

# Handout: Capacity Building on European Seed Policy and Legislation

## *Background on the EU legislation processes*

### **Section 1: The Institutional Framework of EU Policymaking**

This section introduces the primary EU institutions involved in lawmaking: the European Parliament (EP), the Council of the EU, and the European Commission. Each institution's role is explained, highlighting how the EP represents EU citizens, the Council reflects Member States' interests, and the Commission initiates proposals and ensures they align with EU objectives. Together, these institutions shape EU legislation through the **Ordinary Legislative Procedure (OLP)**, a collaborative process essential for creating balanced, democratic laws.

### **Section 2: The Ordinary Legislative Process in Action**

This section details the stages of the **Ordinary Legislative Procedure (OLP)**, from the Commission's proposal development to final approval. It explains how proposals are reviewed and amended by the EP and Council through committee work, readings, and trilogue negotiations. A streamlined overview of each stage is provided to clarify how legislation progresses through the EU system, ensuring democratic input and technical rigour.

### **Section 3: EU Legislative Instruments**

This section outlines the main legislative instruments — **Regulations, Directives, Decisions, Recommendations, and Opinions** — and their application. Each instrument serves a specific function within EU law, ranging from binding regulations that apply across all Member States to non-binding recommendations that encourage best practices. This section offers participants a clear understanding of how these tools are used to support EU policy consistency and flexibility.

### **Section 4: Regulatory Framework for Seeds in EU**

Participants are introduced to the regulatory framework governing the seed sector in the EU. This includes regulations on **seed quality and certification, variety registration and protection, plant health, genetic diversity, and environmental sustainability**. The section highlights how these rules maintain standards across the EU and protect biodiversity within agricultural practices.

## Chapter 1: The Institutional Framework of EU Policymaking

The process of creating EU legislation, including complex areas like seed policy, relies on the combined efforts of three primary institutions, the European Parliament (EP), the Council of the EU, and the European Commission. Each institution represents different interests within the Union: the European Parliament reflects the voice of EU citizens, the Council of the EU represents the national governments of each Member State, and the European Commission acts as the EU's executive body, advancing the Union's overall objectives. Together, these bodies shape, review, and implement policies, ensuring that EU legislation addresses both the shared priorities and specific needs of its members. Each plays a distinct yet interdependent role in the legislative process, with responsibilities that range from drafting proposals to scrutinizing amendments and reaching a final consensus.

Within this system, the European Commission initiates proposals, drawing on expertise from its Directorates-General (DGs) that cover specialized areas. These proposals are then examined by the European Parliament and the Council, which engage in a collaborative, iterative process to review, amend, and ultimately adopt legislation. This multi-step process, formerly the co-decision procedure, introduced in 1992 and expanded in 1999, was officially renamed the **Ordinary Legislative Procedure (OLP)** with the Lisbon Treaty. This process requires the active involvement of parliamentary committees, Council configurations, and supporting bodies within each institution to ensure that legislation is democratically developed, technically sound, and responsive to both EU and national concerns. Through this cooperative structure, the EU's legislative process balances the interests of its citizens, Member States, and the Union's overarching goals.

### 2.1 European Parliament (EP): Representing EU Citizens

The European Parliament (EP) is one of the two main legislative bodies in the EU, tasked with adopting laws and representing EU citizens' interests. Composed of 720 Members of Parliament (MEPs) elected by citizens of each Member State, the EP's structure ensures balanced representation based on population size. MEPs are organized into political groups by ideological affiliation, such as the European People's Party (EPP), Socialists & Democrats (S&D), and Greens/EFA, which shape the Parliament's legislative agenda and priorities.

#### Configuration: Committees and Working Groups

MEPs work within specialized **parliamentary committees** (e.g., the Environment, Public Health, and Food Safety Committee, or the Agriculture Committee), which analyse and amend legislative proposals from the European Commission. These committees focus on specific policy areas and are responsible for examining proposals in depth, consulting stakeholders and experts, and proposing amendments to refine legislation. They also work closely with relevant Directorates-General (DGs) within the Commission, such as DG ENV for environmental issues, to integrate technical expertise into the Parliament's stance.

