

FARM ADVISORY SERVICE IN POLAND IN LIGHT OF LEGAL REGULATIONS

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Abstract. *The paper presents process of farm advisory system creation (FAS) in European Union Member States, basing on report prepared for the Parliament and European Council. The aim of the paper is to present development of forms and methods of farm advisory service in Poland on the background of legal changes in the state and in other EU Member States. The authors concluded that agricultural farm advisory service was responsible for adjustment processes of rural areas and agriculture to the requirements of the competitive economy in the European Union. At the national level, it created the need to develop a new perspective on the place and role of agricultural farm advisory service.*

Key words: *advisory system, Common Agricultural Policy, farm advisory service, rural areas development.*

INTRODUCTION

Farm advisory service has been of support for farmers for years in the difficult process of administration and management of agricultural holdings. Farm advisory service services influence the human factor in agriculture, giving rise to innovative approaches, which foster the implementation of technological progress. In the light of the new paradigm of farm advisory service, there is a need to do away with the traditional functioning of advisory institutions and to develop new rules, which will be adequate to the changing requirements of the Common Agricultural Policy.

Farm advisory service supports farmers in the process of management of their agricultural farms. Advisory has influence on creation and shape of human factor in agriculture, making innovative activities which are very helpful in introduction of technological progress. At present there may be observed new way of thinking about farm advisory service in all European Union Member States. New rules about advisory service functioning must be worked out which will be adequate to still changing requirements of Common Agricultural Policy [Mickiewicz A., Mickiewicz B., Wawrzyniak, 2014].

Member States have the obligation to establish a system for advising farmers on land and farm management, referred to hereinafter as the Farm Advisory System (FAS). The FAS is a major component of the 2003 Common Agricultural Policy (CAP) reform and had to be introduced by 2007. The objective of the FAS is to help farmers to become more aware of material flows and of on-farm processes relating to the environment, food safety and animal health and welfare. It was introduced at the same time as the cross compliance system, under which CAP support is paid in full only if farmers meet certain requirements relating to the environment, food safety, animal health and animal welfare. There are two rural development policy measures designed to help Member States set up farm advisory services and to help farmers use them. The FAS is indeed primarily a tool to help farmers fulfil those requirements and thus avoid financial penalties under cross compliance.

Under Article 12(4) of Council Regulation (EC) No 73/2009, the Commission must send the Council a report on the application of the FAS – accompanied, if necessary, by appropriate proposals. That is the purpose of the present report – to inform the European Parliament and the Council on the state of implementation of the FAS and to propose possible improvements. It is largely based on information received from the Member States in response to a questionnaire and on an evaluation study carried out for the Commission. The FAS was also discussed extensively with the Member States at five FAS workshops organised by the Commission in 2006-2010. These discussions covered the content, structures, methods and tools for national advisory services [Oskam, Meester, Silvius, 2010].

The aim of the paper is to present development of forms and methods of farm advisory service in Poland on the background of legal changes in the state and in other EU Member States. The materials and data were taken from internal regulations of farm advisory service centers in Poland as well as from the Ministry of Agriculture and Rural Development. The studies were made in January 2014.

RESULTS OF STUDIES

Legal framework

Each Member State is legally obliged to set up a national FAS offering advice to farmers. The FAS must cover at least the statutory management requirements and the ‘good agricultural and environmental condition’ (GAEC) referred to in Articles 4 to 6 of Council Regulation (EC) No 73/2009. However, the field of advice is not limited to cross-compliance standards: Member States may decide to include other issues. Each national FAS may be run by one or more designated authorities or by private bodies. Since the 2008 CAP Health Check, each Member State is free to decide (on the basis of objective criteria) which categories of farmers will have priority access to the FAS, without any further criteria being laid down at EU level.

Farmers use the FAS on a voluntary basis and remain responsible for acting on the advice they receive. In this respect the FAS does not in any way affect their obligation and responsibility to meet the legal requirements. However, the EU legal framework acknowledges that farmers who ask for advice are more likely to be aware of how to fulfil the legal requirements. When selecting farms for inspection, therefore, Member States may choose to consider these farmers as presenting a lower risk.

Raising farmers’ awareness of EU legal requirements is the main goal of the FAS. Advice must therefore be clearly distinguished from checks carried out in the framework of cross compliance or to ensure compliance with the sectoral legislation. In this connection, Member States must ensure that the FAS operators do not disclose personal or individual information, or data they obtain in the course of their advisory activity, to persons other than the farmer managing the holding concerned.

The only exception to this rule is if FAS operators discover some irregularity or infringement which is covered by an obligation laid down in EU or national law to inform a public authority, in particular in the case of criminal offences.

POLISH LEGISLATION IN THE SCOPE OF ESTABLISHING THE FARM ADVISORY SYSTEMS

In Poland, legal regulations concerning farm advisory service had been based on the lower legislation acts (regulations) until 2005. The lack of statutory regulations resulted in the uncertainty of advisors regarding the way of financing the centres or the cooperation with other institutions. Since 1 January 2005, the agricultural advisory units have been operating under the act from 22 October 2004 on the agricultural advisory units (Act on Advisory Units, 2004). Reorganization of these units consisted particularly in fulfilling the statutory obligation to organize 16 regional Agricultural Advisory Centres (pol. Osrodek Doradztwa Rolniczego - ODR) as well as in establishing the Central Agricultural Advisory service (pol. Centrum Doradztwa Rolniczego - CDR). The ODR ceased to function as the budget entities and became national organizational units with legal personality.

