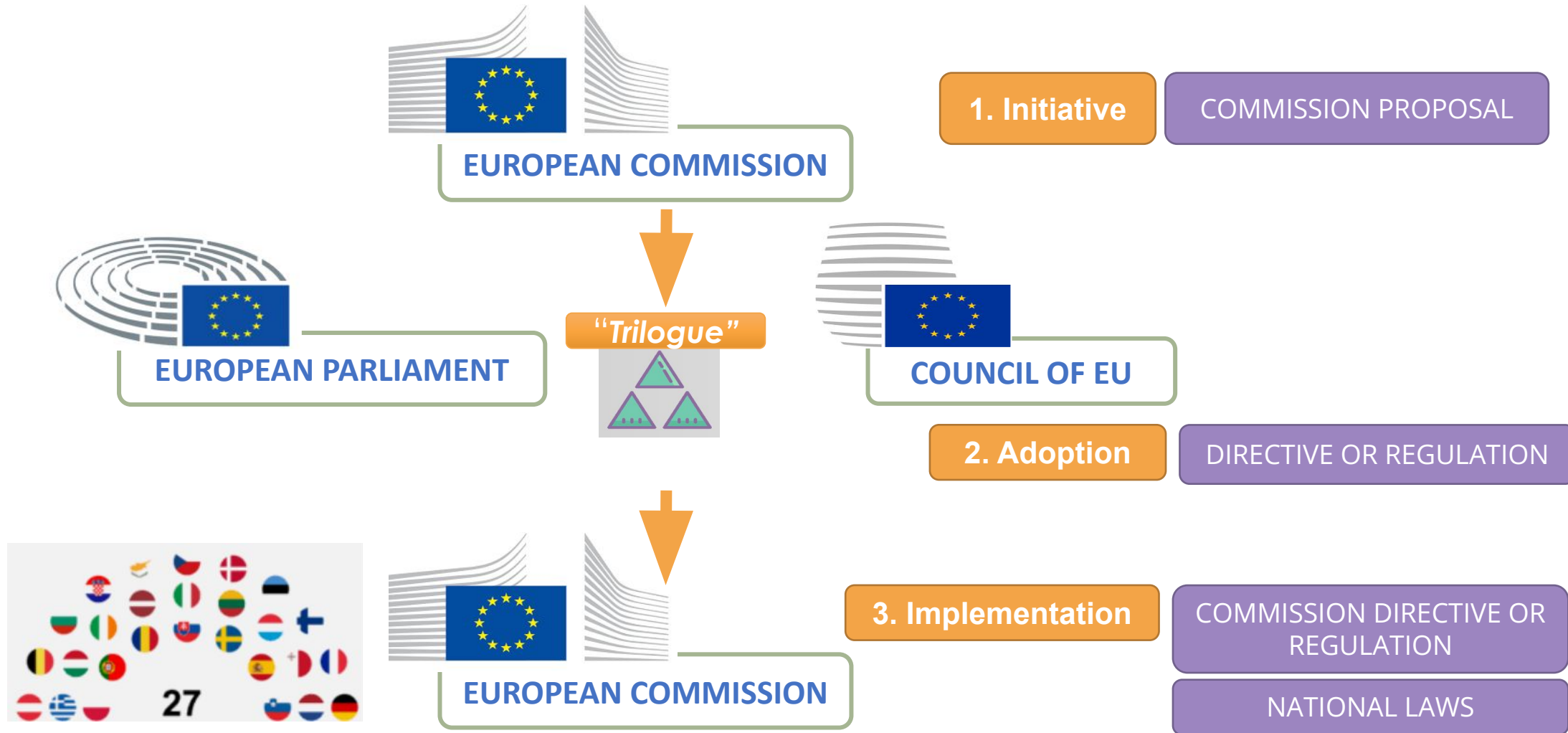
LEGAL - POLICY INSTRUMENTS

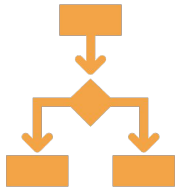


PROCEDURE



PROCEDURE



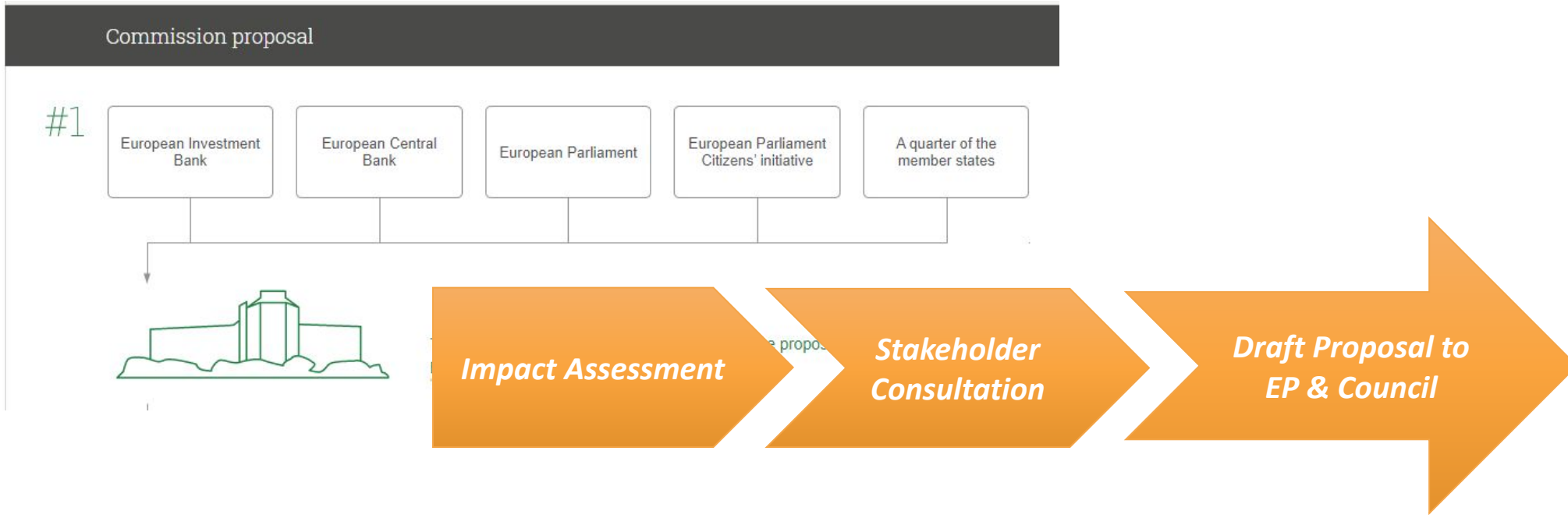


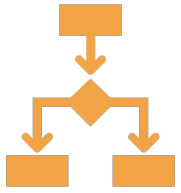
PROCEDURE



1. Initiative

