

# I. ARTYKUŁY

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ROMAN BUDZINOWSKI

## Contemporary challenges of agricultural law: among globalisation, regionalisation and locality (introductory considerations)

### 1. Justification of the choice of the subject

The present considerations are only of an introductory nature, intended to outline the problems and to provide a framework for a further discussion. First, it will be necessary to briefly describe the contemporary challenges of agricultural law and related to them phenomena of globalisation, regionalisation and locality. Next the influence of these challenges on the evolution and shape of contemporary agricultural law, its subject and boundaries will be presented. Against this background, an attempt may be made to present the role and tasks of the science of agricultural law.

Starting substantive considerations it may be worthwhile to precede them with three statements that may be used as starting points of the research, facilitating a smooth development of arguments.<sup>1</sup>

First of all, by its very nature, agriculture has a local character and is linked to a given territory, a given region or a given country. Agricultural production takes into account the natural conditions of production, such as the possibility

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<sup>1</sup> Compare the premises and assumptions formulated in R. Budzinowski *Prawo rolne między globalizacją i lokalnością*, in: *Współczesne problemy prawa rolnego i żywnościowego*, Katowice 2018, p. 57 et seq.

of an agricultural use of land including the form and tradition of farming in a particular area, and the cultural or historical conditions of the territory. It is therefore natural that citrus fruits, rice or sugar cane are grown in some parts of the world, while cereals and sugar beets are grown in others; that large (farmer-type) farms dominate in some countries and that relatively small family farms predominate in others; that in some countries the land access regulation (agricultural reform) remains a pressing problem, and that in others the major problem continues to be the regulation of the agricultural market and access to capital. It is also understandable why some regions are known to produce traditional products (e.g. hams and cheeses) of names linked to a given territory, and others are known for the production of a high-quality beef or certain types of wine.

Secondly, thanks to the agricultural products market (a market without borders) agriculture is gaining a global dimension as well. Consumers from one country receive food that may come even from the other side of the world. This obviously enriches and diversifies the range of food products on offer. Sometimes, however, the same products that are produced locally are also imported. This leads to market distortions, falling prices, or other adverse effects on the local market. In other cases, domestic trade is distorted by decisions of a political nature (e.g. embargoes). Shortly speaking, international trade in agricultural products may influence local farming and result in the expansion or reduction of certain crops or breeds, and may in consequence have an impact on the agricultural activity carried out in a given area. The internationalisation of the problems affecting this area of the economy has been reflected in a number of acts of international law. Over the years, the impact of this “supranational agricultural policy translated into legislative acts” on the development of agriculture<sup>2</sup> has been gaining in significance.

Thirdly, the contemporary challenges of agriculture, and therefore of agricultural law, do not only relate to a given territory but they have a global dimension. It is not only the agricultural policy of the European Union or its Member States, but also that of countries around the world that is faced with challenges relating, for example, to food (above all, ensuring food safety and food security), the preservation of the natural resources and climate protection. These challenges combine the global, regional and local aspects of agricultural policy and law. They also determine the status of agricultural law which can be defined illustratively as situated among globalisation, regionalisation and locality.

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<sup>2</sup> After A. Carrozza. It characterises the international factor of agricultural law development – A. Carrozza, *Droit agraire comparé*, in: by the same author, *Scritti di diritto agrario*, Milano 2001, p. 703.

## 2. Contemporary challenges of agricultural law

### 2.1. Characteristics of the contemporary challenges

The satisfaction of nutritional needs has always been a “natural” challenge for agriculture, although the way in which individual problems have been resolved has evolved over time alongside with the development of this sector of the economy, which included the accessibility of the factors of agricultural production, the introduction of the technical progress, or the opening up to the external market. It may even be claimed that the removal of some barriers (limitations) to meeting this challenge at one stage of development was accompanied, at the next stage, by the emergence of other challenges which, taken together, have determined the decisions on agricultural policy and the choice of legal instruments to implement them. Today, the list of these challenges is long.

