

## REGULATIONS ON ORGANIC PRODUCT IN THE EUROPEAN GREEN DEAL IN THE CONTEXT OF FOOD SECURITY

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**Abstract.** Given the significant changes regarding organic products following from the European Green Deal and the Farm and Fork Strategy and the Biodiversity Strategy, the article seeks to answer the question of whether the solutions proposed in the current geopolitical situation are reasonable, and whether they need to be made more flexible in order not to pose a threat to food safety. The author discusses the very concept of an organic product, its current legal status, position, and increase in market share. Further, the author ponders upon the problem of food safety and the interplay between legal regulations in this area and those regarding organic products. In order to broaden the topic discussed, the method of content analysis and document analysis is applied to expose the complexity of the issue and its significant importance from a legal point of view.

**Keywords:** organic product; food security; agriculture; strategies

### INTRODUCTION

Organic farming is one of the fastest growing branches of agriculture in the world, especially in the European Union. Organic farming is defined as a farming system with sustainable plant and animal production, which results in an ecological product, produced with respect for natural life cycles [Siebeneicher 1997, 20]. The EU legislator, through changes in legal regulations, has significantly shifted the emphasis to the production and strengthening of organic production. The importance of the role of organic farming in the European Union has taken on a new dimension with the adoption of the European Green Deal. As part of the changes proposed in the Strategies that are part of the European Green Deal, i.e. the “Farm to Fork Strategy”<sup>1</sup> and the “Biodiversity Strategy”,<sup>2</sup> an organic product is to be more widely

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<sup>1</sup> Communication from the Commission to the European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, Brussels, 20.5.2020 COM(2020) 381 final [hereinafter: Communication 381].

<sup>2</sup> Communication from the Commission To The European Parliament, The Council,

available and more widely present in the minds of consumers. The introduction of the requirements will affect the amount and availability of agricultural products, affecting food prices and its availability.

## 1. ECOLOGICAL PRODUCT IN THE EU AND NATIONAL STRUCTURE

An organic product is produced using organic farming methods, using natural resources and methods, ensuring favorable conditions for the environment and animal welfare. Food can be considered organic if at least 95% of it is organic. the weight of its ingredients of agricultural origin are organic ingredients. The final “ecological product” can be spoken of when the ecological effect of agricultural production in the form of a final product is introduced, with an appropriate certificate, to the food market [Prutis 2013, 39].

The market for organic products in the EU is constantly growing and is now worth around €30.7 billion a year. A strong upward trend can be observed – over the past 10 years, by as much as 125 percent. Although the area of organic farming in the EU is increasing year by year, it still accounts for only about 7% of the total agricultural area. The market for organic products is one of the most dynamic sectors of EU agriculture, with approximately 400,000 more hectares of land dedicated to organic farming each year.<sup>3</sup> The value of the Polish organic food market is estimated at PLN 1.36 billion, which is only 0.5 percent. the entire food market, however, this segment is developing at a fast pace, and the pandemic has only accelerated this process. At the end of 2020, there were over 18.5 thousand operating in Poland. farms certified as organic. The largest number of such farms is located in the following voivodships: Warmińsko-Mazurskie, Zachodniopomorskie and Podlaskie. Relatively smaller farms are found in south-eastern Poland, while the largest ones are found in northern and north-western Poland. The largest percentage of organic farms in Poland (25%) are farms with a cultivation area of 5 to 10 ha. The largest farms, over 100 ha, account for less than 5% of the total number of organic farms.<sup>4</sup> In view of such a dynamically developing market, it has become necessary to introduce changes

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The European Economic And Social Committee And The Committee of the Regions EU Biodiversity Strategy for 2030 Bringing nature back into our lives, Brussels, 20.5.2020 COM(2020) 380 final

<sup>3</sup> See *Infografika: Nowe surowsze zasady dla żywności ekologicznej w UE*, europa.eu.

<sup>4</sup> See *Poradnik po rynku produktów ekologicznych – poradnik zamawiającego*. Material prepared by the Ministry of Agriculture and Rural Development in cooperation with the Public Procurement Office, 2018, p. 3. In 2022, no data updates were published in the cross-sectional reports of the organic products sector.

in legal regulations. Their goal was to harmonize EU regulations, and thus national solutions. The new rules were adopted after nearly four years of negotiations. Public consultation have shown that changes in legal regulations are not only desirable, but even necessary. The main challenges turned out to be the areas of enlargement and meeting demand.

