

## Agricultural Law in Poland

Ley Agraria en Polonia

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**ABSTRACT:** The article presents Polish agricultural law as a branch of law in the legal system, as a set of laws (part of legislation), a scientific discipline and a teaching subject. The author states, among other things, that the study of agricultural law is closely related to the (agricultural) policy of the country, sharing its fate. This policy has been and still continues to be the main determinant of the development of agricultural legislation. In Poland, agricultural legislation which developed as a consequence of the implementation of the Common Agricultural Policy led to a stronger legislative position of agricultural law. This is an indication that efforts to strengthen the position of agricultural law in university teaching should also be promoted.

**Keywords:** agricultural law; the subject matter of agricultural law; the study (science) of agricultural law; teaching agricultural law.

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**RESUMEN:** El artículo presenta la ley agrícola polaca como una rama del derecho en el sistema jurídico, como un conjunto de leyes (legislación), una disciplina científica y un tópico de enseñanza. El autor afirma, entre otras cosas, que el estudio del derecho agrícola está estrechamente relacionado con la política (agrícola) del país. Esta política ha sido y sigue siendo el principal determinante del desarrollo de la legislación agrícola. En Polonia, la legislación agrícola que se desarrolló como consecuencia de la implementación de la Política Agrícola Común llevó a una posición legislativa más fuerte de la ley agrícola. Esta es una indicación de que los esfuerzos para fortalecer la posición del derecho agrícola en la enseñanza universitaria también deben promoverse.

**PALABRAS CLAVE:** derecho agrario; objeto del derecho agrario; el estudio (ciencia) del derecho agrario; enseñanza de derecho agrario.

## I. AGRICULTURAL LAW IN THE LEGAL SYSTEM

### A) THE CONCEPT AND SUBJECT MATTER OF AGRICULTURAL LAW

Contrary to appearances, it is not easy to formulate a definition of agricultural law by merely defining the subject matter of the regulation. The general statement that agricultural law is simply the law on agriculture is not satisfactory.<sup>1</sup> Agriculture is regulated by a variety of provisions governing many branches of law, and agricultural law itself does not cover all aspects of this sector of the economy. From a historical perspective, it may be said that the detailed subject matter of the regulation has changed together with the development of agriculture and the whole economy. Thus, the modern definitions of agricultural law differ significantly from those that were formulated in the past, even though they all place the subject of agricultural law, explicitly or implicitly, within the framework of agriculture. Two most recent definitions of this area of law are noteworthy. According to one of them, agricultural law should be understood as “a set of institutions and legal solutions of a special nature, dictated by the specific nature of agriculture as a separate sector of the economy, which constitute the legal framework (structural and technical) for agricultural production activity and the processing and trading in agricultural products.”<sup>2</sup>

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<sup>1</sup> For more on this see: BUDZINOWSKI, Roman, *Problemy ogólne prawa rolnego. Przemiany podstawy legislacyjnych i koncepcji doktrynalnych*, Poznań, 2008, p. 246.

<sup>2</sup> LICHOROWICZ, Aleksander, “Pojęcie i przedmiot prawa rolnego”, in: *Prawo rolne, Andrzej Stelmachowski*, 5th edition, Warszawa 2009, p. 27.; *Ewolucja polskiej definicji prawa rolnego na tle doktryny zachodnioeuropejskiej*, *Kwartalnik Prawa Prywatnego* 1997, issue 4, p. 625.

In the light of the above definition, not all institutions or legal solutions concerning agriculture should be classified as agricultural law. This law covers only institutions and legal solutions of a specific nature, concerning the production activity in agriculture as well as processing and trading in agricultural products. As a result of such an understanding of agricultural law, the distinction is made between: the technical aspects of agricultural production, the agrarian structure and the legal position of agricultural producers (I), food law (II) and the organisation of agricultural markets (III.) According to the other, most recent, definition, agricultural law is “a set of legal norms regulating agricultural activity and social relationships strictly related to this activity.”<sup>3</sup> The concept of agricultural activity constitutes a general criterion for separating agricultural law as a distinct branch of law. The advantage of this definition lies in the reference to a conceptual category, which is very typical for contemporary, modern agricultural law, and which defines one of the basic (“relevant” for this law) legal institutions, and by that refers to further conceptual categories (and legal institutions) of significant importance. For there to be an agricultural activity, it is essential that there is a properly organised set of instruments (an agricultural holding) and an entity to carry out this activity (an agricultural producer) the effects of which are agricultural products.

