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DOI <https://doi.org/10.26661/hst-2022-10-87-07>**CHALLENGES OF LEGAL REGULATION OF THE ACTIVITIES
OF SHORT-TERM FOOD SUPPLY CHAIN IN LITHUANIA****DALIA, PERKUMIENĖ¹**
LINA, URBUTIENĖ²**Abstract**

The relevance of the study. In the face of the Covid 19 pandemic, the need for small local growers and producers has emerged, with more and more consumers discovering local products. This has also led to an increase in small producers. The European Union (EU) has also turned green and started promoting the consumption and production of healthy, natural products while respecting its environment, with a decision by 2023. present a proposal for a single piece of legislation on a sustainable food system by the end of 2007, which should promote policy coherence at both EU and national level but will analyze the impact on small and medium-sized enterprises (farms). The main problem. As consumers continue to increase their demand for food safety, product quality and variety, traditional food supply chains are breaking down into much shorter food supply chains with many small players. For this reason, there is a need to analyze whether the legislation in force in Lithuania is adapted to the development of small producers. This was also determined by the aim of this work – to examine the regulatory processes of TMTG and to analyze the challenges of their application to small food producers. The paper conclude, that the vast majority of laws and regulations governing the activities of short-term food supply chain operators provide for exemptions and their application to small producers. The biggest challenge is to achieve exceptional quality in the labeling and sale of products to public authorities and companies. To meet these challenges, small producers need to invest heavily and acquire the necessary skills and knowledge. The novelty. Although there are a number of scientific articles analyzing TMTG in various aspects, the novelty of the topic is that this article will seek to reveal the peculiarities of the regulation of the activities of TMTG entities in Lithuania and the challenges for small entities in adapting to it. The methodology used included analysis of scientific literature, laws and legal acts, descriptive, analytical, comparative and logical methods.

Keywords: short food supply chain (SFSC), food law, the regulation of Short Food Supply Chains.

Introduction**Relevance of the topic**

As the world faces the effects of climate change, people are increasingly focusing on ecology and food sustainability. As a result, consumers are more likely to find products made on small farms. This is also leading to an increase in small food producers.

However, the production of food of animal origin must be viewed very responsibly, as it correlates strongly with our own health. Improper manufacturing process, packaging labeling or misleading information to the consumer can undermine confidence in such a manufacturer and food safety. As a consequence, the same safety principles must be applied to

any food chain in order to reduce the risk of food contamination (Alessandrini, 2021).

Statement of the problem

XXI a. farming is already linked to the production, processing, and sale of food. With the integration of conventional food supply chains with agribusiness, both have evolved from a commodity system to a coordinated food system [9]. However, small farmers operate under different conditions than large producers, and small ones are nevertheless forced to comply with strict and often different requirements at international level (Alessandrini, 2021). For this reason, the question arises as to whether the legislation on the production, processing and marketing of food considers the needs of small producers.

Object of the research – legislation governing the production, processing, labeling and sale of food.

The aim of the research – to examine the legal processes regulating TMTG and to analyze the problems of their application to small food producers.

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The novelty of research

Agricultural and food safety requirements are a key area due to the growing demand for healthy, safe and quality food. Most authors present TMTG as a guarantor of safe and quality food (Jarzębowski, Bourlakis, M., & Bezat-Jarzębowska, 2020); LR viešųjų pirkimų įstatymas. Internet access, 2022). Short food supply chains involve small producers. However, they are often forced to comply with the same legal requirements as large manufacturers, despite different operating conditions. Therefore, this article will aim to reveal the peculiarities of the regulation of the activities of TMTG entities in Lithuania and the challenges arising for small entities in adapting to different levels and requirements of legal acts.

Results

Like any conventional food supply chain, TMTG consists of chains (animal or plant breeding, production and processing, distribution, trade) and nodes (product certification) (Figure 1). The value of food is increased at each stage or stage, thus preserving the right of consumers to choose sustainable food (Atkočiūnienė et al., 2021). A distinctive feature of TMTG is that small or micro-enterprises, made up of small producers, are often involved in organic farming practices (Jarzębowski, & Bezat, 2018).