How to feed the world in 2050 when the population is estimated to grow to over 9 milliard in just over thirty years, increasing significantly the demand for food? This is a principal challenge formulated at a global scale.<sup>3</sup> The answer to this question does not boil down to the postulate of increasing the production of food only, probably not at all easy to implement, anyway. It must take into account the current and future socio-economic, environmental and climactic conditions, as well as the limitations of the natural resources that determine agricultural production.

Thus, ensuring food security requires a variety of complementary actions, ranging from the implementation of policies that encourage the growth of agricultural production, the introduction of new technologies, the protection of natural resources, to the reduction of poverty and hunger, the implementation of social services, facilitation of a global scale trade, and so on. Natural resources used in agriculture are shrinking, the area of cultivated land is decreasing and so is water availability, there are also examples of degradation, or threats of the degradation of the biodiversity of the environment. Agriculture must adapt to climate change and, at the same time, mitigate it. Examples of the challenges facing this sector of the economy and the instruments proposed to implement them could probably be significantly expanded, as is also evidenced by their extensive catalogue in the UN Agenda for Sustainable Development.<sup>4</sup>

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<sup>3</sup> See e.g. *How to Feed the World in 2050*, [www.fao.org/fileadmin/.../How\\_to\\_Feed\\_the\\_World\\_in\\_2050.pdf](http://www.fao.org/fileadmin/.../How_to_Feed_the_World_in_2050.pdf) [access: 15.05.2018] and *Resolution adopted by the Transforming Our World: the 2030 Agenda for Sustainable Development*.

<sup>4</sup> Many of the specific objectives set out in it can be linked to the challenges that are the subject of this reflection (e.g. eradicating hunger, achieving food security and better nutrition, promoting sustainable agriculture, reducing food waste, etc.).

The European Union, which participated in the drafting of this UN document, takes its provisions into account when deciding upon its internal and external policies. Within the framework of its external policy, the EU conducts a development policy aimed at assisting developing countries to, *inter alia*, eradicate poverty, promote sustainable development and implement environmental and climate protection measures. Ensuring global food security is an important element of this policy as well.

When it comes to EU internal policy it is noteworthy that the contemporary challenges of agriculture have been manifested, among others, in the Communication from the Commission to the European Parliament of 18 November 2010 regarding the meeting of the challenges related to the resources and territorial challenges of the future.<sup>5</sup> It was not accidental that the food challenge being a fundamental challenge occupied has been put on top.<sup>6</sup> The starting point and the general justification of this approach is obvious – the agriculture's main task is the provision of food.<sup>7</sup> The European Union ought to ensure food security for the Europeans, but it should also contribute to meeting the growing demand for food on a global scale. Two further challenges relate to how the food challenges can be met. These two must be considered together, as meeting food needs in this way is socially accepted and legitimises public interference in agricultural matters.

The latter statement is supported by the fact that the Commission has referred to it in the legislative acts which constitute the legal framework for EU policy for the years 2014-2020. Today, meeting these challenges is accompanied by a reflection on the future of EU agriculture and food production as well as a discussion on the Common Agricultural Policy after 2020.<sup>8</sup> Voices are being heard that the current CAP instruments are only partially effective in responding to today's challenges.<sup>9</sup> In individual EU Member States, also in the areas not covered by the CAP, certain instruments have already been implemented in order to ultimately ensure food security and food safety.

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<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: The Common Agricultural Policy towards 2020: Meeting the resources and territorial challenges of the future, COM (2010) 672, final Brussels 18 November 2010 hereinafter referred to as the Communication of the European Commission.

<sup>6</sup> It is a challenge of a fundamental character, as confirmed by the Resolution of the European Parliament of 18 January 2011 on the recognition of agriculture as a strategic sector in the context of food security. For more see: R. Budzinowski, *Współczesne wyzwania związane z żywnością i ich rola w kształtowaniu polityki rolnej i prawa rolnego*, "Przegląd Prawa Rolnego" 2015, No 2, p. 13 et seq.

