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## LEGAL SOLUTIONS CONCERNING THE REDISTRIBUTIVE FUNCTION OF PUBLIC FINANCE AS A TOOL TO SUPPORT BIODIVERSITY

### Abstract

Currently, the European Union, being aware of the deepening crisis of biodiversity, is setting increasingly ambitious goals in the field of nature protection, introducing tools which may make their pursuit more effective. The implementation of this strategy means, *inter alia*, that EUR 20 billion per year will be allocated to activities connected with the protection of biodiversity in the EU, 30% of land and seas are to be protected by 2030, and 10% of their area are to be strictly protected. The aim of the discussion in this article is therefore to determine whether, and if so, how biodiversity can be more effectively supported by the legal solutions concerning the redistributive function of public finances in relation to agriculture, introduced, *inter alia*, by the Commission in the EU Biodiversity Strategy for 2030 and by the European Parliament Resolution.

## KEYWORDS

crisis of biodiversity, legal solutions to the redistributive function of public finances, biodiversity strategy, agriculture, quality security

## SŁOWA KLUCZOWE

kryzys bioróżnorodności, rozwiązania prawne w zakresie funkcji redystrybucyjnej finansów publicznych, strategia bioróżnorodności, rolnictwo, bezpieczeństwo jakościowe

## 1. INTRODUCTION

For many years, as part of the implementation of various strategies<sup>1</sup> issues concerning the protection of biodiversity have been postulated, but their effectiveness has not been high so far, and attempts to adapt the proposed tools at the level of Member States have not been fully effective. In May 2020, the European Biodiversity Strategy for 2030 “Bringing nature back into our lives” was adopted in May 2020<sup>2</sup> (henceforth cited as the Strategy). This is the third biodiversity strategy to halt biodiversity loss in the EU. In June 2021, the European Parliament adopted the resolution “EU Biodiversity Strategy 2030: Bringing nature back to our lives”<sup>3</sup> (henceforth cited as the Resolution) – a document directly linked to the Strategy adopted by the Commission to underline its importance and indicate specific directions for its implementation. In the presented proposals one may note a continuation of earlier ideas, including an extension of the issues relating to the reduction of the use of chemicals in agriculture. Currently, the European

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<sup>1</sup> For example, in May 2011 the European Commission adopted a strategy which outlined a framework for EU action [activities] in the forthcoming decade to meet biodiversity headline target until 2021. Unfortunately, the EU Biodiversity Strategy to 2020 did not set measurable targets or actions for agriculture, making it very difficult to assess progress. (WEB-2011-00293-01-00-PL-TRA-00.DOC (europa.eu), 2020 Biodiversity Factsheet\_PL.pdf (europa.eu) (accessed on: 3 September 2021).

<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM/2020/380 final, EU Biodiversity Strategy for 2030 – “Bringing nature back into our lives”, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX%3A52020DC0380> (accessed on: 5 August 2021).

<sup>3</sup> The resolution of the European Parliament of 9 June 2021 on EU Biodiversity Strategy for 2030 – Texts adopted – EU Biodiversity Strategy for 2030 – Bringing nature back into our lives – Wednesday, 9 June 2021 (europa.eu) (accessed on: 25 August 2021).

Union, being aware of the deepening crisis of biodiversity, is setting increasingly ambitious goals in the field of nature protection, introducing tools which may make their implementation more effective. The implementation of the Strategy means, *inter alia*, that EUR 20 billion per year will be allocated to activities connected with the protection of biodiversity in the EU, 30% of land and seas are to be protected by 2030, and 10% of their area are to be strictly protected. All old-growth forests and old tree stands in the EU must be protected. The assumption is that, thanks to its adoption, the European Union has a chance to become a world leader in terms of the policy it implements related to nature protection<sup>4</sup>.

Biodiversity has been extensively discussed in the literature in various contexts and from different angles,<sup>5</sup> but due to the introduction of new assumptions adopted in the Strategy of May 2020 and the Resolution of June 2021, they have not yet been analysed. The issues related to biodiversity policy pursued by EU institutions have been considered at the EU level for nearly two decades. However, they are constantly evolving, in line with both the reform orientations adopted by the Commission, economic development, growing awareness of issues such as climate change or pandemic circumstances. Their specificity determines the types of tools used and supported. As far as socio-economic considerations are concerned, the legal instruments used in individual Member States to promote and protect biodiversity are increasingly determining the restrictions on agricultural activity. Legal issues related to the system of supporting mechanisms for the protection of biodiversity are the subject of ongoing legislative work, and on the basis of experience to date, attempts are made to create increasingly effective solutions. As regards the process of lawmaking and law application, the most important challenge for the EU legislator and for the entities implementing the legislation in the Member States will be to adapt effective enforcement mechanisms so that this time the postulates contained in the Strategy do not turn out to be merely high-sounding declarations. These regulations should be based on the coherent structures of, in particular financial, solutions, including the efficient allocation of the EUR 20 billion secured in the budget for the protection of biodiversity.

