



Law Society
of Scotland

The Government's White Paper Response

The United Kingdom's exit from and new partnership
with the European Union

March 2017



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

The Society's Constitutional Law Sub-committee welcomes the opportunity to consider and respond to the Governments White Paper.

The United Kingdom's exit from and new partnership with the European Union published on 2 February 2017.

The White Paper sets out the UK Government Strategy in connection with the negotiations with the EU. We have the following comments to make:-

1. Providing Certainty and Clarity

We noted that this reflected our concern with ensuring stability in the law contained in our Negotiation Priorities on Leaving the EU: proposals published in November 2016 (page 2) ("the Priorities Paper") <http://www.lawscot.org.uk/media/983776/proposal-uk-government-negotiation-priorities-on-leaving-the-eu-final-021216-.pdf>

There are still significant challenges in connection with the preservation of direct effect reciprocal rights which will need to be included in the Withdrawal Agreement negotiations and the continuing relationship negotiations after the UK has left the EU. It is crucial that the Withdrawal Agreement contains reciprocal agreements in terms of both criminal justice and civil justice matters in order to preserve rights, uphold the rule of law and maintain the proper administration of justice in the UK and in the EU.

2. Taking control of our own law.

We note that taking control of our own laws in terms of the White Paper means recognition of Parliamentary sovereignty.

Parliamentary sovereignty as a concept relates to the Parliamentary sovereignty of the United Kingdom Parliament.

The devolved arrangements, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly are not like the United Kingdom Parliament. They are created by statute and have limited competence to legislate. One of the limitations on competence is that each of the Scottish Parliament National Assembly for Wales and the Northern Ireland Assembly must legislate in compliance with “EU Law”.

When EU law is converted into domestic law that will also require a change to the competence provisions of the Scottish Parliament and the Assemblies and also the executive competence of the Scottish Ministers and the Northern Irish and Welsh Administrations. In our view this will engage Devolution Guidance Note 10 and therefore require the consent of the Scottish Parliament and in relation to their particular interest, that of the Northern Ireland Assembly and National Assembly for Wales.

Chapter 2 also deals with ending the jurisdiction of the Court of Justice of the European Union (CJEU) in the UK. The Society has made the point that arrangements should be created to secure the rights of parties with pending cases before the CJEU. When providing for the termination of the jurisdiction of the CJEU and other EU agencies which deal with property rights such as the European Trademark Office or the European Patent Office in the Withdrawal Agreement, the rights of litigants and applicants must be taken into account.

We also note the provision in Chapter 2 concerning dispute resolution mechanisms which are common in international treaties. We will take note of the arrangements in the paper and may write further on this point.

3. *Strengthening the Union.*

We note the terms of Chapter 3 regarding the requirement of the devolved administrations to fully engage in the preparation to leave the EU. We have made the point since the Referendum that the devolved administrations must be included in the negotiations and we refer to the Priorities Paper pages 11, 12 and 13.

A question arises as to whether EU law which is repatriated at the point of the UK's leaving the EU falls into the reserved or devolved areas and what mechanisms if any should be applied to properly transition EU law in devolved areas to the respective legislatures and executive arrangements throughout the UK.

The Scottish Government's paper *Scotland's Place in Europe* identified the following areas currently under EU competence which are not specifically reserved under the Scotland Act 1998.

- a) Agriculture, food and drink, in areas covered by the EU Common Agricultural Policy and EU law on food and drink, animal health and welfare, plant health, seeds, potatoes, pesticides and genetically modified organisms.
- b) Fisheries, aquaculture and the marine environment, which are subject to the EU Common Fisheries Policy and marine environment and planning laws.

- c) Environmental protection, including laws on pollution, waste and recycling.
- d) Civil law.
- e) Criminal law and law enforcement.
- f) Health, where for example protections afforded under the European Health Insurance Card scheme are at risk.
- g) Higher education and research, where Scotland has benefited from EU mechanisms for collaboration and funding.

The Law Societies Brussels Office has conducted some research into the EU Competences concerning Agriculture, fisheries, agriculture, health cover and higher education. This work (contained in the Appendix) indicates the large number of directives and complexity of the legislation affecting these areas of the law.

Some of these may be dealt with in the context of the withdrawal agreement between the UK and the EU such as civil law and criminal law enforcement, but others will be effectively repatriated at the point of leaving the EU. The Prime Minister stressed that “no decisions currently taken by the devolved administrations will be removed from them”, but that devolution of repatriated powers would need to be managed in such a way as to ensure no new barriers within the UK are created. The White Paper indicates that “As the powers to make these rules are repatriated to the UK from the EU we have the opportunity to determine the level best placed to make new laws and policies on these issues...” What powers are devolved as a result of leaving the EU is a matter of political negotiation between the UK Government and the devolved administrations taking into account legal and stakeholder views.

Parliamentary, academic and professional discussions are evolving options which may be applied to determine the practicalities of how repatriated laws could be legally and properly transitioned from EU law and the supra national legal order to the national legal order and to that of the devolved jurisdictions.

These discussions have highlighted:-

1. A Constitutional Convention

A Constitutional Convention was recommended in the Report by the Constitutional and Administrative Reform Committee *Do we need a Constitutional Convention for the UK?* Which was published in session 2012 – 2013 (HC371).

The House of Commons Political and Constitutional Reform Committee also suggested a Constitutional Convention to review how the Union and Devolution is functioning in its report *The future of devolution after the Scottish Referendum (HC700) para 110.*

2. A Commission with a similar composition to the Smith Commission or Calman Commission.

3. The JMC (EN) or another Sub-Committee of the JMC.
4. A new structure or grouping including UK, Scottish, Northern Irish, Welsh Ministers, subject experts and stakeholders.

