



# **LEGISLATIVE PROCEDURE AND POTENTIAL SCENARIOS**

Proposal on new genomic techniques

At the request of the EU Member States, the European Commission published a **staff working document** on the status of **new genomic techniques** (NGTs) in April 2021. This publication initiated the first step towards a new legislative framework for NGTs. The European Commission carried out two public consultations to gather the different stakeholders' views and published its impact assessment report along with the **legislative proposal** on the 5th of July 2023.

The publication of the proposal kicks-off the negotiations at EU level both in the European Parliament and in the Council of the European Union. The timeline for these negotiations remains quite uncertain due to the European elections coming ahead in May 2024. All scenarios are possible depending on the political will of the various actors involved.

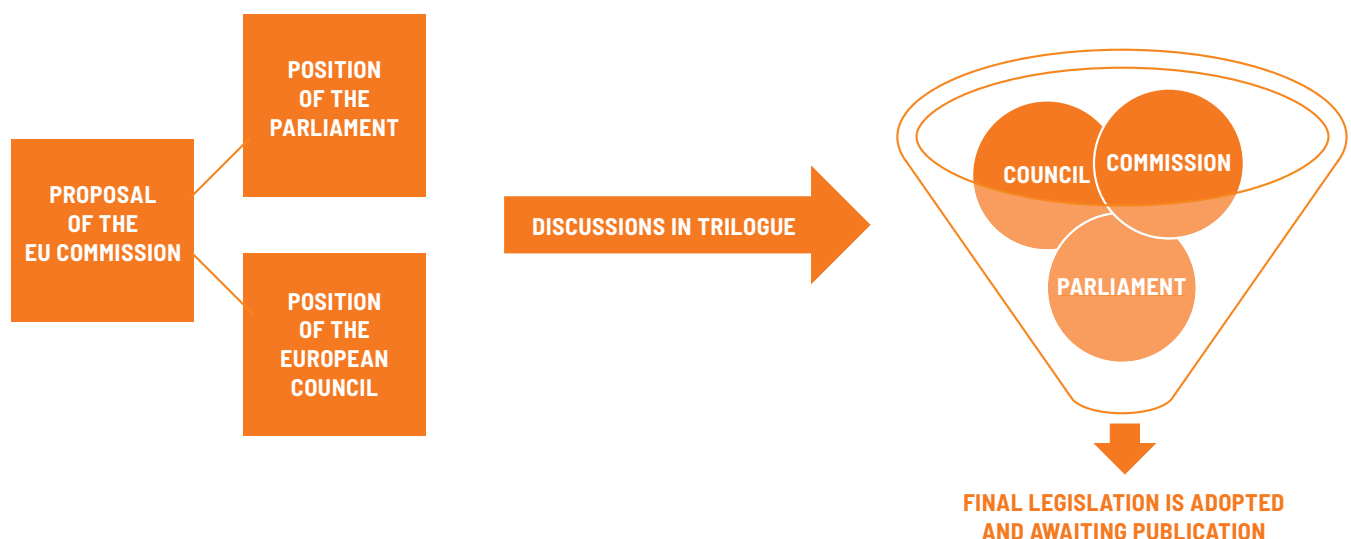
## LEGISLATIVE PROCESS

### Publication of the proposal

Within the EU legislative process, the EU Commission has the 'right of initiative' meaning that it is responsible for proposing new European legislation. Therefore, the legislative procedure is launched when the EU Commission publishes the legislative proposal. All three EU institutions within their relevant entities are involved in the legislative negotiations afterwards:

- European Commission, **DG Santé** - Directorate-General for Food and Health, Units for biotechnology & pesticides and biocides;
- European Parliament, either the **Environment Committee** (ENVI Committee) or the **Agriculture Committee** (AGRI) as responsible committee with other committees for opinion;
- Council of the European Union, **Agriculture and Fisheries Council** (AGRIFISH) under Spanish presidency (July – December 2023) and under Belgian presidency (January – June 2024).

