

# SUMMER ACADEMY

## IN GLOBAL FOOD LAW AND POLICY

### PROGRAM

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#### Day 1: Monday, July 20 2015

##### 8.30 am-8.45 am

- **Registration**

##### 9.00 am-9.30 am

- **Setting the Scene**

**Alberto Alemanno**, Jean Monnet Professor of European Union Law, HEC Paris; Global Clinical Professor, NYU School of Law and Scientific Director of the Summer Academy

##### 9.30 am-10.45 am

- **The Transatlantic Trade and Investment Partnership and Food Trade**

**Alberto Alemanno**, HEC Paris / NYU Law School

The EU and US authorities are currently negotiating one of the most ambitious trade agreements in history: the Transatlantic Trade and Investment Partnership. Given the low level of tariffs applied to EU-US trade, the major gains from a future agreement are sought in the removal of NTBs and from the approximation of their different regulatory regimes. Yet the major trade irritants between the two jurisdictions in the agricultural sector relate to highly controversial issues such as genetically engineered crops, pathogen-reduction treatments in poultry, and the use of safe feed additives such as ractopamine in pork. After contextualizing the TTIP negotiations within the broader international food trade regime, this session will explore the discipline, rationale and institutional aspects of TTIP by focusing in particular on its impact on both the transatlantic and global food supply chain. Given TTIP's potential to shape a new form of global economic governance based on international regulatory cooperation, this presentation will also address some of the concerns currently raised by civil society, in particular the fear of a 'race to the bottom' that may stem from the operation of this agreement.

#### Covered topics:

- ✓ The multilevel governance of food law & policy
- ✓ An overview of the GATT-WTO system
- ✓ Specific trade concerns and issues raised at the WTO
- ✓ An overview and analysis of the SPS and TBT Agreements and their respective impact on food
- ✓ WTO notification process between the national and international levels

- ✓ Dispute Settlement System and major trade disputes
- ✓ Proposals for an International Regulatory Co-operation Mechanism

Followed by Q&A

#### 10.45 am-11.00 am

- **Coffee break**

#### 11.00 am-12.45 pm

- **What Role for the Law in the Prevention of Non-Communicable Diseases? Focus on the Obesity Challenge**

**Amandine Garde**, Professor of Law at the University of Liverpool

Over the last decade, there has been mounting concern about the worldwide spread of the non-communicable diseases (NCDs) and the health and economic burden associated with it, leading up to the adoption of the UN Political Declaration on the Prevention and Control of NCDs and the WHO NCD Global Action Plan for 2013-2020. This session will focus on the role that the law may play in the development, the implementation and the monitoring and evaluation of effective NCD prevention strategies. In particular, it will discuss how Governments may engage with industry operators to ensure a high level of public health protection, while ensuring avoidance of potential conflicts of interest.

Covered topics:

- ✓ The link between trade liberalization and public health concerns
- ✓ The emergency of 'lifestyle risk policy'
- ✓ UN Political Declaration on the Prevention and Control of NCDs
- ✓ WHO NCD Global Action Plan for 2013-2020
- ✓ Taxonomy of NCD prevention measures
- ✓ Case study on Food Marketing Restrictions to Children

Followed by Q&A

- **Presentation of Simulation Game on NCD Prevention**

**Alberto Alemanno**, HEC Paris / NYU Law School

#### 12.45 pm-2.15pm

- **LUNCH**

#### 2.15 pm-3.30 pm

- **A Right to be Free from Obesity? Applying the UN Guiding Principles on Business and Human Rights to the Corporate Food System and Governments in the Strive towards Healthy Diets**

**Wenche Barth Eide**, Emeritus Professor, Department of Nutrition, University of Oslo

**Asbjørn Eide**, Emeritus professor and senior fellow at the Norwegian Centre for Human Rights at the University of Oslo

**3.45 pm-4.15 pm**

- **What a Role for the Industry in addressing Societal Concerns? The Case of Sustainability**

