

# Legal formation of the national systems of organic production in Russia and the EAEU

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**Abstract.** The chapter substantiates the conclusion that an organic product is a food product produced on basis of natural agriculture and animal husbandry, without the use of pesticides and other plant protection products, chemical fertilizers, growth stimulants and animal fattening. Having studied the agricultural legislation of Russia and other EAEU countries, the authors note that these legal acts contain a large number of common approaches and methods of state regulation of the production and turnover of organic products, although it differs in terms of individual production conditions, prohibitions and restrictions. Despite the fact that the adoption of laws on organic products in Russia and the EAEU countries was a great victory for agricultural producers and consumers, there is still a lot of work to done. It is necessary to bring the EAEU standards in line with international requirements, to develop specific measures to support producers of organic agricultural products, to fine-tune control mechanisms and to establish sanctions for violations in this area. In particular, it is advisable to establish legal liability for the use of organic labeling without proper grounds. As economic measures to support producers of organic products, it is necessary to establish a regulatory obligation of the state to purchase only organic products for military personnel, hospitals, orphanages, as well as other similar social needs.

## 1 Introduction

The current state of the market for environmentally friendly products characterized by rapid development, since where these technologies introduced, there is an increase in yields and an improvement in soil fertility [1]. According to experts, in the developed countries of the world, about 80% of consumers prefer environmentally friendly (organic) products, and the incentive for the development of its market is the fact that programs to support organic agriculture belong to the measures of the "green basket" of the WTO, and the costs are not limited to them [2]. But organic farming is not just a "green" project, but also a real tool for the development of modern competitive agriculture in the global food market [3]. The environmental aspect of consumers' choice of organic technologies is also due to the fact that chemicals in the form of fertilizers and pesticides can pollute groundwater and streams through runoff cause algae blooms and oxygen depletion in water bodies, contribute to soil

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acidification, kill beneficial insects and potentially poison wildlife and its reproductive system [4]. Along with this, consumers may have a number of additional considerations.

Until recently, Russia was among them, since it did not implement legal regulation of the production of environmentally friendly products. The situation changed only after the adoption of Federal Law No. 280-FZ of August 3, 2018 "On Organic Products and on Amendments to Certain Legislative Acts of the Russian Federation» [5]. The Law is important for the sustainable development of agriculture and ensuring food security. The unique territorial and climatic conditions of our country create an optimal springboard for the development of ecological agriculture and the accompanying market for organic (environmentally friendly) products.

## **2 Materials and Methods**

The legislative base of the study made up of the laws of the Russian Federation and other EAEU countries regulating various aspects of the activities of agricultural producers for the cultivation of organic products. The authors analyzed the provisions of the Russian federal laws "On Organic products and on Amendments to Certain Legislative Acts of the Russian Federation", "On the Quality and Safety of Food Products", "On Technical Regulation» [6]. The authors analyzed the laws of other EAEU countries. The Law of the Republic of Kazakhstan "On the Production of Organic Products" of November 27, 2015 [7]. The Law of the Republic of Belarus of November 9, 2018 "On the production and circulation of Organic Products" [8]. The Law of the Republic of Armenia of April 8, 2008 "On Organic Agriculture" [9]. The Law of the Kyrgyz Republic of May 18, 2019 "On Organic Agricultural production in the Kyrgyz Republic» [10]. These laws regulate the conditions and requirements for producers of organic products, prohibitions and restrictions aimed at ensuring the proper quality of organic products, procedures for voluntary certification, maintaining a single register and labeling organic products.

The problems that arise in the field of organic production have studied in the works of scientists from Russia and the CIS countries, as well as the works of representatives of European countries and the United States. Thus, Z. Yu. Belyakova, Yu. N. Budanova, B. A. Voronin, and S. D. Belyakova devoted their works to the problems in the sphere of production and turnover of organic products. Isvaliev, T. V. Kurman, A. I. Meniv, E. S. Navasardova, K. A. Selivanova, R. S. Yarandaykin, and also J. J. Czarnezki, K. L. Harrison, J. Hass, E. Morgera, K. Ong, P. Robért, V. J. Watnick and many others. The opinions and conclusions expressed by them used by the authors of this chapter to formulate their own doctrinal position.

