

LAW39806

National Food Laws in Comparative Perspective

Period 4, Academic Year 2023-2024



Language	English
Credits	6
Period	4 (12 February – 1 March 2024)
Exam	7 March 2024, 13:30-16:30
Re-exam	10 May 2024, 8:30-11:30
Course coordinator	Josephine van Zeben; josephine.vanzeben@wur.nl ;
Contact person	Silvia Rolandi; Silvia Rolandi.rolandi@wur.nl
Lecturer(s)	Mirta Alessandrini, Silvia Rolandi, Esra Akdogan, Francesco Montanari, Inga Winkler
Examiner(s)	Josephine van Zeben, Mirta Alessandrini, Silvia Rolandi
Secretariat	Annelies Visser, Law group, law.office@wur.nl , de Leeuwenborch, room 2060

Profile of the course

The objective of this course is to understand how core issues in the agri-food chain are regulated in different jurisdictions and to develop skills to carry out comparative legal research and analysis. Using several European Union Member States, the USA and other non-European jurisdictions as case studies, the course examines how relevant issues in food law are regulated inside and outside the EU. The comparison focuses on three levels: intra-EU comparison, EU-US comparison, and EU-the world.

During the first week, students dive into the differences that arise between EU member states in specific domains of food law. The second week focuses on US food law. The third week develops comparative food law skills in practice, and consists of several learning activities involving novel regulatory initiatives worldwide and comparing them to the EU approach.

The aims of the course are fourfold:

- 1) to acquire understanding of the national regulation of the food sector in a variety of countries (EU Member States, USA, global);
- 2) to acquire knowledge of the differences between the regulatory choices regarding important issues in food law;
- 3) to develop skills for comparative law research and analysis of food law at national level;
- 4) to acquire understanding of how socio-economic factors, such as local culture, traditions and political systems shape regulatory decisions and affect global food trade.

Assumed prerequisite knowledge

For students in the Food Law and Regulatory Affairs Specialisation, successful completion of LAW22806 Food Law is expected. Prior knowledge of law or food law is recommended but not required, for instance: Food Law (LAW22806), Introduction to Law for the Life Sciences (LAW12806), Legal Transformation and Regulation of Food Systems (LAW32806). Students without prior knowledge may also choose to complete the e-module Essential Law for the Living Environment (LAW59703).

Continuation Courses include International Food Law (LAW31806) and Food, Nutrition and Human Rights (LAW55306).

Learning outcomes

After successful completion of this course, students are expected to be able to:

- explain the different roles of law and regulation in the food sector in different countries;
- apply relevant law and regulations to practical issues pertaining to the food sector;
- compare regulatory choices and models across different countries;
- explain the practical and legal challenges facing food and agricultural companies wishing to operate in different markets.

Course materials and resources

Selection of articles, book chapters and online resources as detailed in the “Lecture and tutorial plan” below. All relevant resources will be made available via Brightspace or the WUR library.

Teaching and learning activities

Lectures, tutorials, group work, dialogue, literature study.

Examination

Written test composed of multiple-choice questions and essay questions.

Assessment Strategy

Learning outcomes	Assessment 1 Written exam minimum mark = 5.5 100% of final grade	
	Multiple choice questions	Open questions
1. Explain the different roles of law and regulation in the food sector in different countries	X	
2. Apply relevant law and regulations to practical issues pertaining to the food sector	X	X
3. Compare regulatory choices and models across different countries		X
4. Explain the practical and legal challenges facing food and agricultural companies wishing to operate in different markets		X

Students will practice for the open questions on the exam during the weekly tutorials.

Course schedule

Week 1: National Food Laws in the European Union		
Date and time	Topic	Lecturer(s)
Lecture 1 Monday 12 Feb 15:40-17:10	Introduction to comparative national (food) law, comparative methodology and EU Food Law	Mirta Alessandrini and Esra Akdogan
Lecture 2 Tuesday 13 Feb 17:20-18:40	Food Information Law in the EU and its Member States: The Dutch example	Esra Akdogan
Lecture 3 Wednesday 14 Feb 15:40-17:10	Food Safety Law in the EU and its Member States: The Portuguese example	Francesco Montanari
Tutorial 1 Thursday 15 Feb 15:40-17:10	Comparative food law methods tutorial	Esra Akdogan and Francesco Montanari

