

Anna Kapala, Legal instruments of local food systems support

DESCRIPTION FOR THE GENERAL PUBLIC (IN ENGLISH)

The aim of the study is to answer the question to what extent the current legal regulations support the development of local food systems (referred to as "LFS") and to propose in this regard the modern legal solutions. In the absence of a legal definition of local food systems, for the purposes of the research it is assumed, (taking into account as the main criterion of their qualification the geographical proximity between producer and consumer) that they include the production of local products directly by farmers and their sales within short supply chains. Therefore, although the "local food systems" is not a legal term, considerations apply to the legal provisions governing their essential elements, i.e. the mentioned production of local products, including their processing directly by agricultural producers, labeling indicating the local origin of products, and their commercialization within short supply chains, mainly in the form of direct sales by the agricultural producer.

The first research issue concerns the question to what extent the existing regulations allow the farmer to produce and process foodstuffs and to sale them directly. Great emphasis will be placed on the latter aspect, due to the need for a deeper analysis of the new provisions laid down in the current year by the Polish legislature regarding processing and sale of agricultural and food products directly from the farmer. It will also address the legal status of the leading agricultural producer, processing and sale of food. Reflection therefore requires the issue of the definition of agricultural activity and multifunctionality of agriculture. Consideration of these issues in the Polish law is not easy because of the narrow scope of the concept of agricultural activity in the Polish law and the fragmentation of regulations in this regard. The finding will consist on answer to the question of whether the manufacture and sale of local food can be considered (and under what criteria) as an agricultural activity. Another issue concerns the food safety and hygiene aspects of the products being sold directly by the producer. The research will also concern identifying local and regional food, and therefore the connection of its geographical origin with specific quality. The research topic will also be considered through the prism of the objectives of the common agricultural policy set out in Art. 39 of Treaty on the Functioning of the European Union.

In the literature there are no analysis of legal instruments of local food systems, or attempts to formulate their legal concept including different aspects of this phenomenon. Such state of research is due to the lack of normative definitions. Currently, the need to develop local food systems is a social phenomenon, increasingly desired by both consumers and producers, in opposition to globalization, standardization and industrialization of food production. Awareness of the negative effects of the industrial model of production and consumption and the increasing demand for food growing world population, causes the need to seek alternative and sustainable models, among which a particular importance assume local food systems. Therefore, this issue deserves to be examined not only in economic and sociological terms, but also legal. Local food systems are a phenomenon that confirm the legitimacy of shifting "the burden of agricultural regulation from production activities in agriculture toward a result of this activity as an object of commercialization" and thus of "better taking into account the interests of consumers"¹. At the core of this trend is the globalization of agricultural production, which results in drawing attention to the local level, linking agricultural activities with a particular territory, allowing identification of product, preservation of tradition and social relations as well as the protection of the European model of agriculture.²

¹ About the shift of the burden of agricultural law wrote R. Budzinowski, *Problemy ogólne prawa rolnego. Przemiany podstaw legislacyjnych i koncepcji doktrynalnych*. Wydawnictwo Naukowe UAM, Poznań 2008, s. 182.

² *Idem*, s. 183.