

29/11/2022



SEED POLICY LAB 1

EU Law-making

Fulya BATUR



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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) *

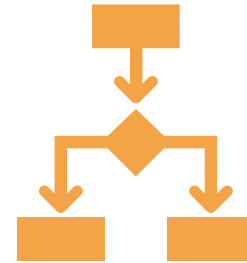
- ☐ Verordnung und Richtlinie des Rates und des Parlaments
- ☐ Verordnung und Richtlinie der Kommission
- ☐ Entscheidung der Kommission



EUROPEAN INSTITUTIONS



LEGAL - POLICY INSTRUMENTS



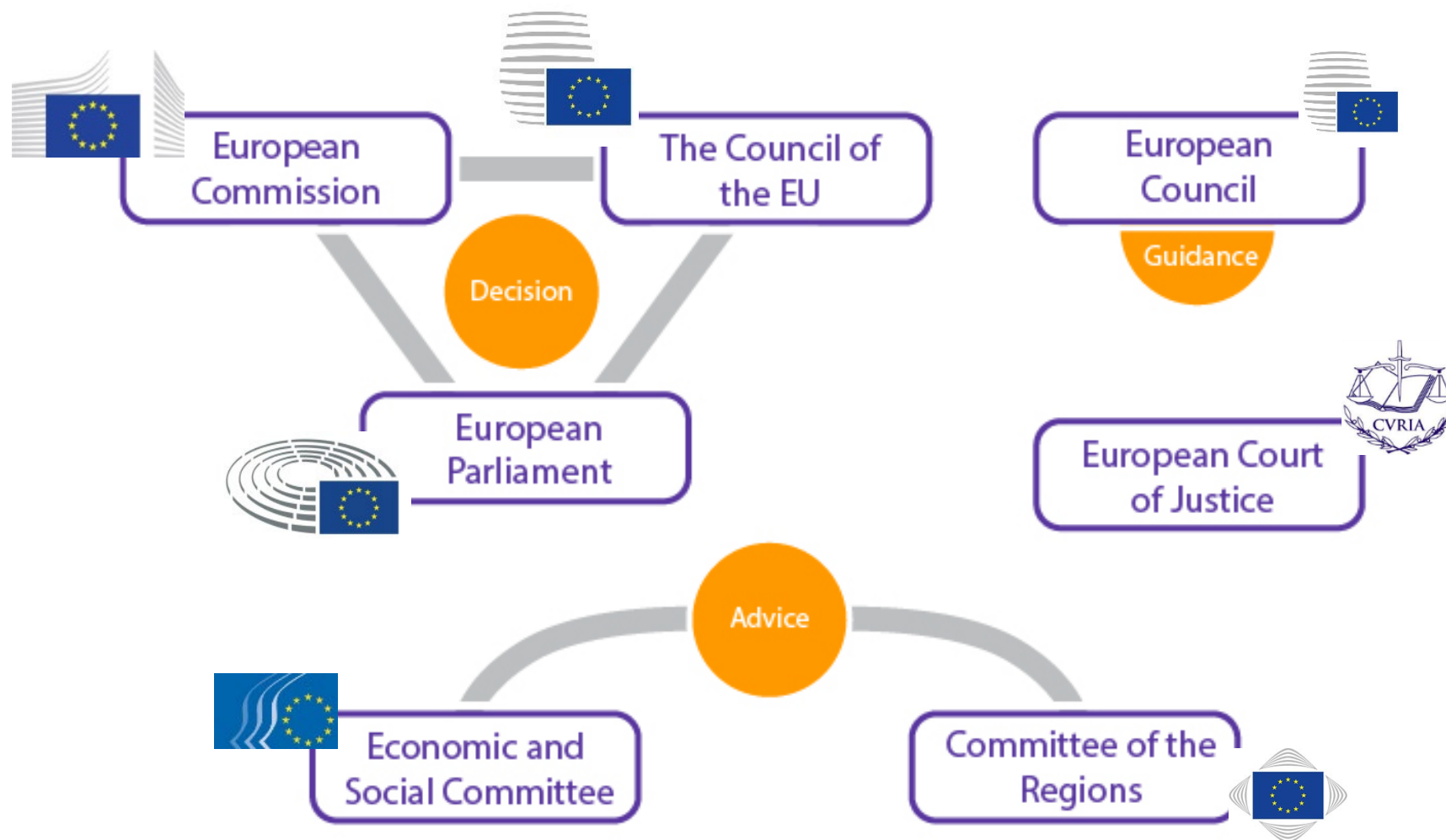
PROCEDURE



*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?

