

Food Law In The Light Of Judicial Decisions

Gülşel Öykü Özçelik

TAG Law Office, Ankara, Turkey

OBJECTIVE: The aim of this study is to increase the predictability of the outcome of the legislation, in particular of the people who are involved within the process such as consumer, producer, distributor etc., by presenting the progress of the court decisions given in the area of Food Law and Food Safety. Considering that the studies carried out in the field of Food Law in our country are mainly carried out within the framework of European Union legislation and the Turkish court decisions are subject to rare investigations, this study aims to provide a more comprehensive case study in the light of current legislation.

METHOD: In this study, the decisions of the Court of First Instance and the Court of Appeal were used, which were particularly relevant to the current regulations and accepted as important in the sectoral sense. In addition, other legal reviews on these decisions -if there is any- have also been subject to scrutiny, both legally and technically.

FINDINGS: The technical sense of inadequacy of Court of First Instance decisions is puzzling when the large number of judgments ruled by the Court of Appeal and the reasons for the reversal are taken into consideration.

RESULTS: It is noteworthy that specialization in the courts became necessary when considering the reversal rates and the deficiencies which caused the reversal by the Court of Appeal. In addition, the importance of the balance of rights between consumers and producers in the context of Food Law has been established. Because these regulations should not create a situation against the consumer nor should it cause the industrialists to avoid from the production because of the sanctions that they may face.

Keywords: food law, regulations, judicial decisions