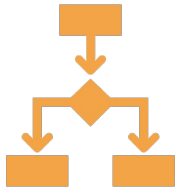
COMMISSION PROPOSAL





PROCEDURE





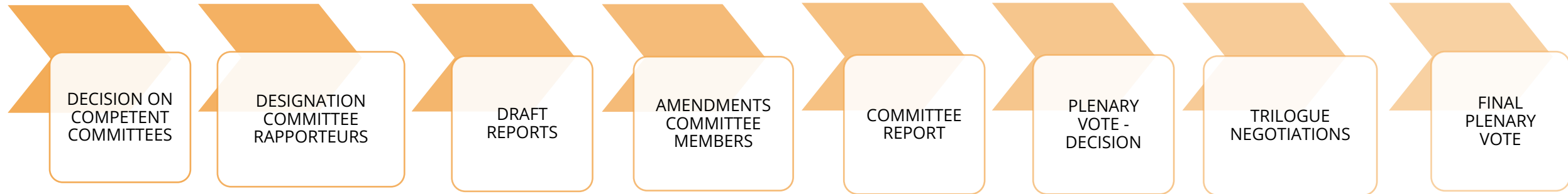
PROCEDURE

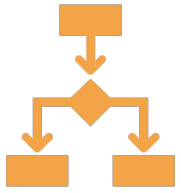
2. Adoption

DIRECTIVE OR REGULATION



EUROPEAN PARLIAMENT





PROCEDURE