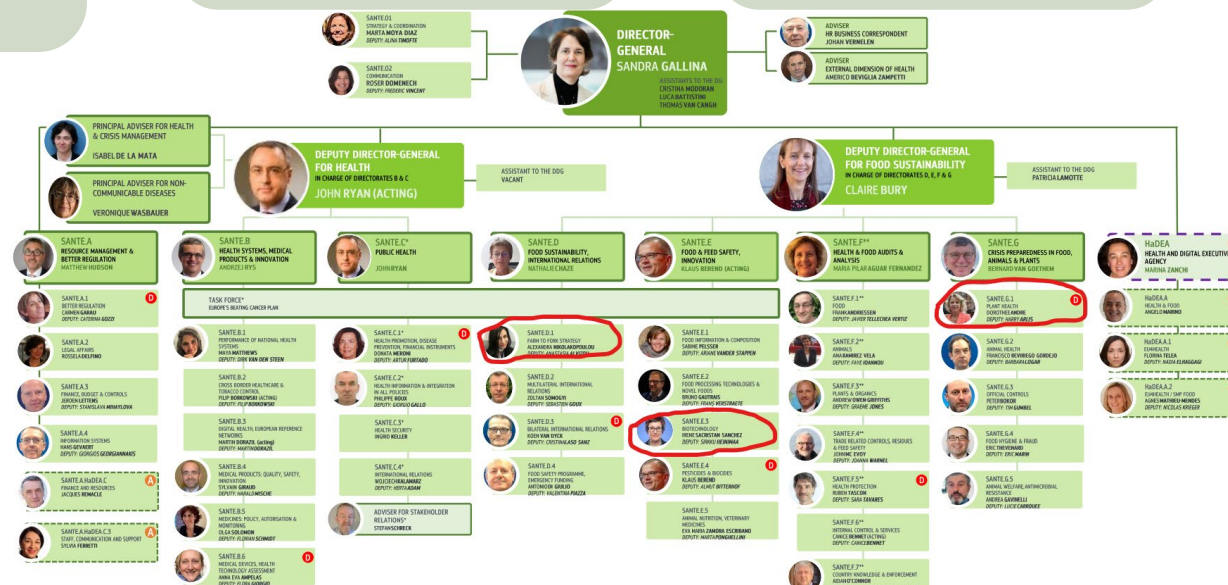
DG SANTE
Seeds marketing
Plant health
Plant protection
GMO's
UPOV

DG AGRICULTURE
Common Agricultural
Policy
Organics
Genetic Resources

DG ENVIRONMENT
Biodiversity
Nature Protection
Soil

DG GROW
Intellectual Property

KYRIAKIDES (CYP)





EUROPEAN INSTITUTIONS



Who?

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

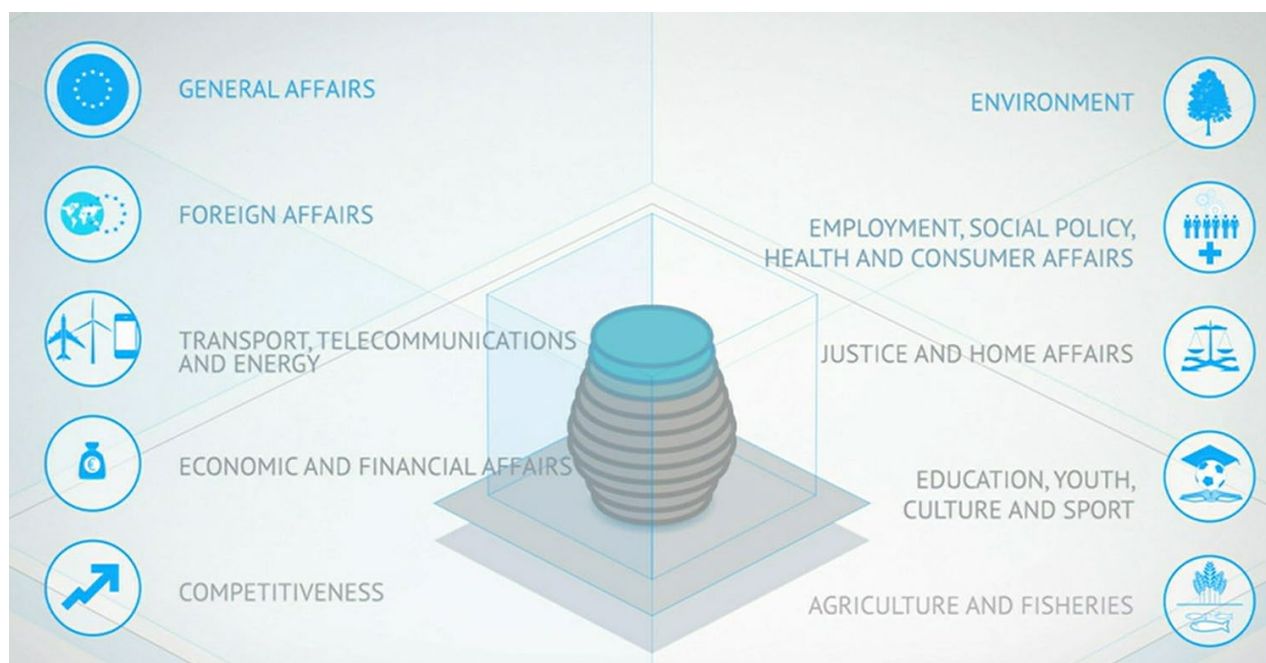
France	January-June	2022
Czech Republic	July-December	2022
Sweden	January-June	2023
Spain	July-December	2023
Belgium	January-June	2024
Hungary	July-December	2024
Poland	January-June	2025

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)



