

Anna Kapała, *Short supply chains and local food systems – a comparative legal study*, Wydawnictwo Naukowe Innovatio Press, Lublin 2023, 258 páginas.



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The choice of the topic of the dissertation devoted to the legal aspects of short supply chains (SFSCc) and local food systems (LFSs) should be assessed as accurate and original. This is a highly topical and multifaceted subject that had not been comprehensively addressed from a legal perspective in Poland. The previous national literature primarily focused on economic, sociological, or agricultural analyses, while a systematic approach within the context of agricultural and food law constituted a clear research gap. The Author rightly identified this deficiency, considering it as a starting point for her own research.

It deserves special recognition that the reviewed work is the first in Poland, and at the same time one of the few in Europe, study that comprehensively and in-depth analyses the issue of SFSCc and LFSs from a legal perspective – both in EU law and in selected national systems (Polish, French and Italian). Moreover, until the publication of the book in 2023, no other monograph study had been published in Europe that would comprehensively address this issue in relation to European Union law and selected national systems, which further confirms the pioneering and unique nature of the reviewed work on a European scale.

The choice of the topic is justified not only by cognitive reasons, but also by practical and axiological ones – related to the need to respond to the challenges of sustainable development, food sovereignty, protection of small-

scale agriculture, as well as preservation of local identity and biodiversity in the conditions of progressive globalization. The issue of SFSCs and LFSs is also socially important. It gains particular relevance in the context of disruptions in long supply chains caused by crises such as the pandemic or the war in Ukraine - events that have highlighted the necessity of building resilient, decentralised and more autonomous food systems.

The Author also rightly emphasized the importance of theoretical reflection on the fundamental concepts for agricultural and food law, which, as she pointed out, are not fully adapted to the dynamically evolving forms of food production and distribution within LFSs and SFSCs. Taking these issues into account demonstrates an understanding of the contemporary challenges faced by the legislator and legal practice.

The analysis of the state of the literature was carried out reliably and convincingly. The Author presents the limited Polish achievements, which boil down to a few scientific articles, and juxtaposes them with the richer achievements of Western countries, especially Italian and French. Thus, she demonstrates that there is room for the development of the national doctrine of agricultural law towards a more complex and interdisciplinary approach to issues related to locality and short supply channels.

One of the important advantages of the reviewed work is the clear and precise formulation of its research objective. The Author aims to answer the question to what extent legal regulations facilitate and support the creation and operation of short supply chains and local food systems in the conditions of sustainable development of agriculture and food systems. The goal defined in this way has been duly specified and embedded in a broad legal, social and economic context. This approach made it possible to grasp the very mechanism of legal support (or inhibition) of SFSCs and LFSs, as well as to refer to superior values, such as food security and the principle of sustainable development.

The work contains clearly formulated detailed research questions, detailed research questions, structured around three thematic problem areas, the resolution of which led to the achievement of the dissertation's main objective. The first problem focused on determining the place and role of short supply chains and local food systems in the concept of sustainable food systems and in the concept of alternatives to the dominant model of global food systems, such as food sovereignty, food democracy or civic agriculture. The research question concerned determining how SFSCs and LFSs implement the goals of sustainable development, what social, environmental and economic functions they can perform, and whether and to what extent

they constitute a real alternative to the industrial model of food production and distribution.

The second problem was to determine the extent to which the applicable legal regulations – both at the national and EU level – facilitate the development of SFSCs and LFSs. The facilitations are connected with identification and definition of SFSCs and LFSs, with the regulation of direct sales as the primary form of short supply chains and with the requirements of food safety and hygiene, as well as the principles of labelling and certification of local food. The research question therefore concerned the definition and labelling of local and short-chain products, facilitations in the field of direct sales, including the legal status of direct sales of food and the entity running them, as well as exemptions or benefits are granted to such activities. An additional research problem required answering whether the food safety and hygiene requirements applicable to direct sales support or hinder the development of SFSCs and LFSs.

