

The summary of the Adam Zieliński's doctoral dissertation titled:

‘A legal concept of food quality schemes’

The doctoral dissertation presents the issue of public law protection of specific food standards in the context of food quality schemes. Organic farming and geographical indications protection of foodstuffs are primary examples of such standards. The dissertation defines the phrase ‘legal concept of food quality schemes’ as a collection of guiding ideas for the construction of legal systems aimed at protection of the set of foodstuff standards. In this context the term ‘system’ is interpreted as a set of items which has its own defined structure and forms a logically ordered whole.

The aim of this dissertation was to attempt to formulate a legal concept of food quality schemes. The research work was focused on the legal characteristic of a state regulation concerning foodstuff quality.

In the dissertation considerable attention is paid to the precise definition of a conceptual grid pertaining to the product quality in agricultural and food law. The current state of the legal research in the field took into account both product health and commercial quality. National lawmaker introduced a dichotomous division of requirements set due to the food safety and the foodstuff standardization which is reflected in the official food control. Whereas the European Union (EU) law refers to ‘higher’ product quality expected by consumers which can be for instance of ecological or geographical nature. As a consequence it was necessary to establish the legal scope of the term ‘quality’ as well as its statement among other conceptual categories from agricultural and food law.

Food quality schemes serve to protect the interests of the consumer who is looking for a foodstuff of particular standards. Simultaneously the same institution may serve the producer’s interests in terms of fair competition among companies creating value-adding attributes of their products. In line with the EU policy public interest goals for food quality schemes were set – that is the environmental protection and the support of rural areas. Carried out considerations were aimed at the statement of food quality schemes’ construction mechanisms along with regulation motives stated by the lawmaker.

The dissertation presents an analysis of both separation criteria and construction elements of food quality schemes. The study of this issue was aimed at identifying main ideas upon which a common legal framework for various areas such as: ecological production, geographical indications protection or national production systems may be constructed on given agricultural markets.

In a historical perspective, the dichotomy of food law related to the division of premises for establishing a norm and potential confronting concepts of food security and quality. However, the essence of differentiating food law norms lies in a way in which they are applied in food chain – either as obligatory (‘minimum standards’) or as optional (‘higher quality’). Moreover, the carried out research allows to formulate a conclusion that in the second decade of the XXI century in the EU law one may observe the concept of an integrated approach to food quality schemes.

A legal concept of a food quality scheme may be formulated as an administrative and legal regulation of an optional group of specific standards for foodstuffs established with the aim of meeting the public interest and so that they may be subject to official food control. In addition, to identify a food quality scheme, as defined in the presented approach, it is necessary to meet a formal and legal criterion i.e. to specify a given food quality regulation as a scheme in a legal act.