<sup>7</sup> Communication of the European Commission, p. 5.

<sup>8</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: The Future of Food and Farming COM (2017) 713 final.

<sup>9</sup> *Ibidem*, p. 5.

## 2.2. Globalisation, regionalisation and locality as phenomena determining the conditions and ways of meeting the contemporary challenges

Globalisation extends to different spheres of the economy, including agriculture.<sup>10</sup> The focus on the global market intensifies the processes of concentration, specialisation and monoculture in this sector of the economy. While in developed countries we observe a clear expansion of agricultural exports and protection of own markets, the agricultural strategy in developing countries is expressed in the pursuit to maintain the domestic market and obtain a better access to the protected markets of developed countries.<sup>11</sup> Societies try to counteract the negative processes of globalisation by conducting interventional policies towards agriculture and food economy, opposing so-called “economism” characteristic for the process of globalisation, with certain universal values attributed to agriculture.

The process of globalisation has its own legal dimension, and is carried out by means of international law, which are addressed to particular countries or groups of countries.<sup>12</sup> The Treaty of Marrakech, signed on 15 April 1994, opened the way for further (already under the auspices of the WTO) agricultural negotiations in the course of which the European Union was, and has since been one of the major players. Unfortunately, the WTO negotiations in the Doha Round have now come to a standstill after several years of a deep impasse. They have also become much more complex as it is not only necessary to take into account the commercial needs, but also have regard to the non-commercial aspect such as different demographic, environmental, or socio-economic conditions of particular countries.<sup>13</sup> Bilateral or regional agreements are increasingly frequently concluded, which also proves that global socio-economic policies, including agro-food policies, are not sufficiently coordinated.<sup>14</sup> The aim of such agreements is to strengthen the economy of a particular state or a group of states (e.g. EU Member States) in order to efficiently cope with global competition, or to protect states against its negative effects.

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<sup>10</sup> More on this R. Budzinowski, *Problemy ogólne prawa rolnego. Przemiany podstaw legislacyjnych i koncepcji doktrynalnych*, Poznań 2008, p. 76 et seq.

<sup>11</sup> R. Budzinowski, *Problemy ogólne...*, p. 77 et seq.

<sup>12</sup> Therefore this aspect of the phenomenon is termed legal globalisation. See also L. Costato, *Globalizzazione: perché, quando, come*, “Rivista di Diritto Agrario” 2001, issue 3, p. 331 et seq.

<sup>13</sup> E. Adam, *L’impasse des négociations internationales agricoles: la nécessité d’un aggiornamento*, “Revue du Droit Rural” 2013, No 417, p. 27 et seq.

<sup>14</sup> J. Kulawik, *Globalne i europejskie determinanty WPR*, “Zagadnienia Ekonomiki Rolnej” 2015, No 4, p. 41.

As an example here may serve the Comprehensive Economic and Trade Agreement (CETA) which the European Union signed with Canada, or the Transatlantic Agreement negotiated since 2013.<sup>15</sup> Alongside appreciative comments, these agreements have provoked an avalanche of criticism and public protests in which concerns about the preservation of the European model of agriculture were expressed, and those included high requirements regarding food safety, sanitation, or protection of biodiversity.<sup>16</sup> There were also voices in legal and agricultural literature which drew attention to the negative consequences of such measures, besides the positive effects, for agriculture.<sup>17</sup>

Regionalisation, on the other hand, which from the perspective of Poland's geographical area of interest is termed integration within Europe (pursued mainly by the European Union) or 'europeanisation' serves to strengthen the power of grouped economies in order to cope with open global competition. However, it also constitutes a form of protection against its negative effects.<sup>18</sup> Integration within Europe encompasses different activities and spheres of economy. One of its forms which is very important because of its place and role in the integration process, is agriculture. It is expressed in the Common Agricultural Policy and in the legal articulation of this policy in EU agricultural law.