The third thematic problem area was encapsulated in the question of whether the legislator provides sufficient support for the development of SFSCs and LFSs. The research problem was to identify instruments supporting the development of various marketing channels, forms of producer and consumer organizations (including solidarity purchasing groups, community-supported agriculture), urban agriculture, as well as the principles of public procurement as a tool promoting the supply of local food to public sector institutions. The aspect of supporting the SFSCs and LFSs under the Common Agricultural Policy was also considered. Such a comprehensive and in-depth approach to the problem allowed for a thorough assessment of the phenomenon under study and its normative environment, and made it possible to formulate well-founded conclusions both *de lege lata* and *de lege ferenda*.

One of the strengths of the dissertation is the clear presentation of the initial research assumptions. In the first assumption, the Author argued that direct sales and artisanal agricultural processing should be treated as agricultural activities subject to the appropriate (agricultural) legal regime. The second assumption expressed the need to take into account, in the context of adopting legal regulations aimed at supporting the development of SFSCs and LFSs, the principle of sustainable development and, in particular, concepts promoted by social movements such as food democracy and food sovereignty. According to the third assumption, the development of SFSCs and LFSs should be supported by a variety of legal instruments adopted at both the EU and national levels, including financial measures, which should serve as complementary to the other forms of support. The fourth, equally

important, assumption was the recognition of the need to apply an interdisciplinary and multi-level methodological approach, taking into account both public and private law, as well as national, EU, and international legal norms - particularly the principle of trade liberalisation under the WTO framework, which reinforces globalisation while weakening LFSs.

The research methods were appropriately aligned with the research objective outlined above. The Author primarily employed the dogmatic and comparative legal methods. She conducted a detailed analysis of legal regulations relating to short food supply chains and local food systems, drawing from various branches of law - particularly agricultural, food, administrative, economic, and tax law, as well as public procurement and intellectual property protection. The dissertation has a clear comparative character. The reference to the legal systems of Italy and France - countries with advanced frameworks supporting SFSCs and LFSs - was well integrated into the analysis and served as a reference point for evaluating the current state of Polish law. The extensive analysis of legal sources deserves recognition, as does the Author's strong command of both Polish and foreign literature on the subject.

The reviewed dissertation stands out for its well-considered and clear structure. Its composition is closely aligned with the stated research objective and the detailed research questions. The structure of the work is logical and consistent, guiding the reader from general, theoretical and definitional issues towards increasingly specific normative aspects, to final assessments and *de lege ferenda* proposals.

The first chapter has an introductory and organizing character. It refers to the subject of research, explains key concepts and indicates basic methodological assumptions. The second chapter provides an overview of the place and role of short food supply chains and local food systems within the concept of sustainable food systems, as well as within alternative approaches to global food systems. The third chapter focuses on the definition and legal qualification of SFSCs and LFSs, as well as on the instruments for their labelling and promotion, including an analysis of the possibilities for indicating local origin under EU law and the regulations of selected Member States.

The fourth chapter deals with issues related to direct sales as the primary form of implementation of SFSCs and LFSs. The Author compared the legal solutions functioning in Poland, Italy and France, highlighting differences in the definition of agricultural activity and the legal status of direct sales. The

fifth chapter is devoted to food safety and hygiene requirements, taking into account EU regulations and their implementation in national legislation.

The sixth chapter focuses on institutional support, including financing from the Common Agricultural Policy and public procurement, as well as organisational forms supporting the development of local food markets. This is a key chapter from the point of view of identifying and evaluating legal and financial instruments enabling the development of short supply chains and local food systems. The first part of the chapter concerns the instruments provided for in EU law, particularly within the framework of the Common Agricultural Policy and Directive 2014/24/EU on public procurement. The next part contains an in-depth comparative analysis of the forms of support for SFSCs and LFSs in three selected Member States.