In the process of research, general scientific methods are used, such: formal-logical, dialectical, system-structural, critical cognition. Methods of synthesis, classification, and generalization used to interpret the results of the study. The paper also uses private scientific methods: formal-legal, the principle of assessing legal processes, the method of comparative analysis, etc.

## **3 The concept of organic (environmentally friendly) products and the legal regulation of their production in the Russian Federation**

Until recently, the Russian law did not have the term "environmentally friendly product" or any other concept that denotes it. Federal Law No. 280-FZ of August 3, 2018 "On

Organic Products and on Amendments to Certain Legislative Acts of the Russian Federation" established that organic products are environmentally friendly agricultural products, raw materials and food, the production of which meets the requirements established by this law. In addition, Article 1 of Federal Law No. 29-FZ of January 2, 2000 (as amended on 13.07.2020)"On the quality and safety of food products"contains the concept of"food quality". This is a set of characteristics of safe food products that meet the requirements established in accordance with the legislation of the Russian Federation, the terms of the contract, the sample, standardization documents, technical documentation that determine their consumer properties, nutritional value, authenticity, grade (caliber, category, etc.), and meet the physiological needs of a person [11]. According to Article 15 of Law No.29-FZ, food products intended for sale must meet the physiological needs of a person in the necessary substances and energy. They must meet the mandatory requirements established by the legislation of the Russian Federation for the permissible content of chemical (including radioactive), biological substances and their compounds, microorganisms and other biological organisms that pose a danger to the health of current and future generations. Thus, Russian legislation suggests that there are two approaches to the assessment of agricultural products: it can be simply safe, not have negative consequences for health and meet the physiological needs of a person, or it can be useful, and grown in compliance with special environmental technologies [12].

This means that environmentally friendly production and environmentally safe production are two systems of agricultural activity that do not completely coincide, requiring a different approach in legal regulation. It seems that products that do not have a harmful effect on nature and human health and meet the safety requirements (sanitary standards, environmental regulations or technical regulations) can be considered environmentally safe. Eco-friendly products are a more neutral term than organic products. In the moment Article 4 of Federal Law No. 280-FZ of August 3, 2018 "On Organic Products and on Amendments to Certain Legislative Acts of the Russian Federation" provides for a number of requirements for the production of organic products.

The requirements of the Russian legislation regarding the concept and conditions of organic production determined by the content of scientific discussions that have been going on in Russian and world science for a long time.

Thus, the first group of authors believes that organic agriculture is a system of growing plants, livestock and fish farming with respect for the principles of environmental protection, using "natural" farming methods aimed at ensuring the long-term health of the population, the productivity of ecosystems, improving the quality of products and protecting nature [13].

Representatives of the second group of authors believe that in the legal sense environmentally friendly products are not so much the degree of their compliance with the level of requirements imposed in regulatory acts. It is proposed to consider environmentally friendly products that have increased nutritional value, strengthen health, do not contain toxic substances do not have carcinogenic, mutagenic or other adverse effects on the human body [14].

Summarizing it seems that an organic product is a food product produced on basis of natural agriculture and animal husbandry, without the use of pesticides and other plant protection products, chemical fertilizers. Without growth stimulants and fattening of animals, antibiotics, hormonal and veterinary drugs, artificial food additives and GMOs, without refining, mineralization, addition of artificial flavors, dyes and other additives that change the natural properties of such a product, which is enshrined in national legislation.

## **4 Problems of labeling and certification of organic products in Russia and other EAEU countries**

The Russian legislation provides for several tools of state management in the field of organic production, including a number of technological prohibitions (for example, on the use of food additives, ionizing radiation, etc.), as well as means of state regulation: certification, labeling, a single register of manufacturers. This means that the ecological entrepreneur has more responsibilities than the producer of traditional agricultural products. However, at the same time, it receives certain advantages in the consumer market, allowing it to significantly increase profits.

The main question at the same time is how to guarantee the consumer high-quality organic products, with the help of which information means he should receive information about such a product, and how the state should control this process. For example, the U.S. Government controls the production and circulation of organic products through three main methods: certification, authentication, and labeling [15].

In the EU, environmental certification (state-owned and produced on a voluntary basis by non-profit organizations) is the most common way of environmental information, which allows you to maintain consumer confidence in organic products. However, not environmental certification is given to the competence of private organizations. In the United States, Sweden and a number of other countries, the state is responsible for controlling environmentally friendly production. The American National Organic Standard developed by the US Department of Agriculture.