The aim of the discussion in this article is therefore to determine whether, and if so, how biodiversity can be more effectively supported by means of legal solutions to the redistributive function of public finances in relation to agriculture, as introduced, *inter alia*, by the Commission in the EU Biodiversity Strategy for 2030 and the European Parliament Resolution<sup>6</sup>.

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<sup>4</sup> *Ibidem* (accessed on: 26 August 2021).

<sup>5</sup> P. Gała, *Ochrona bioróżnorodności a prawa własności intelektualnej w rolnictwie*, “Studia Iuridica Agraria” Vol. 12, 2014, pp. 137-148.

<sup>6</sup> The European Parliament Resolution of 9 June 2021 on the EU biodiversity strategy for 2030 Texts adopted - EU biodiversity strategy 2030 – Bringing nature back into our lives – Wednesday 9 June 2021 (europa.eu) (accessed on: 5 August 2021).

## 2. RESEARCH

In the body of legal knowledge one can encounter the view that agriculture is a burden on public financial management<sup>7</sup>. Furthermore, for a long time in the scholarship on financial law a thesis negating the necessity for the State to interfere in agriculture, especially as regards the solutions treating this branch of economy in an excessively privileged way<sup>8</sup>. However, for the sake of accuracy it should be stressed that one of the basic functions of public finance is the redistributive function. “It is understood as a purposeful, conscious use of legal and financial institutions for the repeated (secondary) distribution of gross domestic product generated in the State<sup>9</sup>. Therefore, it is essential in order to adjust income distribution with the needs of society. The State is therefore obliged to create spending programmes to redistribute income. Undoubtedly, agriculture is the branch of the economy that generates a significant part of national income. Nevertheless, the income spread of farmers is much higher than the income spread of other parts of society. It results from the special nature of agriculture, and in the case of Poland it is caused in particular by its fragmentation<sup>10</sup>. In this context, it should be noted that proportionality in the distribution of national income is a rule of a fairly general nature. It is worth noting that, under Art. 9(2) of the European Charter of Local Self-Government, the amount of financial resources of local communities should be commensurate with responsibilities conferred on them by national law<sup>11</sup>. Drastic disparities can lead to significant structural differences. Redistribution allows society’s income levels to be equalised. It seems, therefore, that public transfers to farmers through support policies and subsidies are the norm today. In the literature the opinion has become well-established that “agriculture and food economy are, in a way, dependent on various forms of subsidising producers and agricultural production . . . Without subsidies to production, especially direct subsidies – area payments – it is now difficult to imagine the functioning of small and medium farms, even in rich countries, e.g. in France or Germany. The sudden termination of subsidies would create great dilemmas for many, even successful, farms in terms of agricultural production, especially in countries where

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<sup>7</sup> R. Sobiecki, *Interwencjonizm w rolnictwie: dlaczego jest konieczny?* “Kwartalnik Nauk o Przedsiębiorstwie” 2015, No. 35(2), pp. 38-47.

<sup>8</sup> K. Duczkowska-Małyśz, M. Duczkowska-Piasecka, *Raport w sprawie KRUS*, Business Centre Club, Warszawa 2008, p. 3.

<sup>9</sup> W. Wójtowicz, *Pojęcie finansów publicznych*, (in:) *Zarys finansów publicznych i prawa finansowego*, ed. W. Wójtowicz, Warszawa 2020, p. 19.

<sup>10</sup> B. Chmielewska, *Rynek i polityka w procesie zrównoważonego rozwoju rolnictwa*, “Roczniki Ekonomiczne Kujawsko-Pomorskiej Szkoły Wyższej w Bydgoszczy” 2013, No. 6, p. 56.

<sup>11</sup> The European Charter of Local Self-Government, drawn up in Strasbourg on 15 October 1985, Journal of Laws of 1994, No. 142, item 607, as corrected, adopted by the Republic of Poland on 1 March 1994.

agriculture is still a very important part of the economy for economic, but also for social reasons. This applies both to the Portuguese and Greek villages, but also to Hungary, Romania and Poland<sup>12</sup>. Due to the importance of agriculture, the aforementioned Strategy requires an increased redistribution of existing resources. The target reduction of income in domestic farms is possible only if the value of natural capital is recognised, which is important not only within protected areas. It has therefore become necessary to broaden the sources of funding to include public and private resources. The assumed *de lege lata* positive balance of transfers indicates that farms will obtain more from the public finance sector than they pay in. This measure has its justification stemming from the special nature of agricultural production, because it is supposed to result in income redistribution between agriculture and other sectors of the economy. Moreover, because of the transfers, income of farms will not only be increased but also equalized, which means the implementation of the redistribution function by financial instruments of the Common Agricultural Policy<sup>13</sup>.

