bio**Focus**

Mark Downs reports: legislation from the European Union

Like it or not, all biologists need to be aware of legislation. It creates the framework for the operation of organizations, places responsibility individually or corporately and creates our ethical framework. Regulation is something we all want less of, but can't do without. Despite all the rhetoric from successive Governments, legislation is a growth area. Everyone knows it is important and can have a dramatic impact on the way we work and run our lives, yet no single person has the capacity to follow it all and "do the day job". This is where professional bodies come in — identifying priority areas, summarizing the key issues, consulting experts and representing members' interests wherever possible. At the Society of Biology we are trying to do this for both our individual and organizational members focussing on the cross-cutting and generic issues such as science funding, education, training, skills and ethical frameworks.

Dependent upon how you define new legislation, 70 to 90% now originates from the European Union. The most common type of legislation is a Directive. These are proposals put forward by the EU's civil servants (the Commission) and then debated and amended by the Member States (the Council) and the European Parliament. The Member State negotiations take place behind closed doors and (for the UK) are led by home department officials and their colleagues from the "Embassy" to the EU (UKREP). In parallel through one or more committees, and then typically two readings in Parliament, MEPs shape their own text through public debate. At this point there are two sets of different text for the same purpose! After typically months of negotiation, publicly and privately, the end is then almost in sight, well sort of: agreement between Member States and the Parliament is often still a distant dream. To resolve disputes a bizarre process known as conciliation is invoked whereby the EU Parliament and Member States delegations (led by the rotating Presidency) argue it out privately on a time limited basis until a consensus is reached, often through the night. If there is none, the legislation fails to become a Directive. This might often be the best outcome but given all the work everyone has put in there is a danger that it will seem more attractive to have bad regulation than none at all.

All clear? Probably not! It is far from a transparent process. Once a Directive is published Member States usually have 24 months to implement ("transpose") it into their domestic law. Directives set minimum requirements seeking to harmonize law across the EU driving down costs for business and increasing common standards for EU citizens.

My experience from working within the system is that it is pretty much basic horse trading. Forget evidence based policymaking — important though it often is. This is political in every sense. There are red-lines between ministers, between departments, differing Member State views, domestic and EU lobby groups and the need to get agreement from an almost non accountable European Parliament.

OK, so I'm being harsh. But how many reading this article can name their MEP let alone comment on what stance they have taken on key political issues? Do they support good science or understand the breadth, impact and value of biology? The truth is they are largely anonymous and when that happens accountability is less obvious. The EU focus for science is often on the huge Framework research programmes. But, the wider regulation agenda must never be ignored.

Influencing the outcome of the EU decision-making process is not straightforward. But it can be done. Large, broad spectrum groups with a clear, well-argued and balanced message are difficult to ignore domestically or at an EU level. But, there needs to be recognition of the differing issues and interests across the EU, and timing of lobbying has to be right. For example, months of hard fought changes to draft text can be lost or changed in an instant by last minute lobbying of the EU equivalent of a party whip.

In my view, the overall legislative burden is not set to change, and this Government's and Parliament's appetite for consultation on both the legislative and policy agenda seem at an all-time high both for Westminster and the devolved administrations. Since the formation of the new coalition Government the Society has dealt with dozens of consultations having also considered responding to many more!

We strive to represent the views of biologists and your expert knowledge, and your opinions are vital ingredients in this. Please remember to have your say and get involved with the policy agenda through S*f*AM colleagues or directly. For weekly updates on general science policy issues subscribe to our free Science Policy Newsletter (email: policy@societyofbiology.org) and visit the website's policy pages to see some of our work.

Dr Mark Downs, PhD, FSB
Chief Executive, Society of Biology