These conceptual categories may serve to organise detailed concepts (defining legal institutions with a smaller scope) and, consequently, to create a clear scientific structure of agricultural law. Meanwhile, the inclusion of the production aspect and the environmental, food and territorial aspects in the concept of agricultural emphasises the specific features of today’s agriculture, and thus agricultural law. Finally, it should be added that the reference to the concept of agricultural activity makes it possible to distinguish between various sections (sub-disciplines) of agricultural law. One covers the production activities in agriculture and the

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<sup>3</sup> BUDZINOWSKI, Roman, *Problemy ogólne prawa rolnego*, p. 246.

structures existing in this sphere, and the legal regulations assigned to this section belong to traditional issues of agricultural law. However, there are also new sections of agricultural law and they include agro-environmental law and agro-food law. Still, another section may be distinguished and that covers rural development law (in the part concerning the territorial aspect of agricultural activity), unless this issue is included in the other sections already mentioned above.<sup>4</sup>

#### B) THE PLACE OF AGRICULTURAL LAW IN THE LEGAL SYSTEM

Agricultural law, separated according to the subject matter criterion, is partly part of private law, and partly public law. Consequently it does not only regulate the relationships between autonomous entities, or the relationships based on the criterion of power and subordination. And yet the central element (“the core”) of agricultural law, linked with agricultural activity lies within private law, while public law, very extensive in the sphere of agricultural regulation, fine-tunes the objectives and conditions for the exercise of this activity. There are numerous links between agricultural law and traditional branches of law, but there are some differences too. These links have different forms, and while some result from the “overlapping” of regulations from different spheres, others are of conceptual-constructional, or functional nature. The differences on the other hand lie in the fact that agricultural law contains provisions laid down exclusively for the needs of agriculture (the *ius proprium* of agriculture) and specific provisions that relate to other (general) branches of traditional law (*ius singulare*)

The relationships between agricultural law and other branches of law are dynamic. Two main tendencies already noted in

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<sup>4</sup> For example, COSTATO, Luigi, GERMANÒ, Alberto, ROOK BASILE, Eva, *Trattato di Diritto Agrario*, three volumes: vols. I, Il diritto agrario: circolazione e tutela dei diritti; vol. II, Il diritto agroambientale; vol. III, Il diritto agroalimentare, Italy, 2011.

Western European literature may be observed. On the one hand, the regulation of agriculture is being brought closer to the regulation of other areas of the economy, but on the other hand its distinctiveness or individuality and even independence is being maintained. The former approach reflects the treatment of agricultural activity as an economic activity, or results from the alignment of the status of an agricultural holding with that of an enterprise, while the latter pictures itself as maintaining the differences in agricultural law or its distinctiveness through special or even specific regulations. Contemporary agricultural law is characteristic of departing from treating agriculture as an isolated branch, separate from the other sectors of the economy. This, however, does not mean that it is possible to eliminate the distinctiveness of agricultural law completely, but - as the analysis of the legislation in force shows - special regulations concerning agriculture have recently been reduced significantly. There is some controversy over the autonomy of agricultural law, namely whether agricultural law constitutes a separate branch of the legal system. Opinions on this issue in the contemporary literature vary: while civil law lawyers refuse to recognise agricultural law as a separate branch of law, agrarians or agricultural lawyers express a practically common view, although with different aspects stressed.