## 2. ECOLOGICAL PRODUCT –LEGAL STATUS

The European Green Deal is the European Union's response to the implementation of the goals of the United Nations 2030 Sustainable Development Agenda and the commitment of the European Commission to address climate-related problems, assuming that the EU will achieve zero net greenhouse gas emissions by 2050 and decoupling economic growth from the use of natural resources [Jętkowska 2022, 8]. This plan envisages a just transition of the EU economy with a view to a sustainable future, which will make the European Union a world leader. In May 2020, the Commission adopted two draft strategies: the European Biodiversity Strategy 2030 and the Strategy and the Farm to Fork Strategy, which are part of the European Green Deal. These activities are aimed at a fair, healthy and environmentally friendly food system, called the strategy.<sup>5</sup> The main task of the strategy is to build a food chain that works for the benefit of consumers, producers, climate and the environment, creating a new eco-friendly circular business model. According to the "Farm to Fork" strategy, organic farming, which has a positive impact on biodiversity, will continue to be promoted, and the organic food market should grow. The European Union's goal is to allocate at least 25% of agricultural land in the EU to organic farming by 2030, as part of agricultural practices that are conducive to the absorption of carbon dioxide by the soil. As emphasized in this document, European food is famous for its safety, rich in nutrients and high quality, but it should also become a global standard.<sup>6</sup> It has been assessed that food production continues to pollute air, water and soil, contribute to biodiversity loss and climate change and consume huge amounts of natural resources, while a large proportion of the food produced is wasted. The document also notes that European food is already a global food standard that is safe, wholesome, high quality and in sufficient quantity, and that the Farm to Fork Strategy aims to reward these farmers, fishermen and others in the who have already made the transition to sustainable practices, and to enable and create for others to do so additional business opportunities [Wojciechowski 2021, 152]. However, it was emphasized that global challenges related to climate

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<sup>5</sup> Communication 381.

<sup>6</sup> Ibid.

and environmental protection are a multiplier of threats and are a source of instability, while the ecological transformation will be a major challenge for many countries and societies. Therefore, it is important to introduce changes in such a way that the effects of climate policy do not become a source of conflicts, food insecurity, population displacement and forced migration.

In the EU, the regulations in force so far in this regard were not uniform, as a result of which different criteria for the production of organic products were in force in the Member States. In addition, the principle of equal treatment applied to imported food created situations where different standards were applied to producers from the same country. The revision of the regulation on organic production and labeling of organic products was necessary to take account of the significant changes that have taken place in the sector over the last two decades. It was also necessary assuming that an organic product is to significantly increase its market share in the food sector and be widely recognized by consumers. Solutions were introduced in Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labeling of organic products and repealing Council Regulation (EC) No 834/2007. All operators in the food supply chain will be inspected on the spot, at least once a year (in the case of producers whose annual inspections have not revealed any irregularities for three consecutive years, national authorities will be able to decide to inspect once every two years). have stricter controls. Manufacturers in third countries wishing to sell their products in the EU will have to follow the same rules as EU producers. Producers outside the EU will have until 2026 to adapt. Member States that have thresholds for prohibited substances in organic food can continue to apply them, but must allow other organic food products from other EU countries on their markets. A computerized database on the availability of organic seeds and animals has been set up in each Member State. Farmers will be able to produce both traditionally and organically, but the two must be “clearly and effectively separated.”<sup>7</sup> Certification procedures for small farmers have been simplified. The list of products classified as organic has also been extended, where they can be found among others items such as salt, beeswax, vine leaves, and a list of additional rules for organic farming, such as rabbits. In turn, the new system of granting group certificates, e.g. for producer groups, is to support small farms. A common certificate will reduce the costs of certification or control, which will be spread over several people. The introduced regulations are intended to support organic production in the EU, guarantee

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<sup>7</sup> Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labeling of organic products and repealing Council Regulation (EC) No 834/2007, PE/62/2017/REV/1, OJ L 150, 14.6.2018, p. 1-92.

the competitiveness of organic farms and protect consumers against fraud and unfair practices on the part of producers. The new solutions aim to provide a clear structure for the production of organic goods across the EU. This is to meet the demand for credible organic products while ensuring a fair market for producers, distributors and retailers. The introduced solutions will lead to the unification and simplification of procedures, which will result in savings for both producers and consumers. However, the introduction of the provisions presented above in the current geopolitical situation has another dimension.