After publication of the proposal, it is submitted to the Council of the European Union (subsequently referred to as 'Council') and the European Parliament. Both institutions must start by establishing their own position on the proposal before all the three institutions meet for the 'trilogue' negotiations at the end of the process.



## Negotiations on the proposal

After the publication of the proposal, the text will be examined separately by the AGRIFISH Council and the responsible committee in the European Parliament. Both institutions need to agree their own position before they can negotiate on the proposal together.

### Council of the European Union

For the proposal on NGTs, the AGRIFISH Council will be the responsible entity within the Council. It brings together the agriculture ministers from the 27 Member States. The negotiations are chaired and initiated by the current presidency of the Council. The Council is currently under Spanish presidency (from July to the end of the year). From January 2024, Belgium will take over the presidency for six months. The speed of the negotiations within the Council depend mostly on the political agenda of the Council presidency. Spain already announced that the NGT file is one of their priorities and announced their aim to finalize the position of the Council by the end of 2023. Belgium, on the other hand, remains more neutral for now.

The text goes through different technical levels at the Council before it is voted on by the ministers themselves. The Council usually votes by qualified majority: 55% of member states (in practice at least 15 member states) must vote in favour representing at least 65% of the European population. To understand better what a qualified majority means, the [voting calculator](#) of the Council enables simulated voting results.

In most cases, the Council adopts a 'general approach' that gives an indication of its position to the Parliament and the Commission and functions as a Council mandate to start the negotiations with the other institutions. The Council's final position, however, cannot be adopted until the Parliament had delivered its own position.

### European Parliament

The Parliament must start by appointing a lead committee for the legislative file. For the NGT file the responsible committee could be either the AGRI or the ENVI committee, other committees can be included as committee for opinion. For the proposal on NGTs, it is likely that a competence conflict will arise between the AGRI and ENVI committee which could delay the work of the Parliament. In rare cases, it is also possible for two committees to take the lead on a file, under the procedure of opinion-giving committees for instance.

Once the responsible committee and committees for opinion have been appointed, it is decided to which political group the file will go to both for the responsible committee and the committees for opinion. Within the designated political groups, a rapporteur is appointed whose main task will be to lead the negotiations through different stages. For the remaining political groups, shadow rapporteurs are appointed to represent their group's position during the negotiations.

In most cases, the Parliament amends the proposal of the Commission. The lead committee prepares a 'draft report' including all the amendments suggested by the different members of the Parliament (MEPs). Based on its report the committee can decide to start negotiations with the other institutions. This requires first a favourable vote on the report in the responsible committee by simple majority (majority of the votes cast) followed by a decision of the committee members by qualified majority (majority of the component members) and an endorsement by plenary. In rare cases, the Parliament can also reject a proposal mostly with an unfavourable vote.

## Adoption of the proposal

Once the Parliament and Council both have a mandate to negotiate, the tripartite negotiations – called ‘trilogues’ - between the three institutions can start. The aim is to agree on a common text acceptable for the Council, the Parliament, and the Commission. Trilogues consists of political negotiations happening behind closed doors during which the delegations of each institution try to find compromises or new paths to reach a common position. At this stage, the Commission only acts as mediator to facilitate an agreement between the co-legislators, meaning the Council and the Parliament.