Agricultural lawyers claim that agricultural law is capable of meeting not only the traditional criteria (such as the method of regulation or the existence of specific legal principles) required to distinguish as a separate branch in the legal system, it also meets the objectivity criteria for separating them. This is so because it embraces a separate, distinct and economically important sphere of social relationships and includes new, specific legal institutions of a typical character, previously not known to other branches of law. For this reason it may be considered a separate branch of law in the legal system. According to a different view, which does not really question the separateness or distinctiveness of agricultural law, it is rather the specificity of agricultural law than its autonomy. This specificity exists in various areas of agriculture that are

regulated, albeit to different degrees. In view of this, and bearing in mind the aforementioned relationships between agricultural law and other branches of law, it should be assumed that agricultural law is an area ( a branch of law) with relative independence in the system of law. Therefore, when speaking of agricultural law as a separate branch in the legal system, a reservation must be made that it is the relative separateness which is meant.

### III. DEVELOPMENT AND FORMATION OF AGRICULTURAL LAW AS AN AREA OF LEGISLATION. DEVELOPMENT OF AGRICULTURAL LAW AS AN AREA OF LEGISLATION

#### A) ORIGINS OF AGRICULTURAL LAW

Unlike in the Romance countries, the origin of agricultural law in Poland is not to be found in civil law, but rather as in Germany, it is more closely linked to public law regulations.

The enfranchisement of peasants in the middle of the 19th century promoted private ownership of land (owned by peasants.) Land was initially the subject of a rather general or universal regulation, and only later (towards the end of the nineteenth century and the beginning of the twentieth century) it became subject of a more specific regulation, initially related to the trading in real estate and the inheritance of agricultural holdings. At the same time, public law instruments of influence on agriculture (agricultural reform, settlement, land consolidation, field police or various regulations concerning the technical aspects of agricultural production) were developed.

In Poland, agricultural (public) legislation was particularly intense after the First World War. The reborn Polish state faced the necessity to repeal the regulations of the partitioning states, and issue many new legal acts shaping the agricultural system in the independent state. The new legislation was extremely rich, re-

gulating various aspects of agriculture. Apart from solutions in the field of traditional land issues (such as agricultural reform, enfranchisement, settlement, land consolidation and transfer, land communities, abolition of servitude, etc.), there were also acts concerning, among others: the technical aspects of agricultural production, agricultural debt relief, plant and animal protection, agricultural market intervention and even agricultural self-government (agricultural chambers of commerce). It is worth mentioning in particular the regulation of the sugar market of 1934, which already then introduced sugar production quotas, also known to us in the contemporary times. Against the background of such extensive regulation of agriculture in public law, the agricultural legislation in private law looked quite modest, although the 1921 Constitution treated land ownership in a special way. Its Article 91 provided, among other things, that land was not subject to unlimited transfers and that transfers should be regulated by the State. There were also laws drafted on the trading in and the inheritance of agricultural holdings was drafted, although never adopted. What was important for the characteristics of agricultural legislation at that time was the clear distinction between agriculture and trade provided for in the commercial code of 1934 (despite the fact that larger farms could still be subject to the provisions of this code). A similar distinction between agriculture and industry was also drawn in industrial law of 1927. All this indicates that Polish agricultural law has its agrarian (land) roots of agricultural law, as it largely developed alongside the development and shaping of agricultural ownership.

#### B) AGRICULTURAL LAW AT THE TIME OF THE POLISH PEOPLE'S REPUBLIC (1944-1989)

The development of a new agricultural system at the inception of the Polish People's Republic led to a significant legal regulation of agriculture in the field of public law with regards land issues such as agricultural reform, settlement, and enfranchisement. The

Decree of 6 September 1944 on the implementation of the agricultural reform<sup>5</sup> abolished great land ownership and promoted peasant ownership by declaring that the agricultural system in Poland would be based on strong, sound and efficient agricultural holdings. This legislative act, together with the Decree of 6 September 1946 on the agricultural regime,<sup>6</sup> and other implementing acts were decisive in shaping the agrarian structure, ensuring the dominance of peasant agricultural holdings. The policy of forced collectivisation (reallocation) of peasant farms, pursued between 1948 and 1956, did not change this structure. However, although abandoned in 1956, the idea of socialisation remained and accompanied the development of agriculture until the early 1980s.