Globalisation processes, despite the fact that they primarily affect the market, cause an 'erosion' of traditional national production systems. This is why the EU protects the agriculture of grouped Member States and protects the values which

<sup>15</sup> The Transatlantic Trade and Investment Partnership (TTIP). The negotiations were suspended in 2017.

<sup>16</sup> See e.g. B. Krüsken, *TTIP – Folgen für die Agrarwirtschaft?*, in: I. Härtel (Hrsg.), *Wege der Ernährungswirtschaft – global, regional, europäisch*, Badaen-Baden 2017, p. 157 et seq.; B. Rudloff, *Aufgeweichte Lebensmittelstandards durch Handelsabkommen?* Über Regeln, Traditionen und Spielräume bei TTIP und anderen EU-Handelsabkommen, in the same work, p. 161 et seq. In Polish literature suggestions are that the benefits from the conclusion of the Transatlantic Trade and Investment Partnership agreement between the EU and the USA for the agricultural sector are illusory while threats may be significant. For more, see J.T. Krzyzanowski, *Znaczenie umowy o Transatlantyckim Partnerstwie Handlowo-Inwestycyjnym UE-USA dla rolnictwa krajów Unii Europejskiej*, in: A. Chlebicka (ed.), *Integracja europejska jako determinanta polityki wiejskiej. Aspekty ekonomiczne*, Warszawa 2017, p. 193 et seq.

<sup>17</sup> See e.g. P. Bonnacarrère, *Les conséquences du traité transatlantique pour l'agriculture*, "Revue du Droit Rural" 2016, No 442, pp.10-11; D. Gadbin, *UE-Canada: l'agriculture sur l'autel du libre-échange*, "Revue du Droit Rural" 2017, No 451, pp. 1-2 ; M. Alabrese, *TTIP e agroalimentare. Prime riflessioni a margine delle proposte dell'Unione Europea nella negoziazione della Trans-atlantic Trade and Investment Partnership*, «Rivista di Diritto Agrario» 2016, issue 2, p. 210 et seq.; M. Marciniuk, *Problematyka rolna w świetle nowej umowy handlowej UE-USA (Transatlantic Trade & Investment Agreement)*, "Studia Iuridica Agraria" 2013, vol. XI, p. 227 et seq.

<sup>18</sup> R. Sobocki, *Integracja i globalizacja a rozwój polskiego rolnictwa*, in: *Dostosowanie polskiego rynku rolnego*, p. 33 et seq. Also see W. Szymański, *Globalizacyjne uwarunkowania integracji z Unią Europejską*, "Zagadnienia Ekonomiki Rolnictwa" 2003, issue 3, pp. 56-57.

European societies treasure, such as the environment, the quality of production, animal welfare, territory, cultural heritage, etc. Against this background, the CAP appears to be an attempt to strike a balance between these values and the requirements of global competition.<sup>19</sup>

Protecting the European model of agriculture, the EU refers to elements that are linked to the territory and to local conditions. Locality, as already indicated, is a feature of agriculture, and a feature of agricultural production that reflects the natural and socio-economic conditions as well as the farming traditions of the area concerned. Agriculture also gains a global dimension through the market and through the country's international commitments. It is not surprising then that Polish agriculture, covered by the common agricultural policy, also has objectives that are consistent with those set out in the aforementioned UN Agenda 2030, which says that doubling the incomes of small food producers is one of the key measures for achieving food security and better nutrition or promotion of sustainable agriculture. This can be done, among other things, through a safe and equal access to land and other resources and factors of production.

### 3. Agricultural law and contemporary challenges

#### 3.1. The development of agricultural law as a response to the challenges of the present day

The development of agricultural law is a result of the challenges that agriculture and consequently the policies of states concerned have faced over the centuries and which determined the ways in which to cope with these challenges. It may be said as well that the development of this area of law is connected with the challenges of the present day occurring at a given place and time.<sup>20</sup> The development of agriculture and its special stages of development<sup>21</sup> are reflected in the development of certain legal regulations which, at some point, could already be distinguished and described as agricultural law.