Which option is chosen is a matter for discussion between the UK Government and the Devolved Administrations. In coming to a decision they should be guided by principles of legality, openness, transparency and clarity. It will be necessary for the transfer to take place within a reasonable timescale and for there to be good cooperation between the UK Government and the Devolved Administrations and broad consultation with stakeholders.

4. *Protecting strong and historic ties with Ireland and maintaining the common travel area.*

We note the Government's proposals for maintaining the common travel area between the United Kingdom and Ireland.

5. *Controlling Immigration.*

We note the Government's proposals in connection with the approach to controlling migration and welcomes the view that immigration "can bring great benefits". The Priorities Paper (page 10) stated that "clarity is needed as a matter of urgency about the residence, housing and work rights of EU Nationals in the UK and their families and how these can be regularised with the minimum of bureaucracy". We look forward to seeing concrete proposals from the UK Government which address these objectives.

6. *Securing the rights of EU Nationals in the UK and UK Nationals in the EU.*

For those EU Nationals already living in the UK who have completed five years residency the arrangements for confirmation of their status and the provision of residency cards issued should be made as easy and trouble free as possible. Securing the rights of those who have acquired residency in the UK will provide much needed clarity and certainty to those who are concerned about their immigration status.

7. *Protecting workers' rights.*

We have consistently promoted the concept of protecting the employment rights of EU Nationals in the UK (Priorities Paper page 11) and note the UK Government proposals to protect and enhance the rights people have at work. This is inextricably linked with residence rights and the effort should be taken to make sure that EU Nationals know their employment rights status as soon as possible.

8. *Ensuring free trade with European Markets.*

We note the Government's intention to prioritise securing the freest and most frictionless trade possible in goods and services between the UK and EU. We agree that as part of the Withdrawal Agreement and of the ongoing relationship between the EU and the UK, it is desirable for there to be the freest trade possible in goods and services.

As the Priorities Paper (pages 13, 14 and 15 states these should include continued professional recognition and continued rights of audience in the EU for UK Lawyers relating to the free movement of lawyers by retaining the Lawyers Services Directive of 1977, the Lawyers Establishment Directive of 1998, and the Recognition of Professional Qualifications Directive of 2005. The terms of Directive 2006/123/EC on Services and the Internal Market which regulates the provision of services in the EU also touches on legal profession and care should be taken to import its provisions.

We also encourage the Government to include in the negotiations reference to the need to retain legal professional privilege for the clients of UK Lawyers practising in the EU or in EU Law. This is a key element to the maintenance of the Rule of Law in the UK and has been acknowledged by the Courts and Parliament as central to the administration of justice. The doctrine is upheld under human rights law in Campbell v the UK (1992) 15 EHRR 137. The loss of legal professional privilege and confidentiality will have a negative impact on the rights of clients and of the ability of lawyers in the UK to provide a full service to their clients when acting in EU legal issues or on matters which relate to EU Law or business in the EU. We believe that the UK legal systems meet the EU tests in respect of the Rule of law and the independence of lawyers in those systems and that therefore legal professional privilege should be accorded to the lawyer/client relationship when EU law is an issue and UK lawyers are providing the advice.

9. Securing new trade agreements with other countries.

We agree that the UK should take the opportunity to make free trade agreements with other countries around the world. We encourage the UK Government to include in the negotiations connected to these agreements reference to the provision of legal services from the UK to those countries. The UK Government should take steps to ensure that all legal systems in the UK are represented when it is negotiating these new International Trade Agreements.

10. Ensuring the United Kingdom remains the best place for science and innovation.

We agree that the UK should seek to remain at the forefront of research, science and innovation.

11. Cooperating in the fight against crime and terrorism.

We agree that the UK should continue to work with the EU to preserve UK and European security and to fight terrorism and uphold justice across Europe.

Chapter 11 focuses on crime and terrorism but the Government should not forget the need to maintain recognition and enforcement of civil law rights referred to in the Priorities Paper (page 7). These include rights relating to the Brussels regulations, the EU Enforcement and Order of Payment, and the Maintenance Regulation and Rome I & II on applicable law. These are also essential to litigants in both the UK and EU they assist in the resolution of disputes and are valuable to litigants in their personal and commercial capacities. Indeed in many respects they are crucial to the peaceful enjoyment of rights, the peaceful enforcement of obligations and the wellbeing of individuals and families.

12. Delivering a smooth, orderly exit from the EU.

We agree that this objective is desirable and we encourage the UK Government to achieve this objective by ensuring that there are adequate resources devoted to the considerable legislative effort which will be required following the passage of the “Great Repeal Bill”. This applies not only at UK level but also in terms of the devolved administrations. Parliament, the Scottish Parliament and the Northern Ireland and Welsh Assemblies must be provided with sufficient resources to deal with the legislation, both primary and secondary which will be needed following the withdrawal.

APPENDIX

Competencies – Agriculture, Fisheries, Aquaculture, Health Cover and Higher Education

The competences of the Union are defined in the EU Treaties (Articles 2-6 of the Treaty on the functioning of the European Union – TFEU).

The competences of the EU are divided into three categories:

- 1) the EU has exclusive competence (Article 3 TFEU) (only the EU can act)
- 2) competences are shared between the EU and the member states (Article 4 TFEU) (The member states can act only if the EU has chosen not to)
- 3) the EU has competence to support, coordinate or supplement the actions of the member states (article 6 TFEU) – in these areas, the EU may not adopt legally binding acts that require the member states to harmonise their laws and regulations.

NB: "Shared competence" means that both the EU and its member states may adopt legally binding acts in the area concerned.

However, the member states can do so only where the EU has not exercised its competence or has explicitly ceased to do so.

The following table is a list of EU competencies which provides the legal basis for which the EU can legislate.