The shaping of the new agricultural system, using, predominantly, public law instruments was the reason why the traditional name of the area of law discussed here, i.e. agrarian law<sup>7</sup> has remained. The more modern term “agricultural law,” including administrative and civil law regulation, and treated as a separate (from administrative and civil law) branch of law, has been in use only since the 1950s, being a result of the increasing civil law regulation of agriculture. It covered various laws on agricultural, be it of special or specific nature, in the scope of civil law and administrative law.

The subject of agricultural law regulation was being gradually extended to include other than land factors of agricultural production, including the social sphere of agriculture. However, within the legal framework of the organisation of agricultural production, the issues of land management continued to occupy a dominant position. The development of agricultural law in the period of the Polish People’s Republic was significantly influenced by political and regime-related conditions. It was manifested in the the “philosophy” of planned economy, which was also ex-

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<sup>5</sup> Uniform text Dz. U. of 1945, No 3, item 13.

<sup>6</sup> Dz. U. Nr 49, item 279 .

<sup>7</sup> LONGCHAMPS, Franciszek, *Prawo agrarne*, Warszawa, 1949, p. 9.

pressed in the scientific approach to this branch of law. Its subject was limited, for example, to social relations “connected with the shaping by the State of the agricultural regime and agricultural production”<sup>8</sup> or social relations “connected with the organisation and implementation of agricultural production in the system of planned economy.”<sup>9</sup>

### C) DEVELOPMENT OF AGRICULTURAL LAW AFTER 1989

The implementation of the market economy system after 1989 resulted in substantial changes in agricultural legislation. What it meant was predominantly repealing or amending those legislative acts that were believed unsuitable for the new political and economic reality. Among other things, the specific provisions of the civil code regarding restrictions (subjective and subjective) on the transfer of agricultural property were repealed, and the specific requirements for testamentary inheritance of agricultural holdings were abolished. At the same time, however, especially at the beginning of the transition period, due to the (still) liberal approach to economic policy, the introduction of new solutions was significantly limited.

A revival of the legislative activity in the field of agriculture came again in the mid-1990s. The subject of agricultural law extended then, as a result of the adoption of regulations on shaping the agricultural market, and the the first Act on the organisation of the sugar market adopted in 1994.

A major turn in the development of agricultural legislation occurred only at the very end of the 1990s, triggered by the necessity to harmonise Polish law to Community law. The general legal framework for the harmonising process was provided by the Agreement on Poland’s association with the European Commu-

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<sup>8</sup> STELMACHOWSKI, Andrzej in: STELMACHOWSKI, Andrzej, ZDZIENNIC-KI, Bohdan (eds.), *Prawo rolne*, Warszawa 1980, p. 9.

<sup>9</sup> PAWLAK, Wiktor, *Prawo rolne PRL*, Warszawa-Poznań 1980, p. 18.

nities and their Member States (the Agreement entered into force on 1 February 1994) and, in particular, the need for Poland to adopt the *acquis communautaire* in order to obtain full membership rights. As a result, a period of very intensive legislative activity began in the mid-2000. By the time of signing the Accession Treaty (16 April 2003), the Parliament had adopted a very extensive list of laws that often regulated issues completely new to Polish legislation (e.g. laws concerning the organisation of certain agricultural markets - the milk market, the sugar market, the fruit and vegetable market, etc.). This intensive legislative activity did not cover all agricultural issues evenly; it concerned mainly those covered by the Common Agricultural Policy. In the remaining scope, this activity was rather limited.

The signing of the Accession Treaty in Athens on 16 April 2003 brought about major changes in the current adjustment (harmonising) process. The legislator amended or even repealed a number of laws previously enacted, which either duplicated (“copied”) the legal regulations of the European Union, or departed from these regulations in the sphere of substantive law. New legislative acts entered into force on the day when Poland became a member of the European Union, which was 1 May 2004. The Accession Treaty, specifying the application of some instruments of the Common Agricultural Policy in Poland, also determined the content of many other laws. Since the day of accession to the European Union, the existing EU legislation has been regularly incorporated into the Polish legal system in accordance with the principles and rules of implementation.