Additionally, **working groups** within political groups coordinate MEPs' positions before committee discussions and plenary votes, aligning with broader political strategies. These structures enable MEPs to leverage both technical knowledge and political cohesion, ensuring that legislative positions reflect the interests of EU citizens.

#### Role in the Legislative Process

The EP's main role in the legislative process is to review, amend, and vote on proposals from the European Commission. After committee review and amendment, the full Parliament votes on legislative proposals in plenary sessions. If a majority vote is achieved, the proposal becomes the "**Parliament position**" and moves to the Council for further review. To expedite the legislative process, the **Council may also provide a 'general**

**approach**—an early indication of its position on a proposal—to give the Parliament insight into its stance, which can help achieve consensus during the first reading. Additionally, **informal trilogue negotiations** may occur throughout the process to align the Parliament's and Council's positions.

This structure allows the EP to balance citizen interests with EU-wide objectives, ensuring democratic oversight within the EU legislative process.

## 2.2 European Commission (EC): The Executive Arm of the EU

The European Commission (EC) is the EU's executive body responsible for proposing legislation, enforcing EU laws, and implementing policies. It is composed of 27 Commissioners, one from each Member State, appointed by national governments and approved by the European Parliament. The Commission is structured into various **Directorates-General (DGs)**, which function like ministries, each focused on specific policy areas, such as DG ENV (Environment), DG AGRI (Agriculture), and DG SANTE (Health and Food Safety).

### Configuration: Directorates-General and Advisory Groups

The DGs serve as **policy development hubs** within the Commission, with each DG focusing on a particular area. DGs conduct research, consult with stakeholders, and draft legislative proposals based on the EU's strategic priorities. For example, DG SANTE might lead initiatives in public health, while DG AGRI focuses on agriculture. Each DG works closely with its Commissioner and the President of the Commission to ensure proposals align with broad EU goals.

The Commission also collaborates with **advisory groups** and consultative bodies (e.g., High-Level Groups and the European Economic and Social Committee) that provide recommendations and stakeholder feedback. These bodies ensure proposals are well-rounded, technically informed, and reflective of diverse EU interests.

### Role in the Legislative Process

The Commission is the only institution with the power to initiate legislation. It creates proposals to address EU-wide issues, often in response to identified needs or strategic goals. The Commission then submits these proposals to the European Parliament and the Council, guiding the legislative process from a strategic, Union-wide perspective. The relevant DGs stay engaged throughout the process, providing expertise to the Parliament and Council as needed to facilitate informed debate and decision-making.

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## 2.3 Council of the European Union: Representing Member States' Interests

The Council of the European Union, often referred to simply as "the Council," represents the governments of each EU Member State and acts as the co-legislative body alongside the European Parliament. The Council is composed of ministers from each Member State, with specific ministers attending depending on the policy area under discussion. These different groups of ministers are known as **Council configurations**.

### Configuration: Council Configurations, COREPER, and Working Parties

There are **ten main Council configurations**, each focused on a particular policy area (e.g., Agriculture and Fisheries, Economic and Financial Affairs, Environment). These configurations ensure that relevant ministers from each Member State contribute expertise and national perspectives to legislative discussions. For example, agriculture ministers attend the Agriculture and Fisheries Council to discuss policies affecting farming and fishing, while finance ministers participate in the Economic and Financial Affairs Council for budget and financial regulations.

Supporting the work of these configurations is the **Committee of Permanent Representatives (COREPER)**, which prepares Council meetings and ensures continuity in EU policymaking. COREPER is divided into two groups:

- **COREPER I**, composed of deputy permanent representatives, handles issues like social policy, environment, and internal market.
- **COREPER II**, composed of senior permanent representatives, deals with matters such as foreign affairs, economic and financial issues, and justice.