The Common Agricultural Policy is a guarantee of progress in financial management. It is important to adapt production to market needs and requirements. Appropriate designation of development policy instruments determines the competitiveness of rural areas and the emergence of alternative ways of earning a living while maintaining the adequate development of services. It also seems that one of the Community objectives is to organise risk management in agriculture properly. Undoubtedly, this challenge can be addressed, *inter alia*, by creating groups of agricultural producers. Higher individual revenues, higher prices for a uniform product or the exchange of market information are the most important benefits which the Polish legislator has provided to members who decide to form and operate in a producer group<sup>14</sup>.

Producers may associate in cooperatives, limited liability companies, civil partnerships, agricultural trade unions or associations. The most common legal form used by agricultural producer groups is the cooperative. Significantly, it is also the most common scheme for agricultural producers in the European Union. Farmers' cooperatives account for about 60% of activities focused on the supply of means of production and sale of products<sup>15</sup>. It should be stressed that the Rural Development Programme, financed both from the EU budget through the

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<sup>12</sup> W. Musiał, *Problemy ekonomiczne gospodarstw małych i ich oczekiwania wobec reformy WPR 2014-2020*, (in:) *Problemy społeczne i ekonomiczne drobnych gospodarstw rolnych w Europie*, eds. J. Żmija, C. Alexandri, A. Czyżewski *et al.*, p. 14.

<sup>13</sup> Cf. A. Kaźmierska-Patrzyzna, *Ochrona różnorodności biologicznej w systemie prawnej ochrony przyrody*, Warszawa 2019, pp. 150-162.

<sup>14</sup> The Act of 15 September 2000 on Agricultural Producer Groups and their Associations and on Amendments to Other Acts, *Journal of Laws of 2021*, item 1603.

<sup>15</sup> P. Prus, *Czynniki hamujące chęć organizowania się rolników w grupy producentów rolnych*, (in:) *Perspektywy rozwoju grup producentów rolnych – szanse i zagrożenia*, ed. S. Zawisza, Bydgoszcz 2010, pp. 95-105.

European Agricultural Fund for Rural Development and from national public funds, is essential support for agricultural producer groups<sup>16</sup>. This financial aid is necessary, above all, for adjusting production to market requirements. Significant development of agricultural producer groups and thus a real increase of their share in the food market has a real impact on the improvement of the financial situation of farms. In turn, the requirement for vertical integration in agriculture has caused a trend in modernisation processes. The integration of agricultural producers is also encouraged by tax preferences<sup>17</sup>.

Nevertheless, it should be emphasised that the issue mentioned in the title of the article is the subject of mutually exclusive views in legal scholarship. Recently, the Polish system of biodiversity protection has reduced the share of ecological funds in financing activities for environmental protection. These funds come primarily from fees for using the environment and making changes to it, from fines for violating environmental protection requirements, from mining of minerals without the required concession or in flagrant violation of its terms, and from other revenues (for shipping and floating, extraction of aggregate and sand from water, from recoverable revenues, from financial operations, interest on loans and bank accounts, and obtained loans). The funds are used to finance, in whole or in part, activities related to environmental protection and water management. It is worth recalling that environmental funds are the national means of obtaining and redistributing financial resources for the implementation of major environmental protection projects. Transfers to entities of the public finance sector, as well as funds transferred to non-public entities, i.e. entrepreneurs, natural persons and state-owned enterprises, only together constitute aid granted for environmental protection. At the time of accession of the Republic of Poland to the European Union the access of entities to foreign funds designated for pro-environmental activities was multiplied<sup>18</sup>. Meanwhile, in 2019, the share of foreign funds in financing protection expenditures was around 19%. Compared to 2015, there has

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<sup>16</sup> The legal basis for the functioning of the Rural Development Programme are, respectively, the Act of 7 March 2007 on Supporting Rural Development with the Participation of the European Agricultural Fund for Rural Development under the Rural Development Programme for 2007-2013, Journal of Laws of 2020, item 1371 as amended, and the Act of 20 February 2015 on Supporting Rural Development with the Participation of the European Agricultural Fund for Rural Development under the Rural Development Programme for 2014-2020, Journal of Laws of 2021, item 182 as amended.