**Francesco Tramontin**, Director External Affairs, Mondelez Europe

Covered topics:

- ✓ Food companies engagement with societal concerns
- ✓ The case of sustainability and beyond
- ✓ Stakeholder interactions and advocacy efforts

Followed by Q&A

**4.15 pm-5.00 pm**

- **Tensions between Food Security and Ecologic Urgency**

**Richard Falk**, Albert G. Milbank Professor of International Law and Practice, Emeritus at Princeton University

Followed by Q&A

**Guided Walking Tour of Getxo, the Basque Coast**

**Pintxos Tasting (dinner)**

## **Day 2: Tuesday, 21 July 2015**

- **Introductory Remarks on the Emergence of Behavioural Policymaking**

**Ana Benje**, Comenius University and fellow at eLabEurope

**9:30 am – 11:00 am**

- **Bridging the Gap between Behavioural Policymaking and Obesity: Unleashing the Power of Peers for Healthy Nutrition**

**Pelle Guldberg Hansen**, Director of ISSP The Initiative of Science, Roskilde University and University of Southern Denmark; Chairman of the Danish Nudging Network; Member of the Prevention Council of the Danish Diabetes Association

Obesity has become a growing health concern for European children and adolescents. Statistics show that a one out of three child in Europe is overweight or obese. Participating in sports or other types of physical activity can help children maintain a balanced weight and prevent health conditions associated with physical inactivity. But what is the best way to motivate young people to exercise more? Recent studies on physical activity in adults have shown that the social context has a significant impact. One of European leading behavioural scientists will share his most recent research findings.

**11.00 am – 11.30 am**

**Coffee break**

**11.30 am – 12.00 am**

### **Behavioural Policymaking in Europe**

**Rosana Aragon Plaza**, Harvard Law School (LLM 2015) (tbc)

**12.00 am – 1.15 pm**

- **Private Nudging: Towards a New Form of Corporate Social Responsibility?**

**Alberto Alemanno**, HEC Paris / NYU Law School

Can corporations nudge for good? Well, their record is far from being the most persuasive. Companies have used behavioural inspired interventions to maximize profits, what led them to sell more and in turn to induce citizens into more consumption. Yet corporate marketing need not always be self-interested. An incipient number of companies are using their brand, generally through their packaging and marketing efforts, to nudge for good. Corporations, with their powerful brands, lobbying proficiency, consumer behavior studies, sensibly educated network of experts, are often better equipped than nonprofits to induce behavioral change. Thus, they can effortlessly work to promote virtuous behaviors, such as reducing packaging waste, promoting healthy lifestyles, and limit energy consumption —to name just a few social change efforts. But – of course – the question is when – and under which circumstances – those efforts can be perceived as legitimate by genuinely contributing to the causes they pursue. By building upon the most recent developments in CSR, this presentation attempts at addressing those queries.

Discussant: **Francesco Tramontin**, Chairman of AIM-NUDGE Task Force and Mondelez Europe

Followed by Q&A

**1:15 pm-2:30 pm**

**LUNCH**

**2.30 pm-3.15 pm**

- **Key Note address:**
- **United Nations Food Policy: The Challenge of Empowerment**  
**Hilal Elver**, United Nations Special Rapporteur for the Right to Food

Followed by Q&A

**3.15 pm-4.00 pm**

**Roundtable Discussion**

Chair: **Ana Benje**, Comenius University and fellow at eLabEurope

**Wenche Barth Eide**, University of Oslo  
**Asbjørn Eide**, University of Oslo  
**Hilal Elver**, Industry, Policymaker  
**Richard Falk**, Princeton University  
**Amandine Garde**, University of Liverpool  
**Pelle Guldberg**, University of Roskilde  
**Francesco Tramontin**, Mondelez Europe

Followed by Q&A

**Guided Visit of the Guggenheim Museum in Bilbao**

**Tour along the river and return by boat to Getxo**

### Day 3: Wednesday, 22 July 2015

#### **9.30 am – 10.15 am**

##### ▪ **The Perils of Comparative Food Law: Convergence, Divergence, and Complexity in US and EU Food Law**

**Neal Fortin**, Director of Institute for Food Laws and Regulations, Michigan State University College of Law

This session discusses typical comparisons of EU and US food law. This topic has been of great interest globally for a generation, in no small part because of the economic significance of our international food trade, where trade disputes can have consequences into the billions of dollars. Beginning with demonstration how generalizations about food law of a region are perilous, this session provides guidance on techniques for comparing and understanding the food law of different regions.