In Russia, after the normative consolidation of the concept of "organic product", there is no mandatory certification of organic production or products, that is, it is made on a voluntary basis. According to Article 21 of Federal Law No. 184-FZ of 27.12.2002 "On Technical Regulation", voluntary confirmation of compliance carried out at the initiative of the applicant on the terms of the contract between the applicant and the certification organ.

Voluntary conformity assessment can be carried out to establish compliance with standardization documents, voluntary certification systems, and contract terms. The certification organ confirms the conformity of objects to these standards; issues certificates of conformity for objects; grants applicants the right to apply the mark of conformity; suspends or terminates the validity of the certificates of conformity issued to them. The system of voluntary certification can be created by a legal entity or an individual entrepreneur (their associations) [16]. The conformity mark informs the buyer of the product that the product certified and meets the established quality standards. Currently, there are four national certification bodies in Russia: "Organic-Expert", "Roskachestvo", "Rosselkhoz nadzor" and "Organic-Certification».

In Russia created a special system for labeling organic products, which includes legal norms that establish mandatory requirements within the framework of state regulation, as well as a system of organs, that monitor the implementation of these norms. According to Article 7 of Federal Law No. 280-FZ of August 3, 2018 "On Organic Products and on Amendments to Certain Legislative Acts of the Russian Federation", producers of organic products, after confirming the conformity of production of organic products, have the right to place the marking that is a distinctive feature of organic products. Marking is made in the form of a combination of inscriptions and a graphic image (sign) of organic products of a single sample on the packaging, consumer and (or) transport packaging of organic products or on other information carriers attached to it or placed in it.

No less important than certification and labeling, an element of public administration in the Russian Federation was the introduction of the Unified State Register of Organic

Producers. This register allows you to distinguish environmental entrepreneurs engaged in the production of organic products from the total mass of traditional industries.

In other EAEU countries, we see the following situation.

a) The Republic of Kazakhstan has the Law of the Republic of Kazakhstan "On the production of organic products" dated November 27, 2015 No. 423-V (as amended on 28.10.2019). The Law contains rules and requirements comparable to the Russian legislation in the field of production and turnover of organic products. In particular, it provides (Article 11) conditions for the production of organic products (for example, including a ban on the use of synthetic substances, pesticides, hormones, antibiotics and food additives). As in the Russian Federation, in the Republic of Kazakhstan, the confirmation of conformity of organic production is voluntary (Article 12). The result of the confirmation of conformity of organic production is a certificate of conformity.

b) The Law of the Republic of Belarus of November 9, 2018 No. 144-Z "On the production and circulation of organic products", in contrast to the laws of other EAEU countries, regulates in sufficient detail the powers of various government organs (agriculture, health, etc.). A special feature of the law is also the regulation of seed production and beekeeping. In other respects, the law contains comparable requirements for the production of organic products, as well as other EAEU countries, as well as methods of public administration – labeling, registration, voluntary certification of products.

c) The Law of the Republic of Armenia of April 8, 2008 No. 23-N "On Organic Agriculture" aimed at the development of organic production, promotion of innovations, introduction of modern technologies, export of organic products within the framework of interstate economic cooperation. An independent certification system for organic products provided.

d) Law of the Kyrgyz Republic No. 65 of May 18, 2019 "On Organic Agricultural Production in the Kyrgyz Republic". As in the rest of the EAEU countries, this law contains a standard set of management methods, including maintaining a register, voluntary certification and labeling of organic products. However, unlike the Russian Federation, in the Republic of Kyrgyzstan, the law directly prescribes measures of state support for producers of organic products.

Thus, the legislation of Russia and other EAEU countries contains a large number of common approaches and methods of state regulation of the production and turnover of organic products, although it differs in terms of individual production conditions, prohibitions and restrictions [17]. In addition, the duration of the transition period differs in the EAEU countries, and their laws do not mention the quality of natural objects other than land as a condition that can negatively affect the quality of organic products grown by them [18]. Further development of the legislation of the EAEU countries on organic products will be influenced by international standards, including in force in the EU countries.