<sup>17</sup> The income of an agricultural producer group is eligible for exemption if the group is entered in the register of producer groups, the income is generated by the sale of products or groups of products for which the group was formed and the products were produced by the farms of the group's members.

<sup>18</sup> M. Górski, *Administrowanie działaniami związanymi z ochroną różnorodności biologicznej*, (in:) *Prawo ochrony różnorodności biologicznej*, ed. M. Górski, J. Miłkowska-Rębowska, Warszawa 2013, p. 19.

been an 8% decrease<sup>19</sup>. There is no doubt that the protection of biodiversity is also linked to the issue of environmental taxation. These are primarily public levies on energy, transport, pollution and the use of natural resources. Interestingly, the amount of environmental taxes in Poland for the period 2008-2018 increased from PLN 34 billion to PLN 57 billion. It should be emphasised that energy taxes accounted for the largest share of environmental taxes. Their amount was between 82% and 88%. In total, taxes on energy accounted for 87% of the total amount of environment-related taxes. It is worth noting that the lowest share was represented by taxes on natural resources – 0.1% in 2018. In addition, the share of the transport levy accounted for 9%, while those on pollution accounted for 8% of total environment-related taxes<sup>20</sup>. As a rule, material transfers between the national economy and the environment also include the extraction of materials, i.e. raw, unprocessed or primary materials from the environment. In this context, it should be added that economy-wide material flow accounts take include compilations of material inputs into national economies, the modification of material stock levels in the economy and material flows to other economies or the environment. It is noteworthy that the material flow accounts are identical to the principles of the system of national accounts. They capture material flows related to the activities of all domestic units of the national economy. All these elements make up the environmental economic accounts<sup>21</sup>. They combine information on the economy and the environment. In this way, it is possible to measure the contribution of the environment to the economy and the impact of the economy on the environment. Undoubtedly, this creates an important source of data to assist in environmental decision-making. They also make it possible to evaluate the direction in the use of natural resources, the level of emissions resulting from economic activity and the extent of pro-environmental economic activity<sup>22</sup>.

Another, increasingly important aspect of the discussed issue should also be pointed out – apart from the reasons for State interference in agriculture well-established in the literature on the subject, agriculture as a producer of public goods plays an increasingly important role. Recently, it is worth observing an actual departure from the exclusive model role of agriculture as a food producer. New priorities set by the State for this branch of economy mean that agriculture must

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<sup>19</sup> Główny Urząd Statystyczny, *Ekonomiczne aspekty ochrony środowiska 2020* [Central Statistical Office, *Economic aspects of environmental protection 2020*], Warszawa 2020, p. 46.

<sup>20</sup> *Ibidem*, p. 55.

<sup>21</sup> The System of Integrated Environmental Economic Accounts (SEEA) developed by the United Nations, the European Commission, the International Monetary Fund, the Organisation for Economic Co-operation and Development and the World Bank is a system of satellite accounts to the SNA (the System of National Accounts).

<sup>22</sup> See Regulation 538/2014 amending Regulation (EU) No. 691/2011 on European environmental economic accounts of 27 May 2014, OJ EUL.2014.158.113.

take into account positive effects of the aforementioned public goods<sup>23</sup>. One such element is undoubtedly biodiversity. The EU legislator, who is restoring the regulatory functions of the agricultural market, has led to a situation where price risk fundamentally affects the variability of income for agricultural producers in the European Union. There is no doubt that climate change has increased the agricultural production risk. It should be noted that these are the two most important factors determining the variability and instability of income in agriculture as a producer group. In this connection the role of agricultural policy instruments is even more important. The elimination of the negative effects of an increase in agricultural management risk at the same time reduces price risk together with its income effects<sup>24</sup>. The Member States' evolutionary approach to the Common Agricultural Policy aims at stabilising the income level of agricultural producers in conditions of permanent and increasing exposure of agricultural producers. The Common Agricultural Policy has shaped a wide range of possibilities of supporting groups of agricultural producers. The most important are macroeconomic solutions, among which one should mention income and price support, export subsidies and direct payments. For example, the price policy assumes common criteria and identical calculation instruments<sup>25</sup>. Favourable prices and subsidies, limiting agricultural production and an effective system of interference in the domestic and foreign markets guarantee the stability of production and the agricultural market, as well as a systematic increase in the income of agricultural producers. Interestingly, initially direct payments were to compensate farmers for the reduction in their income as a result of the reduction in guaranteed prices of agricultural products. With time, this system has become the main instrument of income support for farmers in all EU countries.