The introduction of a market economy, and in particular the inclusion of Polish agriculture in the Common Agricultural Policy mechanisms, opened a period of commercialisation of agricultural law. Although the issues of agricultural production organisation, including land management, remained (and remains) the subject of interest of the legislator, the burden of regulation has shifted to agricultural market issues. One of the effects of the CAP’s impact on national agricultural law is also the expansion

of regulations relating to environmental protection in agriculture, ensuring food safety and appropriate food quality and rural development. There is a visible growth in the number of public-law regulations (i.e. increased publicising of agricultural law) within the framework of agricultural law. The public and legal part of this law is already very extensive, and even dominant when it comes to the number of legislative acts and the scope of regulation in question.

#### D) THE BASIC AREAS OF CONTEMPORARY AGRICULTURAL LEGISLATION

Modern agricultural law is very extensive when it comes to the subject matter of legal regulation. It regulates not only land management, but also the status of agricultural producers, the agricultural production, agricultural markets and rural development. This law also includes agro-food law and agro-environmental law.

Land management belongs to the traditional areas governed by agricultural law. The legal regulations vary depending on whether they concern state-owned (owned by the State Treasury) land or land owned by other entities. The vast majority of agricultural land is in hands of “private” entities, mainly individual farmers. Ownership is the basic title for the organisation and operation of agricultural holdings. The role of leasing is not very significant save for its predominant function in the management of agricultural land owned by the State Treasury. Trading in agricultural land is subject to far-reaching State interference<sup>10</sup> regulated both in the provisions of the civil code as well as in other legislative acts, of which the Act of 11 April 2003 on shaping the agricultural regime<sup>11</sup> and the Act of 19 October 1991 on the ma-

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<sup>10</sup> More on the trading in real estate and agricultural holdings see BUDZINOWSKI, Roman, SUCHOŃ, Aneta, “Purchasing and renting agricultural land in Poland: Legal Framework and practical issues”, *CEDR Journal of Rural Law*, n° 3, 2017, pp. 94 and next.

<sup>11</sup> Uniform text Dz. U. of 2012 item 803 as amended.

nagement of the real estate owned by the Treasury<sup>12</sup> are of paramount importance.

Agricultural activity is mostly carried out by farmers who must be natural adult persons. The term ‘farmer’ identifies a certain professional category with a complex legal status. This status is not merely determined by the ownership title of agricultural property, but primarily by the fact that the agricultural activity is carried out by farmers themselves and for their own account, on the agricultural holding held by them, or within the framework of an agricultural producer group. Farmers have the right to organise themselves in a way allowing them to represent and defend their professional interests, which they may pursue within the socio-professional organisations of farmers and within the farmers’ trade unions. The social insurance of farmers is regulated separately in a specific legislative act.

Agricultural activity may also be carried out by legal persons. Under Polish law, there is no separate category of an “agricultural” legal person, specific only for agricultural law. The agricultural activities may be carried out by legal persons of a universal character, and particularly by cooperatives and limited liability companies or agricultural producer groups. Farmers’ cooperatives, the form of which has recently been legally formalised, have the status of cooperatives, too.<sup>13</sup> Many legislative acts concern agricultural production. As regards plant production, the most important is the regulation of plant breeding and seeding, plant protection and the organisation of the State Inspectorate for Plant Protection and Seed Production. In the field of animal production, on the other hand, the basic regulation relates to the breeding of farm animals and the control of animal diseases. Two legislative acts regulating important issues in the field of agricultural production should also be mentioned. In one, namely the Act of 25 June 2009 on Organic

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<sup>12</sup> Uniform text Dz. U. of 2016 item 1491.

<sup>13</sup> Act of 4 October 2018 on farmers’ co-operatives, Dz. U. item 2073.

