Peculiarities of legal regulation of activities of agricultural producers

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Abstract. The relevance of this scientific study is given below. The progressive development of Russia's agro-industrial complex is, of course, a very important and integral part of the country's economy. The main task of the agro-industrial complex of Russia is to meet the needs of the population in such important areas as the production of sufficient and safe quantities of food and consumer goods. Effectively developing small farms of the Russian agro-industrial complex management, it will be able to receive sufficient livelihoods for the life and economy of the country's population at the expense of its own resources. It is possible to increase the efficiency of use and change the set of external conditions so that they do not negatively affect the results of the work of the Russian agro-industrial complex as a complex open system. To achieve a positive socio-economic effect, it is necessary to predict a set of strategic development measures and, if possible, assess their potential and development directions. The tasks solved by the modern agro-industrial complex of Russia include the definition of parameters, the regulatory and target base, management methods for organic agricultural production and its main characteristics, and a comparative analysis of its implementation in the Russian Federation and abroad. areas in terms of geographical location, as well as a more detailed analysis of this direction in Russia. Keywords: highlighted, for evaluating, of agriculture, ecological, the implementing, subsystem of society.

1 Introduction

In the 21st century, the key direction in the development of the agricultural sector of the leading world powers is the production of organic agricultural products due to the complex impact of a number of political, economic, legal, ideological factors, including: an increase in the consumer demand of the population for food products that are safe for health; broad public support for the system of environmental protection measures; strengthening of tendencies to reduce the use of pesticides and agrochemicals due to their negative impact on human health and the environment; a sharp increase in the cost of agrochemical means of protection on world markets due to rising energy prices and disruption of logistics links; sustainable growth in the rate of development of the organic products market; formation of international legal and national legal foundations of organic agriculture; creation of an

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extensive infrastructure that provides assistance to the development of organic agricultural production.

The national food market functions in the prism of the most important state interests, including food safety. The current situation in the agro-food complex shows that every year the problem of providing the population with food becomes more and more urgent. The solution of the issue depends not only on the production capacities and bioclimatic conditions of the agro-industrial complex, but also on the development of the food market, the most important task of which is to ensure the balance of its structural elements[1].

2 Methodology

In the process of compiling this study, a general scientific diabetic approach is used to scientific knowledge of the problems of growing and selling quality and consumable agricultural products. The work used general and special methods of scientific knowledge.

3 Results of the research

Despite the still very small share of organic products in the domestic food market (about 0.1% with sales of 10-12 billion rubles) and in the world market (0.17%), Russia has the necessary potential for the development of this area in the short term. First of all, it is the presence of large areas of fallow lands suitable for growing organic agricultural products, as well as the achievements of domestic science in the field of biotechnology, including the creation of biological plant protection products; high growth rates of the domestic market for the consumption of organic agricultural products. (Fig. 1. Ranking of regions for the production of all agricultural products).

![Fig. 1. Ranking of regions for the production of all agricultural products.](image)

In addition, due to the steady growth in the consumption of organic products in world markets, domestic organic products that meet the standards of importing countries will have a high export potential and can be sold with added value. In October 2022, the Ministry of Agriculture of the Russian Federation presented a draft Strategy for the Development of Organic Production, according to which by 2030 the volume of the domestic market for organic products will be about 150 billion rubles, while the average consumption of such products will exceed one thousand rubles per person per year. The export potential of organic products is estimated at 3.7 billion rubles [2].
In Russia, on January 1, 2020, the law on organic production came into force. The document was adopted in July 2018. The entry into force was postponed by almost a year and a half in order to prepare the necessary regulatory framework.

The law introduces a ban on the use of agrochemicals, pesticides, antibiotics, growth stimulants for fattening animals, hormonal preparations - with the exception of those that are allowed for use by the national, interstate and international standards in the Russian Federation in the field of organic production [3].

It is also prohibited to use embryo transfer, cloning and genetic engineering methods, genetically modified and transgenic organisms, as well as products manufactured using genetically engineered and transgenic organisms. The production of organic products is also incompatible with the hydroponic method of growing plants.

In addition, the production of organic products on the same equipment as conventional products is prohibited, and organic and inorganic products cannot be mixed during storage and transportation.

It is forbidden to use packaging, consumer and shipping containers that can lead to pollution of organic products and the environment, including the use of polyvinyl chloride (PVC, used for the production of pipes and window profiles) for packaging, consumer and shipping containers [4].