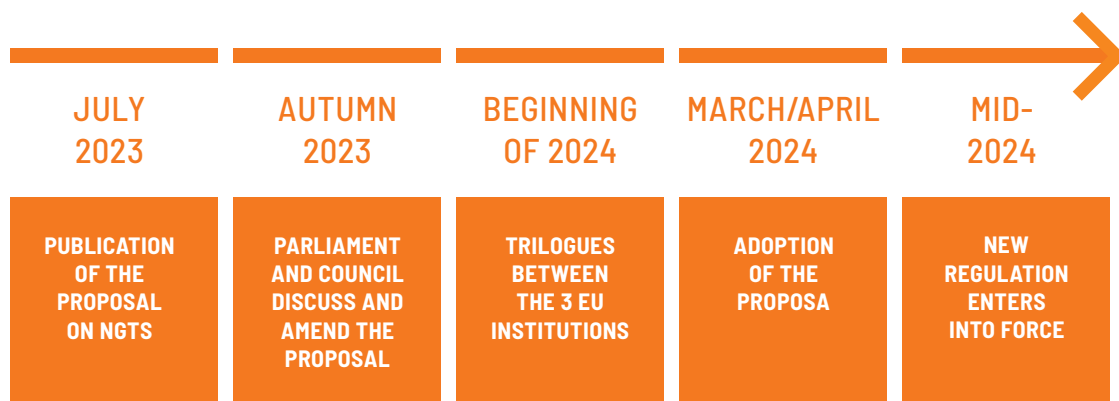
When an agreement has been reached in the trilogues, it must be formally approved by both co-legislators. If this is the case both institutions must sign the legislative act before it is published in the Official journal of the EU. The regulation enters into force on the twentieth day following the publication, but its application is set to twenty-four months from the date of entry into force for now.

## POTENTIAL SCENARIOS

The European parliamentary elections coming up in May 2024 bring uncertainty to the timeline and outcome of the legislative process. Various scenarios are possible depending on the ability to conclude the negotiations in a tight schedule before the elections take place. With a newly elected Parliament and a newly appointed Commission the elections will reshuffle the cards putting the legislative process at stake. The outcome of the file will then depend on the incentives of the new political forces in place.

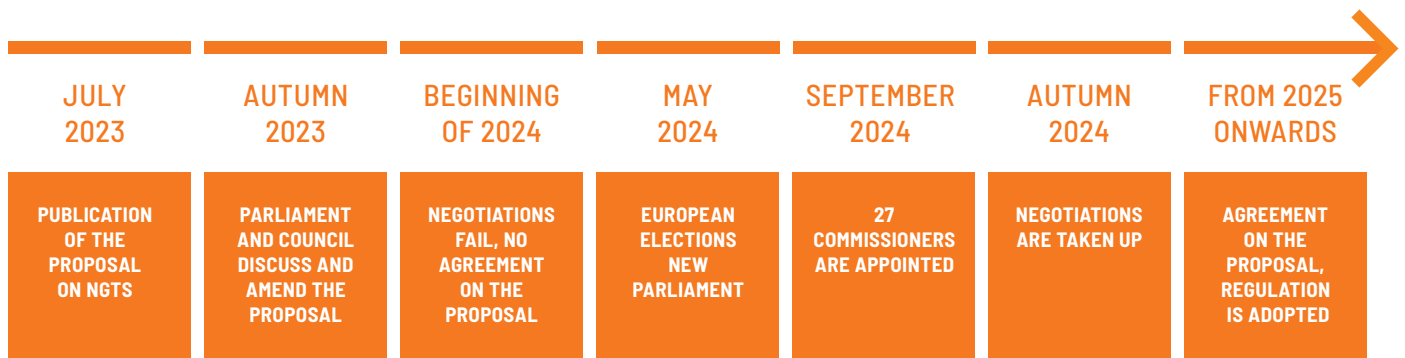
### Scenario 1

In this first scenario, the legislative process on the NGT file is finalized before the European elections. This presupposes that the negotiations take a quick pace as the timeline until the elections is very short. It will require a strong political will to come to an agreement in a timely manner making it possible for the new regulation to enter into force quite rapidly.



## Scenario 2

In the second scenario, the co-legislators don't manage to finalize the legislative process before the elections. It is then up to the newly elected Parliament and appointed Commission to decide whether to pursue with the legislative file or not. If the political will is still there, negotiations could be picked up and finalized, which would only delay the adoption of the legislative proposal. However, after the elections the timeline remains quite uncertain. The negotiations could pick up right after the new politicians are in place, but could also take longer depending on the priorities of the new Parliament and the new Commission.