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<sup>19</sup> J. Wilkin, *Polskie rolnictwo wobec procesów globalizacji*, "Roczniki Naukowe Stowarzyszenia Ekonomistów Rolnictwa i Agrobiznesu", Poznań–Warszawa–Białystok 2001, vol. III, issue 1 p. 17.

<sup>20</sup> For more on the origin of agricultural law see R. Budzinowski, *La génesis del derecho agrario en Polonia desde la perspectiva de la experiencia europea*, "Revista de Derecho Agrario y Alimentario" 2017, No 2, p. 29 et seq.

<sup>21</sup> Keeping in mind changes in the technological, social and cultural sphere, three stages of the development of this sector of economy are recognised: pre-industrial agriculture, industrial agriculture and post-industrial agriculture although in each certain elements of the past can still be found. For more see J.S. Zegar, *Współczesne wyzwania rolnictwa*, Warszawa 2012, p. 25 et seq.

This law, as a law “relevant” to agriculture and close to politics by being its instrument, responded to the changing challenges of the contemporary times related to a given time and place, and has been changing itself, going through different stages of development.

In order to meet today’s challenges, the European Union must maintain a strong agricultural sector and competitiveness in the processing industry, which requires providing this sector with appropriate support. Therefore, one of the objectives of the Common Agricultural Policy for the years 2014-2020 is to ensure profitable agricultural production by supporting farmers’ incomes, improving the competitiveness of the agricultural sector and strengthening its quality share in the food chain, as well as compensating for difficulties related to production in areas affected by specific natural limitations. The implementation of this objective, among others, underpins the EU regulation of both agricultural markets, direct payments and rural development. Suffice it to mention, for example, the resignation within the framework of the organisation of agricultural markets from the limiting of sugar and milk production, the adoption of instruments for risk management in agriculture or the recognition of the role of contracts in the supply chain. The current regulation of direct payments seems to re-discover the production value of agriculture, and at the same time links their functions to these payments, apart from the income function.<sup>22</sup> The support provided for rural development serves local communities and particularly farmers who are the main actors in these areas. At the same time it strengthens significantly the local aspects of development by linking the instruments used to the territory concerned.

This reference to local conditions is a feature of many regulations, including those concerning EU food quality systems, which, like in Poland, are also accompanied by a domestic system in place. Also connected with a given territory are direct sales of agricultural products, sales on local markets (bazaars), agro-tourism, culinary tourism or the Community Supported Agriculture, where farmers produce and deliver agricultural products to order.

At the same time, looking through the prism of contemporary challenges we observe certain shortcomings of the existing legal regulations, or even see the need to introduce new instruments. For example, there may be doubts whether the national legislator protects the stock of land used for agricultural purposes sufficiently, or prevents its devastation and degradation effectively. There is also a question about the actions that should be taken to prevent food wastage. The issue of legal regulation of the access to land, including counteracting the phenomenon of land-grabbing, is still topical and far from being finally resolved.

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<sup>22</sup> In Poland direct payments approximate 40% of agricultural income.

Are legislative measures sufficient to counteract the abuse of the economic advantage in contractual relationships in agriculture and are farmers sufficiently encouraged to join agricultural producer groups in order to reduce the dispersion of agricultural product supply, increasing in this way their incomes? After all, despite various measures undertaken for years, agricultural incomes continue to be much lower than incomes of the non-agricultural population. There are many indications that the existing instruments, including the legal ones, are inadequate and that new solutions need to be introduced.

