

Introduction to EU: Institutions and Law

EU Food Law Renmin 22 March 2017

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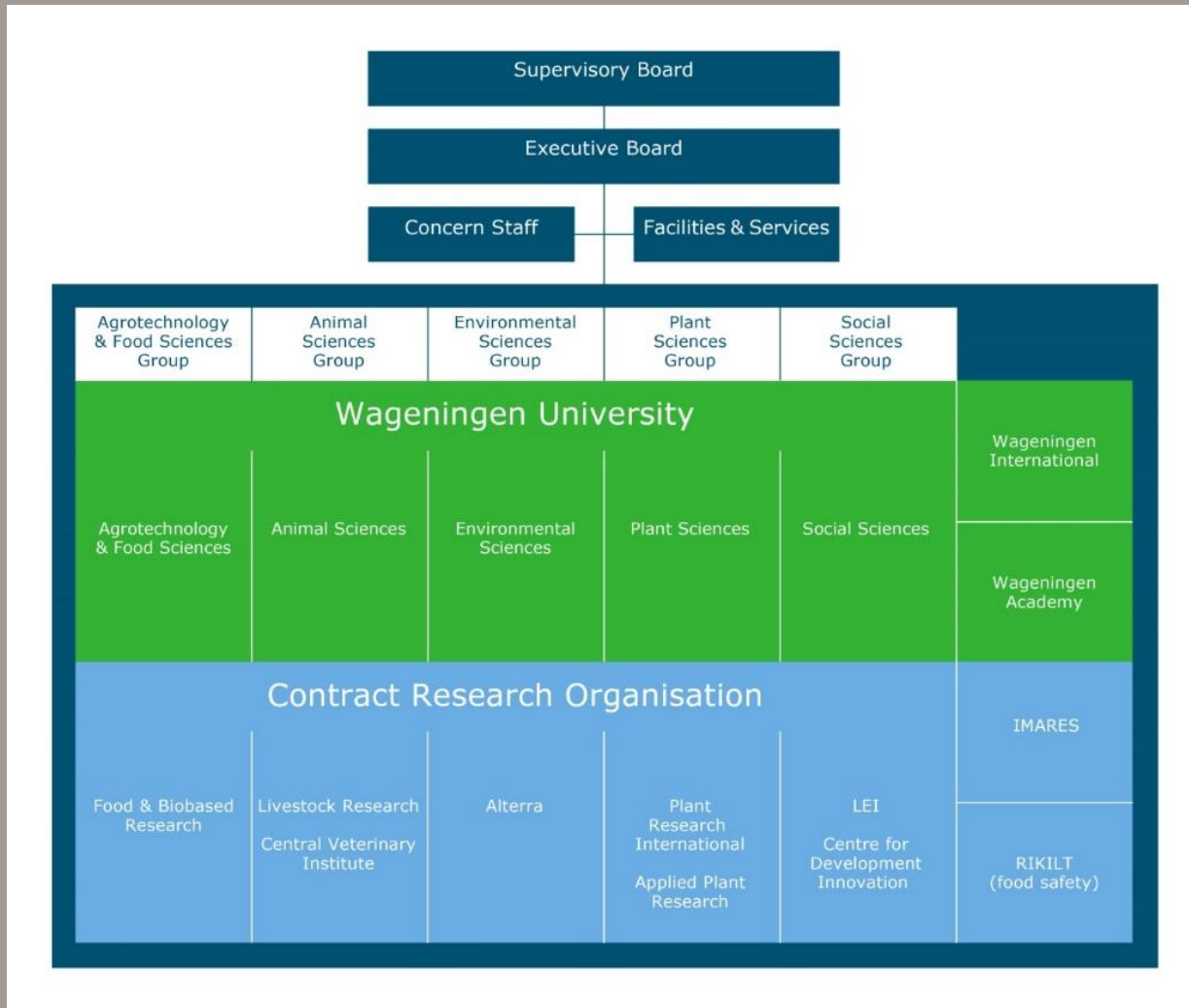


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The Wageningen UR domain: healthy food and living environment

