

Dipartimento di Centro Agricoltura Alimenti Ambiente – C3A
Anno accademico 2021-2022

Agri-food law: introductory notions and the regulation of innovation in agri-food law [173006]

Nessun partizionamento

Corso di studio: Agrifood Innovation Management
Ordinamento: Agrifood Innovation Management
Percorso: Standard

Docente: Matteo Ferrari

Numero ore: 60
Periodo: primo semestre
Crediti: 6
Settori: IUS/03

Obiettivi e risultati di apprendimento attesi

The course is organized within Jean Monnet Module EU-Food Law and Globalization (EUFLAG). The aim of the course is threefold: 1. providing students with basic knowledge about the regulation on the production and marketing of agricultural and food products; 2. introducing students to the distinction between public and private regulatory tools and highlighting their pros and cons in the global context; 3. identifying the legal strategies and instruments available to protect innovation in the agri-food sector. The course will emphasize the process of progressive internationalisation of regulatory frameworks and the interdisciplinary nature of legal knowledge. At the end of the course, students should be able: 1. to identify the main regulatory issues in a given context, taking also into account their international and comparative dimensions; 2. to interact with regulators and legal professionals, in a critical and dialogic way, in order to properly manage such issues; 3. to employ both public and private regulatory tools as levers to advance development and innovation; 4. to identify the strategies to legally protect innovation in the agri-food realm.

Prerequisiti

None

Contenuti/programma del corso

The course will be organized around five themes: 1. Introduction: this part will be devoted to create a common playing ground among participants, in particular by dealing with what we mean by agri-food law, how agri-food law interacts with globalization and what is the role of law in promoting development and innovation; 2. Origin: this part will be devoted to explore the importance that the origin of foodstuffs assumes nowadays in global markets, by understanding

the different legal tools that countries employ to promote origin, with a special attention to the differences between trademarks and sui generis regimes, and then by analyzing the role that international treaties play in striving to promote mutual recognition, or at least some form of interoperability, between these different tools; 3. Innovation: this part will aim at introducing students to the impact that regulation has in promoting or slowing down innovation in a global context, by analyzing a) the different legal instruments implemented to protect new plant varieties, with particular regard to the differences between patents and sui generis (à la UPOV) systems of protection; b) the frameworks regulating the production and marketing of genetically modified organisms, with particular regard to the development of new breeding techniques; c) the frameworks regulating the authorization of new food additives and novel food; d) the frameworks regulating the use of nutritional claims and health claims; 4. Supply chain: this part will be devoted to the analysis of regulatory issues within global supply chains that, on one hand and by their own very nature, are out of the reach of national regulatory competences and, on the other hand, are characterized by an uneven distribution of the value they generate. In particular, new models of regulatory governance, such as contract farming and private standards, will be analyzed; 5. this part will deal with how agri-food law can contribute to promote sustainability, in its three (environmental, economic, social) components, vis à vis the global environment in which it operates. Particular attention will be devoted to the role of private standards, certifications and eco-labels.

Metodi Didattici utilizzati e attività di apprendimento richieste allo studente

The course consists of 60 hours. Each of the five themes will start with one or more traditional lectures, depending on the topic, in order to introduce students to basic legal concepts useful to develop further, critical analysis. Then, within each theme, seminars with guest lecturers and in-class analysis of one or more case studies will be organized, in order to deepen the analysis on specific issues and to appreciate the interdisciplinary nature of agri-food law and its dialogic relationship with globalization.

Students are required to read in advance the materials provided by the teacher and guest lecturers and to actively participate during classes. In order to foster dialogue and interactions, the teacher will ask students to intervene during class activities.

The teacher will employ power point presentations for each traditional lecture. In addition, one or more scientific article or book excerpt will be provided for each traditional lecture and seminar held by a guest lecturer. The case studies will be discussed in a seminar style: students will have to discuss the materials provided in advance by the lecturer; the lecturer will only facilitate the discussion on the issues raised by the case study.

Metodi di accertamento e criteri di valutazione

Students' evaluation will consist in developing a case study according to the guideline provided by the teacher and presenting it to students in the final part of the course.

The paper and presentation will be evaluated taking into account: the complexity of the topic developed by the student; the ability to identify the main legal issues within the selected topic; the ability to frame these issues within the proper legal frameworks and tools; the ability to critically discuss the pros and cons of the frameworks selected to manage the legal issues identified.

Testi di riferimento/Bibliografia

Power points, scientific articles, book excerpts provided by the teacher and/or guest lecturers. All the materials will be available on-line.