Exclusive competence (Art 3 of TFEU)	Shared competence (see Article 4 TFEU)	Competence to support, coordinate or supplement actions of the member states (see Article 6 TFEU)	Competence to provide arrangements within which EU member states must coordinate policy (see Article 5 TFEU)
customs union	internal market	protection and improvement of human health	economic policy



the establishing of the competition rules necessary for the functioning of the internal market	social policy, limited to the aspects defined in the TFEU	industry	employment
monetary policy for the member states whose currency is the euro	economic, social and territorial cohesion	culture	social policies
conservation of marine biological resources under the common fisheries policy	agriculture and fisheries, excluding the conservation of marine biological resources	tourism	
common commercial policy	environment	education, vocational training, youth and sport	
concluding international agreements: when their conclusion is required by a legislative act of the EU when their conclusion is necessary to enable the EU to exercise its internal competence in so far as their	consumer protection	civil protection	



conclusion may affect common rules or alter their scope.			
	transport	administrative cooperation Legally binding EU acts in these areas cannot imply the harmonisation of national laws or regulations.	
	trans-European networks		
	energy		
	area of freedom, security and justice		
	common safety concerns in public health matters, limited to the aspects defined in the TFEU		
	research, technological development and space		
	development cooperation and humanitarian aid		

Agriculture

[The common agricultural policy](#) (CAP) is aimed at helping European farmers meet the need to feed more than 500 million Europeans. Its main objectives are to provide a stable, sustainably produced supply of safe food at affordable prices for consumers, while also ensuring a decent standard of living for 22 million farmers and agricultural workers. The [CAP reform](#) is now in place for 2014 -2020.

With an annual budget of roughly **€59 billion**, the CAP strengthens the competitiveness and sustainability of agriculture in Europe by financing a range of support measures through the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development notably:

- [Direct payments](#) provide an important support for farmers in order to help **stabilise their incomes**, linked to complying with safety norms, environmental and animal welfare standards. With these annual payments predominantly "decoupled" from production – i.e. farmers choose what to produce on the basis of the likely return from the market, rather than on the basis of public support - they **support the long-term viability of farms** in the face of volatile markets and unpredictable weather conditions, and recognise the environmental contribution and public goods that farmers provide to society.

Legislation of direct support

Council Regulations

[>> Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council](#)

Legal basis: Treaty on the Functioning of the European Union, Article 43(2)

[>> Regulation \(EU\) No 1307/2013 of the European Parliament and of the Council](#)

Legal basis: Treaty on the Functioning of the European Union, Article 42 and Article 43(2)

Commission Regulations

[>> Commission Delegated Regulation \(EU\) No 639/2014](#)

Legal basis: Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (1), and in particular Articles 4(3), 8(3), 9(5), 35(1), (2) and (3), 36(6), 39(3), 43(12), 44(5), 45(5) and (6), 46(9), 50(11), 52(9), 57(3), 58(5), 59(3), 67(1) and (2).

[>> Commission Delegated Regulation \(EU\) No 640/2014](#)

Legal Basis: Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000,

(EC) No 1290/2005 and (EC) No 485/2008 (1), and in particular Articles 63(4), 64(6) and 72(5), Article 76, Articles 77(7), 93(4) and 101(1), and Article 120.

>> [Commission Implementing Regulation \(EU\) No 641/2014](#)

Legal basis: Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (1), and in particular Articles 24(11), 31(2), 34(5), 39(4), 43(13), 45(7), 55(2), 57(4) and 67(3).

>> [Commission Implementing Regulation \(EU\) No 809/2014](#)

Legal basis: Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (1), and in particular Articles 58(4), 62(2)(a) to (f) and (h), 63(5), 77(8), 78, 96(4), 101(2).

- [Market measures](#) provide a range of tools including measures to address the situation if normal market forces fail. For example, if there is a sudden drop in demand because of a health scare or a fall in prices because of a temporary oversupply on the market, the European Commission can activate **market support** measures.

The Common Market Organisation (CMO) is a set of rules which regulates agricultural markets in the European Union. It builds on the rules for the common market in goods and services with specific policy tools that help improve the functioning of agricultural markets.

Legislation for Market Measures

Council Regulation

>> [Regulation \(EU\) No 1308/2013](#)

Legal basis: Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 42 and Article 43(2) thereof

- [Rural development programmes](#) provide a framework to **invest in individual projects on farms** or in **other activities in rural areas** on the basis of economic, environmental or social priorities **designed at national or regional level**. Funded through the EAFRD, this covers projects such as on-farm investment & modernisation, installation grants for young farmers, agri-environment measures, organic conversion, agri-tourism, village renewal, or providing broadband internet coverage in rural areas.

Legislation for Rural Development Programmes

Main Regulations

[Regulation \(EU\) n° 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, The Cohesion Fund, The European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Funds, the European Social Fund and the Cohesion Fund repealing Regulation \(EC\) n° 1083/2006](#)

Legal basis: Treaty on the Functioning of the European Union, Article 177

The "Common Provisions" Regulation provides for a shared set of basic rules applying to all [European Structural and Investments Funds \(ESIFs\)](#) including the EAFRD.

[Regulation \(EU\) n° 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) Search for available translations of the preceding](#)

This is the basic act that sets out the specific rules relating to the EAFRD for rural development programming.

Legal basis: Treaty on the Functioning of the European Union, Article 43(2).

[Regulation \(EU\) n° 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy Search for available translations of the preceding](#)

The so-called "Horizontal" Regulation provides the financial management rules for the two CAP funds, the European Agricultural Guarantee Fund (EAGF) which finances market measures and direct payments, and the EAFRD which finances support to rural development. It brings together the rules on cross compliance, farm advisory systems and monitoring and evaluation of the CAP.