EU farmers, in contrast to non-EU farmers, often incur higher costs to comply with domestic legislation (Alessandrini, 2021). The EU's "Field to Table" strategy is recognized worldwide as a prime example of food safety, ensuring food safety from the point of primary production to the market (Alessandrini, 2021). The strategy focuses on recommendations and recommendations for legislation on animal welfare, pesticide use and environmental protection to strengthen these aspects ES (Strategija "Farm to Fork", 2020). The European Economic and Social Committee (EESC) also calls for food law, labeling and similar requirements to be tailored to the needs of small producers, as a key tool in developing a sustainable food system (Europos ekonomikos ir socialinių reikalų komiteto nuomonė „Trumpųjų ir alternatyvių maisto tiekimo grandinių skatinimas ES. Agroekologijos vaidmuo“, 2019). As a result, the European Commission (EC) has taken a decision until 2023. present a proposal for a single piece of legislation on a sustainable food system by the end of 2007,

which should promote policy coherence at both EU and national level but will analyze the impact on small and medium-sized enterprises (farms).

Therefore, the authorities have to do not only the legislature but also opportunities and conditions, and existing legislation must be local as well farmers, small producers and processors (Atkočiūnienė, Vazonienė, Kiaušienė, & Pakeltienė, 2021)

Legal regulation of the activities of TMTG entities in Lithuania

The food supply chain begins with the primary production chain, i.e. the production, breeding or rearing of primary products, including harvesting, milking and the rearing of domestic animals before slaughter (Europos Parlamento ir Tarybos reglamentas (EB) Nr. 178/2002). However, under the EU's Common Agricultural Policy (CAP) (Bendroji žemės ūkio politika. Europos Sąjungos interneto svetainė. Internet access, 2022), farmers need to keep in mind the cost-effectiveness of their activities, which should respect the environment, protect the soil and protect biodiversity. The Law on Animal Welfare and Protection (LR gyvūnų gerovės ir apsaugos įstatymas. Internet access, 2022), defines animal welfare as "the optimal satisfaction of the physiological and ethological needs of animals".

Animals must be kept in accordance with the species, age and physiology of the animal, without restricting its freedom of movement or causing it pain or suffering. Article 17 of that law provides for the protection of animals against fright, pain or other suffering during transfer, confinement, shackling, stunning, slaughter or killing. Entities keeping bovine, porcine, ovine, caprine or equine animals must mark and register them, as well as the places where those animals are kept (LR veterinarijos įstatymas. Internet access, 2022). This determines the traceability of production.

The Law on Animal Welfare and Protection of the Republic of Lithuania (LR gyvūnų gerovės ir apsaugos įstatymas. Internet access, 2022) stipulates that only veterinarians have the right to treat animals or perform other veterinary procedures on animals, but

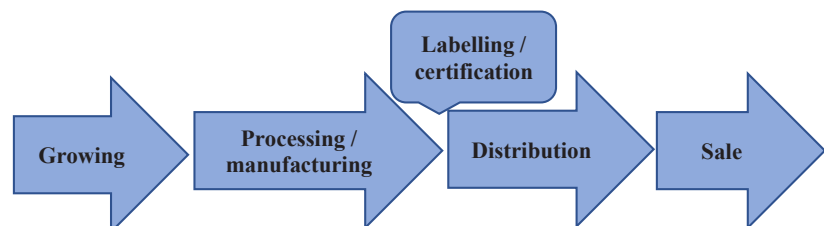


Fig. 1 The process of short food supply chain (Compiled by Atkočiūnienė V. et al, 2021 [2])

farm animals may be slaughtered for food and animal products may be supplied for food only after the end of the treatment period (LR veterinarijos įstatymas. Internet access, 2022). This ensures that only safe food reaches the consumer. According to the Law on Product Safety of the Republic of Lithuania (LR Produktų saugos įstatymas. Internet access, 2022), a safe product is “a product whose use, including long-term use, under normal, manufacturer-specified, or reasonably foreseeable conditions does not poses no risk to the life and health of consumers with a minimum of risk that is compatible with the use of the product, is acceptable and provides a high level of protection for the safety and health of consumers’. Entities handling animal products (meat, live bivalve mollusks, fishery products, milk, eggs, frogs’ legs and snails or products of these products) are referred to as food business operators of animal origin (Europos Parlamento ir Tarybos reglamentas (EB) Nr. 853/2004. Internet access, 2022). As this is no longer primary production, natural or legal persons wishing to participate in the second part of the TMTG must: (a) to comply with the health requirements laid down by law and to acquire compulsory hygiene knowledge in accordance with the procedure laid down by the Ministry of Health; (b) be registered and / or approved as food business operators at the places of food processing designated during their registration and / or approval; (c) food may be handled only in accordance with the requirements of food hygiene, public health, veterinary and environmental protection laid down in accordance with the requirements of hygiene and technology (LR maisto įstatymas. Internet access, 2022).

