
Organic Agriculture in the Slovak Republic: Efficiency of Legislation and Its Impact on the Economy

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Abstract:

Gubina, Ganna: *Organic Agriculture in the Slovak Republic: Efficiency of Legislation and Its Impact on the Economy*. A retrospective analysis of the Slovak Republic legislation on organic agriculture. Research current the Slovak Republic legislation on organic agriculture. The impact of the Slovak Republic legislation on organic agriculture on the country's economy. The legal status of the bodies (public, private) involved in organic agriculture in the Slovak Republic. The dependence of the development of organic agriculture on these bodies.

Key words:

Economy, Ministry of Agriculture and Rural Development of the Slovak Republic, organic agriculture, the Central Agricultural Inspection and Testing Institute in Bratislav, the Slovak Republic

Introduction

The problem with agricultural products, including organic, has become relevant in connection with the introduction of a military position in Ukraine. Ukraine is an agrarian country that has carried out, carries out and will carry out the export of agricultural products to the EU countries. However, events in Ukraine over the past year have forced EU countries, including the Slovak Republic (hereinafter - SR), to reconsider their relationship to agriculture, including organic.

The SR is one of the EU member states, which also has organic agriculture (hereinafter - OA). Moreover, it is not the leading branch of the national economy for this country, development is observed here quite dynamically in various directions: legislative, financial, technical, etc. In modern conditions, the effectiveness of the current national legislation affects this or that direction.

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1. The Slovak Republic legislation on organic agriculture

Nowadays, there are many definitions of OA at the legislative level, among scientists, as well as formed by international organizations, etc. Each of these definitions has many advantages and disadvantages. It is considered that the most successful definition for today is the following: organic (ecological, biological) agriculture is a method of farming, where there is no full use of synthetic materials or their share is no more than 1%. This definition is not static and needs to be revised constantly, because, for example, technological requirements change.

The formation of the SR's legislation regarding the OA began in 1991, when the first documents regulating this process appeared here. Based on the analysis of such documents and legal acts adopted later, it can be stated that the legal base of the SR regarding the OA has passed through several stages of its formation and development (Table 1). The criterion for identifying such stages was the adoption and operation of a new OA's law, which was the foundation in this period. The author's main positive and negative aspects of each basic document valid in a particular period are highlighted in Table 1. Other legal acts adopted with each of these laws have not been considered or studied in this direction.

Table 1. Basic documents of the Slovak Republic governing the OA

Period, years	Basic current document on the OA	+	-
1991-22.07.1998	Regulatory Standard «Rules of Organic Agriculture on the Territory of the Slovak Republic», Concept of Organic Agriculture in Slovakia ¹	- an attempt to present the first document regarding the OA, consistent with the principles and rules of the international organization IFOAM; - to form the prospects for the development of the OA in this country.	- they are not law
23.07.1998-31.07.2004	Act on organic agriculture and organic food production № 224/1998 ^{2,3}	- the first Act on the OA; - covers all possible directions regarding the OA; - there are definitions of concepts (for example, «organic agricultural production», «bio products», «organic food», «organic producer», «traditional farming», «parallel farming»)	- there is no specification of the bodies for the supervision of organic agricultural production and production of organic food products; - two amendments made

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- <https://www.organic-europe.net/country-info/slovakia.html> (accessed: 11.06.2023).
- Act on organic agriculture and organic food production № 224/1998. Collection of laws of the Slovak Republic

Period, years	Basic current document on the OA	+	-
01.08.2004-31.05.2009	Act on Organic Agriculture № 421/2004 ⁴	- the first Act on the OA after Slovakia's entry into the EU; - compliance with a) Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs; b) Commission Regulation (EEC) No 94/92 of 14 January 1992 laying down detailed rules for implementing the arrangements provided for in Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs; c) Commission Regulation (EC) No 1788/2001 of 7 September 2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs; - the state administration authorities in the field of organic agriculture are concretized; - no amendments to this legal act	- there are no definitions of concepts regarding the OA; - the title of the law is not directly related to the OA and covers a wider sphere
01.06.2009-31.12.2021	Act on organic agricultural production №189/2009 ⁵	- provides for new rules for the OA according to a) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules; b) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91; - the state administration authorities in the field of organic agriculture are concretized	- there was one amendment to this act; - there are no definitions of concepts regarding the OA; - absence of a single legal act

4 Act on Organic Agriculture № 421/2004. Collection of laws of the Slovak Republic

5 Act on organic agricultural production №189/2009. Collection of laws of the Slovak Republic.

Period, years	Basic current document on the OA	+	-
01.01.2021- till present	Act on organic agricultural production № 282/2020 ⁶	<p>- introduces new provisions: proceedings on the authorization of non-ecological inputs, proceedings on the authorization of the temporary use of non-organic agricultural components in the production of processed food from organic agricultural production;</p> <p>- provides for the revised rules of the OA in accordance with the new EU legislation: a) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)Text with EEA relevance;</p> <p>b) Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007;</p> <p>- the state administration authorities in the field of organic agriculture are concretized;</p> <p>- organizational provisions for organic agricultural production.</p>	

⁶ Act on organic agricultural production № 282/2020. Collection of laws of the Slovak Republic.

It seems that after the entry of the SR into the EU, the structure and provisions of the adopted laws were reduced. There is EU legislation which needs to be implemented in its national legislation. This trend has positive aspects (for example, the absence of the need to prescribe in detail all possible points on a specific issue, to adopt additional regulatory acts on unsettled points, a reference to current EU legislation is enough) and negative aspects (for example, to adopt a new regulatory act or amend the current one when changing EU legislation, the absence of terms' definitions used in national legislation).