Agriculture<sup>14</sup> the legislator defined the tasks and competence of public administration bodies and organisational units in organic farming with regard to the implementation of Council Regulation (EC) No. 834/200. The Act of 22 June 2001 on microorganisms and genetically modified organisms<sup>15</sup> aims at determining the principles of the contained use of genetically modified micro-organisms, the contained use of genetically modified organisms, the deliberate release of genetically modified organisms into the environment, the marketing of genetically modified products and the cultivation of genetically modified plants. It is worth noting, too, that various issues related to agricultural production are regulated by numerous legislative acts aimed at environmental protection in agriculture.

The legal regulation of agricultural markets is very extensive. It extends to the organisation of sectoral agricultural markets, the organisation and the operation of the National Centre for Agricultural Support and contracts for the production or supply of agricultural produce. While at the European Union's level the organisation of agricultural markets is currently governed by Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013,<sup>16</sup> despite the dozen or so decisions, ordinances or provisions enacted in Poland, there is still no single, coherent legislative act that would implement this Regulation in the Polish legal system. The National Centre for Agricultural Support referred to above, established in 2017, is responsible, *inter alia*, for the implementation of the market policy in agriculture. The interface between an agricultural producer and the market (agro-food industry) is the agreements to produce or deliver agricultural produce, or, in other words, a sales contract, a supply con-

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<sup>14</sup> Uniform text of 2017, item 1054 as amended.

<sup>15</sup> Uniform text of 2017, item 2134.

<sup>16</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of agricultural markets..., OJ L 347, p. 671, as amended.

tract or, in particular, a cultivation contract. The latter plays a vital role as an instrument of market organisation. There are also direct sales of agricultural produce or sales at market places.

The regulation on rural development is also extensive. The rural areas in Poland cover about 93% of the country's territory. Rural development law applies to many entities, not only farmers, although the latter remain the main 'actors' here. The basic issues within this scope are regulated by Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013,<sup>17</sup> and the Polish law - the Act of 20 February 2015 on supporting rural development with the participation of the European Agricultural Fund for Rural Development for 2014-2020.<sup>18</sup> It defines the tasks and powers of bodies and agencies involved in supporting rural development, the conditions and procedures for granting as well as the payment of financial aid in the framework of the measures covered by the Rural Development Programme as well as for the refund of financial aid. The paying unit providing support is the Agency for Restructuring and Modernisation of Agriculture.

As far as agro-food law is concerned, it is worth noting that the regulations on food have a very long tradition in Poland. The first sanitary law was passed at the beginning of the twentieth century. After 1989, the impulse for the development of this area of regulation originated in the need to harmonise Polish law with Community law (which was reflected in the Act of 11 May 2001, no longer in force today, on health conditions of food and nutrition), and then –since the date of accession– by Community law. Food law covers the regulation of two issues: food safety and the market quality of food.

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<sup>17</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development..., OJ EU L 347, p. 487 as amended.

<sup>18</sup> Dz. U. of 2013.

The issue of food safety has been regulated in many legislative acts. The Act of 25 August 2006 on Food and Nutrition Safety plays a fundamental role in this respect.<sup>19</sup> It regulates the health requirements of food, the rules of food hygiene, as well as materials and goods intended for contact with food in the course of the production and the marketing process, the principles governing the execution of official food inspection and the competence of authorities to perform food inspection, as well as the principles of food labelling. The marketable quality of food is also recognised in many legislative acts. The main one regulating this issue is the Act of 21 December 2000 on the commercial quality of agro-food products.<sup>20</sup>

Today, the legal regulation of food is very extensive. National legislative acts implement the European Union law and define the jurisdiction and competences of public administration bodies within the scope determined by the provisions of substantive law. In the literature, food regulations are treated as a branch of agricultural law (hence the name of agro-food law), or as a distinct field of law in the course of an increasingly intense formation.<sup>21</sup> This former qualification of food regulation under Polish law takes into account the close links between agricultural law and food law, although the agro-food aspect does not fully reflect the purpose of agricultural production.

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<sup>19</sup> Uniform text of 2018, item 1541.

<sup>20</sup> Uniform text of 2017, item 2212 as amended.

