

Luigi Costato-Luigi Russo, *Corso di diritto agrario italiano e dell'Unione europea*, Miano, Giuffrè Francis Lefebvre, 2023, 560 páginas.



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The book under review is the sixth edition of “*Corso di diritto agrario italiano e dell’Unione europea*” published in the 2023 after various considerable innovations that made its updating necessary.

Regarding the European Union Law, it should be noted the renewed regulatory framework of the Common Agricultural Policy (CAP) for the period 2023-2027 taken into force on 1st January 2023. It consists of the European Regulations No. 2021/2115, 2021/2116, 2021/2117 by which the rules for providing subsidies to farmers in the two pillars of the CAP were revised, as well as those on controls and market operation. In addition, the book deals with the adoption of the *Green Deal*, the *Farm to Fork Strategy* and the *Biodiversity for 2030 strategic programmes. Bringing nature back into our lives*. Finally, it draws attention to the new regulation on organic farming, set forth in EU Reg. No. 2018/848, come into force on 2022. Concerning the domestic law, worth mentioning the Constitutional Law No. 1/2022, by which Articles 9 and 41 Const. were amended for the purpose, respectively, of expressly including the protection of the environment, biodiversity and ecosystems among the principles of constitutional relevance and of highlighting the protection of health and the environment as possible limits to the exercise of private economic initiative. Furthermore, the implementation of the Directive No. 2019/633 on unfair commercial practices in contracts in the agri-food supply chain was implemented through the adoption of the principles set forth in Article 7 of the European Delegation Law 2019/20 and the subsequent Legislative Decree No. 198/2021, which also repealed the previous legislation on the point. Following the establishment of the new government, the framework of the competences of the Ministry of agriculture, now called the Ministry of Agriculture, Food Sovereignty and Forestry (MASAF), was redefined by the Legislative Decree No. 173/2022. Given the ongoing evolution of the agri-food sector, it is highly likely that in the foreseeable future there will be a new updated of this book.

The *fil rouge* through each topic is the harmonious interweaving of the sphere of the European Union law and the domestic law by which it is emphasized the necessary and mutual interdependence. To be noticed that in some parts the authors focus on the specific situation in Italy. With regard to the structure, the book consists of three parts divided into chapters.

The first part "*L'agricoltura, il diritto agrario e le sue fonti*" has two chapters. Chapter I addresses the question "Why does agricultural law exist?". It explores the reasons why a "special" discipline arose and the current and future challenges it is facing on the Italian and European levels. Moreover, beginning with a very brief historical excursus, it highlights how agricultural law considers not only the possession of the land but the agricultural activity holistically. The study of all branches of law cannot be separated from the investigation of sources to which Chapter II is dedicated. It is divided into three sections: domestic law, European Union law and international law. The first section addresses the constitutional relevance of land through the study of the few provisions (Articles 44, 47 and 117 Const.) laid down in the Constitution before and after the reform carried out in 2001. After dealing with the public aspect of agricultural law, the focus shifts to the rights of private individuals through the analysis of the Civil Code and special legislation.

The second section analyses the notion of agriculture contained in the Treaty on the functioning of the European Union (TFEU); for this, it is essential to make some references to the structure of the European Union, its system of competencies while also considering the effectiveness of the European law in the Member States. The European law provides a special and exceptional regime for agriculture. The spotlight is on the CAP, on its scope and purpose. This is followed by a study of the Common Market Organization (CMO), the competition rules of the production and sale of agricultural products under the TFEU, with some mention of the special framework for state subsidies in agriculture and the procedures for adopting "agrarian" acts. Finally, in the third section, the topic of international agreements is addressed, without demanding completeness. The book copes with the General Agreement on Tariffs and Trade (GATT) and the Treaty of Marrakesh briefly, giving particular emphasis to the Agriculture Agreement, which dictated the turnaround in the CAP. In particular, it places limits on members in the exercise of their powers with regard to the prices of agricultural products and with regard to aid given to producers. In a nutshell, the book deals with the Agreement on Sanitary and Phytosanitary Measures (SPS) and the Agreement on Trade-Related Aspects of Intellectual Property (TRIPs).

The second part “*L’agricoltura nel diritto dell’Unione europea*” focuses on the overall analysis of the CAP. Chapter III deals with the so-called First pillar concerning the agricultural market interventions developed and implemented from its beginnings up to the latest reform in 2021. It provides a general overview of the National Strategic plans, one of the main new features of the CAP 2023 - 27, with a focus on the Strategic Plan in Italy. In specular manner, Chapter VI deepens the so-called Second Pillar that provides for the rural development support. Chapter V continues with the the dubbed “quality policy”, tracing a path from private instruments aimed to the protection and valorisation of food, such as trademarks, to public instruments such as PDOs, PGIs and TSGs. For the study of this part, notable cases are examined, including the “*Feta*”, “*Parmesan*” and “*Cambozola*” cases. A paragraph is dedicated to the organic production method uniformly regulated by EU Reg. No 2018/848. Another chapter in which the reconstruction through the case law is pivotal is Chapter IV, dedicated to the free movement of agri-food products; in fact, the “*Dassonville*” and “*Cassis de Dijon*” case, where the principle of mutual recognition was developed, as well as the subsequent decisions that enabled the Court of Justice of the European Union to clarify the scope of the principle (“*Pasta*”, “*Beer*”, “*Chocolate*”, to name but a few), are considered for the purpose of explain how they contributed to the harmonization of laws. Noteworthy, the same chapter copes with the treatment of GMOs, Novel foods as well as the regulation on the origin of products. Chapters VII and VIII explore the inseparable relationships between agriculture and environmental protection on the one hand, and agriculture and food on the other, particularly focusing on food safety profiles. Chapter VII gives an overview of environmental policy in the Italian Constitution and in the European Union law, in application of Article 11 TFEU, is geared to sustainable developments and environmental protection. This is evident in the objectives of the new CAP, which is part of the framework outlined by the *Green Deal* and the *Farm to Fork* and *Biodiversity strategies*.

The third and final part, “*L’impresa e l’azienda Agricola*”, delves into aspects of domestic law, without overlooking, however, the necessary contributions provided by the European Union law. Chapter IX describes the figure of the agricultural entrepreneur, emphasising the consolidated multi-functionality due to the fact that agricultural activity is no longer limited to cultivation, livestock breeding and forestry, extending 'by connection' also, e.g. to the production and sale of electricity and heat from renewable and photovoltaic sources. In addition to the aspects inherent to the activity, the

subjective qualifications of “*coltivatore diretto*” and “*imprenditore agricolo professionale*” are explained.

This is followed by Chapter X which focuses on farm, the formation and diffusion of cultivated land, favoured by the recognition of the right of pre-emption in the purchase, the measures oriented towards land reparation provided for in Article 44 Const. and the ways of acquiring land ownership. The chapter concludes with supply chain agreements, framework contracts and cultivation breeding and supply contracts which “prepare the ground” for the examination of unfair commercial practices in the contractual relations system. Finally, Chapter XI deals with the great topic of agrarian contracts. This is certainly the purely domestic law chapter, which has remained largely unchanged since the 1982 reform.

In conclusion, thanks to the comprehensiveness of each topic, due to the combined analysis of the most authoritative doctrine, legislation and case law, and the simple and accessible language, this book is suitable for students that take their first steps into the agricultural law as well as for the experts on this subject who intend to further their studies. In particular, the book is characterised by an analysis of the past in relation to the present, thus constantly looking to the future; consequently, each topic is developed following a logical itinerary in which each measure and consequent reform take on greater significance in the light of the prevailing historical political background.

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