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2).

[Regulation \(EU\) n° 1310/2013 of the European Parliament and of the Council laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\)](#)

This Regulation defines transitional rules in order to bridge the gap between two multi-annual programming periods.

Legal basis: Treaty on the Functioning of the European Union, Articles 42 and 43(2).

Delegated acts and implementing acts

Delegated acts supplement or amend legislative acts in relation to elements that are not considered essential, while implementing acts are adopted by the Commission to ensure that legislative acts are applied in a uniform way in all Member States.

[Commission Delegated Regulation \(EU\) No 807/2014 of 11 March 2014 supplementing Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\) and introducing transitional provisions](#)

Legal basis: Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (1), and in particular Articles 2(3), 14(5), 16(5), 19(8), 22(3), 28(10), 28(11), 29(6), 30(8), 33(4), 34(5), 35(10), 36(5), 45(6), 47(6) and Article 89.

[Commission Implementing Regulation \(EU\) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation \(EU\) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\)](#)

Legal basis: Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (1), and in particular Article 8(3), Article 12, Article 14(6), Article 41, Articles 54(4) and 66(5), Article 67, Articles 75(5) and 76(1),

[Commission Delegated Regulation \(EU\) No 640/2014 of 11 March 2014 supplementing Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance](#)

Legal basis: Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 [\(1\)](#), and in particular Articles 63(4), 64(6) and 72(5), Article 76, Articles 77(7), 93(4) and 101(1), and Article 120.

[Commission Implementing Regulation \(EU\) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation \(EU\) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance](#)

Legal basis: Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (1), and in particular Articles 58(4), 62(2)(a) to (f) and (h), 63(5), 77(8), 78, 96(4), 101(2).

This is the [Scottish rural development programme](#).

Agriculture and the environment

Integrating environmental concerns into the Common Agricultural Policy aims to head off the risks of environmental degradation and enhancing the sustainability of agro-ecosystems.

The Common Agricultural Policy reflects the two principles, the "polluter pays principle" and the "provider gets principle", in integrating environmental concerns into the policy via two mechanisms:

1) Linking the respect of selected statutory requirements (**Cross-compliance**) of the preceding to most CAP payments and sanctioning non-compliance by payment reductions.

Cross-compliance represents the "baseline" or "reference level" for agri-environment measures. For all requirements falling under cross-compliance, the compliance costs have to be borne by farmers ("Polluter-Pays-Principle").

Legislation

[Council Regulation 73/2009](#) and

Legal basis: Treaty establishing the European Community, Articles 36 and 37 and Article 299(2).

[Commission Regulation 1122/2009](#)

Legal basis: 1) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (1), and in particular Articles 85x and 103za, in conjunction with Article 4

2) Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003, and in particular Article 142 (b), (c), (d), (e), (h), (k), (l), (m), (n), (o), (q) and (s).

2) Paying for the provision of environmental public goods and services going beyond mandatory requirements (**Agri-environment**)

Agri-environment measures are a key element for the integration of environmental concerns into the Common Agricultural Policy. They are designed to encourage farmers to protect and enhance the environment on their farmland by paying them for the provision of environmental services.

Legislation

The legal obligations that form the reference level for the agri-environment measures are indicated in article 39.3 of [Regulation No 1698/2005](#)

Legal basis: Treaty establishing the European Community, Articles 36, 37 and 299(2)

Agriculture and biodiversity

By managing a large part of the European Union's territory, agriculture preserves farm-genetic resources, bio-diversity, and a wide range of valuable habitats.

'Biodiversity' refers to the variety of life and its processes. The concept is closely associated with 'ecosystems' and 'habitats'. Agricultural biodiversity includes all components of biological diversity of relevance for food and agriculture, and all components of biological diversity that constitutes the agro-ecosystem.

At EU level, the implementation of the [Birds and Habitats Directives](#) form the cornerstone of Europe's nature conservation policy. The legal basis for which lays in Treaty establishing the European Community, Article 175(1) and the Treaty establishing the European Economic Community, and in particular Article 130s respectively.

The [Biodiversity Action Plan for Agriculture](#) was adopted in 2001. It is based on the use of a number of CAP instruments benefiting biodiversity. This includes measures that encompass environmental requirements integrated into market policy and targeted environmental measures that form part of the Rural Development Programmes.

On 3 May 2011, the European Commission adopted a [new strategy](#) to halt the loss of biodiversity and ecosystem services in the EU by 2020.

Agriculture and water

The Common Agricultural Policy supports investments to conserve water, improve irrigation infrastructures and enable farmers to improve irrigation techniques. It also helps to protect water quality.

The main CAP instruments promoting sustainable water management are the following:

Certain rural development measures support investments for improving the state of irrigation infrastructures or irrigation techniques that require the abstraction of lower volumes of water, as well as actions to improve water quality.

The cross-compliance framework includes statutory requirements related to water protection and management arising from the implementation of the [groundwater directive](#) and nitrates directive, as well as GAEC standards. The legal basis on the Groundwater Directive is the Treaty establishing the European Community, Article 175(1).

At EU level;

- the [Water Framework Directive](#) plays a vital role in protecting water quality and quantity. This Directive requires Member States to establish river basin management plans (at the latest by end 2009), and to ensure that water pricing policies provide adequate incentives for users to use water resources efficiently (at the latest by end 2010).

Legal basis: Treaty establishing the European Community, and in particular Article 175(1)

- Urban Waste Water Directive: The [Directive 91/271/EEC on Urban Waste Water Treatment](#) was adopted on 21 May 1991. It's been amended by [Directive 98/15/EEC amending Directive 91/271/EEC](#) and implemented by [Commission Implementing Decision 2014/431/EU of 26 June 2014 concerning formats for reporting on the national programmes for the implementation of Council Directive 91/271/EEC](#)

Legal basis for the 1991 Directive: Treaty establishing the European Economic Community, and in particular 130s

Legal basis for Directive 98/15/EEC: Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (1) and, in particular, Article 5, paragraph 3

- The [Drinking water Directive](#) concerns the quality of water intended for human consumption. Its objective is to protect human health from adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean.