The European Biodiversity Strategy for 2030 “Bringing nature back into our lives” was adopted as a Communication by the European Commission in May 2020. It is one of the main elements of the European Green Deal,<sup>26</sup> set out in an earlier Communication from the Commission, announced in 2019, and which is a new development strategy for the European Union. Both the European Green Deal and the “EU Biodiversity Strategy for 2030” are documents of a strategic nature, which determine the directions for change, but it should be stressed that only legal regulations will introduce legally binding solutions<sup>27</sup>. The European

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<sup>23</sup> M. A. Król, *Polityczne i prawne podstawy ochrony różnorodności biologicznej w gospodarce rolnej*, (in:) *Prawo ochrony różnorodności biologicznej*, red. M. Górski, J. Miłkowska-Rębowska, Warszawa 2013, pp. 149-150.

<sup>24</sup> A. Erechemla, *Ochrona bioróżnorodności w ramach Wspólnej Polityki Rolnej*, (in:) *Prawo ochrony różnorodności biologicznej*, eds. M. Górski, J. Miłkowska-Rębowska, Warszawa 2013, pp. 65-66.

<sup>25</sup> A. Woś, *W poszukiwaniu modelu rozwoju polskiego rolnictwa*, Warszawa 2004, p. 146.

<sup>26</sup> European Green Deal – Consilium (europa.eu) (accessed on: 9 September 2021).

<sup>27</sup> P. Wojciechowki, *Bezpieczeństwo żywnościowe a ograniczenia w nabywaniu nieruchomości rolnych w kontekście strategii “Od pola do stołu”*, *Przegląd Prawa Rolnego* No. 1 (28) – 2021,

Parliament Resolution of 9 June 2021 on the EU Biodiversity Strategy 2030 – “Bringing nature back to our lives” was adopted as a document which aims, *inter alia*, to: systematise the issues addressed in the Strategy, give appropriate emphasis to priority issues and strengthen the impetus to the activities of the European Commission. These documents are important because they define specific objectives and set out the directions in which changes in EU law should take place. The implementation of the Common Agricultural Policy involves specific budgetary expenditures. Sources of funding are important in this context. Both financing from the EU budget and appropriate use of funds from national budgets should be taken into account. The development of the Common Agricultural Policy to date indicates that a significant part of the determinants described above will be even more intensified thanks to the Strategy. Generally speaking, it seems the environmental and social balance has become a priority<sup>28</sup>. An even more balanced development of rural areas through the diversification of activities is to be expected in order to guarantee alternative income and to shape agricultural production in line with environmental requirements. At the same time, it is worth pointing out that under the current legal state, financial resources from the EU budget are by no means a substitute for public funds. They are to activate the public and private sectors in the implementation of measures co-financed from the European Union funds. Against the background of the above remarks, it can be concluded that they also have a theoretical reflection in legal scholarship. A. Matuszczak points out that “perception of sustainable agriculture has to be dynamic, as permanently occurring transformations in agricultural structures entail benefits and losses . . . It would be rational from the point of view of sustainability to make decisions in accordance with the principle of marginal gains. At the same time, as a result of globalisation processes, external costs and public goods must be weighed against economic benefits”<sup>29</sup>. For the sake of accuracy, it should also be stressed that the assumptions of the Strategy may lead to the reduction of income inequality measures, but at the same time they may have an impact on other aspects of the functioning of agriculture<sup>30</sup>. It seems necessary to redistribute support from larger

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pp. 147–166.

<sup>28</sup> Cf. Z. Sadowski, *Akcesja do Unii Europejskiej a kierunki rozwoju Polski*, (in: *Gospodarcze i społeczne skutki akcesji Polski do Unii Europejskiej*, ed. R. Mikołajewicz, Opole 2006, p. 23. “The European Union defines in its provisions the framework and desirable policy directions, its general objectives and development goals. However, it does not impose specific solutions on Member States, appreciating the need to adapt them to the conditions of individual countries”.

<sup>29</sup> A. Matuszczak, *Koncepcja zrównoważonego rozwoju w obszarze ekonomicznym, środowiskowym i społecznym*, “Roczniki Ekonomiczne Kujawsko-Pomorskiej Szkoły Wyższej w Bydgoszczy” No. 2, 2009, p. 139.

<sup>30</sup> M. Drygas and I. Nurzyńska note “the need to take into account the UN Sustainable Development Goals by 2030, the Paris Climate Summit agreements of December 2015 and the CORK 2.0 conference, concerning in particular: natural resource management, climate change mitigation and environmental protection”, M. Drygas and I. Nurzyńska, *Uwarunkowania dyskusji nad ksz-*

to smaller and environmentally friendly farms. This is most often done through direct payments and investment subsidies<sup>31</sup>. The link between the concept of sustainable agriculture and industrial agriculture is that only active farmers in the EU are to receive direct payments. As a rule, however, this is a clear limitation of agricultural productivity growth in quantitative terms. In this context, there is an extraordinary obligation to allocate part of the land in ecological focus areas and thus the obligation to guarantee biodiversity.