### 3. FOOD SECURITY – AN ATTEMPT TO DEFINITION

Today, access to food is becoming a global issue and a key challenge for agriculture. In particular, in the face of the pandemic that disrupted the functioning of supply chains, positive population growth, environmental degradation, increasing interdependence between countries and Russia's aggression against Ukraine, food security has become a real threat. As well as the increase in the prices of fertilizers, farmers have limited their purchases, which in turn may lead to a reduction in crops and a significant increase in food prices. This can have a devastating impact on food security, especially in vulnerable regions of the world that are heavily dependent on imports of these products and which are already characterized by food insecurity.

The term food security appeared in the dictionary of food policy terms in the early 1970s.<sup>8</sup> Previously, this term was used by military staffs as part of warfare or economic and political dependence of countries that were not able to produce enough food on their own [Michna 1998, 39]. The volatility of food policy, both nationally and internationally. The concept of food security and its official definition was shaped during the first World Food Conference held in Rome in 1974 under the auspices of the Food and Agriculture Organization (FAO) [Rodríguez-Cachón 2019, 5]. According to her, food security is the availability at any time of an adequate supply of basic food products in order to satisfy the ever-increasing consumption and mitigate fluctuations in production volume and prices.<sup>9</sup> Subsequent modifications of the definition resulted in taking into account the demand side, understood as ensuring not only physical but also economic access to food. Then the definition was corrected, and in fact extended to include an approach at the individual and household, as well as regional and national levels. In the 1990s, the concept of food security was extended, among others,

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<sup>8</sup> FAO, *Trade Reforms and Food Security. Conceptualizing the linkages*, Rome 2003, p. 26.

<sup>9</sup> *Ibid.*, p. 27.

to issues of safety food, nutritional value of food and food preferences depending on social and cultural factors. In 1996, at the World Food Summit in Rome, it was assumed that food security, at the individual, household, national, regional and global levels, will be achieved when all people at all times have physical and economic access to sufficient, safe and nutritious food. food that meets their needs and food preferences for an active and healthy life.<sup>10</sup> It refers to the four pillars of food security: the existence of food, its availability, stability of supply and food adequacy. Another definition, formulated in the FAO report *The State of Food Insecurity in 2001*, additionally includes social access to adequate food.<sup>11</sup>

Ensuring food security in Poland is part of the national security strategy. It is defined as a situation in which all households have actual access to food needed for all people and are not at risk of losing this access [Mikuła 2012, 39].

In legal language, “food security” can be understood as a certain optimal state assumed by the legislator, which should be achieved in accordance with the relevant provisions of both international, EU and national law [Certomà 2010].

In the European Union, the issues of ensuring food security were regulated by the Treaty of Rome (currently the Treaty of Lisbon<sup>12</sup>), specifying in Article 39 objectives of the Common Agricultural Policy, according to which the aim of this policy is, inter alia, to guarantee the security of supplies and reasonable prices for consumers. The shape of today’s EU agriculture was marked by the mid-term reform finalized in 2003, which aimed to the so-called decoupling, intended to break the link between the amount of EU support and the volume of production. In particular, due to the surplus of food, the need to support farmers’ incomes was emphasized, and not to encourage agricultural production [Leśkiewicz 2012, 184].

The problem of food security was taken into account in the next reform of the Common Agricultural Policy. Referring to the Commission’s document “The CAP towards 2020: meeting the challenges of the future related to food, natural resources and territorial aspects”<sup>13</sup> it is worth mentioning

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<sup>10</sup> FAO, *Rome Declaration on World Food Security and World Food Summit Plan of Action*. Rome, World Food Summit 13-17 November 1996, p. 1.

<sup>11</sup> FAO, “Food security”. Policy Brief, 2002, p. 3.

<sup>12</sup> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, OJ device EU C 2007, No. 306, item 1.

<sup>13</sup> European Parliament Resolution of 23 June 2011 on the CAP towards 2020: meeting the food, natural resources and territorial challenges of the future (2011/2051(INI)), Teksty przyjęte – WPR do 2020 r.: sprostać wyzwaniom przyszłości związanym z żywnością, zasobami naturalnymi oraz aspektami terytorialnymi – Czwartek, 23 czerwca 2011 r. (europa.eu) [accessed: 08.02.2023].

that, according to FAO estimates, the demand for food will increase by 70% by 2050. The reform of the Common Agricultural Policy indicated, *inter alia*, food security, within which it became important to ensure the production capacity of EU agriculture in compliance with the commitments adopted at the international level. Already at this point, it should be noted that it is an extremely difficult task to balance the production interests of agriculture resulting from the existing threat to the environment, and ensuring a sufficient amount of food [*ibid.*, 186].