Legal basis: Treaty establishing the European Community and, in particular, Article 130s (1)

- Payments under Article 38 of the Rural Development Regulation (discussed above Rural Development Plans) will contribute to the implementation of the Water Framework Directive.

The EU also regulates to protect water quality with respect to nitrates and pesticides (discussed below).

Agriculture and soil protection

The Common Agricultural Policy contributes to preventing and mitigating soil degradation processes. In particular, agri-environment measures (discussed above).

In addition, the provisions of cross-compliance (noted above), notably with respect to the obligation to keeping agricultural land in good agricultural and environmental condition, can play an important role for soil protection.

The European Commission adopted in 2006 a [soil protection thematic strategy](#).

Agriculture and nitrates

EU legislation on nitrates aims at reducing water pollution by nitrates from agricultural sources and at preventing further pollution.

In terms of environmental legislation, the [EU's Nitrates Directive](#) was introduced in 1991 with two main objectives:

- 1) To reduce water pollution by nitrates from agricultural sources.
- 2) To prevent further pollution.

Legal basis for the directive: Treaty establishing the European Economic Community, Article 130s

The directive is managed by Member States and involves monitoring water quality in relation to agriculture and designation of Nitrate Vulnerable Zones. It also involves the establishment of (voluntary) codes of good agricultural practice and of (obligatory) measures to be implemented in action programmes for nitrate vulnerable zones.

Detailed information can be found on the ["Implementation of Nitrates Directive"](#) web pages.

Agriculture and pesticides

The EU seeks to ensure the correct use of pesticides to minimise the associated environmental and health risks. It also informs the public about their use and about any residue issues that might arise.

In 2006, the Commission adopted two proposals to strengthen the legislative framework concerning pesticides:

- [a proposal](#) to review the [current legislation](#) concerning the placing of plant protection products on the market,
- [a Directive](#) on the sustainable use of pesticides, which will cover the use phase of pesticides.

Legal basis for the directive: Treaty establishing the European Community, and in particular Article 175(1)

The EU also regulates the protection of water quality with respect to pesticides. The Water Framework Directive provides an integrated framework for the assessment, monitoring, and management of all surface waters and groundwater based on their ecological and chemical status.

Mandatory cross-compliance, established by the 2003 CAP reform, includes the respect of statutory requirements arising from the implementation of EU legislation covering the proper use of plant protection products.

Agriculture and renewable energy

The [EU Energy Policy](#) is one of the main priorities of the Commission. It aims at ensuring that the EU has secure, affordable and climate-friendly energy. Renewable energy provides an essential contribution to fighting climate change, improving energy security and creating new jobs and growth including in rural areas.

The [Renewable Energy Directive](#) (RED) 2009/28/EC defines binding targets for each Member State, such that the EU as a whole will reach a 20% share of renewable energy in the overall energy consumption by 2020.

On 30 November 2016, the Commission published a proposal for a [revised Renewable Energy Directive](#) to make the EU a global leader in renewable energy and ensure that the target of at least 27% renewables in the final energy consumption in the EU by 2030 is met.

Legal basis for the two Directives: Treaty establishing the European Community, Article 175(1) thereof, and; Article 95 in relation to Articles 17, 18 and 19 of Renewable Energy Directive (RED) 2009/28/EC, respectively, and for the proposal;

Treaty establishing the European on the Functioning of the European Union, 194(2) **Organic Farming**

In 2007 the European Council of Agricultural Ministers agreed on a [new Council Regulation](#) (Council Regulation (EC) No. 834/2007) setting out the principles, aims and overarching rules of organic production and defining how organic products were to be labelled.

Legal basis: Treaty establishing the European Community, and in particular Article 37

Organic production respects natural systems and cycles. Biological and mechanical production processes and land-related production should be used to achieve sustainability, without having recourse to genetically modified organisms (GMOs).

In organic farming, closed cycles using internal resources and inputs are preferred to open cycles based on external resources. If the latter are used, they should be organic materials from other organic farms natural substances materials obtained naturally, or mineral fertilisers with low solubility.

Exceptionally, however, synthetic resources and inputs may be permissible if there are no suitable alternatives. Such products, which must be scrutinised by the Commission and EU countries before authorisation, are listed in the annexes to the [implementing regulation](#) (Commission Regulation (EC) No. 889/2008).

Legal basis: Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (1), and in particular Article 9(4), the second paragraph of Article 11 Articles 12(3), 14(2), 16(3)(c), 17(2) and 18(5), the second subparagraph of Article 19(3), Articles 21(2), 22(1), 24(3), 25(3), 26, 28(6), 29(3) and 38(a), (b), (c) and (e), and Article 40

Labelling organic foods

Foods may be labelled "organic" only if at least 95% of their agricultural ingredients meet the necessary standards. In non-organic foods, any ingredients which meet organic standards can be listed as organic. To ensure credibility, the code number of the certifying organisation must be provided.

Organic production outlaws the use of genetically modified organisms and derived products. However, the [regulation on genetically modified food and feed](#) lays down a threshold (0.9%) under which a product's GMO content does not have to be indicated. Products with GMO content below this threshold can be labelled organic.

Legal basis: Treaty establishing the European Community, and in particular Articles 37, 95 and Article 152(4) (b)

Since 1 July 2010, producers of packaged organic food have been required under EU law to use the EU organic logo. However, this is not a binding requirement for organic foods from non-EU countries. Where the EU organic logo is used, the place where any farmed ingredients were produced must be indicated.