The comments presented here lead to the conclusion that contemporary challenges are an important factor in the development of legislation on agriculture or – speaking more widely – the agri-food system. This is also true of international agricultural law, EU agricultural law and national agricultural laws. The contemporary challenges that agriculture faces will not be met by economic instruments. After all, there are weaknesses that exist in agriculture itself. They are due to the biological nature of production and associated risks, a long production cycle, increasing production costs and instability of income, or the dispersed and low potential of production units which impairs their efficiency. Moreover, there are also a number of interdependencies and tensions that exist among globalisation, regionalisation and locality that must be overcome. And yet, it cannot be claimed that the legislator's interference in agricultural matters is dictated solely by the interest of agricultural producers. The public interest, including the interest of consumers is taken into account as well. This, in turn, strengthens public acceptance of certain differences in the treatment of agriculture in comparison with other sectors of the economy. Hence the indications that despite various turns of events and developmental contradictions, it is possible to continue to speak of agricultural law (perceiving the continuity) despite its transformations, or to envisage a further development of this area of law.

### **3.2. New contents and boundaries of agricultural law as a consequence of meeting the contemporary challenges**

The meeting of contemporary challenges is reflected in the content of legislative acts and instruments provided in these acts, and consequently influences the shaping of the subject of agricultural law and its current boundaries. After all, the adaptation of legal regulations to new socio-economic conditions and defined objectives is accompanied by a huge increase in the number of legislative acts, a significant expansion of the subject being regulated, widespreading of solutions and formation of new legal institutions. Modern law is market oriented, but it

takes into account agro-environmental, agri-food and rural development issues. It still contains issues related to land access that are characteristic of traditional agricultural law. Taking into account contemporary challenges, the legislator has extended the “agricultural regime” to those areas of agriculture and related to agriculture, which so far have been beyond its interest. The agricultural activity itself is more broadly treated, and goes far beyond the production process, being, due to its location, linked to rural areas.

This means shifting the boundaries of agricultural law to new areas of social relations. As a result, alongside traditional agricultural law which covers issues such as, for example, forms of farming in agriculture, the trading in land, inheritance of agricultural holdings, etc., agri-food law and agri-environmental law have been distinguished.<sup>23</sup> Close links between agriculture, food and nutrition determine the close relationship between agricultural law and food law, just as the relationship between agriculture and environmental protection is reflected in the relationship of agricultural law with environmental law. One could therefore repeat, after the Italian agrarianist, that agricultural law so defined gains a “multidimensional identity.”<sup>24</sup>

## 4. The science of agricultural law and contemporary challenges

### 4.1. Contemporary challenges as a justification of specialist studies and the need for the development of the science of agricultural law

The contemporary challenges outlined above and the development of agricultural legislation justify conducting specialised research in the field of agricultural law. Such studies are undoubtedly, using the terms of a well-known Italian agrarianist, “useful” and “necessary.”<sup>25</sup> Specialised (separate) research in the field of agricultural law justifies both the specificity of the subject and of the legal regulation itself in the face of contemporary challenges.<sup>26</sup> This law

<sup>23</sup> The same can be found in the 3-volume work of Italian agrarians: *Trattato di diritto agrario*, red. L. Costato, A. Germanò, E. Rook Basile, vol. I, *Il diritto agrario: circolazione e tutela dei diritti*; vol. II, *Il diritto agroambientale*; vol. III, *Il diritto agroalimentare*, Torino 2011.

<sup>24</sup> See A. Jannarelli, *Antonio Carrozza e le nuove fide per il diritto agrario: brevi meditazioni dopo i convegni pisani in sua memoria*, “Rivista di Diritto Agrario” 2008, issue 1, p. 3 et seq.

<sup>25</sup> After A. Germanò, *Manuale di diritto agrario*, issue 4, Milano 2001, p. 1.

<sup>26</sup> On the need for such research, see also in Chapter 7 of a handbook by A. Germanò *Manuale di diritto agrario*, Milano 2010, p. 2 et seq. Also see R. Budzinowski, *O potrzebie rozwoju nauki prawa rolnego*, “Przegląd Prawa Rolnego” 2012, No 1, p. 13 et seq.

includes, as we know, special and sometimes also specific regulations concerning agriculture and areas related to agriculture. There is, however, a well-founded concern that researchers specialising in other specific legal sciences may not take sufficient account of this characteristic.