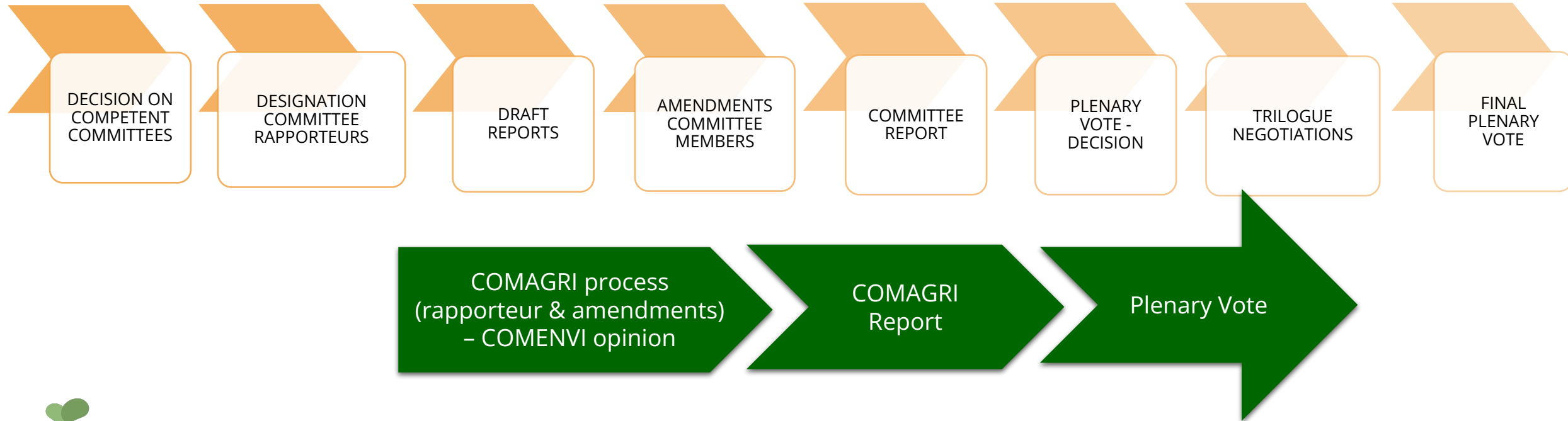


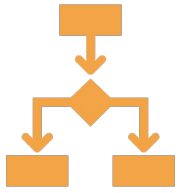
2. Adoption

DIRECTIVE OR REGULATION



EUROPEAN PARLIAMENT





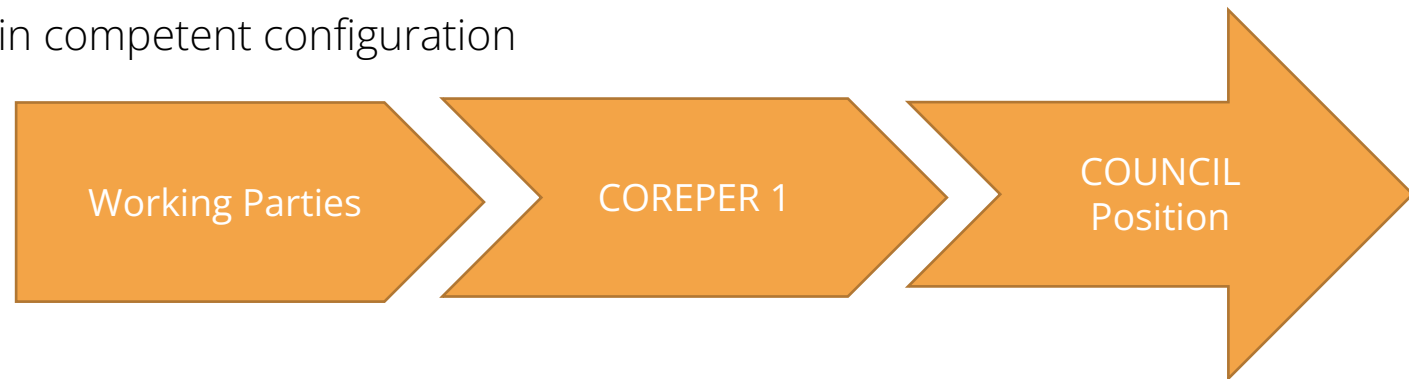
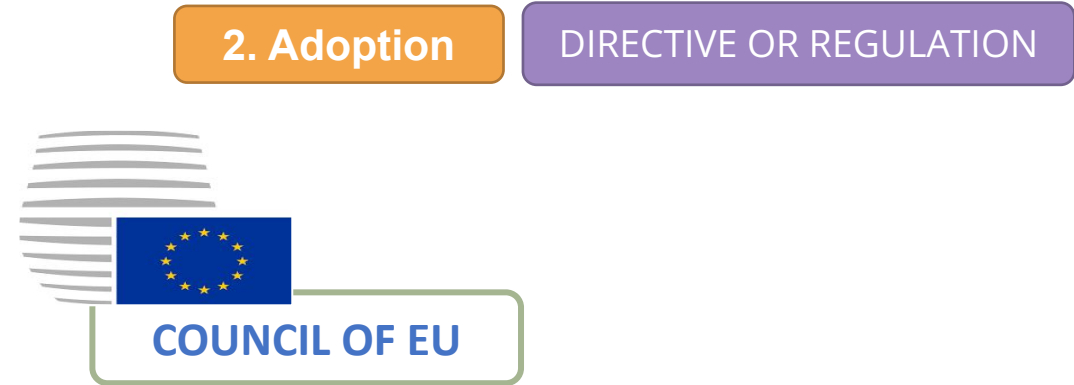
PROCEDURE