Closely related to the issues presented above is the question of the direct support system for farmers. Undoubtedly, the Community regulations allow, to a significant extent, the independent policy of redistributive payments, thanks to which it is possible to adjust this instrument to regional conditions and objectives binding at the national level<sup>32</sup>. The amount of support received depends on the utilised agricultural area of a farm. It should be noted that according to Community standards, a Member State may transfer under a redistributive payment to farmers an amount not exceeding 30% of the national ceiling<sup>33</sup>. In addition, the rate of this payment must not exceed 65% of the national average payment per hectare, calculated as the ratio between the national ceiling and the area covered by a single area payment. Consequently, where the ratio between the financial pool set aside to finance the redistributive payment and the area accepted for that payment is greater than 65% of the national average payment per hectare, the EU State should make a linear reduction in the thus calculated redistributive payment rate so that the rate actually applied does not exceed the adopted limit<sup>34</sup>.

With reference to the above comments, it should be mentioned that the Common Agricultural Policy for 2014-2020 proposed ineffective solutions aimed at balancing the distribution of direct payments. The adoption of the redistributive payment mechanism resulted in the transfer between the EU countries of the amount of about EUR 1.25 billion, i.e. about 3% of the Common Agricultural Policy Pillar I budget<sup>35</sup>. Therefore, the Strategy may prove to be a new solution in the analysed area.

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*tałtem Wspólnej Polityki Rolnej po 2020 roku, (in:) Problemy rolnictwa światowego volume 18 (XXXIII), part 2, ed. M. Parlińska, "Zeszyty Naukowe Szkoły Głównej Gospodarstwa Wiejskiego w Warszawie", 2018, p. 63*

<sup>31</sup> The REPORT on the EU Biodiversity Strategy for 2030 – Bringing nature back to our lives (europa.eu) (accessed on 26 August 2021).

<sup>32</sup> A. Sadłowski, *Skutki stosowania płatności redystrybucyjnej w zależności od wariantu wdrożeniowego na przykładzie Polski*, "Polityki Europejskie, Finanse i Marketing" No. 22 (71) 2019, p. 182.

<sup>33</sup> The total pool allocated to a Member State for a given year for distribution under the direct support scheme.

<sup>34</sup> Taking into account the principle of subsidiarity, the Strategy assumes that EU Member States are to have greater influence in shaping redistributive payments at the national level.

<sup>35</sup> S. Stępień, M. Guth, K. Smędzik-Ambroży, *Rola wspólnej polityki rolnej w kreowaniu dochodów gospodarstw rolnych w Unii Europejskiej w kontekście zrównoważenia ekonomiczno-*

### 3. CONLUSSIONS

The assumptions of the European Biodiversity Strategy for 2030 and the consequent Resolution of the European Parliament of 9 June 2021 are part of the global trend to restore environmental balance and support mechanisms for the protection of biodiversity. This is the third biodiversity strategy aimed at halting the loss of biodiversity in the EU, but the first under which there is a real prospect of effective action being taken. The proposed solutions, particularly those relating to reducing the amount of agricultural chemicals used, are a justified and desirable trend. The links between the use of large quantities of fertilisers and plant protection products and a decline in biodiversity are undeniable and have been proven by many years of research. However, the social and economic effects should also be taken into account – one should be aware of the emerging threats to the economy in general, and to agriculture in particular, and create alternatives to the withdrawn products.

Due to the changes introduced in the European Biodiversity Strategy for 2030, it will be necessary to adapt legislation such as, *inter alia*, Directive 2009/128/EC of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides<sup>36</sup> and, for example, Regulation 1107/2009 concerning the placing of plant protection products on the market<sup>37</sup>. The Commission is currently revising Directive 2009/128/EC on the sustainable use of pesticides, including its targets for reducing pesticide use, in order to develop more effective methods of its implementation. It will also be necessary to amend Regulation (EC) No. 396/2005 on maximum residue levels of pesticides and to include in the legislative criteria animal health and risks to the environment<sup>38</sup>. The consequence of these changes will obviously be the need to adapt the Act of 8 March 2013 on Plant Protection Products to the amended documents<sup>39</sup>. The changes introduced should focus on facilitating the registration of biological preparations and chemical plant protection products that are safer and have less impact on the environment.