<sup>21</sup> See KORZYCKA, Małgorzata, WOJCIECHOWSKI, Paweł, *System Prawa, Żywnościowego*, Warszawa, 2017, pp. 23 and next.

### III. DEVELOPMENT OF THE SCIENCE OF AGRICULTURAL LAW AND THE TEACHING OF AGRICULTURAL LAW

#### A) DEVELOPMENT OF THE SCIENCE OF AGRICULTURAL LAW

The formation of a separate agricultural legislation in the interwar period (1918-1939) was accompanied by the academic studies of agricultural law. The research focused among others, on the basic institutions of this legislation, such as the reform of agriculture, settlement, enfranchisement, or land consolidation. The process of laying down the political foundations of the Reborn Polish State required work on organising agrarian legislation, as well as its unification and creation of an agrarian law system. The last one was reflected in the draft agrarian code of 1928, which was undoubtedly a great scientific achievement of the time; as it turns out, the thought of the creator of the project (Prof. Władysław Leopold Jaworski) that the institutions of agrarian law should be the axis (idea) of this field is still alive today.

The transformation of the agricultural system also became the main research subject during the first two decades of the People's Republic of Poland. Publications written by researchers whose scientific career began in the interwar period were of great importance. However, even in the early 1960s, the development of the study of agricultural law was delayed when compared with the development of legislation. A significant advancement of research activities occurred in the late 1960s which was a time when numerous monographs and articles addressing various topics were published. They were especially important from the point of view of law application. It was also when a discussion on the theoretical issues of agricultural law started.

The development of agricultural legislation, associated with the subsequent changes in agricultural policy, brought about further broadening of the research area. Towards the end of the 1960s, it focused on issues such as securing the rational use of

land, improving the structure of the farmland, implementing the technical progress, developing the contracting system, and so on. Later on, new issues emerged, such as cooperation in agriculture, specialist farms, teams of individual farmers or farmers' social insurance. Empirical studies were also carried out in order to determine the effects of selected legal regulations. However, it was not until the 1980s that Polish agrarian studies had gone beyond the analysis of the domestic law alone, and when the first comparative studies on the subject appeared. It was also the time when agrarians had a greater opportunity to cooperate internationally, and to benefit from exchange visits allowing them to travel abroad and participate in international conferences.

After 1989, the change in the social and economic system brought about a certain weakening of the position of agricultural law as a scientific discipline. It also led to a significant reduction in agricultural legislation due to the market economy then implemented. Research activities were temporarily limited, as a result, *inter alia*, of the generation change, and the involvement of some senior researchers (with roots in the pre-transformational period) in public affairs, followed by the weakening of the role of departments of agriculture at universities and even their liquidation in some university centres. Despite these difficulties, the following years did nevertheless show a development of agricultural law science, increasingly extending beyond the study of domestic law. The research subjects included new issues, whether related to political changes in Polish agriculture or concerning the Community agricultural law. An important research topic was the assessment, and then the adjustment of Polish law to Community law from the point of view of Poland's membership in the European Union. The participation of lawyers-agrarians in the drafting of legislative acts as part of the adaptation process cannot be overlooked, either.

Poland's accession to the European Union in 2004 and the extension of the mechanisms of the Common Agricultural Policy to the agriculture in Poland opened a new stage in the develop-

ment of agricultural law. The revival of research activity become visible. Various issues became the object of scientific research, with, which to be emphasised, publications on EU law coming on top, due to their increasingly growing numbers. It is worth stressing as well, that agrarists are becoming increasingly active on the international forum, taking part in scientific conferences (including the European Committee on Agricultural Law) and in European training programmes. Another example of this activity was the organisation in September 2018 in Poznań of the 15th World Congress of Agricultural Law (as part of the *Unione Mondiale degli Agraristi Universitari*).