EU agricultural product quality policy

Agricultural products produced in the European Union (EU) reflect the rich diversity of different traditions and regions in Europe. To help protect and promote products with particular characteristics linked to their geographical origin as well as traditional products, the EU created quality logos, named "Protected Designation of Origin", "Protected Geographical Indication" and "Traditional Speciality Guaranteed".

In concrete terms, the EU product quality schemes relate to agricultural products and foodstuffs, wines, spirits and aromatised wines, which producers or producer groups have registered according to the rules.

Quality schemes are backed by EU marketing standards ([Council Regulation \(EC\) No 1234/2007](#)), laying down product definitions and categories, minimum characteristics and labelling requirements to be respected on the EU single market.

Legal basis: Treaty establishing the European Community, and in particular Articles 36 and 37

Legislation

PDO, PGI and TSG (agriculture products and foodstuff)

[Regulation \(EU\) No 1151/2012](#) of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

Legal basis: Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (1), and in particular Article 24(3) and Article 27

Implemented and delegated Regulations:

[Delegated Regulation \(EU\) No 664/2014 of 18 December 2013 supplementing Regulation \(EU\) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules](#)

Legal basis: Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (1), and in particular the first and second subparagraphs of Article 5(4), the first subparagraph of Article 12(7), Article 16(2), the first subparagraph of Article 19(2), the first subparagraph of Article 23(4), Article 25(3), the first subparagraph of Article 49(7), the first subparagraph of Article 51(6), the first subparagraph of Article 53(3), and the first subparagraph of Article 54(2)

[Implementing Regulation \(EU\) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation \(EU\) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs](#)

Legal basis: Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs [\(1\)](#), and in particular the second subparagraph of Article 7(2), Article 11(3), the second subparagraph of Article 12(7), the second subparagraph of Article 19(2), Article 22(2), the second subparagraph of Article 23(4), Article 44(3), the second subparagraph of Article 49(7), the second subparagraph of Article 51(6), the second subparagraph of Article 53(3) and the second subparagraph of Article 54(2)

[Delegated Regulation \(EU\) No 665/2014 of 11 March 2014 supplementing Regulation \(EU\) No 1151/2012 of the European Parliament and of the Council with regard to conditions of use of the optional quality term 'mountain product'](#)

Legal basis: Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (1), and in particular Article 31(3) and (4)

Guidelines

[Guidelines on EU best practice](#)

[Guidelines on labelling of products using PDO-PGI ingredients](#)

PDO, PGI (wine)

[Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products.

Legal basis: Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 42 and Article 43(2)

[Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008.

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2)

Implementing Regulations

[Commission Regulation \(EC\) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation \(EC\) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions](#)

Legal basis: Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (1), and in particular Articles 25(3) and 32

[Commission Regulation \(EC\) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation \(EC\) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products](#)

Legal basis: Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (1), and in particular Articles 52, 56, 63 and 126(a)

[Commission Regulation \(EC\) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation \(EC\) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector](#)

Legal basis: Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (1), and in particular Articles 22, 84, 89, 97, 107, 117, 121(b) and (c)

[Commission Regulation \(EC\) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation \(EC\) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept](#)

Legal basis: Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (1), and in particular Article 115(2) and Article 121

Spirit drinks (geographical indication)

[Regulation \(EC\) No 110/2008](#) of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89.

Legal basis: Treaty establishing the European Community, Article 95

Implementing Regulation

[Regulation \(EU\) No 716/2013 of 25 July 2013 laying down rules for the application of Regulation \(EC\) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks](#)

Legal basis: Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (1), and in particular Article 24(3) and Article 27

Aromatized wines (geographical indication)

[Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products.

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2) and Article 114

The EU promotes quality schemes (laid down in [Regulation \(EU\) No 1144/2014](#)) with campaigns such as "Tastes of Europe". There are also a number of optional quality terms, and separate rules on organic farming.

Legal basis: Treaty on the Functioning of the European Union, and in particular Articles 42 and 43(2)

General Food Law

European citizens need to have access to safe and wholesome food of the highest standard.

In 2002, the European Parliament and the Council adopted [Regulation \(EC\) No 178/2002](#) laying down the general principles and requirements of food law (General Food Law Regulation).

Legal basis: Treaty establishing the European Community, and in particular Articles 37, 95, 133 and Article 152(4) (b)

The General Food Law Regulation is the foundation of food and feed law. It sets out an overarching and coherent framework for the development of food and feed legislation both at Union and national levels. To

this end, it lays down general principles, requirements and procedures that underpin decision making in matters of food and feed safety, covering all stages of food and feed production and distribution.

It also sets up an independent agency responsible for scientific advice and support, the [European Food Safety Authority](#) (EFSA).

Moreover, it creates the main procedures and tools for the management of emergencies and crises as well as the [Rapid Alert System for Food and Feed](#) (RASFF).

Biotechnology: Genetically Modified Organisms (GMOs) in agriculture

One example of the many applications of modern biotechnology is the use of GMOs in the food production chain. GMOs are organisms such as plants, animals and micro-organisms (bacteria, viruses, etc.), the genetic characteristics of which have been modified artificially in order to give them a new property (a plant's resistance to a disease or insect, increased crop productivity, a plant's tolerance of a herbicide, etc.).