In the context of Italy, attention was drawn to innovative and diversified instruments to support the development of local food markets, such as the promotion of agricultural and food products “from zero kilometres” (“prodotti a chilometri zero”) and from short supply chains in Italian Law No. 61/2022, food districts (*distretti del cibo*), farmers' markets, quality product routes, agritourism, contractual obligations in the supply chain for the sale of regional products, as well as Solidarity Purchasing Groups (*Gruppi d'Acquisto Solidale*), which represent the Italian model of community-supported agriculture.

In the section devoted to France, the Author placed particular emphasis on the national policy supporting “territorial food systems”, which is a model approach to integrating local food production, processing, and consumption. She also provided a detailed discussion of the French model of community-supported agriculture, implemented, among other things, through the basket system and AMAP-type organisations (*Associations pour le maintien d'une agriculture paysanne*), which foster direct relationships between producers and consumers and provide economic stability for local farms. Furthermore, the Author considered national strategic plans for the CAP, the domestic public procurement systems, and the role of local governments in supporting local food systems through regional strategies, including urban agriculture.

In the final, seventh chapter, the Author summarised the discussion, provided answers to the main research questions - including an assessment of the adequacy of existing legal regulations - and formulated *de lege ferenda* proposals. The concluding chapter of the reviewed dissertation served as a logical closure to the entire study and contained balanced, well-reasoned final conclusions. The Author recapped the three main thematic problem areas around which the dissertation had been structured and presented her own

position, clearly advocating for the need to establish coherent and systematic legal solutions for short food supply chains and local food systems.

The substantive content of the dissertation deserved a high evaluation. At this point, it is worth highlighting at least some of the conclusions and *de lege ferenda* postulates. First and foremost, the current EU and Polish legal frameworks do not provide sufficient support for SFSCs and LFSs within the broader context of sustainable agricultural development. EU law lacks a distinct legal category for local food that would reflect its specific characteristics, which results in any product sold near its place of production being labelled as “local,” regardless of the production methods or the status of the producer. This legal gap prevents consumers from making informed choices based on clear and transparent information regarding the characteristics, origin, and potential risks associated with the product.

Polish legal regulations, compared with the more advanced legislative frameworks supporting SFSCs and LFSs in France and Italy, proved to be insufficient - particularly with regard to direct sales, the promotion of local products under public procurement law, the linkage of agritourism to the use of local food, and support for urban agriculture. Moreover, the lack of appropriate national systems for labelling products from SFSCs, contractual instruments that would strengthen the position of producers of local agricultural products, or provisions enabling collective marketing is also detrimental. Such insufficient regulation leads to the marginalisation of SFSCs and LFSs within the food economy system.

Among the numerous *de lege ferenda* postulates, one may highlight the recommendation that the EU legislator introduce definitions of local food systems and local food, reflecting the concepts of alternative food systems and sustainable development, along with an appropriate labelling system. It was also proposed that sustainability and green production and delivery methods - particularly those related to short supply chains - be incorporated as criteria in Directive 2014/24/EU and in Polish public procurement law. Furthermore, products from short supply chains should be explicitly included in Polish regulations concerning foodstuffs intended for sale in educational institutions.

With regard to Polish law, the postulates also included the adoption of a modern and broad definition of agricultural activity that would incorporate direct sales carried out by farmers in connection with their primary agricultural operations. The proposals further advocated for the introduction of regulations ensuring the inclusion of local products in food service and retail establishments, as well as their promotion within the tourism sector.

Additionally, enabling farmers to organise collective sales was seen as a means to facilitate their participation in public procurement procedures. The introduction of appropriate cluster agreements was also deemed important, as these would strengthen cooperation between farmers and entrepreneurs at the local level. Finally, more effective protection of agricultural land against conversion to non-agricultural use - particularly in suburban areas - was recommended.

As evidenced by the foregoing comments, the reviewed dissertation is an original piece of scholarly work and deserves a high evaluation. The analysis it presents is marked by academic maturity, the ability to synthesise complex knowledge, and the practical relevance of the conclusions drawn.

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