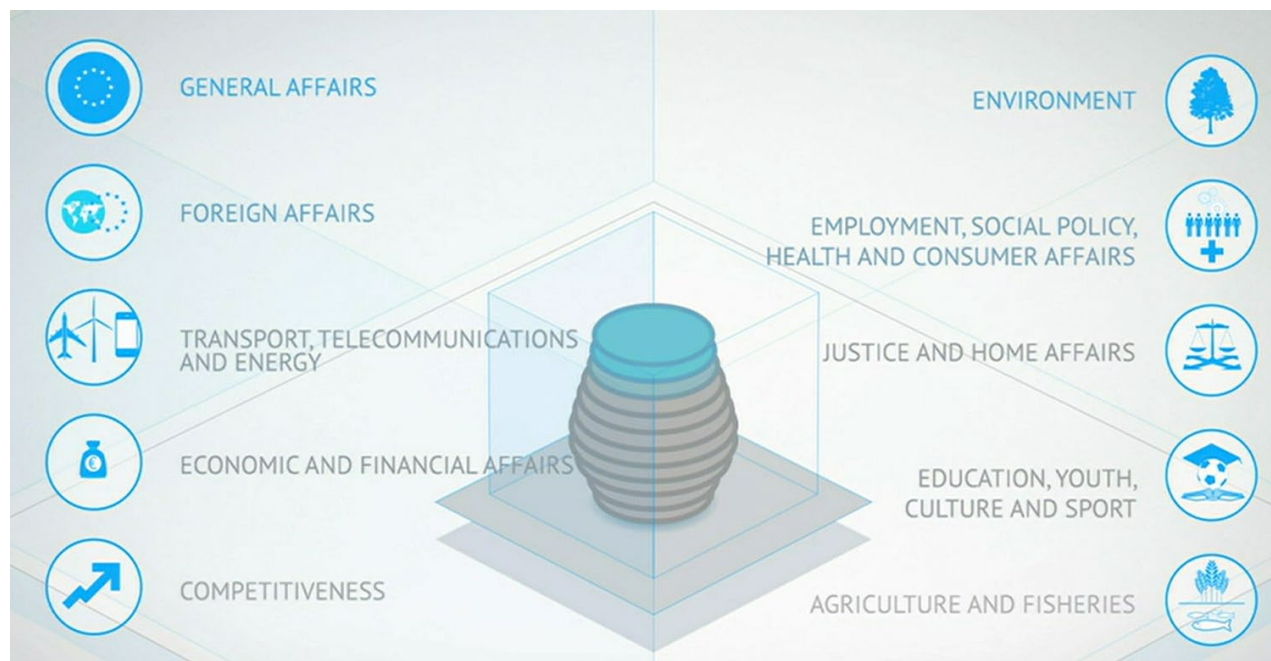
EUROPEAN INSTITUTIONS



COUNCIL OF EU



What about seeds?



ENVIRONMENT COUNCIL

*Biodiversity Strategy
Climate*

AGRIFISH COUNCIL

*Common Agricultural Policy
Genetic Resources
Seed Marketing – Plant Health
New Genomic Techniques*