One might say, looking back, that the science of agricultural law developed in certain stages, accompanied by political changes from the inter-war period of the last century, and that it has always been close to politics. These changes, reflected in legal regulations, became an important impulse prompting to undertake further research. At the same time, however, they did not facilitate research activities, and the results achieved were too quickly passed into the history of law. The existing scientific knowledge of agricultural law in Poland is quite serious, although it is difficult to compare it with the achievements of the “traditional” branches of law. It is also very diverse and includes studies on a variety of topics and research approaches. Not all aspects of agricultural law have become the subject of scientific inquiries to the same degree; works concerning national law, especially in the field of so-called private agricultural law, dominate. However, there is a growing openness to tackling European issues.

## B) THE TEACHING OF AGRICULTURAL LAW

Teaching agricultural law has as long tradition as agricultural law itself. The rapid development of agricultural legislation in the 19th century virtually forced the development of teaching skills. The works published reflected a certain stage in the development of legislation and doctrinal concepts. In Poland, Professor Lan-

grod, in a handbook on agricultural administration dated 1939, presented the regulation of an administrative and legal nature, treating agricultural law as a part of administrative law.

In the period of the People's Republic of Poland (1944-1989), agricultural law was not only a separate, but also an obligatory discipline of teaching. This separateness was reflected in textbooks and scripts written by outstanding agrarists. Separate organisational units in the form of departments of agricultural law were also involved in general education. They existed in almost all academic centres. Unfortunately, this comfortable position for agrarists was not permanent.

The "crisis of agricultural law" after 1989, visible on the legislative level, also found its reflection in the sphere of the teaching, when the lack of up-to-date teaching materials was readily visible. The reform of the curriculum of law studies carried out at many law faculties at that time changed the didactic position of agricultural law. While it did not lose its autonomy, in some faculties it was retained in the study programme as an optional subject.

Agricultural law and related subjects (e.g. the administration of agriculture, food law, agricultural policy and agricultural law of the European Union) are not a subject commonly taught at universities in Poland today.<sup>22</sup> There are many universities that do not hold lectures or seminars on agricultural law, and many do not have separate organisational units (departments or units), which would deal with these subjects either in terms of teaching, or in terms of scientific research. The consequences of what was known as the crisis in agricultural law at the beginning of the 1990s can still be seen in this regard, showing a substantial cut in the regulation of agriculture. Today, under the conditions of Poland's membership of the European Union, the agricultural legislation is very extensive, but the approach to the teaching of agricultural law, typical for the earlier period, has remained unchanged. The-

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<sup>22</sup> For more see BUDZINOWSKI, Roman, "Insegnamento di diritto agrario in Polonia", *Rivista di Diritto Agrario*, no. 2, 2012, p. 336.

refore, it is a common demand of the Polish agrarian community to strengthen the didactic position of agricultural law.

#### IV. CONCLUDING REMARKS

Agricultural law as a science closely related to the (agricultural) policy shared the fate of this policy. This, in turn, determined and still determines the development of agricultural legislation. Placing agricultural law within the framework of specific regulations of civil law had a negative impact on the perception of the study of this law. The subsequent development of agricultural legislation as a result of the implementation of the Common Agricultural Policy has strengthened the legislative position of agricultural law, but at the same time placed “new research challenges” before scholars. These challenges are the consequence of the changes in agriculture itself and its economic environment, as well as in the legal regulations adopted.

Further, EU agricultural law determines the development of Polish agricultural law and has an impact on the revival of research activities in the area of agricultural law. The development of agricultural law requires a significant increase in the intensity of scientific research, supporting both the process of application of the law and the lawmaking. The research effort should take into account both the dogmatic and the theoretical aspects of agricultural law regulation - domestic, EU and international. Since the development of agriculture is connected with the development of other sectors of the economy, the emphasis in research should be placed not only on demonstrating the distinctiveness of agricultural law, but more specifically on establishing its links with other areas of law. This would enable agricultural law to move away from its defensive position and move on to an offensive one, aimed at its development. Since agriculture is subject to special or even specif-

ic regulations, it is useful and necessary to study these regulations from various points of view. This offensive approach should also accompany the efforts undertaken in order to strengthen the position of agricultural law among the subjects taught at universities.