## 5 Results and Discussion

Within the framework of the regulatory regulation of the production of organic (environmentally friendly) agricultural products in various countries of the EAEU, a number of issues remained unresolved that require the attention of representatives of agricultural and legal science. Among them, we note the following:

1) since there are three basic models of organizing agricultural production (traditional model; using GMOs; organic farming), the national authority must approve a special Provision regulating the coexistence of these models. The fact is that if a field where organic products are grown is located next to a field where GMO crops grow, bee pollination of both fields may occur, which will violate the purity of organic products. In

Russia, the cultivation of agricultural products using GMOs currently prohibited, although in other countries the issue of the distance between organic fields and fields with GM crops, the difference in crop rotation, information issues, etc. is being discussed [19].

2) the question follows from the previous one: can there be GMO impurities in the composition of organic products, and if so, in what amount. For the EAEU countries, the experience of the United States is of particular interest, where the labeling of organic products has four levels, setting the degree of "organic" products in the range from less than 70 % to 100 %. The general principle underlying such labeling rules is that the degree of labeling increases as the organic content of the product increases. Thus, the higher the organic content of the product, the more clearly this organic content shown to the consumer [20]. In the EU, there are three categories of "organic" goods: if the product contains more than 95 % organic ingredients, it called organic; if there are 70-94% organic components, the word "organic" used in the list of ingredients; less than 70 % organic ingredients-the word "organic" used on the package [21,22]

3) the agricultural clusters can created for the cultivation of organic products. The category "cluster" is widely used in Russian legislation (for example, in relation to the creation of industrial clusters) [26].

Agricultural clusters in the Russian Federation and other EAEU countries should focus on strengthening their innovation orientation in the near future. This will require the addition of the Federal Law of 29.12.2006 (as amended on 15.10.2020) "On the development of Agriculture" with the special term "agricultural cluster", indicating the legal regime, incentives and restrictions for agricultural producers engaged in the cultivation of organic products within its borders.

4) the management of agricultural production, including the cultivation of organic products, is closely linked to climate problems. On the one hand, climate change strongly affects the efficiency of agricultural production (for example, due to droughts). On the other hand, the question arises about the impact of such production on climate change

5) today in many countries of the world (including Russia), the market of organic products has been captured by large producers. Obviously, it already makes sense to think about a system of legal incentives and restrictions that will allow small farms that produce organic products to remain on the market. The change in legislation could allow local authorities to purchase organic products for schools and other social facilities. The promotion of organic products could also serve as an adjustment of school educational programs.

6) On August 28, 2011, the state of Vermont (USA) experienced one of the worst natural disasters - tropical storm Irene (Irene). It is therefore important to ensure that public authorities properly regulate this aspect of organic production cultivation. Meanwhile, regulations in many countries do not adequately protect future organic crops from growing on previously flooded soils, and this raises important consumer protection issues for buyers of organic products [27].

## 6 Conclusion

An organic product is a food product produced on basis of natural agriculture and animal husbandry, without the use of pesticides and other plant protection products, chemical fertilizers, growth stimulants and fattening of animals, antibiotics, hormonal and veterinary drugs, artificial food additives and GMOs. And without refining, mineralization, the addition of artificial flavors, dyes and other additives that change the natural properties of such a product, which is enshrined in national legislation. The legislation of Russia and other EAEU countries contains a large number of common approaches and methods of state regulation of the production and turnover of organic products, although it

differs in terms of individual production conditions, prohibitions and restrictions. In addition, the EAEU countries differ in the duration of the transition period, and their laws do not mention the quality of other (other than land) natural objects as a condition that can negatively affect the quality of organic products grown by them.

Despite the fact that the adoption of laws on organic products in Russia and the EAEU countries was a great victory for agricultural producers and consumers, there is still a lot of work to be done to bring the EAEU standards in line with international requirements. It is necessary to develop specific measures to support producers of organic agricultural products, to fine-tune control mechanisms and to establish sanctions for violations in this area. In particular, it is advisable to establish legal liability for the use of organic labeling without proper grounds. As economic measures to support producers of organic products, it is necessary to establish a regulatory obligation of the state to purchase only organic products for military personnel, hospitals, orphanages, as well as other similar social needs. Producers engaged in environmentally friendly production should be granted land tax benefits, as well as other taxes in Russia and the EAEU countries. The proposed directions of the state agrarian policy due to the fact that production and economic activities for the cultivation of organic products have certain features, carried out with minimal human intervention using the natural laws of the development of agricultural plants and animals. Given the relatively recent appearance of laws on the regulation of organic agricultural production in Russia and other EAEU countries, the number of topical issues will only increase.

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