## Scenario 3

As in the second scenario, the negotiations on the proposal are not concluded before the European elections and the political priorities have changed. Instead of picking up the discussions, the newly elected Parliament could decide against finalizing the proposal. This would require opposition from most MEPs to the proposal of the Commission on NGTs, but it would also require the Council and the newly appointed Commission to go along with this decision. If this would be the case, the whole legislative process would come to a halt.



## WAYS OF ENGAGEMENT

While the focus so far was mainly on the EU Commission given its right of initiative – the legislative process being mainly in their hands – with the publication of the proposal the focus is now shifting towards the co-legislators, namely the Parliament and the Council.

However, it will also be necessary to mobilize beyond the political stakeholders. Food supply chain operators and citizens must be informed of what is at stake and given the possibility to engage further.

While the positions of the Council and the Parliament are still to be defined, the strict timeline is an important component to be considered in the political debate. If the negotiations are not finalized before the EU elections, the legislative process would be put on hold for quite a while. This could delay the whole process and even put in question the file itself.

### Parliament

In view of the upcoming negotiations on the proposal, strong relationships must be built with MEPs from the lead committee, especially targeting the rapporteur and the shadow rapporteurs once appointed. While the Green and the Left Groups are mostly against deregulation, many from the conservative party (EPP) seem in favour. Within the Socialist and Renew group the situation is less clear, especially since the socialists are divided when it comes to NGTs and in the Renew group not all MEPs are favourable to the proposal.

The relationships build up with the MEPs are essential when it comes to influencing the position of the Parliament while drafting the amendments on the legislative proposal and at times of voting. Close to the European elections, MEPs are more likely to engage with citizens of their constituencies and take their demands into account. Therefore, it is not only crucial to target the MEPs whose position is already defined, but to also target the MEPs that are still undecided, as these MEPs are crucial to the final result.

### Council

The Council will vote on its position by qualified majority within the AGRIFISH Council. Each member state can either vote in favour, against or abstain. So far, only Germany, Austria and Hungary have expressed their opposition to the proposal, while other countries are strongly in favour such as Denmark, Sweden, or Spain. Other countries have not expressed their position yet mainly because they are still undecided (Belgium for instance). However, even countries with a defined position could still decide to abstain during the vote.

The current Spanish presidency of the Council is very favourable when it comes to NGTs, but the presidencies in 2024 with Belgium and Hungary could make a difference. To influence the debate, campaigning at national level towards relevant ministers will be crucial. In most cases, the agriculture ministers are the ones in charge, but often the environmental ministers are more sensitive to the environmental risks posed by NGTs which is why they should also be considered.

## Wider public

Citizens are mostly in favour of strong regulations when it comes to GMOs. Most **surveys** show that the European population wants the presence of GMOs to be clearly labelled. However, there is still very little public awareness about the ongoing deregulation process of NGTs. EU citizens must be informed and engaged in the debate. Therefore, media work is particularly relevant to spread awareness on the topic.

The **EU-wide petition** to keep new GMOs strictly regulated and labelled within the EU, collected more than 420,000 signatures in six months' time which shows how citizens can be mobilized in this crucial debate. The mobilization of the different consumer groups will be crucial in this respect, but also influencers or known personalities could engage the public.

Retailers and farmers will also be key players. By refusing to use and store products containing GMOs in the fields and stores, retailers and farmers can influence the debate at least to maintain traceability and labelling obligations. Farmers who refuse to use GMOs must be encouraged to become vocal on the subject to show that freedom of choice should be maintained.

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## ABOUT US

The Biodynamic Federation Demeter International is an umbrella organisation of 48 member organisations dedicated to biodynamic agriculture, active in 36 countries all over the world. It was founded three years ago to unite, promote, and support a worldwide sustainable agri-cultural impulse which will celebrate its centenary in 2024. It has built up a certification for biodynamic farming worldwide labelled with the Demeter brand. This brand is used by more than 7000 certified farms in 62 countries worldwide. More information at: [www.demeter.net](http://www.demeter.net)