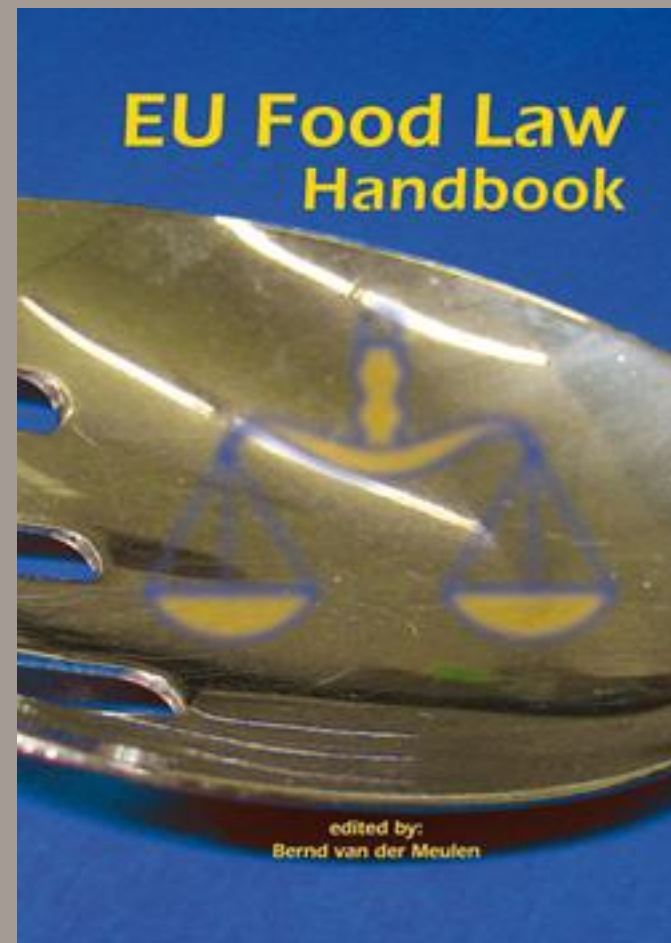


Organisational structure Wageningen UR



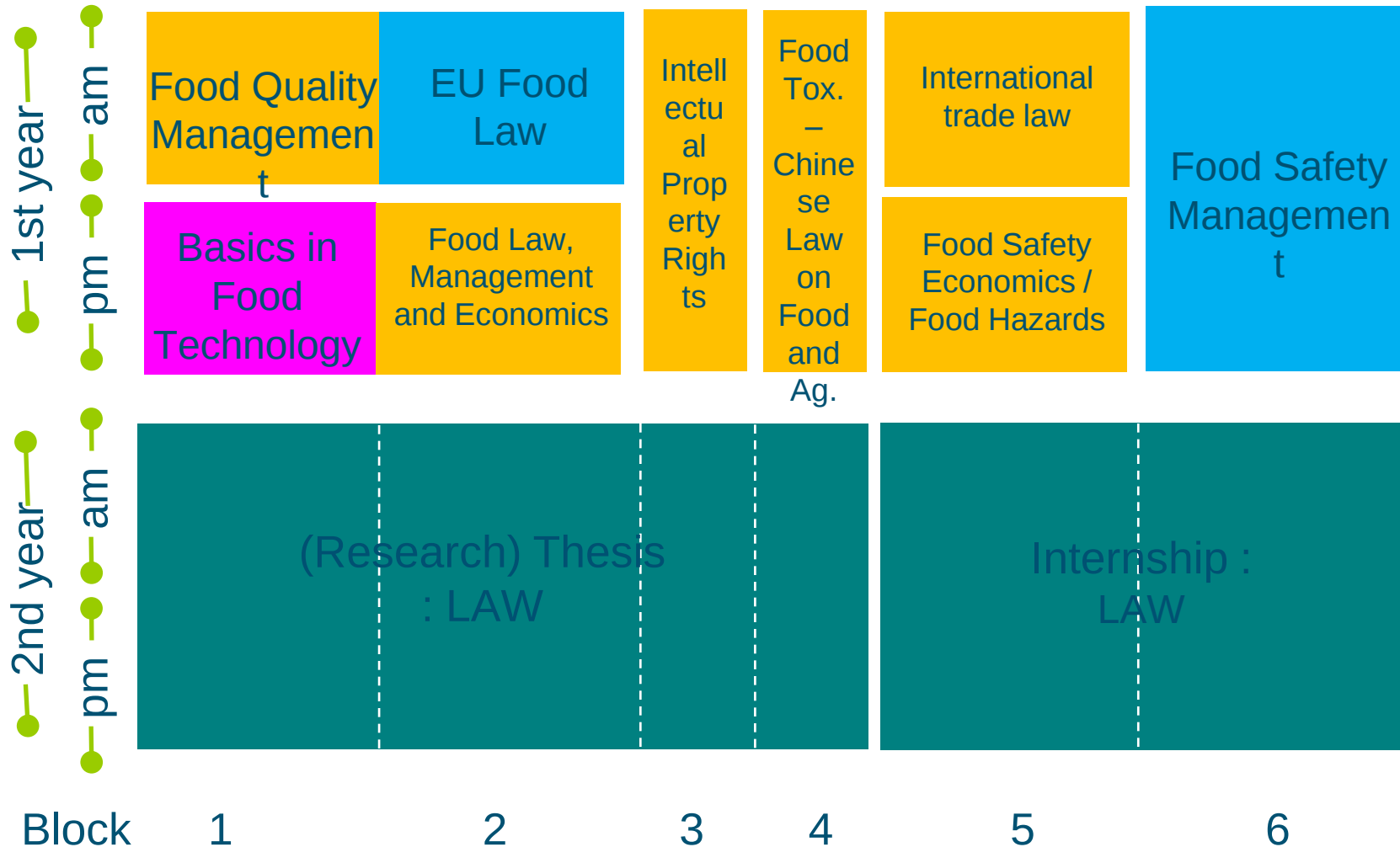
Food Law

- Research & teaching
- Applying legal sciences tot the food sector
- Food safety
- Food security
- Food information
- Food trade
- EU / NL / USA / PRC / Private standards





Food safety B : Food Safety Law



MoC Renmin School of Law / Wageningen UR

Student exchange possible

Another partner in Chinese law



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Overview

- What is Europe?
 - What is the EU?
- EU institutions
- EU case law
- EU legislation



Materials

Course materials

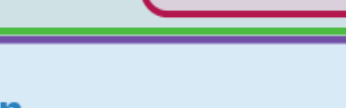
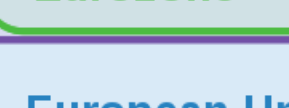
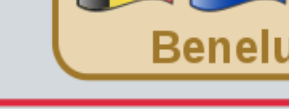
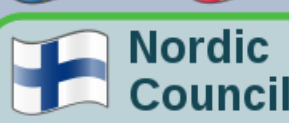
- Klaus-Dieter Borchardt, The ABC of European Union law

Eurlex website

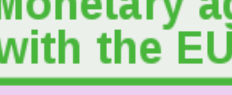
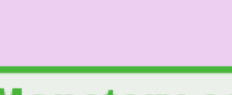
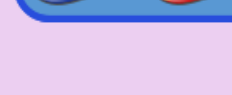
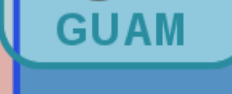


Council of Europe

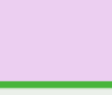
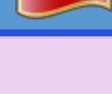
Schengen Area



BSEC



Union State



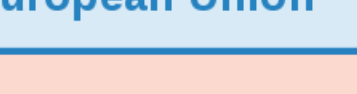
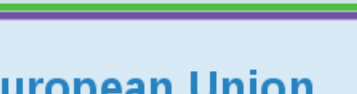
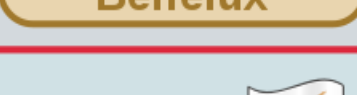
GUAM

CEFTA