COREPER coordinates the work of **working parties** —technical groups with representatives from each Member State who delve into specific legislative details. These working parties draft positions, analyse proposals, and prepare reports that facilitate higher-level decision-making in the Council. COREPER's role and the support of working parties streamline the Council's decision-making and maintain consistent national perspectives throughout the legislative process.

### **Role in the Legislative Process**

The Council collaborates with the European Parliament in the ordinary legislative (co-decision) process. It reviews, amends, and must approve legislative proposals from the European Commission. **Council configurations** work closely with relevant DGs in the Commission to ensure that legislative outcomes balance national priorities with broader EU objectives. If consensus cannot be reached between the Council and Parliament in the first or second reading, a **Conciliation Committee** with representatives from both institutions negotiates a final compromise. The final legislative act requires approval by both institutions in a third reading to be adopted.

This co-decision process allows the Council to protect and advance Member States' interests within the EU.

## **Chapter 2: The Ordinary Legislative Process in Action**

The ordinary legislative procedure, also known as the co-decision process, is the primary mechanism by which the European Union enacts legislation. This process requires the active collaboration of three main institutions—the European Commission, the European Parliament, and the Council of the EU—each representing distinct EU interests. Through multiple stages of review, amendment, and negotiation, these institutions work together to ensure that the final legislation is democratic, balanced, and reflective of both national and EU-wide priorities.

The legislative process can be broken down into several key stages:

1. **Proposal Development:** The European Commission initiates legislative proposals through its specialised Directorates-General (DGs). DGs conduct research, consult with stakeholders, and ensure that proposals align with the EU's strategic objectives before formally presenting them.
2. **Submission of Proposal:** Once a proposal is finalised, the Commission submits it to both the European Parliament and the Council, marking the beginning of the legislative review process.
3. **Committee Review & Amendment:** The European Parliament assigns the proposal to the relevant committee, where MEPs analyse and amend it, while the Council conducts a similar review in the appropriate configuration. COREPER and working parties support the Council's examination.
4. **First Reading (EP & Council):** Both the European Parliament and the Council independently review and may amend the proposal in their first reading. If they reach consensus at this stage, the proposal is adopted without further readings.

5. **Second Reading (if needed):** If the first reading does not result in agreement, each institution re-examines the proposal. The Parliament and Council review each other's positions, with the opportunity to make further amendments. Importantly, the Council may only respond to Parliament's amendments at this stage, focusing solely on areas of disagreement.
6. **Trilogue Negotiations (if needed):** Informal trilogue negotiations may occur throughout the process if consensus remains out of reach. Representatives from the EP, Council, and Commission work together to bridge remaining differences and reach a compromise.
7. **Conciliation Committee (if necessary):** If agreement is not achieved through trilogue, a Conciliation Committee is convened. Representatives from both the Parliament and Council negotiate a final compromise that must then be approved by both institutions.
8. **Final Approval:** Once a compromise is reached, the European Parliament and the Council hold a final vote. If both approve, the legislation is formally adopted and enters into force, with the Commission overseeing its implementation.