EUROPEAN INSTITUTIONS



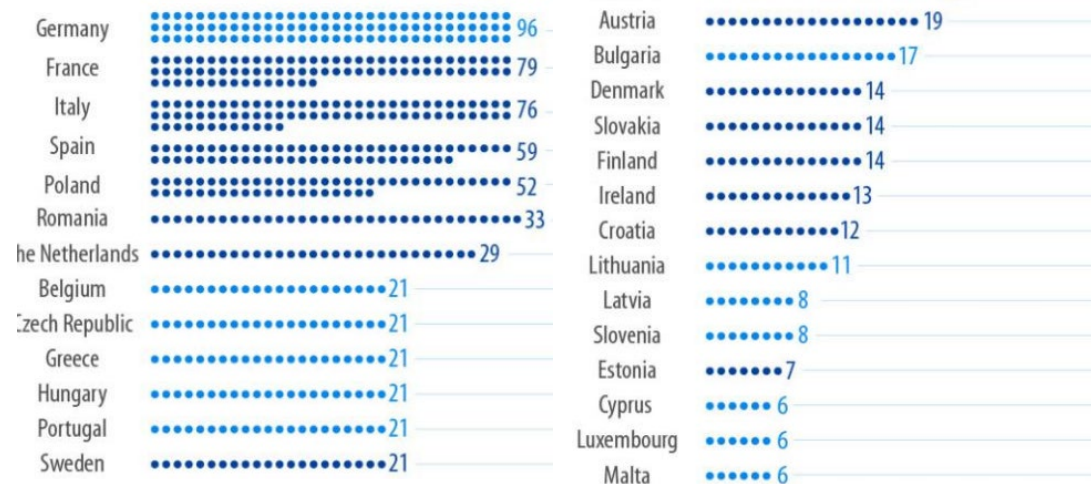
EUROPEAN PARLIAMENT



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





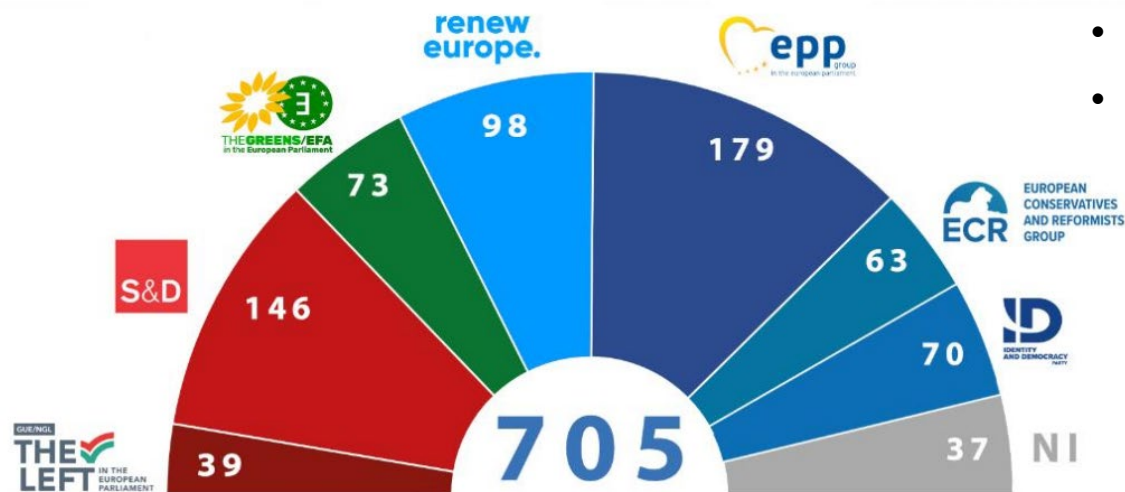
EUROPEAN INSTITUTIONS



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

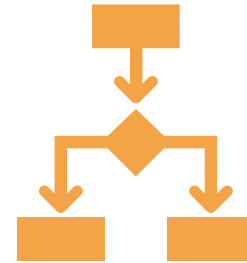
 Norbert LINS Chair PPE Germany	 Francisco GUERREIRO Vice-Chair Verts/ALE Portugal	 Daniel BUDA Vice-Chair PPE Romania	 Mazaly AGUILAR Vice-Chair ECR Spain
 Elsi KATAINEN Vice-Chair Renew	 Clara AGUILERA Member S&D	 Atidzhe ALIEVA-VELI Member Renew	 Álvaro AMARO Member PPE