Week 2: Food Law in the United States		
Date and time	Topic	Lecturer(s)
Lecture 4 Monday 19 Feb 15:40-17:10	Intro to US Food Law	Mirta Alessandrini
Lecture 5 Tuesday 20 Feb 17:20 – 18:40	Food Safety Law in the US	Silvia Rolandi
Lecture 6 Wednesday 21 Feb 15:40-17:10	Food Labeling Law in the US	Silvia Rolandi
Tutorial 2 Thursday 22 Feb 15:40-17:10	Practice open exam question	Silvia Rolandi

Week 3: Global Food Law: Selected topics		
Date and time	Topic	Lecturer(s)
Lecture 7 Monday 26 Feb 15:40-17:10	Lab grown meat	Silvia Rolandi
Lecture 8 Tuesday 27 Feb 17:20-18:40	Right to Food	Inga Winkler
Lecture 9 Wednesday 28 Feb 15:40-17:10	GMOs (EU, US and Brazil legislation in comparison)	Francesco Montanari
Tutorial 3 Thursday 29 Feb 15:40-17:10	Practice open exam question	Francesco Montanari/Silvia Rolandi

LECTURE and TUTORIAL PLAN

Week 1: National Food Laws in the European Union

During this week, we lay the groundwork for understanding the complexities of EU food laws through comparative legal analysis. The first lecture gets students acquainted with the structure of the course, the basics of Comparative Legal Research, and the foundational principles of EU Food Law. The practical application of the comparative methodology is already demonstrated in both the second and third lectures. Lecture 2, using the Netherlands as a case study, dissects the EU's Food Information Law and compares it with Dutch legislation. Lecture 3, employing Portugal as a case study, delves into Food Safety Law, dissecting key EU regulations and contrasting them with Portuguese legislation to highlight variances and similarities. Finally, in the tutorial, students are asked to compare the domestic law of a Member State to EU food law in a specific area.

<p>Lecture 1</p> <p>12 February</p>	<p>Topic: Introduction to comparative national (food) law, comparative methodology, and EU Food Law</p> <p>The first lecture focuses on introducing the course, comparative law and EU food law in general. It splits into two main parts. The first part presents the course design and introduces Comparative Legal Research (CLR), focusing in particular on the definition, and purposes, it then introduces the methodology of inter-national legal comparison (comparing legal systems and legal arrangements of two or more states) and its role in the advancement of Food Law in the “global village”. The second part introduces the students to EU Food Law focusing on its general structure and principles. This prepares the students for their assignment for Tutorial 1 where they are asked to compare the domestic law of a member state to EU food law in a specific area.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none">- Students know what to expect from the course and their role and responsibility in the course.- Students can illustrate comparative legal analysis’ goals and methods.- Students can explain the key elements of the EU food law and can describe the general structure and principles thereof. <p>Compulsory reading:</p> <ul style="list-style-type: none">- The Method and Role of Comparative Law by Edward J. Eberle- The Structure of European Food Law by Bernd M.J. Van der Meulen <p>Optional reading:</p> <ul style="list-style-type: none">- For current developments: Tour de Table: Farm to Fork Law Update by H. Schebesta, M. Alessandrini, F. Cazzini, C. Macchi, M.J. Plana Casado, S. Rolandi.
<p>Lecture 2</p> <p>13 February</p>	<p>Topic: Food Information Law in the EU and its Member States: The Dutch example</p> <p>This lecture first introduces the students to the basics of the Food Information Law of the EU and the fundamental legislation thereof: Food Information to Consumers Regulation. The second part of the lecture takes the Netherlands as the case study. Dutch legislation regarding Food Information Law is analyzed to unveil where it deviates from EU legislation. This demonstrates how to look for national Food Law legislation and compare it with EU Food Law.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none">- Students can explain the competing interests that surround the Food Information Law of the EU.- Students can distinguish mandatory and voluntary food information and can explain the main rules of the Food Information Law of the EU that apply to each category.- Students can find national legislation of an EU Member State in a language they speak and can compare this with relevant EU legislation. <p>Compulsory reading:</p> <ul style="list-style-type: none">- Food Labelling for Consumers EU Law, Regulation and Policy Options, by Kai P. Purnhagen & Hanna Schebesta, p. 10-35.- Food information to consumers - legislation - European Commission (europa.eu)