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-społecznego, (in:) M. Parlińska (ed.), *Problemy rolnictwa światowego*, “Zeszyty Naukowe Szkoły Głównej Gospodarstwa Wiejskiego w Warszawie” 2018, Vol. 18 (XXXIII), part 3, p. 304.

<sup>36</sup> Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, OJ EU. L 309/71.

<sup>37</sup> Regulation (EC) No. 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, OJ L 309/1.

<sup>38</sup> European Parliament Resolution of 9 June 2021 on the EU... *op.cit.* (accessed on: 26 August 2021).

<sup>39</sup> The Act of 8 March 2013 on Plant Protection Products, Journal of Laws of 2020, item 2097.

The scope for importing agricultural raw materials and foodstuffs into the EU, which should be produced to the standards in force in the Union, could be either a threat or an opportunity, depending on the shape of the regulations. European regulations do not apply to non-EU producers and thus they may use plant protection products that are up to 50 years old and fail to comply with the integrated control principles. As a result, they produce more efficiently and cheaply, so imported goods will have a price advantage over European crops, often failing to meet quality requirements. With increasingly restrictive measures for limiting fertilisers and plant protection products, EU agriculture is also threatened by a possible increase in off-label use and a higher proportion of unregistered plant protection products. These phenomena will undoubtedly have a negative impact on the quality of plant raw materials and on the environment and will intensify with the rate of withdrawal of preparations and the restrictions applied by the EU. Therefore, it will be necessary to introduce more effective mechanisms, ensuring the application of equal standards and effective control of agricultural products imported from third countries, which is explicitly postulated in the Resolution.

An important element is that the Strategy sets specific, measurable legislative objectives, such as the introduction of binding legal regulations to reduce the level of chemical pesticides by 50% by 2030, to reduce fertiliser use by 20% and to reduce nutrient leaching by 50%. In addition, securing financial resources for this purpose in the EU budget may prove to be a key issue in achieving the postulates of the Strategy. In the current situation, however, the adopted Strategy may result in a reduction in agricultural production in the European Union and, as a consequence, translate into an increase in food prices, which will affect all consumers. A reduction in the supply of food produced in the EU may result in the EU losing its self-sufficiency in food and quality security. Unfortunately, the costs of implementing the Strategy will be borne by farmers and, as a consequence, by consumers. Poland is not a country which, according to statistics, significantly exceeds the limits of pesticide use. Therefore, it can be concluded that, paradoxically, according to the changes in the regulations introduced in the country it will be possible to increase the amount of plant protection products used or the situation will simply not change.

## REFERENCES

### Legal acts

The European Charter of Local Self-Government, drawn up in Strasbourg on 15 October 1985, Journal of Laws of 1994, No. 142, item 607, as amended, adopted by the Republic of Poland on 1 March 1994

The Act of 15 September 2000 on Agricultural Producer Groups and their Associations and on Amendments to Other Acts, Journal of Laws 2021, item 1603

- The Act of 7 March 2007 on the Support for Rural Development with the European Agricultural Fund for Rural Development under the Rural Development Programme for 2007-2013, Journal of Laws of 2020, item 1371, as amended
- The Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, OJ EU. L 309/71
- Regulation (EC) No. 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, OJ L 309/1. The Act of 8 March 2013 on Plant Protection Products, Journal of Laws of 2020, item 2097
- Regulation 538/2014 amending Regulation (EU) No. 691/2011 on European environmental economic accounts of 27 May 2014, OJ EU.L.2014.158.113
- The Act of 20 February 2015 on the Support for Rural Development with the Funds of the European Agricultural Fund for Rural Development under the Rural Development Programme 2014-2020, of 2021, item 182, as amended