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 to States

- **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**

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

- **COMMISSION DIRECTIVE**

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



LEGAL - POLICY INSTRUMENTS



FOUNDING EU TREATIES

**REGULATIONS AND
DIRECTIVES OF COUNCIL &
PARLIAMENT**

**REGULATIONS AND
DIRECTIVES OF THE
COMMISSION**

**EU COMPETENCE ON
AGRICULTURE : Article 43**

**REGULATION ORGANIC
PRODUCTION 2018/848**

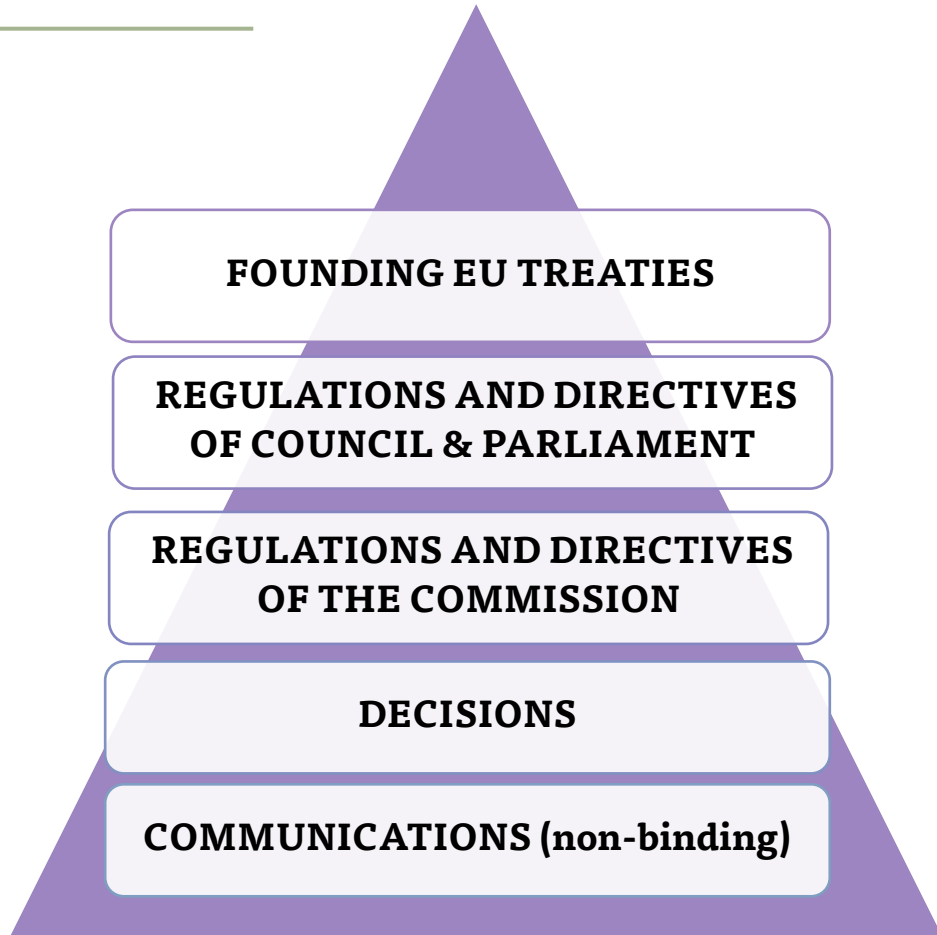
**DIRECTIVES ON SEED
MARKETING**

**COMMISSION REGULATION
ORGANIC HETEROGENEOUS
MATERIAL 2021/1189**

**COMMISSION DIRECTIVE
CONSERVATION VARIETIES
2008/62**



LEGAL - POLICY INSTRUMENTS

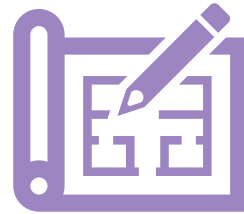


NON-BINDING INSTRUMENTS

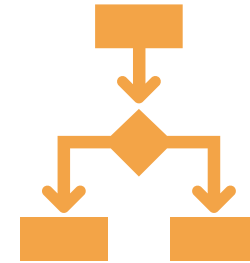
- **COMMUNICATION FROM COMMISSION**
 - Main goals & objectives to be translated into binding texts
 - Political commitment
 - *Ex: The European Green Deal, Biodiversity Strategy*