The law makes it mandatory for Russian organic producers to pass Russian certification from accredited bodies. Now there are three such structures in Russia, including the Organic Expert company, the renewal of accreditation of which organic producers have been waiting for almost seven months, and which has real experience in certification for the full cycle of organic production [5].

In May 2022, the draft model law "On Organic Agriculture" of the CIS countries was presented for the first time. Despite the fact that most of the CIS countries have already adopted national legislative acts in this area, their structure and content differ in many respects. The adoption of a model law is aimed at harmonizing national legislation and expanding the unhindered access of organic products to foreign markets. The entry into force of Law No. 280-FZ on January 1, 2020 contributed to the intensification of the development and adoption of relevant legislative acts at the level of constituent entities of the Russian Federation.

To date, laws regulating relations in the field of production, sales of organic products, as well as state support for this area, have been adopted, in addition to the Ulyanovsk region, also in the Tyumen, Saratov, Voronezh regions, Krasnodar Territory, and the Republic of Tatarstan. At the same time, in many subjects of the Russian Federation that have the necessary conditions for organic agricultural production, its development is hampered due to the lack of regional legal regulation of this sphere of relations. Law No. 280-FZ establishes requirements for the production of organic products, defines a method for confirming the compliance with them for the production of organic products in the form of voluntary certification carried out by certification bodies accredited in the field of organic production, which issue a certificate of conformity for the production of organic products[6].

Only certifiers who have been accredited by the Federal Accreditation Service (Rosaccreditation) have the right to carry out voluntary certification of organic products. To date, there are 11 bodies for certification of organic products in Russia, accredited by the Federal Accreditation Service.

In accordance with Law No. 280-FZ, only products that meet the national standard of the Russian Federation can be considered organic. Rules for the production, processing, labeling and sale. Accredited certification bodies verify the compliance of organic products with the Russian organic standard (Table 1. Analysis of the development of the organic direction as an element of business diversification for agricultural holdings in the Russian Federation).
Table 1. Analysis of the development of the organic direction as an element of business diversification for agricultural holdings in the Russian Federation.

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weak sides</th>
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<tbody>
<tr>
<td>Demand outstrips supply, the consumer pays a 30-50% premium in developed markets and a 200-300% premium in Russia for organic products.</td>
<td>The need to accumulate a large amount of new expertise.</td>
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<td>High competitiveness in terms of price in international markets due to the high payroll component in the cost of production.</td>
<td>The need to build commercial distribution channels for a wide product portfolio (involved in the seed turnover).</td>
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<td>Availability of part of the raw material base in the domestic market.</td>
<td>Lack of a sufficient number of qualified personnel.</td>
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<td>Growth in the sustainability of agricultural results on a single land in the long term (50 years)</td>
<td>Long process of soil preparation (from 3 years) for the transition from traditional to organic agriculture</td>
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<tr>
<td>Possibilities</td>
<td>Threats</td>
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<td>High potential for further development of demand in the domestic and foreign markets with the growth of the “education” of the population on this topic.</td>
<td>Emergence of low-cost imported goods due to significant government support</td>
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<td>Low penetration of strong organic brands - an opportunity to create a strong umbrella brand.</td>
<td>Introduction of sanctions measures for the supply of seeds and other specialized raw materials.</td>
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<td>Rapid scaling of production due to a large amount of fallow land (requires an analysis of their localization today)</td>
<td>Deterioration of domestic demand due to the unstable economic situation.</td>
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Prior to the entry into force of Law No. 280-FZ, there were no obstacles to the sale of organic products certified according to international and foreign standards on the domestic market. However, after the introduction of new legal norms from January 1, 2020, a situation has developed that, in order to sell products within the country as organic, producers must re-certify, but according to the Russian national standard. The same requirement has been introduced in relation to organic products imported into Russia, which must now receive a certificate of conformity with GOST 33680-2016.

The need for re-certification is associated with additional costs for domestic agricultural producers, which further increase the cost of organic products and make it difficult to sell. Taking into account different opinions on this issue, it seems that the ways to solve the problem of "double certification" could be the mutual recognition of international and national standards and certificates based on international agreements, the development of unified standards for the countries of the Eurasian Economic Union (EEU), the unilateral recognition of certified according to the standards of other countries of organic products, provided that their level complies with the Russian national standard [7].