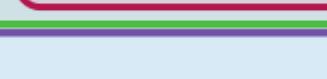
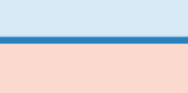
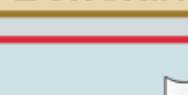
EFTA



Baltic Assembly



Benelux



EEA

Eurozone



Common Travel Area



European Union



EU Customs Union



Monetary agreement with the EU



European Union



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European Union:
500 million people – 28 countries



Member States of the
European Union



Candidate countries and potential candidates

24 official languages



Български	English	latviešu valoda	português
Čeština	español	lietuvių kalba	Română
dansk	français	magyar	slovenčina
Deutsch	Gaeilge	Malti	slovenščina
eesti keel	hrvatski	Nederlands	suomi
Ελληνικά	Italiano	polski	svenska

Source: EU in slides (<http://europa.eu>)



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Enlargement from 6 to 28



Brexit from 28 to 27



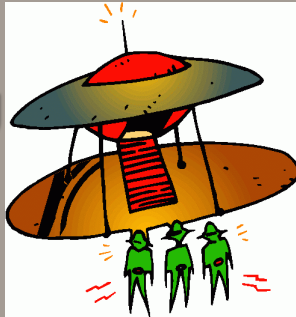
The 28 European Union Member States



EU law

International law

EU



National law



Sources of EU law

- Primary law
 - Treaties
- Secondary law
 - Regulations
 - Directives
 - Decisions
- Supplementary law
 - Case law of European Courts



Two founding treaties

- Treaty on European Union (TEU)
- Treaty on the Functioning of the European Union (TFEU)
 - former: Treaty establishing the European Community (Rome 1957)