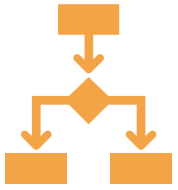
EUROPEAN INSTITUTIONS



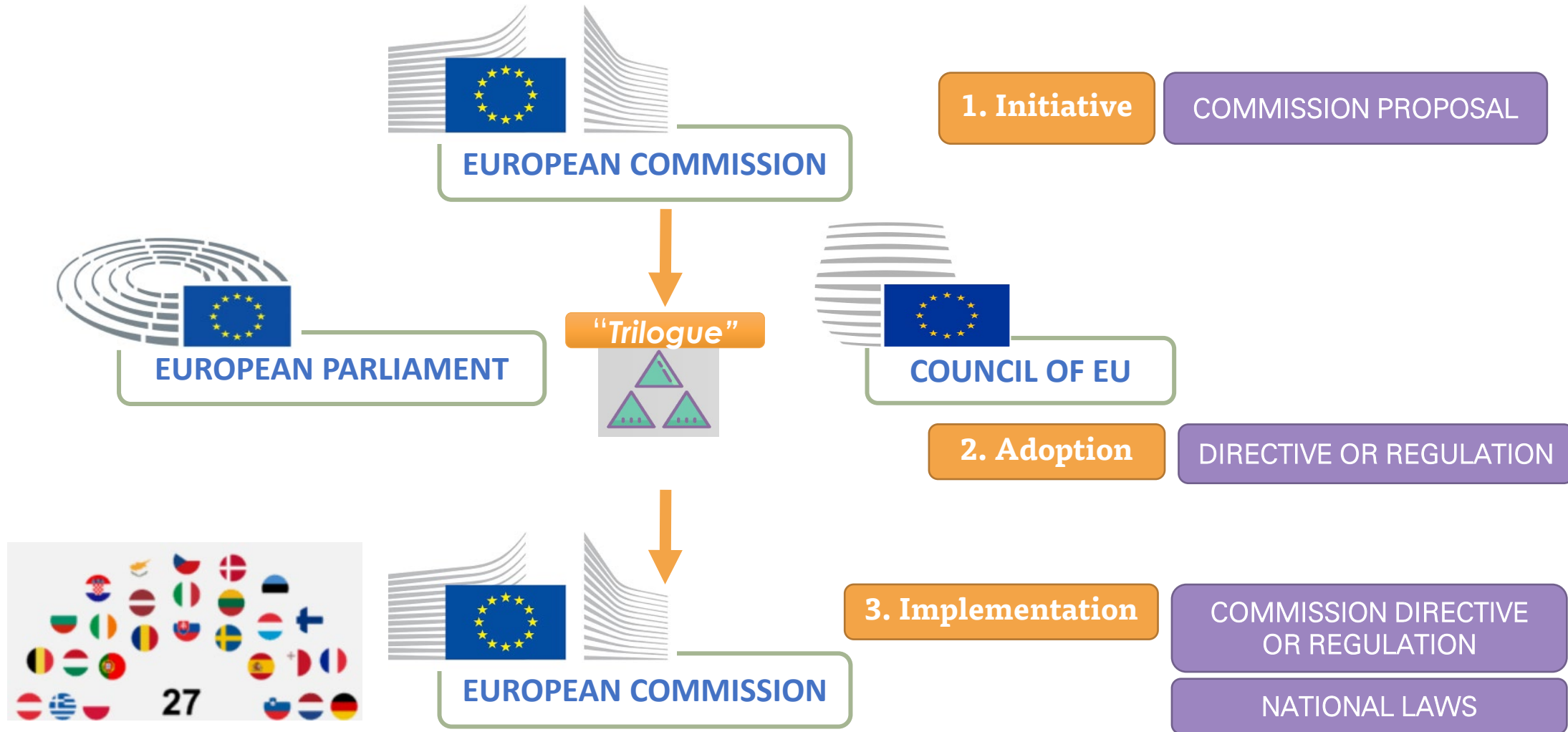
LEGAL - POLICY INSTRUMENTS

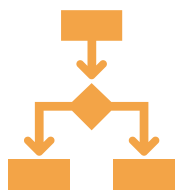


PROCEDURE



PROCEDURE



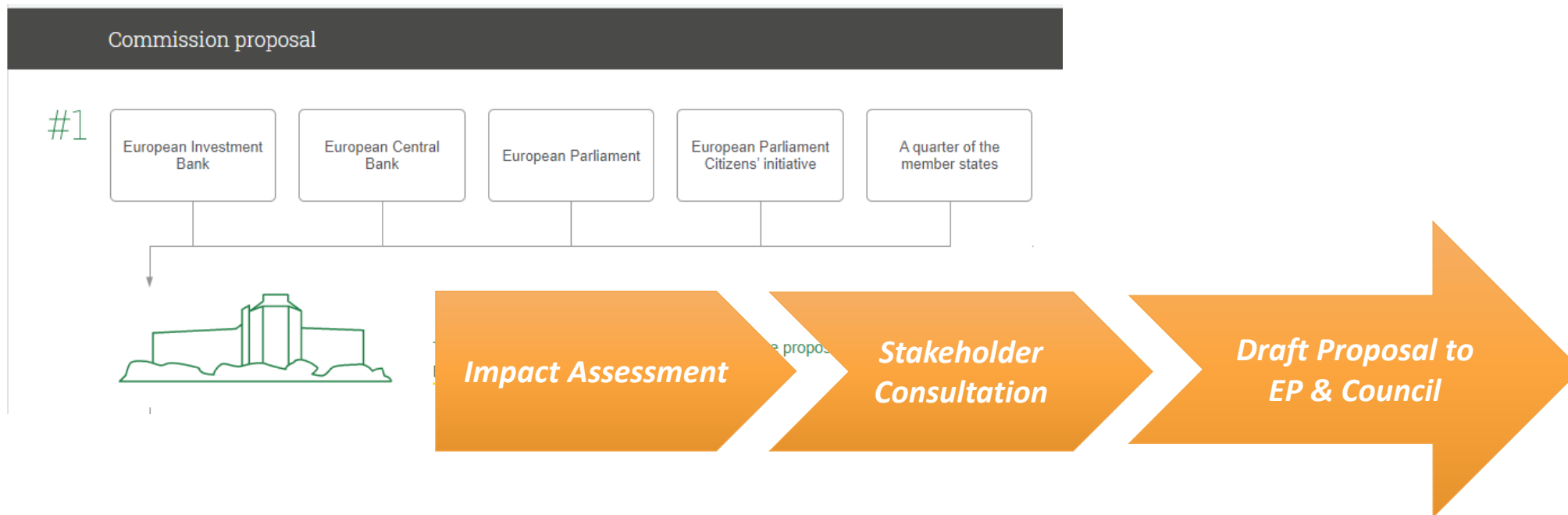


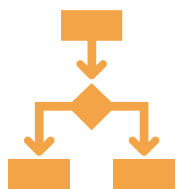
PROCEDURE



1. Initiative

COMMISSION PROPOSAL



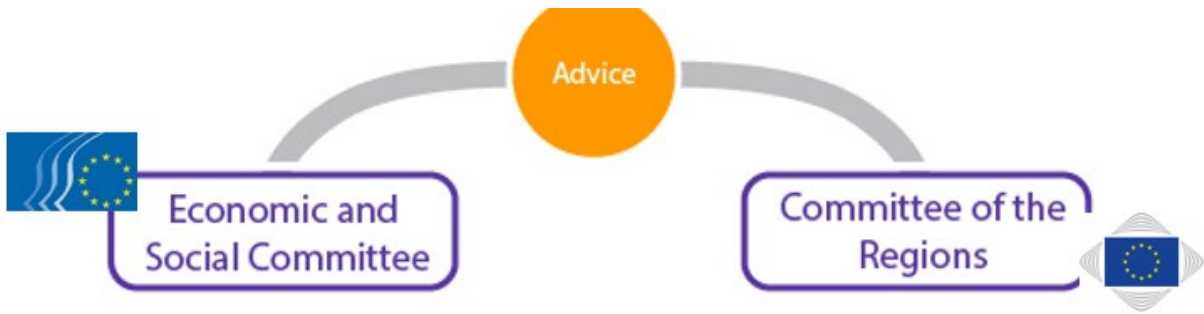


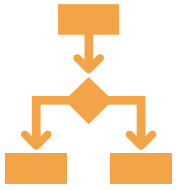
PROCEDURE



2. Adoption

DIRECTIVE OR REGULATION





PROCEDURE

2. Adoption

DIRECTIVE OR REGULATION



EUROPEAN PARLIAMENT

DECISION ON
COMPETENT
COMMITTEES

DESIGNATION
COMMITTEE
RAPPORTEURS

DRAFT
REPORTS

AMENDMENTS
COMMITTEE
MEMBERS

COMMITTEE
REPORT

PLENARY
VOTE -
DECISION

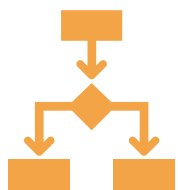
TRILOGUE
NEGOTIATIONS

FINAL
PLENARY
VOTE

Committee Discussions

Committee Report

Plenary Vote



PROCEDURE



2. Adoption

DIRECTIVE OR REGULATION



EUROPEAN PARLIAMENT

DECISION ON
COMPETENT
COMMITTEES

DESIGNATION
COMMITTEE
