

Chapter 9

Comparative Analysis of Food Security and Tort Liability Doctrines in Russia and China: Harm Caused by Poor-Quality Agricultural Products

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ABSTRACT

Provision of the population with environmentally friendly and safe agricultural products is an important challenge in the developed states. This chapter analyzes the issues of food safety and quality. The indemnification caused by low-quality products stimulates producers to ensure the quality and safety of food resources. The institute of indemnification caused by low-quality agricultural products is analyzed in the chapter. Special attention is paid to the issues of consumer protection in the legislation of Russia and China.

INTRODUCTION

Providing the population with environmentally friendly and safe agricultural products is an important problem worldwide. Solution of global food insecurity problems require coordinated actions of the states based on uniform legal approaches. This study focuses on the overview and comparison of approaches

DOI: 10.4018/978-1-7998-1042-1.ch009

to establishing food security in the countries which are considered as large producers of agricultural products and consumers of food, specifically, Russia and China.

In Russian, National Security Strategy was accepted in 2009 (President of the Russian Federation, 2009). On the basis of the Strategy, there was approved Food Security Doctrine (President of the Russian Federation, 2010), which declared provision of the population with safe agricultural products as a strategic objective of food security. Proceeding from the Doctrine, the key components of food security are sufficient volume of food products and safety of agricultural and food resources. Such understanding of the term “food security” is coordinated with the international terminology. In this context, many studies have been focusing on the investigation of food safety concept, analysis of criteria of safety, study of a relationship between the concepts of safety and quality of products, and their standard fixing on both national and international levels.

The indemnification mechanism which is caused by low-quality products stimulates producers to ensure quality and safety of food resources. The issue of indemnification caused by low quality of agricultural products is studied in this chapter. Special attention is paid to the protection of consumers’ rights in Russia and China. There should be resolved a problem of mass infliction of harm by the uniform (replaced) products offered by various producers (mass products torts). Within this delict, there is a problem of interaction of a collective victim and a collective (uncertain) offender. New models of responsibility, for example, responsibility according to a share in the market (market-share liability), model of alternative responsibility (alternative liability), are applied. In this chapter, the prospects of application of these models of responsibility in Russia and China is considered. There are made suggestions for improvement of the legislation and practice of its application.

BACKGROUND

Food Security Legislation

Globally, every year, over 420,000 people die and almost 600 million people become sick by reason of consuming contaminated food. For food to be edible, it must be safe (Food and Agriculture Organization of the United Nations [FAO], 2019). Currently, supplying the population with ecologically clean and safe agricultural products is an important task in most of the countries.

In 2015, the Strategy of National Security of Russia was approved (President of the Russian Federation, 2015), which included some of the parameters of Food Security Doctrine (President of the Russian Federation, 2010). The strategic goal of food security is to supply the population of the country with safe agricultural products. In paragraph 54 of the Doctrine (President of the Russian Federation, 2010), it is stated that food safety is ensured, among other things, by improving the system of technical regulation, sanitary and phytosanitary supervision, and control in the sphere of food safety for human health.

Russia’s legislation in the sphere of food safety includes, but is not limited to, the following major regulatory acts:

- Constitution of the Russian Federation (Government of the Russian Federation, 1993a);
- Federal Law “On Protection of Consumers’ Rights” (Government of the Russian Federation, 1992);

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