	<p>Optional reading:</p> <ul style="list-style-type: none"> - For current developments in this area: Tour de Table: Farm to Fork Law Update by H. Schebesta, M. Alessandrini, F. Cazzini, C. Macchi, M.J. Plana Casado, S. Rolandi, p. 208-211 and p. 213-214 (Section Food Information).
<p>Lecture 3 14 February</p>	<p>Topic: Food Safety Law in the EU and its Member States: The Portuguese example</p> <p>This lecture first introduces the students to the basics of the Food Safety Law of the EU, the main categories of hazards, and fundamental pieces of legislation in this area. The second part of the lecture takes Portugal as the case study. Portuguese legislation regarding Food Safety Law is analyzed to unveil whether and to what extent it deviates from EU legislation. This demonstrates how to look for national Food Law legislation and compare it with EU Food Law.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none"> - Students can explain the main responsibilities of Food Business Operators regarding food safety under the General Food Law Regulation. - Students can distinguish the main categories of hazards: physical, biological, and chemical, and can explain the basic rules of EU law that regulate each category. - Students can find national legislation of an EU Member State in a language they speak and can compare this with relevant EU legislation. <p>Compulsory reading:</p> <ul style="list-style-type: none"> - Food safety – EU action European Union (europa.eu) - Food Safety - European Commission (europa.eu) <p>Optional reading:</p> <ul style="list-style-type: none"> - For current developments in this area: Tour de Table: Farm to Fork Law Update by H. Schebesta, M. Alessandrini, F. Cazzini, C. Macchi, M.J. Plana Casado, S. Rolandi, p. 208-212 (Section Food Safety)
<p>Tutorial 1 15 February</p>	<p>Topic: Comparing Food Waste Legislation</p> <p>This activity is designed to engage students in a comparative analysis of food waste legislation across various jurisdictions. Through the application of comparative legal research methodology, participants examine, present, and compare the legislation implemented by different countries to address food waste challenges. Participants will explore primary legal sources related to food waste legislation in selected countries known for their distinctive strategies in this area.</p> <p>Aims of the tutorial:</p> <ul style="list-style-type: none"> - Students can apply the CLR methodology to a specific food-related topic within the EU - Students can compare regulatory choices and models across different EU countries concerning a specific food-related topic <p>Compulsory reading:</p> <ul style="list-style-type: none"> - French and Italian Food Waste Legislation: An Example for other EU Member States to Follow? By Luis González Vaqué

	<p>Optional reading: France's law for fighting food waste, zwe 11 2020 factsheet france en</p>
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Week 2: Food Law in the United States

During the second week, we embark on the exploration of the United States legal system, with a specific reference to the framework governing food safety. This week's lectures and tutorial sessions aim to provide students with important insights into the multifaceted landscape of US food laws. The first lecture serves as an essential introduction to the subject, the second lecture delves into food safety regulations, and the third one deals with the information system. Finally, the Tutorial 2 of the second week aims to equip students with essential essay-writing skills tailored for the examination,

<p>Lecture 4 19 February</p>	<p>Topic: Introduction to US Legal System and Food Law The lecture is split in two parts. The first part provides a general introduction to the US legal system. The second part examines the principles and key elements of the US regulatory framework for food law.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none"> - Students can describe the key elements of the US legal systems - Students can explain the food-safety related issues that have shaped modern US food (safety) regulation - Students can identify the relevant federal institutions for food safety governance in the US - Students can explain the jurisdictional overlap in food systems governance in the US <p>Compulsory reading:</p> <ul style="list-style-type: none"> - Introduction to Food Regulation in the United States by Neal Fortin <p>Optional reading:</p> <ul style="list-style-type: none"> - Pages 3-20 of Bureau of International Information Programs, <i>About America: How the United States is governed</i>, Braddock Communications (2004). Available here: https://ar.usembassy.gov/wp-content/uploads/sites/26/2016/02/us_governed.pdf
<p>Lecture 5 20 February</p>	<p>Topic: Food Safety Law in the US: the case of "food adulteration" This lecture is divided in two interlinked parts, the first addresses the sources and key concepts of food safety law in the US. In the second one the concept of food adulteration is considered and framed using both statutes and case law.</p> <p>Aim of the lecture:</p> <ul style="list-style-type: none"> - Students can identify the main food safety regulations in the US and describe the key concepts in those rules - Students can identify 2 main prohibitions of US food safety law - Students can explain and identify the main element concerning adulteration - Students can identify, read and summarise relevant case law, as discussed in the lecture