By taking up the subject of contemporary challenges, the science of agricultural law has a chance to support legislative actions aimed at ensuring food security, food safety, environmental protection, climate protection, etc. Looking at the numerous reports on works of various nature prepared by experts and the number of their addressees or the wide array of recipients, it is justified to claim that the demand for scientific studies on this issue is constantly growing. And there should be no fear that the effects of the research effort will only be temporary solutions. Given the need to meet the challenges, the development of agricultural legislation will also be strongly justified in the future.<sup>27</sup> Moreover, it should be added that the science of agricultural law serves the realisation of a basic human right, i.e. the right to safe food and to living in a healthy environment. The above arguments support the need to develop the science of agricultural law.

## 4.2. Justification of the issues to be researched

Viewing agricultural law through the prism of contemporary challenges also determines the choice of research issues. The new socio-economic and political realities must not be ignored. It is clear that from this point of view the issues which facilitate the establishment and application of agricultural law should be addressed. The research cannot be limited to the domestic law of a given country, but must also take into account international agricultural law and EU agricultural law (if viewed from the Polish perspective). It must also bear in mind the interdependencies and tensions between the phenomena of globalisation, regionalisation and locality that have been highlighted. The same is true of the traditional relationship between agriculture and production, but also of new relations, such as agriculture and the market, agriculture and food, agriculture and the environment, and agriculture and rural areas. Each of them is interesting from a cognitive point of view and, what is more, it is important in the practice of lawmaking and its application.

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<sup>27</sup> For more on the methodological issues in the science of agricultural law see R. Budzinowski, *Fundamental methodological assumptions in the science of agricultural law*, "CEDR – Journal of Rural Law" 2015, No 1, p. 14 et seq.

### 4.3. The need for comparative research and the development of international cooperation

It is also obvious that the meeting of contemporary challenges of agricultural law in the conditions of globalisation, regionalisation and locality requires undertaking and conducting comparative research. Although one might envisage studying only national agricultural legislation, the usefulness of the results obtained from such a study would be very limited. For example, in order to assess the safety of a particular food, food chain regulations (“from farm to fork”) need to be traced. It is not enough to be familiar with national law as such, since for reasons of trade this chain may be not only inter-State but also intercontinental in nature.

A comparative research serves not only to become familiar with foreign laws, but it also allows to formulate assessments as to the effectiveness or usefulness of the application of various legal instruments on a wider scale. This is all the easier because the characteristics of agriculture, the agricultural production and the international factor are all conducive to the harmonisation of legal regulations.<sup>28</sup> Agrarianists from different countries, on different continents, face similar if not identical problems related precisely to the meeting of contemporary challenges, and everyone must take into account the areas of globalisation, regionalisation and locality mentioned above.

In order to facilitate comparative research, international cooperation should be widely developed. From this point of view, the activities of the *Comitee Europeen du Droit Rural* and the *Unione Mondiale degli Agraristi Universitari* should be viewed positively. It would be very helpful if the cooperation of these organisations were more visible. A positive trend in this respect is publications that follow the European Congress and the World Congress. The *CEDR Journal of Rural Law*, a journal of European agrarianists, is increasingly used to disseminate achievements in agricultural law. What is also needed though, is a more informal cooperation between agrarianists from different countries, happening in the form of joint scientific conferences, study visits, lectures, research projects and publications.