The legal framework aims to:

- Protect human and animal health and the environment by introducing a safety assessment of the highest possible standards at EU level before any GMO is placed on the market.
- Put in place harmonised procedures for risk assessment and authorisation of GMOs that are efficient, time-limited and transparent.
- Ensure clear labelling of GMOs placed on the market in order to enable consumers as well as professionals (e.g. farmers, and food feed chain operators) to make an informed choice.
- Ensure the traceability of GMOs placed on the market

The building blocks of the GMO legislation are

[Directive 2001/18/EC](#) on the deliberate release of GMOs into the environment

Legal basis: Treaty establishing the European Community, and in particular Article 95

[Regulation \(EC\) 1829/2003](#) on genetically modified food and feed

Legal basis: Treaty establishing the European Community, and in particular Articles 37, 95 and Article 152(4) (b)

[Directive \(EU\) 2015/412](#) amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 114

[Regulation \(EC\) 1830/2003](#) concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms

Legal basis: Treaty establishing the European Community, and in particular Article 95(1)

[Directive 2009/41/EC](#) on contained use of genetically modified micro-organisms. Regulation (EC) 1946/2003 on transboundary movements of GMOs

Legal basis: Treaty establishing the European Community, and in particular Article 175(1)

These main pieces of legislation are supplemented by a number of implementing rules or by recommendations and guidelines on more specific aspects.

Fisheries & Aquaculture

The Common Fisheries Policy (CFP)

The CFP is a set of rules for managing European fishing fleets and for conserving fish stocks. Designed to manage a common resource, it gives all European fishing fleets equal access to EU waters and fishing grounds and allows fishermen to compete fairly.

Fisheries Legislation

[Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98](#)

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2)

[REGULATION \(EU\) No 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations \(EC\) No 1954/2003 and \(EC\) No 1224/2009 and repealing Council Regulations \(EC\) No 2371/2002 and \(EC\) No 639/2004 and Council Decision 2004/585/EC](#)

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2)

Aquaculture Guidelines and Legislation

[Strategic Guidelines for the sustainable development of EU aquaculture Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions \(29/04/2013\)](#)

Alien species

[Regulation \(EU\) No 304/2011 of the European Parliament and of the Council of 9 March 2011 amending Council Regulation \(EC\) No 708/2007 concerning use of alien and locally absent species in aquaculture](#)

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2)

[Council Regulation \(EC\) No 708/2007 concerning use of alien and locally absent species in aquaculture](#)

Legal basis: Treaty establishing the European Community, and in particular Article 37 and Article 299(2)

Organic aquaculture

[Commission Regulation \(EC\) No 710/2009 of 5 August 2009 amending Regulation \(EC\) No 889/2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production](#)

Legal basis: Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (1), and in particular Articles 11, 13(3), 15(2), 16(1) and (3)(a) and (c), 17(2), 18(5), the second subparagraph of Article 19(3), Articles 22(1), 28(6) and 38(a), (b), (c), and Article 40

[Regulation \(EC\) No 889/2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control](#)

Legal basis: Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (1), and in particular Article 9(4), the second paragraph of Article 11 Articles 12(3), 14(2), 16(3)(c), 17(2) and 18(5), the second subparagraph of Article 19(3), Articles 21(2), 22(1), 24(3), 25(3), 26, 28(6), 29(3) and 38(a), (b), (c) and (e), and Article 40

[Council Regulation \(EC\) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation \(EEC\) No 2092/91](#)

Legal basis: Treaty establishing the European Community, Article 37

[Communication from the Commission to the European Parliament and the Council, Building a sustainable future for aquaculture, A new impetus for the Strategy for the Sustainable Development of European Aquaculture](#)

The EU Animal Health Law

The European Parliament and the Council adopted the [Regulation on transmissible animal diseases](#) (“Animal Health Law”) in March 2016. The Regulation was published in the Official Journal on 31 March 2016. The Regulation enters into force on the twentieth day following that of its publication in the Official Journal of the European Union and **will be applicable in 5 years**.

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 114 and Article 168(4) (b)

Overall, the single, comprehensive new animal health law will support the EU livestock sector in its quest towards competitiveness and safe and smooth EU market of animals and of their products, leading to growth and jobs in this important sector:

The huge number of legal acts are streamlined into a single law.

Simpler and clearer rules enable authorities and those having to follow the rules to focus on key priorities: preventing and eradicating disease.

Responsibilities are clarified for farmers, vets and others dealing with animals.

The new rules allow greater use of new technologies for animal health activities - surveillance of pathogens, electronic identification and registration of animals.

Better early detection & control of animal diseases, including emerging diseases linked to climate change, will help to reduce the occurrence and effects of animal epidemics.

There will be more flexibility to adjust rules to local circumstances, and to emerging issues such as climate and social change.

It sets out a better legal basis for monitoring animal pathogens resistant to antimicrobial agents supplementing existing rules and two other proposals currently being negotiated in the European Parliament and Council, on veterinary medicines and on medicated feed.

The animal health law is part of a [package of measures](#) proposed by the Commission in May 2013 to strengthen the enforcement of health and safety standards for the whole agri-food chain. It is the biggest and the first of those to get the approval of the co-legislators. The animal health law is also a key output of the [Animal Health Strategy 2007-2013, "Prevention is better than cure"](#).

EU Plant Health legislation

[Directive 2000/29/EC](#) lists certain harmful organisms that may be targeted by specific control measures if they are:

- listed in annexes I and II (Part A, Section I) and found in the EU for the first time;
- listed in annexes I and II (Part A, Section II) and found in an EU country where their presence was previously unknown.

Legal basis: Treaty establishing the European Community, and in particular Article 37.

Specific control measures may also be targeted at other harmful organisms previously unknown to occur in the EU and which are not listed in the annexes of Directive 2000/29/EC but are of potential economic importance.

If a harmful organism is found in the EU, the country concerned must:

- notify the Commission and the other EU countries;
- eradicate or prevent the spread of the harmful organism.

If there is an imminent danger of introduction or spread of a harmful organism, an EU country should state the control measures it would like to see taken and may temporarily take additional national control measures.