As can be seen, food security is, among other things, a resultant of the instruments used and the adopted political assumptions of the Common Agricultural Policy. It is significant that food security is regulated in legal acts of a “higher order” – in the Treaty or in acts of international law to which individual states are parties.

In November 2021, the Commission published a communication setting out a contingency plan to ensure food security in Europe in times of crisis.<sup>14</sup> The proposed measures are intended to help the EU deal with challenges such as extreme weather events, plant and animal health problems and shortages of key inputs such as fertilisers, energy and labour. The general principles of the strategy are not binding. However, the implementation of the assumptions set out in the strategy will be binding. Objectives and tasks will be achieved through various legislative measures, creating new policies and adapting existing ones, such as the common agricultural policy.

#### 4. MUTUAL CORRELATIONS BETWEEN THE REGULATIONS OF ORGANIC PRODUCT AND FOOD SAFETY

In the light of the assumptions of the “Farm to Fork” strategy, there is no doubt that making food systems more sustainable means, on the one hand, the need to adapt them to the requirements of an ecological product – food production should support counteracting climate change, favor environmental protection and preserve biodiversity, on the other. On the other hand, food must remain safe and rich in nutrients, and must maintain high quality, and above all, be affordable and in the right quantity [Wojciechowski 2021, 153]. The actions taken clearly show that there is a need to take them to maintain food security, while not giving up the introduction of regulations regarding environmental protection and without losing momentum in implementing the regulations on organic products and increasing its presence on the market. But is it possible?

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<sup>14</sup> Communication 381.

It should be emphasized that the regulations on the organic product were created in the period before the pandemic and before Russia's aggression against Ukraine. The situation has changed dramatically since then. There is no doubt that the introduced regulations set a good pro-environmental trend, but in the face of the existing circumstances they may turn out to be too rigorous, difficult to implement and, above all, affect food security. Therefore, it is reasonable to divide the implementation into stages, which will allow the implementation of strategies in the long term. There is no doubt that the environmental elements and threats resulting from climate change are an extremely important aspect for which an effective policy must be implemented, but in the current situation it seems necessary to make the submissions more flexible and, at least in the initial phase, to relax the imposed requirements so that it does not result in a significant violation of food security. While in European countries it will manifest itself through high food prices, a slight reduction in the assortment (it may even have beneficial effects in the future in the form of less food wastage), for third world countries, due to the breaking of the loyalty approach to supporting them, it may result in a real threat to food security we had an example of in Ukraine. Addiction has shown how fragile the essence of food safety is, which means that in the current situation, such restrictive regulations regarding an organic product, in conjunction with the increase in costs, for example due to the prices of fertilizers and plant protection products of conventional production alone, may become an element affecting the scope of food security.

## CONCLUSIONS

The regulations of, among others: the European Green Deal clearly shifted the emphasis to ecological production, integrated plant production, rational chemicalization of production, using non-chemical methods, mainly biological agents. However, the dynamic international situation and the imminent food crisis may verify this approach. The changes designed as part of the Strategy are intended to support organic production throughout the EU, guarantee the competitiveness of organic farms and protect consumers against fraud and dishonest practices by producers and distributors of organic food. The introduction of a more stringent control system will allow to increase safety and quality standards, improving the situation of the consumer. The new regulations should also result in the unification of regulations throughout the Union. Above all, however, they are designed to stimulate an increase in demand for ecological goods. Although their market share, especially in Poland, is not "high enough" and abuses at the production or distribution stage occur, it should be emphasized that



an ecological product is a dynamically strengthening trend on the European Union market.

However, the current EU policy on organic products needs to be made more flexible in the face of the geopolitical situation. The difficult situation on the fertilizer market and, at the same time, the tightening of ecological policies and standards, the introduction of increasingly radical ecological legislative solutions contribute to the violation of global food security. Therefore, the current regulations, especially those in the field of the European Green Deal, require verification and phased introduction.

This will allow, while conducting an effective pro-environmental policy, to support food security.

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