The requirements for registering as a food business operator are lower than for a food business

operator of animal origin (Table 1). In addition to the layout and layout of the premises, a description of the food handling process and a document certifying the right to use the food handling facility, the latter must provide a description of good hygiene practice, a description of temperature recording and control and a document certifying access to food handling vehicles (Gyvūninio maisto tvarkymo subjekto registravimo tvarka nustatyta Valstybinės maisto ir veterinarijos tarnybos 2005 m. gruodžio 30 d. direktoriaus įsakymu Nr. B1-738 „Dėl gyvūninio maisto tvarkymo subjektų patvirtinimo ir registravimo tvarkos aprašo patvirtinimo”. Internet acce, 2022).

Simplified construction, layout and equipment requirements, as well as minimum veterinary requirements, have been significantly facilitated and introduced for small – scale producers and suppliers of food of animal origin directly to final consumers or retailers (Valstybinės maisto ir veterinarijos tarnybos įsakymas „Dėl Maisto tvarkymo subjektų patvirtinimo ir registravimo reikalavimų patvirtinimo“. Nr.B1-910. Internet access 21, 2022). However, the law specifies the specific products, their production quantities and to whom they may be supplied, otherwise approval will be required as provided for in Regulation (EC) No. 853/2004.

In order to maintain the traceability and safety of the finished product, as well as to inform and protect the consumer, the finished product or article must be labeled and provided with the necessary information before being sold to consumers (LR Produktų saugos įstatymas. Internet access, 2022). The way in which labeling information will be required depends on the way the food is packaged and marketed. The main

Table 1

**Requirements for the registration of a food business operator.
(Compiled by the authors under Law No B1-910 [22])**

| Non – animal food production | Animal food production |
|---|--|
| 1) a request for approval / registration of the food business operator in the prescribed form. 2) the design (plan) of the food handling site (premises) with the layout of the facilities. 3) a description of the food handling process. 4) documentation confirming that the operator has a system of self-monitoring based on the principles of Hazard Analysis Critical Control Points (HACCP) or that specific rules of good hygiene practice in the field of food handling are in place. 5) a copy of the document certifying the right to use the food business where the food business is to take place. | 1) a request for approval / registration of the food business operator in the prescribed form. 2) the design (plan) of the food handling site (premises) with the layout of the facilities. 3) a description of the food handling process, indicating the design production volumes and the number of employees. 4) a description of compliance with good hygiene practices in the entity. 5) a description of the temperature recording and control; 6) a document certifying the right to use the food premises, including the vehicles used for food handling. |

Table 2

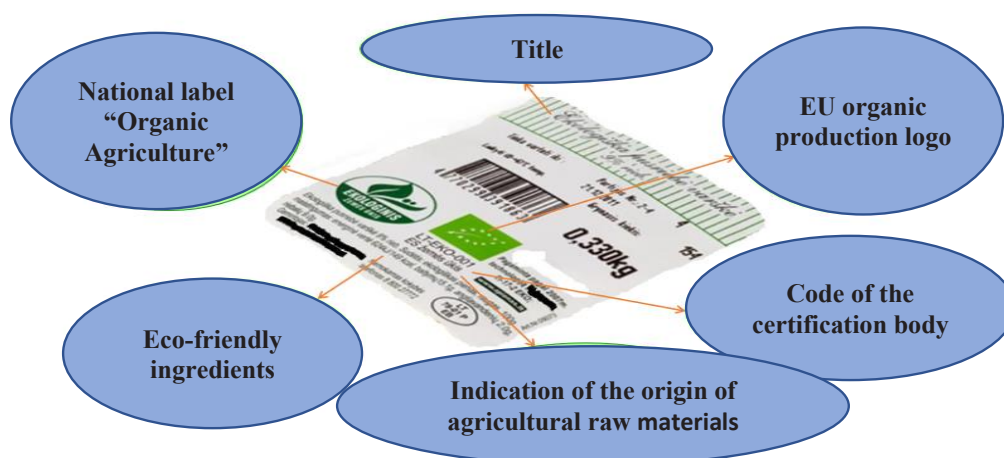
Small amounts of animal food. (Food and Veterinary Office [25])