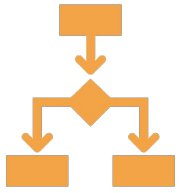
- **PREPARATORY BODIES**

- Working Parties
 - Technical experts (either based in Brussels and/or from national capitals)
- COREPER
 - Deputies (based in Brussels)

- **COUNCIL**

- Discussion & consensus in competent configuration





PROCEDURE



2. Adoption

DIRECTIVE OR REGULATION



COUNCIL OF EU

- **PREPARATORY BODIES**

- Working Parties
 - Technical experts (either based in Brussels and/or from national capitals)
- COREPER
 - Deputies (based in Brussels)

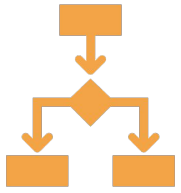
- **COUNCIL**

- Discussion & consensus in competent configuration

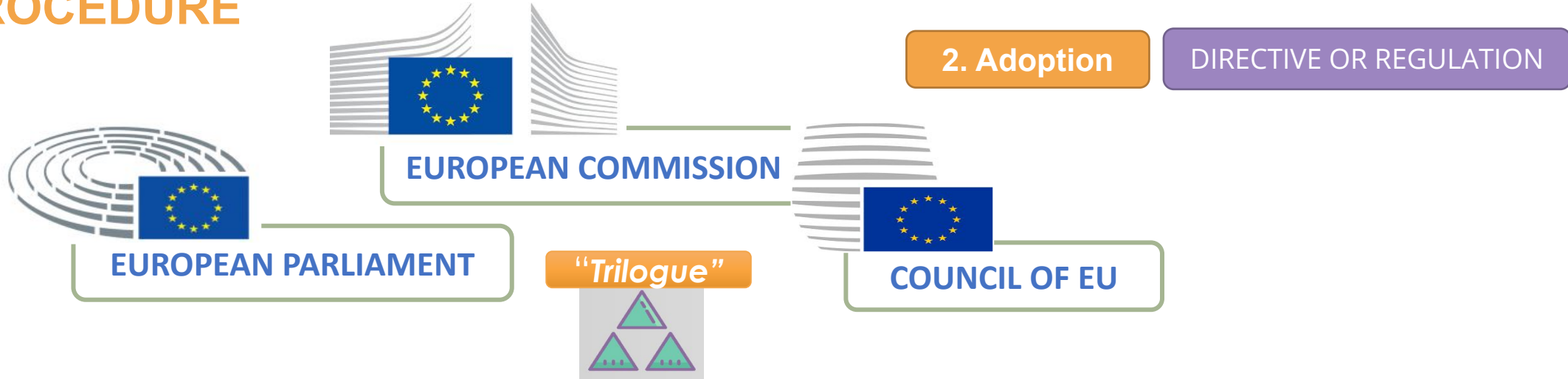
Working Party Genetic Resources
& Innovation in Agriculture
Special Committee Agriculture