	<p>Compulsory reading:</p> <ul style="list-style-type: none"> - Caroline Smith DeWaal, Cynthia Roberts, David Plunkett, Chapter 33 - The legal basis for food safety regulation in the USA and EU, Editor(s): J. Glenn Morris, Duc J. Vugia (2021). Foodborne Infections and Intoxications (Fifth Edition), Academic Press, 563-581. <p>Legislation:</p> <ul style="list-style-type: none"> - 21 U.S.C. § 331 – Prohibited Acts - 21 U.S.C. § 342 – Adulterated Food <p>Case law:</p> <ul style="list-style-type: none"> - United States vs. Park
<p>Lecture 6</p> <p>21 February</p>	<p>Topic: Food Labeling Law in the US</p> <p>This lecture first introduces the students to the basics of the Regulation of the Food Labeling in the US, the main and relevant aspects, and fundamental pieces of legislation in this area. The second part of the lecture focuses on the affirmative requirements for the food label and the related main aspects.</p> <p>Aim of the lecture:</p> <ul style="list-style-type: none"> - Students can identify the main aspect concerning Regulation of food labeling in the US and describe the key concepts - Students can identify and discuss about the affirmative requirements for the food label - Students can identify, read and summarise relevant case law, as discussed in the lecture <p>Compulsory reading:</p> <ul style="list-style-type: none"> - FDA Guidance for Industry: Food Labeling Guide - Center for Food Safety and Applied Nutrition. September 1994; Revised April 2008; Revised October 2009; Revised January 2013 (pages 5 to 17) https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-food-labeling-guide <p>Legislation:</p> <ul style="list-style-type: none"> - 21 U.S.C. §343 - Misbranding - Title 21 of the Code of Federal Regulations, Part 101 Food Labelling
<p>Tutorial 2</p> <p>22 February</p>	<p>Topic: Comparing Food Labeling and Food Information Legislation in the US and EU</p> <p>This activity is designed to engage students in structuring and answering an open question as they would do in the exam. Through the application of comparative legal research methodology, participants examine, present and compare the legislation implemented and discussed in class during the first and second week. A discussion in class will follow the activity conducted.</p> <p>Aims of the tutorial:</p> <ul style="list-style-type: none"> • Students can apply the CLR methodology to answer an open question • Students can prepare for the exam

Week 3: Global Food Law: Selected topics

During the third week, we embark on the exploration of different legal systems in relation to specific identified topics that are currently worldwide debated and discussed. The first lecture will deal with the lab-grown meat topic, the second lecture delves into GMOs regulations and differences in the US and EU, and the third one deals right to food. The week concludes with a case study examining the differences between the EU and US approaches to Genetically Modified Organisms (GMOs), providing a comparative lens to comprehend divergent regulatory strategies.

<p>Lecture 7 26 Feb</p>	<p>Topic: Lab-grown meat This lecture concerns lab grown meat (so called cultivated meat) as the main topic to see how it can be differently addressed. The US, Singapore and the EU's regulatory frameworks and approaches will be considered. The lecture aims to dissect the legal frameworks, principles, and approaches adopted by different jurisdictions regarding lab grown meat.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none"> - Students can describe the key principles and the regulatory mechanisms governing lab grown meat in the US, the EU and Singapore. - Students can conduct a comparative analysis between different legislations concerning lab grown meat, identifying key differences, similarities, and underlying rationales, also in the light of the recent discussions. - Students can foster their critical thinking skills further considering the impact of different legislations on trade, agriculture, consumer choices, and technological advancements. <p>Compulsory reading:</p> <ul style="list-style-type: none"> - Mayhall, T.A. (2019). The meat of the matter: regulating a laboratory-grown alternative. <i>Food & Drug LJ</i> 74, 151 - Broucke, K., Van Pamel, E., Van Coillie, E., Herman, L., & Van Royen, G. (2023). Cultured meat and challenges ahead: a review on nutritional, technofunctional and sensorial properties, safety and legislation. <i>Meat science</i>, 195, 109006.
<p>Lecture 8 27 Feb</p>	<p>Topic: Right to Food: Approaches in India, Brazil and the US This lecture examines different approaches countries have adopted in seeking to ensure the right to food, examining law, policy and case law in India, Brazil and the United States. We will explore the role of human rights in making sure that food is accessible, affordable and safe.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none"> - Students can explain how human rights relate to comparative food law - Students can describe how different countries have operationalized elements of the right to food <p>Compulsory reading:</p> <ul style="list-style-type: none"> - Hertel, Shareen. "Hungry for justice: Social mobilization on the right to food in India." <i>Development and Change</i> 46, no. 1 (2015): 72-94.