Constitutional basis

- Treaty on European Union
 - Creating the institutions
- Treaty on the Functioning of the European Union
 - Providing instruments and requirements



The EU's Institutional Triangle



Three key players



The European Parliament

- voice of the people

Antonio Tajani, President of the European Parliament



The European Council and the Council

- voice of the Member States

Donald Tusk, President of the European Council



The European Commission

- promoting the common interest

Jean-Claude Juncker, President of the European Commission



The European Parliament – voice of the people

Decides EU laws and budget together with the Council of Ministers

Democratic supervision of all the EU's work

Number of members elected in each country

Austria - 18	Germany - 96	Netherlands - 26
Belgium - 21	Greece - 21	Poland - 51
Bulgaria - 17	Hungary - 21	Portugal - 21
Croatia - 11	Ireland - 11	Romania - 32
Cyprus - 6	Italy - 73	Slovakia - 13
Czech Republic - 21	Latvia - 8	Slovenia - 8
Denmark - 13	Lithuania - 11	Spain - 54
Estonia - 6	Luxembourg - 6	Sweden - 20
Finland - 13	Malta - 6	United Kingdom - 73
France - 74		

Total - **751**



Council of Ministers – voice of the Member States

- One minister from each EU country
- Presidency: rotates every six months
- Decides EU laws and budget together with Parliament
- Manages the common foreign and security policy



Council of Ministers – how they vote

Most decisions in the Council are taken by '**double majority**'.

A decision must have the support of at least:

- 55 % of Member States (16 countries)
- Member States that represent 65 % of the EU's population



Council: **Tasks**



- Exercises **legislative functions**
 - Jointly with the European Parliament
- Exercises budgetary functions
 - Jointly with the European Parliament
- Coordinates economic policies of the Member States
- Defines and implements the EU's Common Foreign and Security Policy (CFSP)
 - European Council gives Guidelines
- Police and Judicial Cooperation in Criminal Matters
 - Coordinates Member States' actions
 - Adopts EU measures
 - As laid down in the Treaties: TEU and TFEU



The Juncker Commission 2015 - 2019

- 28 independent members, one from each EU country
 - Proposes new legislation
 - Executive organ
 - Guardian of the treaties
 - Represents the EU on the international stage





FOOD

European Commission > Food Safety



FOOD SAFETY: OVERVIEW

The European Commission aims to assure a high level of **food safety** and **animal & plant health** within the EU through coherent **farm-to-table** measures and adequate monitoring, while ensuring an effective internal market.

The **implementation** of this approach involves various actions, namely:

- to assure **effective control systems** and evaluate **compliance with EU standards** in the food safety and quality, animal health, animal welfare, animal nutrition and plant health sectors within the EU and in third countries in relation to their exports to the EU;
- to manage **international relations** with third countries and international organisations concerning food safety



TWITTER FEEDS



EU Food Safety
@Food_EU

Agencies



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Committees

Article 58

Committee

1. The Commission shall be assisted by a Standing Committee on the Food Chain and Animal Health, hereinafter referred to as the 'Committee', composed of representatives of the Member States and chaired by the representative of the Commission. The Committee shall be organised in sections to deal with all relevant matters.
2. Where reference is made to this paragraph, the procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Articles 7 and 8 thereof.
3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.



Legislation

- Primary EU law
 - Founding treaties
- Made by the Member States: unanimity required
- Secondary law
 - Directives
 - Regulations
 - (Decisions)
- Who makes?
 - Normal: Commission + Council + Parliament
 - Delegated: Commission + Committee (comitology)





VAN GEND & LOOS



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Secondary law

Regulation	Directive	Decision
General application	General application	Addressed to MSs or individuals
Directly applicable	Lays down end results that must be achieved. MSs transpose them into national laws	Directly applicable
		



The **Directive** in EU Law

- Is binding, as to the result to be achieved upon each Member State to which it is addressed,
- but shall leave to the national authorities the choice of form
- and the choice of methods
 - TFEU Article 288
- **Created to harmonise = approximate specific parts of the national legal systems of the Member States to support the functioning of the common market**
 - **TFEU Article 114**



The Regulation in EU Law

- Has general application
- Binding in its entirety
- Directly applicable in all Member States
 - TFEU Article 288
- Legislation (Act / Statute)



EU Regulation Makes Every Contradicting National Law Automatically Invalid

- **Supremacy** over:
 - National Constitutions
 - Inviolable national formal legislation
 - Legislation made by the national government
 - Legislation made by lower authorities
 - Case law of judges high and low
 - Any other piece of national law