## 5. Summing up

The reflections above are just an introduction to the discussion, they merely outline problems the list of which could be much longer. They point to the

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<sup>28</sup> A. Carrozza was writing about it in: *Les sources „jointaines” du droit rural et leur action sur la scène mondiale*, in the collection of his works: *Scritti di diritto agrario*, Milano 2001, p. 904 et seq.

relationships between the increasingly visible processes of globalisation (including legal globalisation), regionalisation and the ever stronger reference to the local aspects of the development of agriculture and food economy. The world (global) challenges facing these areas of the economy must always be taken into account. The process of globalisation cannot be ignored when it comes to meeting contemporary challenges, but at the same time a reference to the locality must be made. On the agri-food market there is a place for both “global” and “local” food.

As lawyer-agrarianists, we research agricultural law primarily in the country in question. However, agricultural law must not be taught exclusively on a local basis, but must address issues which are important for EU law (the regional aspect) or in a wider international perspective (the global aspect). Acting “locally”, we need to solve regional and global problems at the same time. Such are the challenges of today’s agriculture and food economy, as well as legal regulations. This also raises the question of how, in meeting global challenges, not to lose the values associated with the locality, or about the role of legal regulations in ensuring a certain “balance” between globalisation, regionalisation and locality, without prejudicing the meeting of the challenges of the present day.

### Summary

The purpose of the reflection is to outline certain topical problems and to provide a framework for discussion. The conclusion that can be subsequently drawn is that among other things, the world (global) challenges facing agriculture and food economy must always be taken into account. In meeting today’s challenges, one cannot ignore the process of globalisation, but reference to locality ought to be made at the same time. The teaching of agricultural law should not only be of local nature, but should also address issues relevant to EU law (regional aspect) or see it in a wider international perspective (global aspect). The research must not be limited to the domestic law of a given country, but must also take into account international agricultural law and EU agricultural law (if viewed from the Polish perspective) as well as the interdependencies and tensions between the phenomena of globalisation, regionalisation and the locality. The same is true of the traditional relationship between agriculture and production, and of new relationships, such as agriculture and the market, agriculture and food, agriculture and the environment, and agriculture and rural areas. Each of them is interesting from a cognitive point of view and, what is more, is important in the practice of lawmaking and its application. It is also obvious that the implementation of contemporary challenges of agricultural law requires undertaking and conducting a comparative research. In order to facilitate such research, international cooperation should be widely developed.

## LE SFIDE CONTEMPORANEE DEL DIRITTO AGRARIO TRA GLOBALE, REGIONALE E LOCALE

### Riassunto

L'articolo si propone di delinearne problematiche da affrontare nonché di impostare un quadro per la discussione. Nella parte conclusiva, l'Autore afferma tra l'altro la necessità di prendere sempre in considerazione le sfide mondiali (globali) poste davanti all'agricoltura e all'economia alimentare. Non è possibile – nell'attuare le sfide contemporanee – non tenere conto del processo di globalizzazione, ma allo stesso tempo – non riferirsi all'aspetto locale. La scienza del diritto agrario non può, tuttavia, avere solo un carattere locale, ma dovrebbe sollevare questioni rilevanti per il diritto dell'UE (aspetto regionale) o in una prospettiva più ampia – internazionale (aspetto globale). La ricerca non dovrebbe limitarsi solo al diritto interno di uno Stato, ma deve includere anche i cosiddetti diritto internazionale dell'agricoltura e diritto agrario dell'Unione Europea (guardando dal punto di vista della Polonia). Deve anche tenere conto delle interdipendenze e delle tensioni tra i fenomeni di globale, regionale e locale discussi. In tale prospettiva va inquadrato anche il rapporto tradizionale tra agricoltura e produzione, ma anche i rapporti nuovi tra agricoltura-mercato, agricoltura-prodotti alimentari, agricoltura-ambiente o agricoltura-zone rurali. Ognuno di essi è interessante dal punto di vista cognitivo, importante inoltre per il processo di emanare e applicare leggi. È anche ovvio che l'attuazione delle sfide contemporanee poste al diritto agrario in un contesto di globale, regionale e locale richiede di intraprendere e di svolgere ricerche comparative. Per facilitare tale ricerca, bisogna portare a uno sviluppo ampio della cooperazione internazionale.