	<ul style="list-style-type: none"> - Gundersen, C. (2019). The right to food in the United States: The role of the Supplemental Nutrition Assistance Program (SNAP), <i>Amer. J. Agr. Econ.</i> 101(5): 1328–1336; doi: 10.1093/ajae/aaz040 - Fagundes, Andhressa, Rita de Cássia Lisboa Ribeiro, Estella Rosa Borges de Brito, Elisabetta Recine, and Cecilia Rocha. "Public infrastructure for food and nutrition security in Brazil: Fulfilling the constitutional commitment to the human right to adequate food." <i>Food Security</i> 14, no. 4 (2022): 897-905. <p>Optional reading:</p> <ul style="list-style-type: none"> - Shannon, Kerry L., Brent F. Kim, Shawn E. McKenzie, and Robert S. Lawrence. "Food system policy, public health, and human rights in the United States." <i>Annual review of public health</i> 36 (2015): 151-173. - Anderson, Molly D. "Beyond food security to realizing food rights in the US." <i>Journal of Rural Studies</i> 29 (2013): 113-122. - Neves, José Anael, Francisco de Assis Guedes de Vasconcelos, Mick Lennon Machado, Elisabetta Recine, Giselle Silva Garcia, and Maria Angélica Tavares de Medeiros. "The Brazilian cash transfer program (Bolsa Família): A tool for reducing inequalities and achieving social rights in Brazil." <i>Global Public Health</i> 17, no. 1 (2022): 26-42 - Poorvi Chitalkar and Varun Gauri, India: Compliance with Orders on the Right to Food, in: Malcolm Langford et al. (eds.), <i>Social Rights Judgments and the Politics of Compliance, Making it Stick</i>, CUP, 2017, pp. 288-314 - Sara Bailey, Beyond radical rhetoric: translating structural conceptions of the right to food into concrete demands for change, <i>The International Journal of Human Rights</i>, 22:2, 133-154, DOI: 10.1080/13642987.2017.1349244 - Mitchell-Walthour, G., & Santos, F. B. dos. (2022). Afro-descendant women Bolsa Familia and Supplemental Nutrition Assistance Program in Brazil and the United States. <i>Cultural Dynamics</i>, 34(1–2), 3–27. https://doi.org/10.1177/0921374020988161
<p>Lecture 9</p> <p>28 Feb</p>	<p>Topic: GMOs</p> <p>This lecture delves into the intricate realm of Genetically Modified Organisms (GMOs) legislation in different countries, focusing on comparative analysis with the (dissimilar) regulatory approaches to GMOs across the globe. The lecture aims to dissect the legal frameworks, principles, and approaches adopted by different jurisdictions regarding GMOs. It will also shed light on how legislators have addressed / are addressing New Genomic Techniques (NGTs). To this effect, the experience of the EU, the US and Brazil will be analysed.</p> <p>Aims of the lecture:</p> <ul style="list-style-type: none"> - Students can describe the key principles and the regulatory mechanisms governing GMOs in different countries, with a focus on the US, the EU and Brazil. - Students can conduct a comparative analysis between different GMO legislations, identifying key differences, similarities, and underlying rationales, also in the light of the recent regulatory development

	<ul style="list-style-type: none"> - Students can foster their critical thinking skills further by analyzing the implications of divergent GMO regulations, considering the impact on trade, agriculture, consumer choices, and technological advancements. <p>Compulsory reading:</p> <ul style="list-style-type: none"> - Genetically Modified Organisms – European Commission (europa.eu) - How GMOs are regulated in the US (fda.gov) - Genetically modified organisms (GMOs) and their application in Brazilian agriculture and consumer products by Rubens Granja and Natássia Misae Ueno <p>Optional reading:</p> <ul style="list-style-type: none"> - Global Regulation of Genetically Modified Crops Amid the Gene Edited Crop Boom – A Review by Crystal Turnbull, Morten Lillemo Trine, and A. K. Hvoslef-Eide - New techniques in Biotechnology (europa.eu)
<p>Tutorial 3</p> <p>29 Feb</p>	<p><u>Topic: Comparing the GMO regulation in the US and EU</u></p> <p>The week concludes with a case study concerning the differences between the EU and US approaches to Genetically Modified Organisms (GMOs), providing a comparative lens to comprehend divergent regulatory strategies.</p> <p>This activity is designed to engage students in structuring and answering an open question as they would do in the exam.</p> <p><u>Aims of the tutorial:</u></p> <ul style="list-style-type: none"> • Students can apply the CLR methodology to answer an open question • Students can prepare for the exam