Temporary (emergency) control measures may be taken by the EU if the danger comes from consignments of plants, plant products or other objects originating from countries outside the EU.

Directive 2000/29/EC will be repealed on 14 December 2019 and will be replaced by [Regulation \(EU\) 2016/2031](#) of the European Parliament and of the Council concerning protective measures against pests of plants.

Legal basis: Treaty on the Functioning of the European Union, and in particular Article 43(2)

Agriculture and climate change

The combination of the above legislations are helping to keep the EU green going into 2020, however, the EU also has an Environment Action Programme to 2020.

Over the past decades, and as detailed above, the European Union has put in place a broad range of environmental legislation. As a result, air, water and soil pollution has significantly been reduced. Chemicals legislation has been modernised and the use of many toxic or hazardous substances has been restricted. Today, EU citizens enjoy some of the best water quality in the world and over 18% of EU's territory has been designated as protected areas for nature.

The [7th Environment Action Programme](#) (EAP) will be guiding European environment policy until 2020.

Waste

In line with this the 7th Environment Action Programme sets the following priority objectives for waste policy in the EU.

A. Framework waste legislation

Waste Framework Directive, or [Directive 2008/98/EC](#) (legal basis: Treaty establishing the European Community, Article 175(1)) of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. This Directive repealed [Directive 2006/12/EC](#) (legal basis: Treaty establishing the European Community, Article 175) of the European Parliament and of the Council of 5 April 2006 on waste (the codified version of Directive 75/442/EEC as amended), [hazardous waste Directive 91/689/EEC](#) (legal basis: Treaty establishing the European Economic Community, Article 103s), and the [Waste Oils Directive 75/439/EEC](#) (legal basis: Treaty establishing the European Economic Community, and in particular Articles 100 and 235). It provides for a general framework of waste management requirements and sets the basic waste management definitions for the EU.

[Regulation \(EC\) No 1013/2006](#) of the European Parliament and of the Council of 14 June 2006 on shipments of waste. This Regulation specifies under which conditions waste can be shipped between countries.

Legal basis: Treaty establishing the European Community, and in particular Article 175(1)

[Decision 2000/532/EC](#) establishing a list of wastes. This Decision establishes the classification system for wastes, including a distinction between hazardous and non-hazardous wastes. It is closely linked to the list of the main characteristics which render waste hazardous contained in Annex III to the Waste Framework Directive above.

Legal basis: Council Directive 75/442/EEC of 15 July 1975 on waste(1), as amended by Directive 91/156/EEC(2), and in particular Article 1(a)

Legislative changes concerning the list of waste and hazardousness properties (applicable from 1 June 2015):

[Commission Decision \(EU\) No 2014/955/EU](#) of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council Text with EEA relevance (OJ L 370, 30.12.2014, p. 44–86)

Legal basis: Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, Article 7(1)

[Commission Regulation \(EU\) No 1357/2014](#) of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 365, 19.12.2014, p. 89–96)

Legal basis: Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, Article 38(2)

[Council Directive 96/61/EC](#) concerning integrated pollution prevention and control

Legal basis: Treaty establishing the European Community, and in particular Article 130s (1)

[Council Directive 85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment, as amended.

Legal basis: Treaty establishing the European Economic Community, and in particular Articles 100 and 235.

[Council Directive 80/68/EEC](#) of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances.

Legal basis: Treaty establishing the European Economic Community, and in particular Articles 100 and 235

[Council Directive 76/769/EEC](#) of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

Legal basis: Treaty establishing the European Economic Community, and in particular Article 100.

Waste Management:

[Directive 2000/76/EC](#) of the European Parliament and of the Council of 4 December 2000 on the incineration of waste

Legal basis: Treaty establishing the European Community, and in particular Article 175(1)

[Directive 2000/59/EC](#) of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues - Commission declaration

Legal basis: Treaty establishing the European Community, and in particular Article 80(2)

[Council Directive 1999/31/EC](#) of 26 April 1999 on the landfill of waste

Legal basis: Treaty establishing the European Community, and in particular Article 130s(1)

Ancillary legislation relating to landfill of waste:

[Commission Decision of 17 November 2000](#) concerning a questionnaire for Member States reports on the implementation of Directive 1999/31/EC on the landfill of waste

Legal basis: Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (1), in particular Article 15

More specific areas of waste legislation.

Health cover

As an EU citizen, an individual is entitled to any medical treatment that can't wait until they get home. They have the same rights to health care as people insured in the country you are in.

An individual should always take their [European Health Insurance Card \(EHIC\)](#) with them as proof that they are insured in an EU country. Alternatively if an individual does not have this card then they may have to pay for your treatment upfront and claim reimbursement once you get home.

EU legislation

[EU Regulation laying down the procedure for implementing Regulation 883/2004 on the coordination of social security systems](#)

[EU Directive on the application of patients' rights in cross-border healthcare](#)

[EU Regulation on the coordination of social security systems](#)

Higher education

An individual has the right to live in an EU country where they are studying for the duration of their studies if:

They are enrolled in an approved educational establishment

They have sufficient income, from any source, to live without needing income support

They have comprehensive health insurance cover there.

EU legislation

[Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States](#)

[Right to move and reside freely within the EU](#)

Funding:

Between 2014 and 2020, the EU will provide almost €80bn in funding for research, mainly through its flagship research programme Horizon 2020. This funding usually takes the form of grants, to part-finance a broad range of research projects.

Funding opportunities under Horizon 2020 are set out in multiannual work programmes, which cover the large majority of support available. The work programmes are prepared by the European Commission within the framework provided by the Horizon 2020 legislation and through a strategic programming process integrating EU policy objectives in the priority setting.

All of the legislation for Horizon 2020 can be found on the [research portal](#).



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