Table 1: stages in EU legislation process and key responsibilities

Stage	European Commission	European Parliament (EP)	Council of the European Union
<b>1. Proposal Development</b>	<b>Directorates-General (DGs)</b> initiate the proposal, conducting research and consultations aligned with EU priorities.	No direct role at this stage.	No direct role at this stage.
<b>2. Submission of Proposal</b>	The <b>Commission</b> submits the finalized proposal to both the EP and the Council, marking the start of the legislative process.	<b>Parliamentary committees</b> receive the proposal and refer it for review (e.g., the Environment Committee for environmental issues).	<b>Council configurations</b> receive the proposal and assign it to the relevant configuration (e.g., Agriculture and Fisheries, Environment).
<b>3. Committee Review &amp; Amendment</b>	<b>DGs</b> provide background information and expertise to both EP and Council as they analyse the proposal.	<b>Parliamentary committees</b> (e.g., Agriculture, Environment) review, consult stakeholders, and propose amendments; <b>political group working groups</b> coordinate members' positions.	<b>Working parties</b> conduct detailed review and draft amendments; <b>COREPER</b> (I or II) prepares the Council's position based on working party recommendations.
<b>4. First Reading (EP &amp; Council)</b>	<b>DGs</b> continue to provide expertise and clarification as needed.	All <b>MEPs</b> debate and vote on the proposal in a plenary session; if the majority approves, it becomes the "Parliament position."	<b>COREPER</b> coordinates the Council position, bringing input from working parties; Council configurations may vote to accept EP's position or propose amendments.
<b>5. Second Reading (if needed)</b>	<b>DGs</b> provide further clarification and technical support to support consensus.	<b>MEPs</b> in plenary re-examine the Council's position and vote on a revised position if needed, following committee recommendations.	<b>COREPER</b> prepares any amendments to EP's revised position, coordinating with Council configurations to reach consensus.

<b>6. Trilogue Negotiations (if needed)</b>	DGs offer technical support to trilogue negotiations, providing necessary context.	<b>Trilogue teams</b> from EP (typically rapporteurs and committee chairs) join informal negotiations with the Council to reach a compromise.	<b>Trilogue teams</b> from the Council (often COREPER members and configuration representatives) join informal negotiations, with <b>working parties</b> supporting compromise efforts as needed.
<b>7. Conciliation Committee (if necessary)</b>	DGs provide support to the Conciliation Committee with technical expertise and background information.	<b>EP Conciliation Committee members</b> work with Council representatives to negotiate a final compromise.	<b>Council Conciliation Committee members</b> negotiate with EP representatives, with <b>COREPER</b> preparing and supporting the Council's final position.
<b>8. Final Approval</b>	<b>Commission</b> implements and monitors the adopted legislation across Member States.	<b>MEPs</b> in plenary vote on the final compromise; if agreed upon, the legislation is formally adopted and enters into force.	<b>Council configurations</b> vote on the final compromise in coordination with COREPER; if agreed upon, the legislation is formally adopted and enters into force.

## Chapter 3: European Legislative Instruments

The European Union uses a variety of legal instruments to regulate diverse sectors. Each instrument serves a specific purpose, establishing different levels of harmonization and flexibility across Member States. This chapter outlines the primary types of legislative instruments —**regulations, directives, decisions, recommendations, and opinions**— and examines how they apply within the context of EU policymaking, particularly through the **Ordinary Legislative Procedure (OLP)**.

As discussed in Chapters 1 and 2, the OLP is the EU’s main legislative process, involving joint decision-making between the European Parliament (EP) and the Council of the EU, with proposals introduced by the European Commission. This co-decision process is essential for instruments that require binding force across the EU, ensuring democratic accountability and a balance of interests among EU citizens and Member States.

### Types of EU Legal Instruments and Their Application in the OLP

#### 1. Regulations

- **Description:** Regulations are **binding in their entirety and directly applicable in all EU countries**. They do not require transposition into national law and are uniformly enforceable across all Member States upon adoption.
- **Application in the OLP:** Regulations are commonly adopted through the OLP when the EU seeks consistent rules across all Member States. This approach ensures that specific standards—such as health, safety, and quality requirements—are uniformly applied, promoting cohesion in the EU’s single market.
- **Example:** The **EU Plant Health Regulation (EU) 2016/2031**, which establishes consistent phytosanitary standards across the EU to protect plant health, was adopted through the OLP.

By being directly applicable, this regulation ensures a standardized approach to plant health, supporting EU agricultural resilience and biodiversity protection.