Covered topics:

- ✓ Skills in avoiding stereotypes
- ✓ Techniques for comparing the law in different systems
- ✓ Some specific aspects of EU and US food law that are often overlooked in comparisons
- ✓ Indispensable principles for good comparative legal analysis

#### **10.15 am – 11.00 am**

##### ▪ **Rethinking How to Regulate Food Frauds**

Introduction by **Cesare Varallo**, Food Lawyer

The food frauds challenge is the next conundrum for European Union and United States regulatory bodies. They are struggling between the difficulties in setting a definition of the phenomenon and in building an effective control system. In this context the role of the private sector will be pivotal. Any attempt to contrast the frauds has to be based on prevention, shared intelligence and cooperation between public and private sector; otherwise it is doomed to fail. Which could be the role of the industry? Is there any space for self-regulation by the food sector companies? How it will be possible to build trust and share information?

##### ▪ **Food Fraud: Guilty or Innocent?**

**Gilles Boin**, Partner at The Product Law Firm, Paris

This session will start by a presentation of the impacts of the horsemeat scandal on the EU and national legislative frameworks on food frauds. The 2004 EU package on food hygiene and controls, initially tailored to prevent accidental safety and compliance issues, is currently being revised to encompass intentional breach of the food legislation. Some Member States have already modified their law to fight food criminals: more powers for the control services, increased dissuasive sanctions, whistle blowers' protection, etc. In this context, food operators have to find their way to demonstrate they do fight food frauds and take all necessary measures to prevent them.

Covered topics:

- ✓ Typology of food frauds
- ✓ Current EU national and legal responses to food fraud
- ✓ EU Initiatives: From the food fraud resolution of the European Parliament to the revision on the regulation on official controls
- ✓ Attempt to give a definition to “food fraud” in the EU legislation
- ✓ Food defense private standards: IFS 6, BRC 6, SQF Code
- ✓ HACCP inspired initiatives: VACCP, TACCP, CARVER + Shock, PAS 96

**11.00 am – 11.30 am**

**Coffee break**

**11.30 pm-12.45 pm**

▪ **Panel discussion on Food Fraud**

Chair: **Cesare Varallo**, Food Lawyer

Discussants: **Gilles Boin**, The Product Law Firm

**Neal Fortin**, Michigan University

**Daniele Pisanello**, LexAlimentaria

Followed by Q&A

**12.45 pm-2.15 pm**

**LUNCH**

**2.15 pm-3.00 pm**

▪ **Taxing and Marketing Restrictions of ‘Unhealthy Foods’**

**Paolo Vergano**, Partner at FratiniVergano, Brussels

The presentation will address industrially-produced trans fats (TFAs), which are widely considered as unhealthy, and the recent call to ban them at EU level when only three EU Member States (i.e., Austria, Denmark and Hungary) have adopted legislation to restrict industrially-produced TFAs in the food chain. The presentation will also address different “sin taxes” for a number of specific food products (and whether taxes are a useful tool to achieve the policy objectives) and labelling rules (such as those for partly-hydrogenated foods = trans fats).