Regulation: Legislation Made by the EU

- **Direct effect:** the Regulation is binding for everyone in the jurisdiction of the EC:
 - EU itself (Rule of law)
 - EU institutions
 - EU Member States
 - Every part of the Member States
 - Every person on the EU territory
 - Every person is every natural and every legal person
 - Sometimes persons outside the EU territory





Court of Justice of the European Union

CVRIA

bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk sl fi sv

English / en

The Court of Justice of the European Union



EU Court **Tasks**: 4 Types of Court Proceedings

■ **Preliminary ruling**

- TFEU Article 267

■ **Failure to fulfil an obligation**

- TEU Article 19; TFEU Articles 258-260;

■ **Annulment**

- Lack of competence
- Infringement of an essential procedural requirement
- Infringement of the Treaties or of any rule of law relating to their application
- Misuse of powers.
 - TFEU Articles 263-264

■ **Failure to act**

- TFEU Article 256



Court: Preliminary Ruling Procedure

- National courts in each EU country have to apply EU law and declare conflicting national law invalid
- Different interpretations will destroy EU unity
- EU Court: determines the interpretation of EC law
 - Every national judge **is allowed** to ask the Court how to interpret EU law for the pending court case
 - The national judge who has the power to give the final decision (judge of final instance) **is obliged** to ask the EU Court how to interpret EU law
 - TEU Article 19; TFEU Article 267
- Examples:
 - Case 26/62 Van Gend en Loos v Nederlandse Administratie der Belastingen
 - Case 120/78 Cassis de Dijon: Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein



Proceedings For Failure to Fulfil Obligation: the Administrative First Phase

- Commission and a Member State can open a court case against a Member State that does not carry out its EU obligations
 - First round is confidential for exchange of viewpoints
 - Commission and Member State can find a solution
 - Commission can advice the Member State
 - Member State does not have to follow that advice
 - TFEU Articles 258 and 259
- Commission can (does not have to) open second round by arraigning Member State for the EU Court
 - TFEU Article 258 (second paragraph) and Article 260



Proceedings for Failure to Fulfil an Obligation: Possible Second Phase: the EU Court of Justice Decides after Full Court Proceedings

- Commission and Member State state their opinions in public court sessions
- Court of Justice decides
 - Member State required to take the necessary measures to comply with the judgment of the Court
 - Member State that fails to carry out the judgement can be fined and forced to pay a lump sum or penalty payment
 - TFEU Article 260
- Example of important case for food law
 - Case 178/84 Commission v. Germany Reinheitsgebot



Finding EU law



Main websites

- EU website
- <http://europa.eu/>
- EU law
- <http://eur-lex.europa.eu/>
- Infocuria
<http://curia.europa.eu/juris/recherche.jsf?language=en>
- Legislative observatory
<http://www.europarl.europa.eu/oeil/home/home.do>





Official website of the European Union - Please choose a language

bg български

cs čeština

da dansk

de Deutsch

et eesti

el ελληνικά

en English

es español

fr français

ga Gaeilge

it italiano

lt lietuvių

lv latviešu

hu magyar

mt Malti

nl Nederlands

pl polski

pt português

ro română

sk slovenčina

sl slovenščina

fi suomi

sv svenska



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- Living abroad
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Play games and quizzes



Teachers' Corner

Teaching material about



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Industrial relations: social dialogue under strain in Europe says new report



11/04/2013 - The on-going economic crisis poses a serious challenge to the dialogue between workers' and employers' representatives and governments according to a report published by the European Commission.

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leaving and raising higher education

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Comitology – European Commission proposes amendments

Find results by

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Number

Type



All



Regulation



Directive



Decision



EU court case



COM and JOIN
documents



SEC or SWD
documents



Numbering

- Regulations: chronological number / year of publication
 - Regulation (EC) 178/2002
 - Reversed in 2015
- Directives: year of publication / chronological number
 - Directive 2000/13/EC
- Decision: year of publication / chronological number
- Recommendation: year of publication / chronological number
- Court cases: chronological number / year of submission
 - C-120/78
- Commission documents (year of finalisation) chronological number
 - COM(1999) 719 final



Search Regulation 178/2002

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- ☐ **Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety**

OJ L 31, 1.2.2002, p. 1-24 (ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV)

This document has been published in a special edition(s) (CS, ET, LV, LT, HU, MT, PL, SK, SL, BG, RO, HR)

Direct text access:  

CELEX number: 32002R0178

- In force

Form: Regulation

Latest consolidated version:
[02002R0178-20140630](#)

Author: European Parliament, Council of the European Union

Date of document: 28/01/2002

OJ series: OJ-L

OJ sub-series: R

Number: 031

Thank you for
your kind
attention

Q&A

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