## 2. Directives

- **Description:** Directives **bind the EU countries as to the results to be achieved**; however, they must be **transposed into the national legal framework**, allowing Member States flexibility in choosing the form and means of implementation.
- **Application in the OLP:** Directives frequently follow the OLP when the EU aims to harmonize laws across Member States while allowing for national variation. This flexibility enables both the EP and the Council to shape the directive, balancing EU standards with the necessary adaptation to local contexts.
- **Example:** Currently, seeds are regulated by multiple directives, such as **Directive 2002/53/EC** on the Common Catalogue of Varieties of Agricultural Plant Species, and **Directive 2002/55/EC** on the marketing of vegetable seeds. These directives set minimum standards for quality, testing, and certification, but their separate provisions can create complexity for stakeholders. To address this, the EU is developing a proposed **Seed Marketing Regulation**, intended to replace these directives with a single, unified regulation that provides clearer, more streamlined guidance for the seed sector across the EU.

## 3. Decisions

- **Description:** Decisions are **fully binding on those to whom they are addressed**. They can target specific Member States, companies, or individuals and are often used for specific cases or rulings, such as competition issues or targeted approvals.
- **Application in the OLP:** While some decisions may follow the OLP when they have broader policy implications, many are issued directly by the European Commission or Council without parliamentary involvement, particularly when addressing specific compliance or administrative actions.
- **Example:** Decisions regarding specific plant variety rights, administered by the **Community Plant Variety Office (CPVO)**, are often issued without the OLP, as they address targeted, case-specific issues rather than EU-wide legislative requirements. The CPVO's decisions grant intellectual property rights to plant breeders, supporting agricultural innovation and protecting plant varieties across the EU.

## 4. Recommendations and Opinions

- **Description:** Recommendations and opinions are **non-binding, declaratory instruments** that provide guidance, express EU positions, or encourage voluntary compliance. While they do not impose legal obligations, these instruments serve as influential policy tools, guiding Member States and promoting best practices.
- **Application in the OLP:** Recommendations and opinions do not follow the OLP as they lack binding legal force. They can be issued by any EU institution, including the Commission, Council, or EP, to advise on specific issues or provide non-mandatory guidance.
- **Example:** The Commission may issue a **recommendation on sustainable agricultural practices** in seed production, encouraging Member States to adopt biodiversity-friendly practices without mandating legal changes. These recommendations help align EU goals with national practices without imposing legislative obligations.

## Chapter 4: Regulatory Framework for Plant Reproductive Material in Europe

The plant reproductive material (PRM) sector in Europe is subject to a comprehensive regulatory framework that addresses multiple aspects of PRM production, marketing, and use. These regulations govern seed quality, biodiversity, intellectual property rights, and sustainable agricultural practices across the EU, aiming to establish uniform standards and practices across Member States.

EU PRM regulations and directives cover a range of critical areas, including:

1. **Seed Quality and Certification:** EU requirements for testing, certification, and labelling aim to maintain specific quality standards for seeds traded across Member States.
2. **Variety Registration and Protection:** EU regulations ensure that only officially recognized and registered plant varieties can be marketed, with standards of distinctness, uniformity, and stability (DUS). Intellectual property rights for plant varieties are protected under specific EU regulations, granting exclusive rights to breeders for the varieties they develop.
3. **Plant Health and Phytosanitary Measures:** To prevent the spread of pests and diseases, the EU implements phytosanitary regulations, including rules on the import, export, and movement of seeds within the EU.
4. **Genetic Diversity and Conservation:** Certain EU directives support the conservation of plant genetic resources, promoting the use of traditional and local varieties to maintain agricultural biodiversity.
5. **Environmental and Sustainable Use Regulations:** Some regulations encourage biodiversity-friendly production methods and responsible resource use, such as those applying to organic farming.

For further details on EU PRM regulations and policy, consult the **Seed Policy Guide** available on the [ECLLD website](#), which provides an in-depth overview of the legislation governing PRM across the EU.