COREPER 1

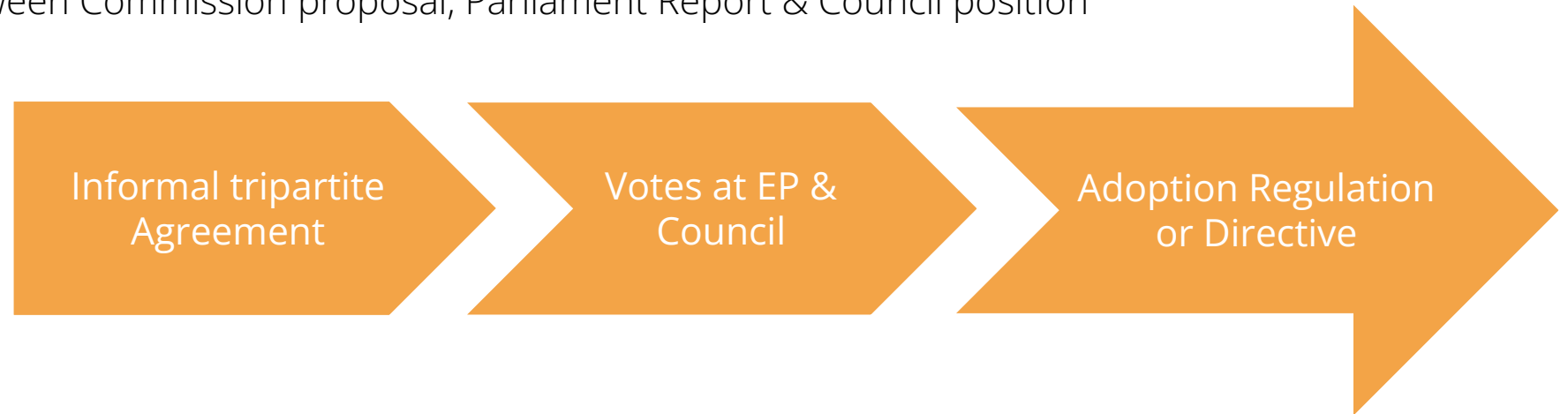
AGRIFISH
position

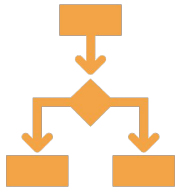


PROCEDURE



- Informal Inter-institutional negotiations to speed up procedures & reach compromise (since 2016)
- Find compromise between Commission proposal, Parliament Report & Council position





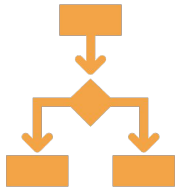
PROCEDURE

2. Adoption

DIRECTIVE OR REGULATION

VIDEO :

<https://newsroom.consilium.europa.eu/permalink/213053>



PROCEDURE

3. Implementation

COMMISSION DIRECTIVE OR REGULATION

NATIONAL LAWS



According to national procedures



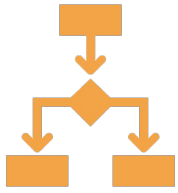
EUROPEAN COMMISSION

Delegated Acts : Based on a delegation (cannot change Basic Act, must be well defined & can be revoked)

- Consultation of Expert Groups (Member States)
- European Parliament involvement: informal, can object to Act

Implementing Acts : Common action needed, delegation of powers less defined

- Comitology (Member States Committees consulted before Act)
- EP involvement : information & scrutiny



PROCEDURE

3. Implementation

COMMISSION DIRECTIVE OR REGULATION

NATIONAL LAWS



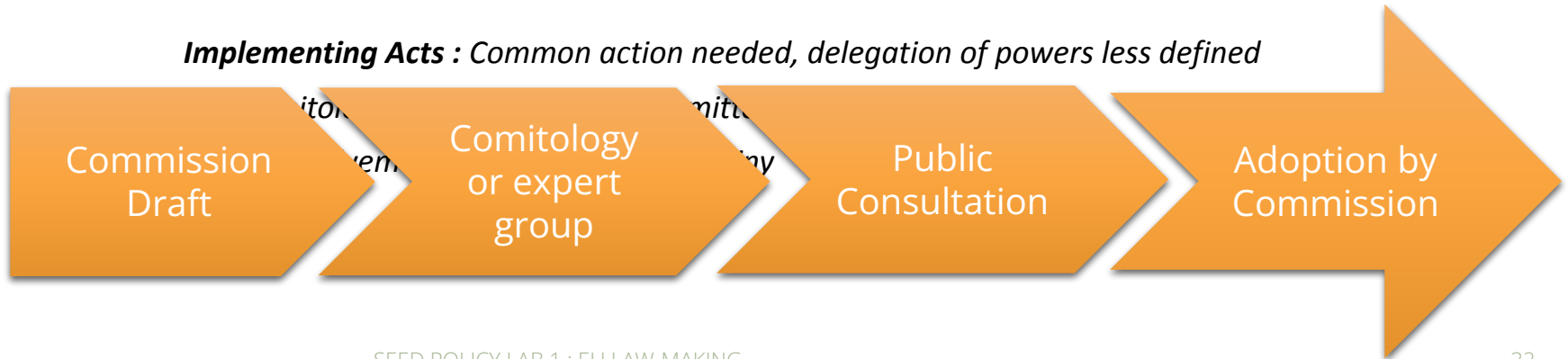
According to national procedures

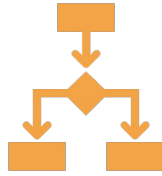


Delegated Acts : Based on a delegation (cannot change Basic Act, must be well defined & can be revoked)

- Consultation of Expert Groups (Member States)
- European Parliament involvement: informal, can object to Act

Implementing Acts : Common action needed, delegation of powers less defined





EUROPEAN COMMISSION

1. Initiative

COMMISSION PROPOSAL

3. Implementation

COMMISSION REGULATION

COMMISSION DIRECTIVE

NATIONAL LAWS



COUNCIL OF EU

2. Adoption

COUNCIL & PARLIAMENT DIRECTIVE

COUNCIL & PARLIAMENT REGULATION



EUROPEAN PARLIAMENT



THANK YOU !

See you this Friday...