The presence of information about the manufacturer and his products in the named register allows him to use competitive advantages in the sale of organic products, and also helps to strengthen the business image of the manufacturer. As of the end of September 2022, information about producers of organic products certified in accordance with GOST 33680-2016 was included in the USRROP.

Currently, organic producers who are not individual entrepreneurs cannot be registered in the USRROP, but in order to fill this gap, a bill has already been submitted to the State Duma of the Russian Federation, proposing to allow self-employed people to be included in the register of organic producers. Law No. 280-FZ establishes requirements for separating the production of organic products from other products, as well as a ban on its mixing during storage and transportation with non-organic products. However, with regard to the sale of organic products, the legislation does not establish a requirement for their separate placement.
in universal trade facilities or sale in specialized stores. Under these conditions, it becomes especially important to use as a legal means of individualizing products the right to place labeling of organic products after confirming its compliance with the established requirements in the form of a combination of inscriptions and a graphic image (sign) of organic products of a single sample [8].

As rightly noted by A.V. Tikhomirov, “at the federal level there is no unified state program for the development of organic production, where specific support measures would be fixed”, which forces the constituent entities of the Russian Federation to fill this gap at the regional level, however, the above-named author’s analysis of the currently operating in the field of organic production regulation (Figure 2. Russian organic producers by type of activity). The analysis of the products of the laws of the constituent entities of the Russian Federation showed that some of them contain norms of a declarative nature or refer to federal legislation. Along with the implementation of support from government agencies, there is experience in providing financial assistance to organic producers by non-profit organizations created to promote the production of Russian organic products and create a culture of their consumption. The significance of their activities in this direction is of particular importance in the context of the lack of formation at this stage of the federal system of support for producers of organic agricultural products and differences in the amount of assistance provided to them at the level of individual subjects of the Russian Federation, up to its complete absence.

![Figure 2. Russian organic producers by type of activity.](image)

Particularly noteworthy is the activity in this direction of the Fund for Support of Producers of Organic Products "Organika", created with the support of the Russian Agricultural Bank, which stimulates it through the provision of grants for participation in specialized exhibitions, festivals and fairs; certification of organic products; organization of internships for the exchange of best practices in Russia and abroad. From May 18 to June 30, 2022, the Organica Foundation held the first Grants Competition for businesses planning or already becoming certified organic producers, as a result of which 19 organic producers out of 47 participants were recognized as winners, who will receive grants for expenses related to with the passage of certification, in the amount of up to 500 thousand rubles [9].

The system of legal means aimed at stimulating the development of organic agricultural production is in the process of formation, therefore, at this stage, individual local initiatives are of interest, the experience of successful implementation of which can subsequently be scaled up within individual regions or countries as a whole. One example of this is the experience of the Krasnouruzhsky district of the Belgorod region, in which an inventory of land was carried out for the purpose of their subsequent lease to small and medium-sized farmers, with the provision of benefits to those who plan to conduct organic agricultural production on leased land [10].
Another direction in the formation of a system of legal means that promote the development of organic agricultural production could be to provide an increased level of protection when concluding an agricultural insurance contract, which requires the development of an appropriate mechanism and its regulatory consolidation. Of no small importance will be the development and application of legal means that stimulate not only the production, but also the sale of organic products, since without its successful implementation, organic agriculture can become unprofitable, up to bankruptcy and subsequent liquidation of the agricultural producer [11].

In the future, the development of a system of legal means to stimulate the development of organic agricultural production in Russia should be aimed at shaping its complex nature, which implies, on the one hand, the adoption of a state program for the development of the production of organic products and the development of special measures of state support for this area, not only at the regional, but and at the federal level, on the other hand, the involvement of the non-state sector interested in the development of domestic production of organic products. For the development of the domestic market for organic products, it is necessary to optimize the certification system for organic products and build an effective mechanism for controlling its quality, create favorable conditions for the sale of organic products, including through large retail chains.

4 Discussion of results

One of the most important factors in the development of agriculture in modern economic and technical conditions has become its chemistry. Chemical compounds are an important tool in the control of pests, various diseases of crops and weeds, which has led to significant economic benefits. At the same time, the fact that chemicals entered the environment required manufacturers to carefully study the metabolism, distribution, decomposition time and toxic properties of these substances for humans and animals. Today, due to the huge scale of the agricultural industry, the danger of improper storage of substances, the use of obsolete and dangerous formulations, the acquisition of counterfeit and adulterated products remains.