2. The legal status of the bodies (public, private) involved in organic agriculture in the Slovak Republic

In the SR the Act on organic agricultural production № 282/2020 (hereinafter – Act № 282/2020) establishes the list of state administration authorities in the field of organic agriculture. They are Ministry of Agriculture and Rural Development of the Slovak Republic and the Central Agricultural Inspection and Testing Institute in Bratislava, which is subordinate to the latter. The powers of each of them fully correspond to the direction under consideration according to Act № 282/2020. However, as for inspection organizations. They remained only 2 in 2023 and are privately owned. Therefore, we observe the establishment of a monopoly by them (for example, setting prices for inspection services, depriving competitors among organic agricultural producers...). On the other hand, Ministry of Agriculture and Rural Development of the Slovak Republic and the Central Agricultural Inspection and Testing Institute in Bratislava can influence the activities of such inspection organizations. And, accordingly, it can be biased, i.e. the Central Agricultural Inspection and Testing Institute in Bratislava excludes the inspection organization from the register of inspection organizations, if there is no cooperation between them on official control and audit (§ 12 Act № 282/2020).⁷ Of course, this is not permissible. The verification of the inspection organizations' activities, although regulated at the legislative level, contains quite general provisions. In the author's opinion, this aspect should be clearly spelled out at the legislative level (for example, the conditions of verification, an independent body checks them...). It is seen that in the SR the structure of state administration bodies in the field of organic agricultural production is quite simple, understandable (Fig. 1), but requires some settlement at the legislative level regarding the above-mentioned aspects.

7 Act on organic agricultural production № 282/2020. Collection of laws of the Slovak Republic.

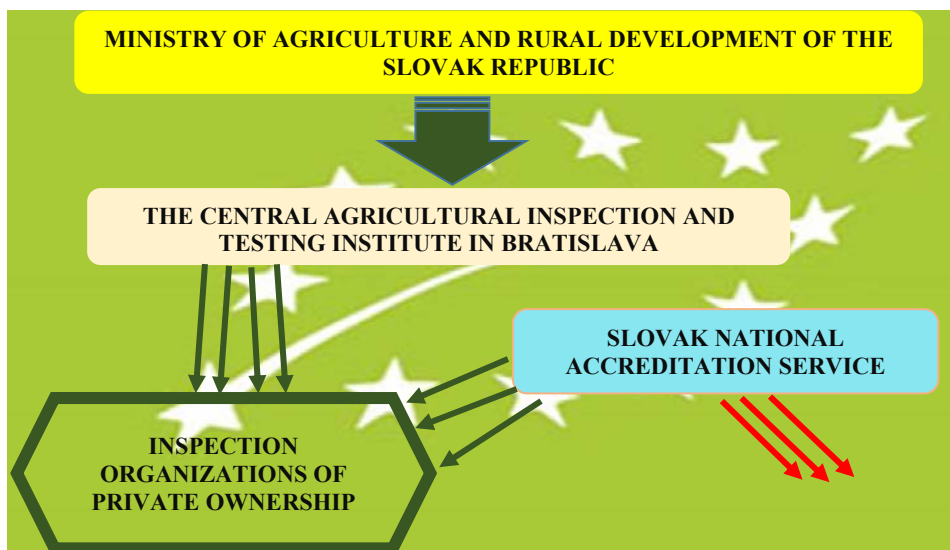


Fig. 1 System of state administration bodies in the field of organic agricultural production in the SR

Table 2. Organic area in the SR⁸

Year	Organic area (agricultural land), ha	Share of organic areas from total agricultural land, %
2002	49 999,00	2,31
2003	49992,00	2,34
2004	51186,00	2,39
2005	90206,00	4,8
2006	120409,00	5,71
2007	117906,00	6,09
2008	140755,00	7,27
2009	145490,00	7,51
2010	174471,00	9,01
2011	166700,00	8,79
2012	166700,00	8,79
2013	157848,00	8,33
2014	180307,35	9,51
2015	181882,00	9,47
2016	187024,00	9,75
2017	189148,00	9,9
2018	188986,00	9,85
2019	197565,00	10,31
2020	222896,00	11,67

8 <https://statistics.fibl.org/about.html> (accessed: 11.06.2023).

Any current legislation is evaluated by the effectiveness of its activities. Thus, the country has agriculture. It is 3% of GDP.⁹ At the same time, you can see the total area of land occupied by the OA and their share in the common agricultural land in Table 2. And the data show a constant positive trend to increase. Agriculture, including the OA, are not the leading sectors of the national economy for this country, do not have a significant impact on the country's economy. However, in our opinion, the adopted and current legislation on the OA in each certain period of time is effective. This conclusion is based on the figures from Table 2.

Conclusion

As a result, of the analysis carried out regarding the OA (legislation, bodies) in the SR, the following should be noted. Given that agriculture is not the main, leading direction in this country, the current situation is generally positive. This conclusion was formulated based on the following factors. Firstly, changes in national legislation or the adoption of a new law occur in most cases due to changes in EU legislation. Secondly, there is always the only basic legal act, i.e. the law regulating the OA in the SR. Thirdly, the system of state administration bodies in the studied direction in this country is generally structured. Each of the bodies performs the tasks assigned to it in accordance with the current legislation, except for the Slovak National Accreditation Service.

However, there is also a negative point: the presence of inspection organizations of private ownership. In our opinion, such legal entities work more efficiently and independently when they are state and independent.

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Summary: Organic Agriculture in the Slovak Republic: Efficiency of Legislation and Its Impact on the Economy

In the article, the author shows a chronological analysis of changes in the legislation on organic agriculture. He highlighted the positive and negative aspects of each of the laws. The author also presented a table of the impact of organic agriculture legislation in the Slovak Republic on its economy. The article presents the system of bodies responsible for organic agriculture, with an analysis of rationality, efficiency.

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