| Name of product | | Quantities | Period during which a fixed quantity of small products may be served | Suppling |
|-----------------------------|-----------------|---|--|---|
| Milk | | Produced from not more than 1000 kg of raw milk | During the day | To final consumers at the point of production, home delivery, markets or local retailers within 100 km of the production site |
| Dairy products | | | | |
| Fish or aquaculture animals | | 150 kg | During the day | |
| Fishery products | | | | |
| Meat semi-prepared products | | 200 kg | In a week | |
| Meat products | | | | |
| Wild game meat | Ungulates | 1000 vnt | Within a year | |
| | Birds and hares | | | |
| Poultry, rabbit meat | | 150 vnt | In a week | |
| Chicken eggs | | Collect between 50 and 200 kept laying hens | During rearing | |

legal act in Lithuania, which establishes the general requirements for food labeling, Regulation (EU) No. 1169/2011. However, when labeling specific food products, it is necessary to follow the Lithuanian hygiene standard HN 119:2014. This hygiene standard exempts agricultural products which are sold or delivered to temporary, storage or packaging points, transported to producer organizations, only collected, and immediately integrated into a preparation or processing system. Such agricultural products are not subject to the requirement of a reference to identify the lot (Lietuvos higienos norma HN 119:2014 „Maisto produktų ženklimas“. Internet access, 2022). Exceptionally high quality and safety products, i.e., organic products have an exclusive label due to the application of high standards to the primary production method, as well as to products produced according to high quality requirements

(Figure 2). Although most small and medium-sized farms operate according to the principles of organic farming, only products certified by a certification body can be labeled as organic. For this reason, an entity seeking an organic certificate must apply to a certification body that will carry out controls on organic production and the handling of organic products in accordance with Regulation (EC) No 1782/2003. 889/2008 and the requirements of the Organic Farming Regulations (VšĮ “Ekoagros” internetinis puslapis. Internet acces, 2022). Eco-labeling provides recognition, clarity, protection and added value, but there are additional costs involved in using it. It can be a major obstacle for small producers (Jarzębowski, & Bezat, 2018).

Lithuania has a functioning market economy. Businesses seeking to sell a product or service are subject only to the laws of supply and demand.

**Fig. 2 Example of organic product labeling. (Public Institution Ekoagros [24])**

As a result, both manufacturers and suppliers compete for a wider market, not only in terms of prices, but also in terms of better product quality, new technology or a completely new product. To guarantee the principles of equality and non-discrimination and to avoid distortions of competition, the appropriate behavior of natural or legal persons in the market is defined by the Law on Competition of the Republic of Lithuania. This law defines unfair competition as the use of a sign identical with or like another undertaking, the presentation of misleading or incorrect information, the use or transmission of a trade secret of another undertaking without the latter's consent, imitation of another undertaking's product or packaging (LR konkurencijos įstatymas. Internet access, 2022). In contrast to the business market, there are sales to the public sector. Undertakings seeking to sell to public authorities or public undertakings must participate in public procurement tenders. The complexity of the sale procedure depends on the specific value of the purchase, the specifics of the goods or services and the Law on Public Procurement of the Republic of Lithuania (Viešųjų pirkimų agentūra. Internet access, 2022). The simplest are low-value purchases (the limit of EUR 58 thousand applies to goods and services). Suppliers wishing to sell goods or services up to 10 thousand. Eur., may present their goods or services to the contracting authority and expect to receive an invitation to participate. Higher value purchases are made public. Applicants must meet the minimum qualification requirements for candidates and tenderers (right to engage in certain activities, financial and economic capacity, technical and professional capacity required to perform the contract). The product or service offered must also meet the relevant requirements for the object of the procurement (in some cases, the contracting authority may ask for certificates proving the quality of the product) (LR viešųjų pirkimų įstatymas. Internet access, 2022). For these reasons, it is advisable to analyze the purchase conditions in detail.

According to the Public Procurement Law (LR viešųjų pirkimų įstatymas. Internet access, 2022), even a small error often leads to the rejection of a tender, so it is important to collect and complete all the documents required in the procurement conditions: qualification documents, tender validity, authorization, technical specifications and certificates (if applicable), the tender form and other documents.

Challenges of law enforcement for small food producers A traditional farmer in Lithuania is an older, low-educated person, whose farming tradition has

been shaped by radical lifestyle changes, as much as 53 percent. small farms belong to the 41–60 age group and 38 percent. older than 61 years (Žemės ūkio informacijos ir kaimo verslo centras. Internet access, 2022). As a result, farmers themselves lack the knowledge and resources of well-trained workers to follow and interpret changing and tightening legislation (Alessandrini, 2021).