Currently, the process of handling pesticides in agriculture is regulated by several departments at once: the Ministry of Agriculture of Russia, Rosselkhoznadzor, Rosprirorodnadzor, Rospotrebnadzor and the Federal Customs Service (Fig. 2. Production of pesticides in Russia by types in 2022). The activities of these departments are carried out in accordance with: Federal Law No. 109-FZ “On the safe handling of pesticides and agrochemicals”, No. 7-FZ “On Environmental Protection”, Federal Law No. 184-FZ “On Technical Regulation”, the State Catalog of Pesticides and Agrochemicals of December 29, 2021 and the List of Pesticides and Agrochemicals for Fruit and Vegetable Enterprises of the Russian Federation. Federal Law No. 109-FZ of July 19, 1997 “On the Safe Handling of Pesticides and Agrochemicals” regulates the following provisions: on the responsibility of drug manufacturers for their quality and safety, on the organization of a production control system for the content of pesticide residues in agricultural products; on strict observance of the rules for the use of pesticides, etc.
On the basis of the sanitary rules of Russia in the "Unified sanitary-epidemiological and sanitary requirements for products (goods) subject to sanitary-epidemiological supervision (control)" section "Requirements for pesticides and agrochemicals" was created. Eurasian Economic Union. Subsequently, on their basis and amendments by hygienists, the Council of the Eurasian Economic Union created and approved technical regulations. Russia is a party to international agreements on pesticides, including: the Stockholm Convention on Persistent Organic Substances, the Rotterdam Convention on the Prior Consent After Prior Notification Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Montreal Protocol. The Stockholm Convention on Persistent Organic Substances removes all persistent organics and prevents the formation of new ones.

Persistent organic pollutants are long-lived organic pesticides. By agreement, the pesticides to be destroyed are: dioxins, furans, chlordane, heptachlor, aldrin, dieldrin, endrin, mirax, toxaphene and hexachlorobenzene. According to the Rotterdam Conference, standards for the import of various hazardous chemicals, including non-hazardous pesticides, have been concluded, the exchange of information and the labeling of chemical compounds have been standardized.

Ensuring the safe use of pesticides in agriculture is complicated by insufficient control over the safe handling of chemicals. At the same time, serious soil pollution today occurs in places where obsolete and prohibited compounds have been used for a long time. By law, when checking pesticide use or monitoring soil contamination, soil analysis for chemical composition is not performed. Soil poisoning also occurs due to insufficient control over the activities of equipment manufacturers and sprayers, which leads to the irregular use of pesticides.

In 2011 and 2019, PAN lists of highly hazardous pesticides were formed, the positions of which in 106 cases coincide with those registered in circulation in the Russian Federation. Also in the catalogs of certified pesticides there are 38 names that are not registered or banned in other countries of the world. A serious problem is insufficient testing of food products for the content of these ingredients. Products manufactured in Russia and supplied from abroad are currently only tested for certain pesticides.

Legislative changes are related to the systematization, generalization and grouping of security requirements of various legislative and regulatory and technical acts. It is necessary to develop safety rules for all phases of the circulation of pesticides and agrochemicals. A necessary change in the law is also the segregation and testing of all pesticide content in products entering the Russian market. By training machine operators and farms in the rules of care and dosing of pesticides, the amount of pesticides entering the soil should be reduced by 2 times. These methods will significantly reduce the negative impact of the chemical compounds of the presented group on human health, as well as the pollution of soils used in agriculture.
5 Conclusions