RAPPORTEURS

DRAFT
REPORTS

AMENDMENTS
COMMITTEE
MEMBERS

COMMITTEE
REPORT

PLENARY
VOTE -
DECISION

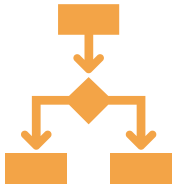
TRILOGUE
NEGOTIATIONS

FINAL
PLENARY
VOTE

COMAGRI process
(rapporteur & amendments) –
COMENVI opinion

COMAGRI
Report

Plenary Vote



PROCEDURE

- **PREPARATORY BODIES**

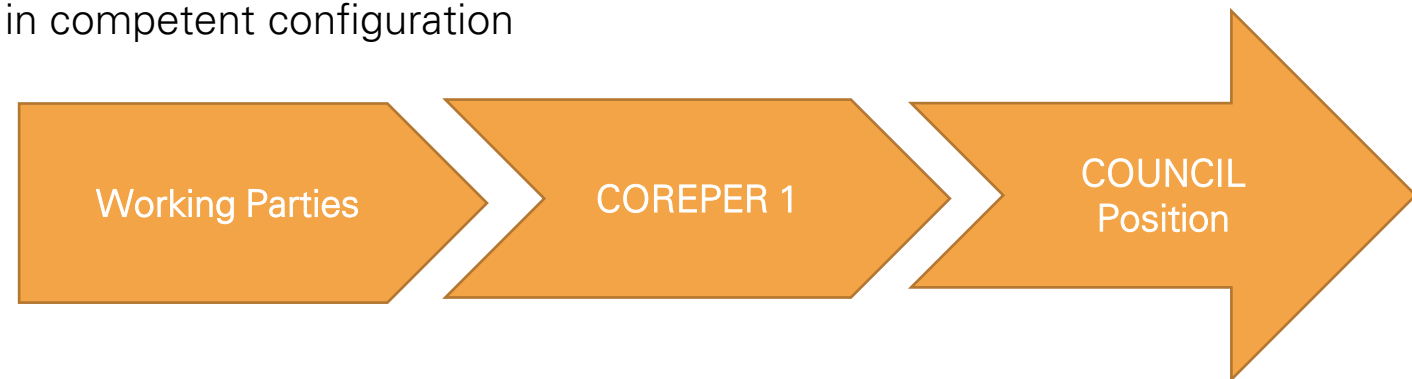
- Working Parties
 - Technical experts (either based in Brussels and/or from national capitals)
- COREPER
 - Deputies (based in Brussels)

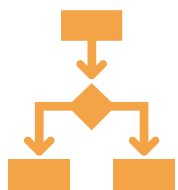
- **COUNCIL**

- Discussion & consensus in competent configuration

2. Adoption

DIRECTIVE OR REGULATION





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
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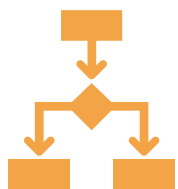
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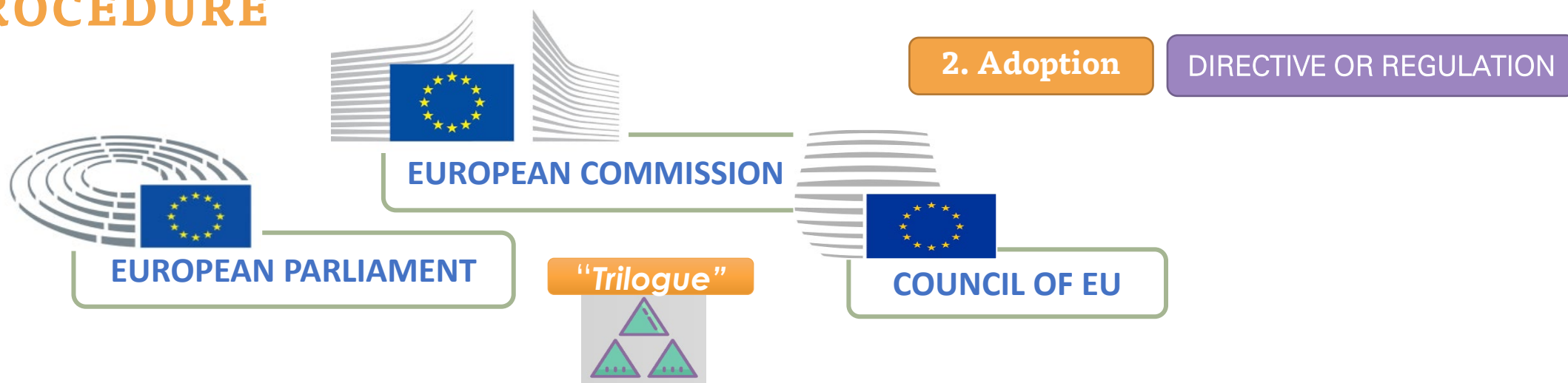
Working Party Genetic Resources
& Innovation in Agriculture
Special Committee Agriculture