The problematic aspects observed are primarily related to the labeling of products of exceptional quality and the participation of small producers in public procurement. Even though small producers use organic principles in the cultivation or production process, they cannot label the product as organic. The only thing that proves that the product is organic is a certificate. Ekoagros controls the entire production cycle from primary product production to processing, storage, transportation, sale or supply to the consumer. All operators working with organic products are included in the control system, their activities are inspected, and the products are certified (Viešųjų pirkimų agentūra. Internet access, 2022).

Public authorities or companies would guarantee regular orders and income for small producers, as the buyer of the product becomes the state itself. However, in order to sign a contract with the "state", many procedures must be overcome, and high requirements must be met. First of all, the procurement conditions set out the qualification requirements for suppliers, requirements for the object of procurement, and requirements for the preparation of a tender. All these requirements must be substantiated by appropriate certificates. Another important aspect is that the supplier must ensure an uninterrupted supply of products when signing a public sales contract (LR viešųjų pirkimų įstatymas. Internet access, 2022). What can be tricky for a small manufacturer.

Conclusions

The activities of short food chain entities in Lithuania are regulated not only by the laws or legal acts of the Republic of Lithuania, but also by EU regulations. Contrary to the laws of the Republic of Lithuania analyzed in this article, EU regulations define the activities of TMTG entities much more precisely.

However, this also poses another problem: farmers have to comply with different standards, both international and domestic. Small producers were excluded only in food safety legislation.

Therefore, the application of other legislation may lead to confusion for farmers as to the boundary between a small farm and a large farm due to

the uncertainty of the small farmer. It is small farmers who are associated with the production of high-quality food, as end-users are often involved in the production process, but additional investment is needed to label their products.

Access to various markets is a prerequisite for improving the living standards of small farmers.

These could be supply contracts with public authorities and companies.

However, knowing that a traditional farmer in Lithuania is an elderly and low-skilled person, it becomes clear that they may lack the necessary knowledge and experience to understand and implement public procurement rules.

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ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ДІЯЛЬНОСТІ КОРОТКОСТОКОВОГО ЛАНЦЮЖКА ПРОДОВОЛЬЧОГО ПОСТАЧАННЯ В ЛИТВІ

Анотація

Актуальність дослідження. Перед пандемією Covid 19 виникла потреба в дрібних місцевих виробниках і виробниках, і все більше споживачів відкривають для себе місцеві продукти. Це також призвело до збільшення кількості дрібних виробників. Європейський союз (ЄС) також став «зеленим» і почав просувати споживання та виробництво здорових, натуральних продуктів з повагою до навколишнього середовища, ухваливши рішення до 2023 року. подати пропозицію щодо єдиного законодавства про стійку продовольчу систему до кінця 2007 р., який має сприяти узгодженості політики як на рівні ЄС, так і на національному рівні, але аналізуватиме вплив на малі та середні підприємства (ферми). Головна проблема. У міру того, як споживачі продовжують підвищувати свої вимоги до безпеки харчових продуктів, якості та різноманітності продуктів, традиційні ланцюжки поставок продуктів харчування розпадаються на багато короткі ланцюжки поставок продуктів харчування з безліччю дрібних гравців. З цієї причини необхідно проаналізувати, чи адаптоване чинне у Литві законодавство до розвитку дрібних виробників. Це також було визначено метою даної роботи – вивчити процеси регулювання ТМТГ та проаналізувати проблеми їх застосування до дрібних виробників продуктів харчування. У документі робиться висновок про те, що переважна більшість законів та нормативних актів, що регулюють діяльність короткострокових операторів ланцюжка постачання продовольства, передбачають винятки та їх застосування до дрібних виробників. Найбільша проблема полягає у досягненні виняткової якості при маркуванні та продажу продукції державним органам та компаніям. Для вирішення цих завдань дрібним виробникам необхідно вкладати значні кошти та набувати необхідних навичок та знань. Незважаючи на те, що існує низка наукових статей, що аналізують ТМТГ у різних аспектах, новизна теми полягає в тому, що в цій статті буде спроба розкрити особливості регулювання діяльності суб'єктів ТМТГ у Литві та проблеми адаптації малих підприємств до нього. Використовувана методологія включала аналіз наукової літератури, законів та правових актів, описовий, аналітичний, порівняльний та логічний методи.

Ключові слова: короткий ланцюжок постачання продовольства (SFSC), продовольче право, регулювання коротких ланцюжків постачання продовольства.

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