The system of domestic and international legislation fully ensures the regulation of relations in the field of standardization, product quality, metrology and certification. However, the definition of administrative responsibility in the form of a definition has not yet been fixed. In particular, the term "administrative responsibility" is widely used in the Code of Administrative Offenses of the Russian Federation, but it should be noted that the current Code of Administrative Offenses does not define administrative responsibility. Accordingly, the lack of a legislative definition of the concept of administrative responsibility gives rise to lively discussions among scientists about its essence and content. In order for the concept to be effectively used in society, understood by people, and becomes part of their legal consciousness, it needs to be defined in a legislative act. Consequently, administrative responsibility is a necessary stimulus for lawful behavior, promotes the development of a sense of moral and legal duty to society and the state, and increases the socio-political activity of every citizen. Accordingly, in order to apply the provision of the Code of Administrative Offenses on liability beyond its limits, it is necessary to have a legislative definition of the concept of administrative responsibility, which should reflect the essence of this legal phenomenon and include the necessary and sufficient classification features of this type of legal liability. As for the concept of administrative responsibility in the field of product quality, there is no legislative fixation for it today, there are only separate proposals of scientists on this issue. Thus, it can be concluded that the term "administrative offense" is convenient to use to refer to the relevant actions of individuals, and "administrative offense" - for a generalized designation of the grounds for administrative responsibility of both individuals and legal entities. The reality shows that the commission of an administrative offense in the field of product quality is dangerous for society, the state, and its economy. In addition, the committed illegal actions are socially harmful in their result of the encroachment.

The main type of administrative punishment for committing administrative offenses in the field of product quality is a fine. Such a conclusion can be drawn on the basis of an analysis of statistical data on the number of persons brought to administrative responsibility by types of administrative penalties for offenses in the field of product quality. Business entities that put into circulation products without appropriate labeling on the presence of GMO components bear administrative responsibility in accordance with Art. 14.46.1 of the Code of Administrative Offenses of the Russian Federation, for individual entrepreneurs who do not comply with the requirement to label products with GMOs, the penalty is a fine of 20–50 thousand rubles. For legal entities, the amount of the fine will be 100-300 thousand rubles. The above article refers to the Decree of March 22, 2002 "On the introduction of Sanitary Rules into" and the requirements for the safety and nutritional value of food products. With a more detailed study of the norms and provisions of the Criminal Code of the Russian Federation, it can be concluded that criminal liability for non-compliance with legislation in the field of handling GMOs is not established. The issue of responsibility of persons whose duties include the implementation of genetic engineering activities should be resolved by clearly detailing possible misconduct in job descriptions or internal labor (service) regulations. At the present stage, the Code of Administrative Offenses of the Russian Federation also does not contain special articles for violation of legislation in the field of genetic engineering.

All changes and additions that were introduced by special laws mainly relate to information about products - its concealment, distortion and non-provision, and are intended to oblige food manufacturers to label their products. Uncontrolled circulation of genetically modified food, medicines, feed, introduction of genetically modified organisms into the
environment in violation of established norms and rules can lead to irreversible consequences. Special laws also detail the types of offenses in the field of handling GMOs. Thus, the Federal Law of the Russian Federation “On the Quality and Safety of Food Products” provides that for violation of its requirements, the perpetrators bear civil, administrative and criminal liability provided for by law.

1. In accordance with of the Federal Law of the Russian Federation "On Protection of Consumer Rights" provides for the consumer's right to reliable and timely information about products

2. In the field of handling GMOs, this rule makes it necessary to mark the presence of genetically modified components in products. Features of the application of civil liability in the field of handling GMOs, issues of product safety and quality are regulated by the Civil Code of the Russian Federation, the above-mentioned legislative acts, as well as the Law of the Russian Federation "On Environmental Protection"

3. Art. 50 of this Law provides that the damage caused as a result of violation of environmental legislation is subject to compensation in full without the application of norms for reducing the amount of the penalty. Persons who suffer such harm are entitled to compensation for lost income for the time necessary to restore health. However, the implementation of civil liability in this area is limited in some important international treaties in the field of biotechnology: the FAO International Convention (Prod1 Federal Law of 02.01.2000 No. 29-FZ (as amended of 01.03.2020) “On the Quality and Safety of Food Products”, 2 Law of the Russian Federation of February 7, 1992 No. 2300-1 (as amended on April 24, 2020) “On the Protection of Consumer Rights” // Ross. 12/27/2019) "On Environmental Protection" // Ross. Gazeta. 2002. January 12, 52 United Nations Voluntary and Agricultural Organization) on plant protection, the FAO International Agreement on Plant Genetic Resources for Food Industry and Agriculture has not signed the CE Convention on civil liability for damage, is the result of activities that are dangerous to the environment.

After analyzing the regulatory framework in the field of handling genetically modified organisms, it was concluded that it mostly contains general provisions, without specific details of the types of offenses in this area and the types of penalties for them. The current laws and by-laws do not regulate the specifics of liability relations associated with the use of genetically modified organisms and products containing them.

References