COREPER 1

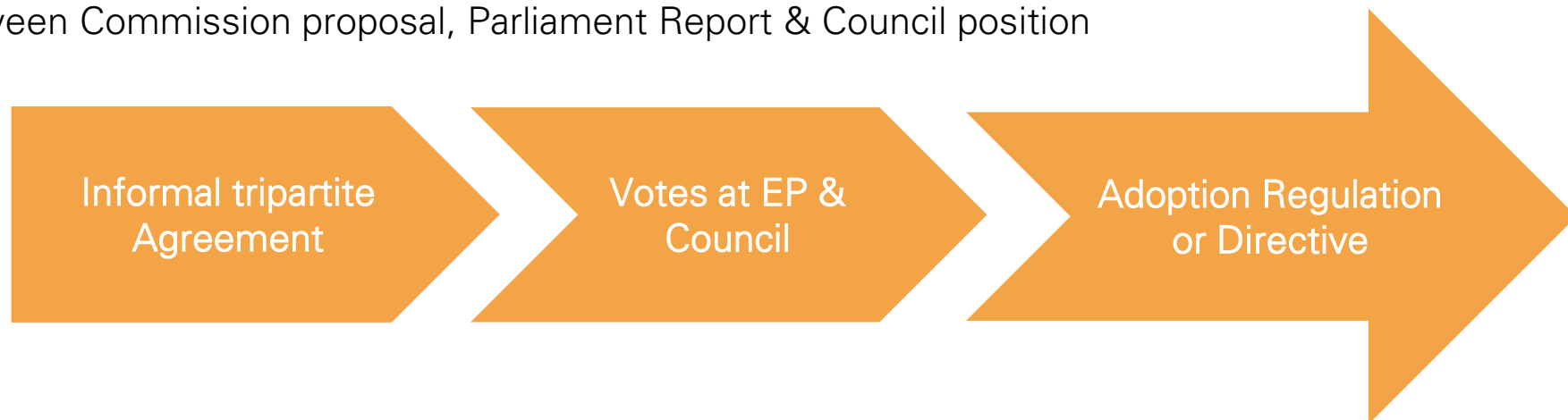
AGRIFISH
position

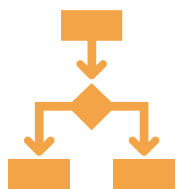


PROCEDURE



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





PROCEDURE



According to
national procedures



EUROPEAN COMMISSION

3. Implementation

COMMISSION DIRECTIVE
OR REGULATION

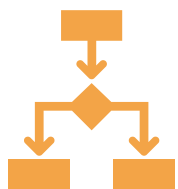
NATIONAL LAWS

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

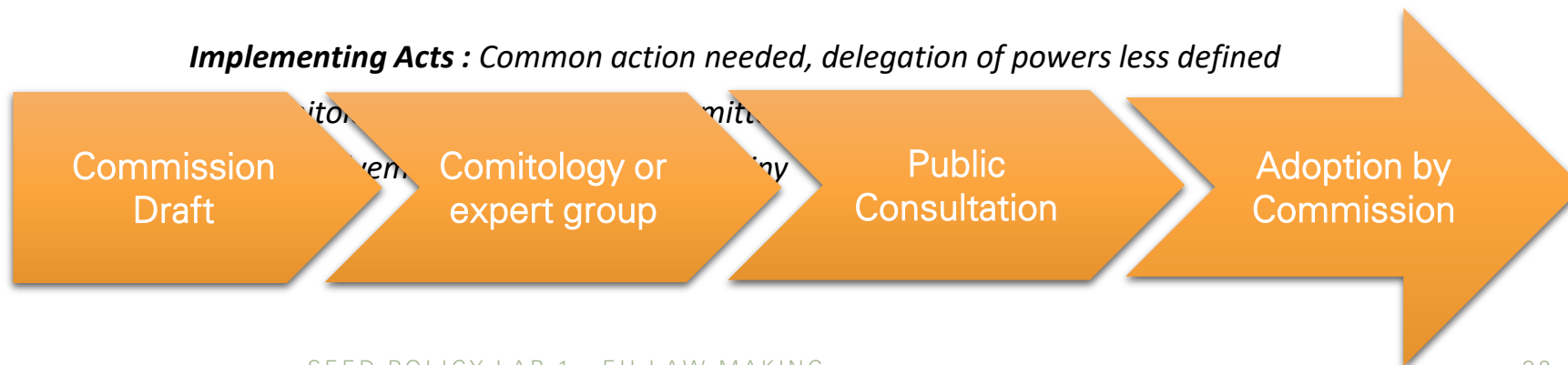


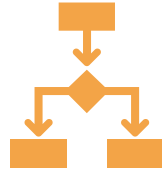
EUROPEAN COMMISSION

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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...