Table of contents

| Abbreviations | 11 |
|---|----|
| 1. General introduction | 13 |
| 1.1 Introduction | 13 |
| 1.2 Risk society | 15 |
| 1.3 Food as risk | 17 |
| 1.4 Food safety politics | 20 |
| 1.5 Food safety regulation – historical outline | 22 |
| 1.6 European Food Safety Authority | 26 |
| 1.7 Science-based food law | 27 |
| 1.8 Risk analysis and food trade | 31 |
| 1.9 Research objective and questions | 33 |
| 2. From mutual recognition to mutual scientific opinion? [*] Constitutional framework for risk analysis in EU food safety law | 37 |
| Abstract | 37 |
| 2.1 Introduction | 37 |
| 2.2 General Food Law – the new EU policy | 38 |
| 2.3 EU multilevel food safety governance | 43 |
| 2.4 The principle of risk analysis and national food laws | 48 |
| 2.5 Risk analysis at EU level | 52 |
| 2.6 Precautionary principle | 56 |
| 2.7 Conclusions | 58 |
| 3. Science-based legislation? | 61 |
| EU food law submitted to risk analysis | |
| Abstract | 61 |
| 3.1 Introduction | 61 |
| 3.2 EU food safety regulation | 63 |
| 3.3 Pre-market approvals | 71 |
| 3.4 Prior authorisation schemes versus risk analysis and the precautionary | |
| principle | 74 |
| 3.5 Conclusion | 83 |
| 4. The impact of the definition of the precautionary principle | |
| in EU food law [*] | 85 |
| Abstract | 85 |
| 4.1 Introduction | 85 |
| 4.2 Evolution of precaution: from 'scientific uncertainty' to the | |
| 'precautionary principle' | 86 |
| 4.3 Precautionary principle in the General Food Law | 91 |
| 4.4 Application of the precautionary principle to emergency measures | 94 |

| 4.5 The role of science and other legitimate factors in the application | |
|---|-----|
| of the precautionary principle | 96 |
| 4.6 The precautionary principle as a directing principle | 101 |
| 4.7 Conclusion | 105 |
| 5. Different actors, different factors? | 107 |
| Science and other legitimate factors in EU and national food | |
| safety regulation | 105 |
| Abstract | 107 |
| 5.1 Introduction | 107 |
| 5.2 Division of powers between the EU and the Member States | 109 |
| 5.3 Scientific food safety governance | 114 |
| 5.4 Standard of judicial review of EU and national health protection | |
| measures | 117 |
| 5.5 Other legitimate factors in EU food safety regulation | 125 |
| 5.6 Conclusion | 130 |
| 6. Conclusions | 133 |
| 6.1 Main findings | 133 |
| 6.2 Areas for future research | 139 |
| Appendix: Articles 34, 36 and 114 TFEU | 143 |
| References | 145 |
| About the Author | 155 |