Covered topics:

- ✓ Elements of nutrition labelling schemes in place in the EU and non-EU jurisdictions;
- ✓ Rules in the EU’s Food Information Regulation on nutrition labelling
- ✓ EU Commission’s report on trans fats; and
- ✓ ‘Sin taxes’ (including fat taxes) in EU Member States and beyond

Discussant: (tbc)

**3.00 pm-3.45 pm**

- **The role of food private standards in the global food supply chain: the case of GlobalGap**

**Flavio Alzueta**, Marketing & Strategy Director, GlobalG.A.P.

GlobalG.A.P. is a private sector body that sets voluntary standards for the certification of agricultural products around the globe. The Global G.A.P. standard is primarily designed to reassure consumers about how food is produced on the farm by minimising detrimental environmental impacts of farming operations, reducing the use of chemical inputs and ensuring a responsible approach to worker health and safety as well as animal welfare.

Issues discussed:

- ✓ Organization
- ✓ Standards setting process
- ✓ business case developed by Harvard Business School
- ✓ Integrity
- ✓ IT
- ✓ Global Food Safety Initiative
- ✓ Global Position
- ✓ Market Demands
- ✓ Vision

**4:00 pm – 5:00 pm**

**Simulation Game Preparation**

**Free night**



## **Day 4: Thursday, 23 July 2015**

**9.00 am – 12.45 pm**

- **Simulation Game**

**Alberto Alemanno**, HEC Paris / NYU Law School & Faculty

- ✓ Preparation time
- ✓ Animation by participants
- ✓ Feedback by faculty

**12.45 pm-2.15 pm**

**LUNCH**

**2.15 pm-4.30 pm**

- **The Protection of Food-Related Geographical Indications in the Global Village: The TRIPS Regime and the Battle between the Old World and the New World**

**Enrico Bonadio**, Senior Lecturer, City University London

This session will provide an overview and critical discussion of international rules protecting food-related Geographical Indications (GIs). After briefly analyzing and discussing specific provisions of the Paris Convention on Industrial Property, the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods and the Lisbon Agreement for the Protection of Appellations of Origin, the session will focus on the GIs regime as regulated by the WTO/TRIPS Agreement. The WTO dispute concerning the EU system of GIs protection as well as the GIs-related issues of the TTIP negotiations will also be highlighted.

Covered topics:

- ✓ History and evolution of GIs legislations
- ✓ Requirements for protecting GIs
- ✓ The enhanced protection for GIs related to wines and spirits
- ✓ Co-existence between trademarks and GIs, and between GIs and GIs
- ✓ GIs becoming generic
- ✓ Difference between the GI protection systems in the Old world (e.g. Europe) and the New world (e.g. USA, Canada, Australia)

**Wine Tasting and visit at Local Wine Producer**

**Farewell Gastronomic Dinner**

## **Day 5: Friday, 24 July 2015**

**9.30 am – 10:45 am**

- **The Future of Food Safety Governance: A Vision from the European Food Safety Authority**

**Simone Gabbi**, Legal Officer, European Food Safety Authority (EFSA)

The European Food Safety Authority can be considered a showcase of the approach adopted by the European Union to assess risks in the food and feed sector. Simone will speak about EFSA's governance features, the institutional framework in which it operates, the processes it manages, and the challenges and the opportunities it is confronted with in policy and legal terms. Key differences with major institutional players, such as food safety national authorities placed across the globe, will also be discussed.

Issues covered:

- ✓ How to form scientific advice and integrate it into policymaking
- ✓ Selections and appointment processes (e.g. conflict of interest)
- ✓ Meeting and transparency structures
- ✓ Scope and form of advice

Followed by Q&A

**10.45 am – 11:15 am**

**Coffee break**

**11:15 pm-1:30 pm**

Space for Presentations by participants interested to share their experience, research and learnings.

**1:00 pm – 2:00 pm**

**Farewell Lunch**

- **Interactive Sessions**

Each participant could choose to be assigned to a panel and will be expected to lead the corresponding Q&A session and possibly share with the whole group of participants his/her position vis-à-vis the issues discussed.

- **Cultural and Social Program**

The Academy also includes a rich social and cultural programme, including a guided visit to the Guggenheim Museum in Bilbao, a traditional Basque dinner and visit to a Txakoli vineyard.