### Literature

- Chmielewska B., *Rynek i polityka w procesie zrównoważonego rozwoju rolnictwa*, „Roczniki Ekonomiczne Kujawsko-Pomorskiej Szkoły Wyższej w Bydgoszczy” 2013, No. 6
- Duczowska-Małysz K., Duczkowska-Piasecka M., Raport w sprawie KRUS, Business Centre Club, Warszawa 2008
- Drygas M. and Nurzyńska I., *Uwarunkowania dyskusji nad kształtem Wspólnej Polityki Rolnej po 2020 roku*, (in:) M. Parlińska (ed.), *Problemy rolnictwa światowego*, Vol. 18 (XXXIII), part 2, „Zeszyty Naukowe Szkoły Głównej Gospodarstwa Wiejskiego w Warszawie” 2018
- Erechemla A., *Ochrona bioróżnorodności w ramach Wspólnej Polityki Rolnej* (in:) *Prawo ochrony różnorodności biologicznej*, eds. M. Górski, J. Miłkowska-Rębowska, Warszawa 2013
- Gała, P., *Ochrona bioróżnorodności a prawa własności intelektualnej w rolnictwie*, „Studia Iuridica Agraria” 2014, Vol. 12
- Górski M., *Administrowanie działaniami związanymi z ochroną różnorodności biologicznej* (in:) *Prawo ochrony różnorodności biologicznej*, eds. M. Górski, J. Miłkowska-Rębowska, Warszawa 2013
- Każmierska-Patrzyzna A., *Ochrona różnorodności biologicznej w systemie prawnej ochrony przyrody*, Warszawa 2019
- Król M. A., *Polityczne i prawne podstawy ochrony różnorodności biologicznej w gospodarce rolnej*, (in:) *Prawo ochrony różnorodności biologicznej*, ed. M. Górski, J. Miłkowska-Rębowska, Warszawa 2013
- Matuszczak A., *Koncepcja zrównoważonego rozwoju w obszarze ekonomicznym, środowiskowym i społecznym*, „Roczniki Ekonomiczne Kujawsko-Pomorskiej Szkoły Wyższej w Bydgoszczy” 2009, No. 2
- Musiał W., *Problemy ekonomiczne gospodarstw małych i ich oczekiwania wobec reformy WPR 2014-2020*, (in:) *Problemy społeczne i ekonomiczne drobnych gospodarstw rolnych w Europie*, eds. J. Żmija, C. Alexandri, A. Czyżewski et al., Kraków 2013

- Prus P., *Czynniki hamujące chęć organizowania się rolników w grupy producentów rolnych* (in:) *Perspektywy rozwoju grup producentów rolnych – szanse i zagrożenia*, ed. S. Zawisza, Bydgoszcz 2010
- Sadłowski A., *Skutki stosowania płatności redystrybucyjnej w zależności od wariantu wdrożeniowego na przykładzie Polski*, „Polityki Europejskie, Finanse i Marketing” 2019, No. 22 (71)
- Sadowski Z., *Aksesja do Unii Europejskiej a kierunki rozwoju Polski* (in:) *Gospodarcze i społeczne skutki akcesji Polski do Unii Europejskiej*, ed. R. Mikołajewicz, Opole 2006
- Sobiecki, R., *Interwencjonizm w rolnictwie: dlaczego jest konieczny?* „Kwartalnik Nauk o Przedsiębiorstwie” 2015, No. 35(2)
- Stępień S., Guth M., Smędzik-Ambroży K., *Rola wspólnej polityki rolnej w kreowaniu dochodów gospodarstw rolnych w Unii Europejskiej w kontekście zrównoważenia ekonomiczno-społecznego*, (in:) *Problemy rolnictwa światowego*, ed. M. Parlińska, „Zeszyty Naukowe Szkoły Głównej Gospodarstwa Wiejskiego w Warszawie” 2018, vol. 18 (XXXIII), part. 3
- Wojciechowki P., *Bezpieczeństwo żywnościowe a ograniczenia w nabywaniu nieruchomości rolnych w kontekście strategii „Od pola do stołu”*, „Przegląd Prawa Rolnego 2021”, No. 1 (28)
- Woś A., *W poszukiwaniu modelu rozwoju polskiego rolnictwa*, Warszawa 2004
- Wójtowicz W., *Pojęcie finansów publicznych*, (in:) *Zarys finansów publicznych i prawa finansowego*, ed. W. Wójtowicz, Warszawa 2020

### Online Sources

- Central Statistical Office, Economic aspects of environmental protection 2020, p. 55, <https://stat.gov.pl/obszary-tematyczne/srodowisko/energia/srodowisko/ekonomiczne-aspekty-ochrony-srodowiska-w-2020-roku,11,3.html> (accessed on: 16 September, 2021)
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM/2020/380 final, EU Biodiversity Strategy for 2030 – “Bringing nature back into our lives”, <https://eurlex.europa.eu/legalcontent/EN/TXT/?qid=1590574123338&uri=CELEX%3A52020DC0380> (accessed on: 3 September, 2021)
- The REPORT on the EU Biodiversity Strategy for 2030 – Bringing nature back to our lives, europa.eu (accessed on: 26 August, 2021)
- The resolution of the European Parliament of 9 June 2021 on EU Biodiversity Strategy for 2030 – Texts adopted – EU Biodiversity Strategy for 2030 – Bringing nature back into our lives – Wednesday, 9 June 2021, europa.eu (accessed on: 27 August, 2021)
- European Green Deal – Consilium, europa.eu (available at: 9 September, 2021)
- WEB-2011-00293-01-00-PL-TRA-00.DOC europa.eu, 2020 Biodiversity Factsheet\_PL.pdf (accessed on: 3 September, 2021)