The main purpose of farm advisory service is to grant support to farmers and other rural inhabitants, who face a problematic situation. The aim is achieved by presenting them the current situation with its conditions, preparing them to recognize the situation, assisting in problems solving and in making their own decisions. The main tasks of advisory units involve economics, organization and management of the agricultural holding, market organization, marketing, financial aspects of the market, insurance, pension and old age retirement as well as a number of other issues. The scope of these issues is enormously wide and involves numerous aspects of agricultural holdings functioning from the typically agricultural activity and its combination with non-agricultural activities to the wide range of training and educational issues. The activities codified in the act on the agricultural advisory units were divided into the tasks performed free of charge (obligatory) and the commissioned ones (facultative), being a kind of service for which one should pay. The obligatory tasks of the Agricultural Advisory Centre involve the following issues.

CONCLUSIONS

In the light of the evaluation set out in this report, the Commission considers that the FAS is an essential tool for a successful implementation of the CAP. Farmers are supported in their efforts to comply with the EU’s legal requirements relating to the environment, food safety and animal health and welfare. By assisting them with these ‘cross-compliance’ requirements, the FAS helps farmers avoid losing CAP payments. A farmer receiving advice is more likely to understand his cross-compliance obligations, and will thus more readily comply with them.

Table 1

Farm advisory services rendered by the ODR

1. Conducting trainings for farmers and other rural inhabitants in the scope of:	1. Other tasks of the farm advisory service centres
2. Applying modern agro-technical, farming and agri-food processing methods	2. Conducting information activities supporting the development of agricultural production
3. Solving technological and organizational as well as economic problems of agricultural holdings	3. Conducting activities aiming at improving professional qualifications of farmers and other rural inhabitants
4. Accounting in agricultural holdings	4. Providing help to farmers and other rural inhabitants in the scope of preparing documentation required to obtain the aid
5. Organic agriculture	5. Conducting market analysis of agri-food products and means of production as well as collecting and spreading market information in this scope
6. Development of entrepreneurship in the rural areas	6. Conditional variety experimentation conducting as part of the post-registration variety experimentation
7. Modernization of the rural household	7. Dissemination of the agricultural production methods and the environmental friendly lifestyle
8. Applying for the financial aid granting or for the aid co-financed by the European Union funds or by other national or foreign institutions	8. Taking measures to preserve the cultural and natural heritage of the rural areas as well as to arrange the organic and functional agricultural holding
9. Modernization of agricultural holdings, improving the quality of agri-food products and their processing as well as strengthening farmers' position on the market	9. Promotion of agricultural and rural tourism development as well as promoting rural area as an attractive place to rest
10. Management of agricultural holdings	10. Cooperation in implementing tasks from the agri-environmental and action programmes aiming at reducing nitrogen outflow from agricultural sources
11. Promotion of local and regional products	11. Conducting the analysis of changes in the scope of the level and quality of agricultural production and the functioning of agricultural holdings as well as disseminating the results of advisory work analysis

Source: *The act on the agricultural advisory units from 2014*

Advisory services are certainly not new in many Member States, but they may have been taking place in a piecemeal manner. By obliging each Member State to have a FAS in place, the legislator has adopted a more strategic overarching approach. The efforts being made in the Member States illustrate the important role that the system and the FAS coordinating bodies can play in helping farmers understand and implement EU rules.

The farm advisory system in Poland was based on European and national law provisions. The regulations of the Council of the European Communities from 2003 constituted the legal basis for the system existing in the whole European Union. The subsequent key legal act was the Council Regulation (EC) from 2009, which maintained the requirement to establish and organize the agricultural farm advisory service centre, indicating the additional scope of services resulting from the implementation of cross compliance. Legislative modifications aimed at providing the instruments of market control and forming strategic guidelines of the Common Agricultural Policy. The list of priorities was expanded to embrace the so called new challenges concentrating on counteracting climate changes, preservation of biodiversity, promoting renewable energy generation as well as on conducting rational water management. These issues were also embraced by the agricultural farm advisory service.

The Farm Advisory System (FAS) in Poland involved public institutions, including the Central Agricultural Advisory service and 16 regional Agricultural Advisory Centres. The Chambers of Agriculture had the right to advise pursuant to a law, without the requirement to apply for accreditation. Apart from the public advisory system, national regulations authorised private advisory units for the transitional period (until 2015) which had to apply for accreditation in the Ministry of Agriculture.

The advisory system in the period under study implemented a lot of crucial tasks and in this sense it fulfilled the basic and essential role in the FAS system. It involved the activities in the scope of agriculture and development of rural areas, agricultural markets as well as rural households. These activities aimed at increasing agricultural income levels, improving market competitiveness of farms, supporting sustainable development of rural areas and improving vocational qualifications of farmers.

Agricultural farm advisory service was responsible for adjustment processes of rural areas and agriculture to the requirements of the competitive economy in the European Union. At the national level, it created the need to develop a new perspective on the place and role of agricultural farm advisory service. The expectations of farmers towards the farm advisory service services depended on the features of the community they were directed at and on the problems, which agricultural producers faced. Taking those factors into account was equally significant as the new activities, which consultants obtained from the Common Agricultural Policy. When specifying the functions of agricultural farm advisory service from this point of view, it should be stated that over the last dozen years, economic polarisation of farms has been gradually increasing and farmers stopped or reduced agricultural production in a lot of agricultural holdings. The considerable number of farms ceased to run agricultural production at all. As a result of restructuring and modernisation of farms, the needs of farmers regarding advisory services have changed. The expectations towards advisers were increasingly related to the issues regarding the possibilities that the policy provided in respect of rural areas and agriculture for those farms, which had been excluded from the agricultural market due to different reasons or had taken a marginal position on the market.

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