

**Ensuring Food Security: Issues of Legal  
Regulation in Volgograd region of Russia**

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## Ensuring Food Security: Issues of Legal Regulation in Volgograd region of Russia

### Abstract

The paper studies legal regulation issues of administrative responsibility institution in the field of food security of the Russian Federation in connection with climate change and other global problems. Some conceptual questions of regional legislation in this area are indicated; the proposed change analysis of the current legislation has been carried out. It is indicated that the impact of climate on food security in the Volgograd region is extremely high, since the region is difficult for agriculture. It was proved that there are risks of a direct relationship between aridity and crops which, however, can be minimized including by legal means. The author proposes specific measures to improve administrative responsibility in the field of food security at the federal and regional levels; it is noted that legal protection measures ensuring guarantees for compliance with the requirements for food stocks, for circulation of food products, are characterized as effective preventive ways to minimize the risks of causing unsafe food products harm life or health to large number of consumers, and, consequently, effect food security.

**Key words:** Food Security, Administrative Responsibility, Food Stocks, Administrative Offense.

## Introduction

Food security is one of the most important areas of state and public concern: while the right of every individual is to be protected from hunger as basic and inalienable which is enshrined in numerous international sources and indirectly finds textual consolidation in the norms of Art. 7 and Art. 41 of the Russian Constitution of 1993.

Russian Food security at national level and of its constituent entities, including Volgograd region, can be defined as an integral factor in maintaining national sovereignty, as the main component of the state demographic policy in order to ensure the quality of living standards of Russians not only in the medium, but also in the long term. For these reasons, and also because earlier food security was not specifically identified by the legislation, but was considered in the context of the Military and industrial Strategy. Thus, food security can be referred to as a part of Russian national safety.

Food security can be understood as a complex system of various measures, namely political, legal, economic, technical and technological ones aimed at guaranteeing humanity vital interests protection from possible negative impact of any activity or event -

from drought to nuclear war. One of the key areas of Public administration is the improvement of the administrative institution, enhancement of legal foundations in the area under consideration. The content of the administrative and legal framework in the field of ensuring food security includes:

- goals, objectives, principles of public policy, their clarification, interpretation and updating, taking into account gigantic Russian food resource potential;
- the government bodies system, other organizations and institutions involved in the implementation of Russian state policy in the area of food security, its optimization, enhancing efficiency and productivity;
- legal framework assessment, its state and improvement potential taking into account new tasks and prospects for development of society;
- identify problems and determine ways to solve them by improving mechanisms of public administration in the field of ensuring a proper level of food security.

## Results

To assess the current state of food security, the criterion is the share of domestic agricultural and fish products, food in general in the total volume of various resources (commodities) of the domestic market of relevant products, which has threshold values in relation to:

- grain at a level of at least 95%;
- sugar at a level of at least 80%;
- vegetable oil at a level of at least 80%;
- meat and meat products (in terms of meat) at a level of at least 85%;
- milk and dairy products (in terms of milk) at a level of at least 90%;
- fish products at a level of at least 80%;
- potatoes at a level of at least 95%;
- food salt at a level of at least 85%.

We cannot say that these limits on the level of food security are sufficient, since in other countries (for example, the USA) they can reach one hundred percent, in Europe for example, in Germany,

or in France no less than 93%. The author believes that Russia should strive for 100% self-sufficiency in meeting the requirements of the internal market for ensuring its food security.

At the same time, despite all the measures taken by the government, aimed at gradually reducing the level of impact on the environment of biochemical, physical, industrial and other similar factors in order to prevent and eliminate the natural disasters consequences, emergencies of both natural and man-made nature, implementation of technologies related to accounting for climate change for agriculture, however, threats to food security remain [1].

Main challenges to food security include:

- climate change;
- other risks of a natural and/or man-made nature including threat of natural disasters or major catastrophes across the globe;
- macroeconomic risks associated with sanctions imposed on Russia with fluctuations in world prices, with changes in the economic situation;
- technological and technical risks associated with sanctions as a result of which Russia may not receive necessary technology, equipment or materials;

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- agricultural and environmental threats, risks of not getting a crop in the right amount or diversity;
  - various social risks associated with gap between living conditions in Russian big cities and villages;
  - trade and economic risks;
  - political risks.

Ensuring the required level of food security, aimed at creating an adequate degree of security, sufficiency and quality of food for all segments of the population, essentially comes down to achieving the following interrelated goals and objectives:

- comprehensive support for agricultural exports while reducing imports of important categories of agricultural products;
- gradual expansion and improvement of the effectiveness of pricing policy in the framework of supporting agriculture, fishing and fish processing industries;
- introduce and stimulate the use of agricultural credit tool;
- through the system of grants and state support, stimulate of various scientific research projects aimed at improving food security;
- maintain proper level of food resources safety;

- introduce food security technologies for vulnerable categories of Russian citizens (including through the system of food stamps or provision of food packages), etc.

The Volgograd region is an industrial and agrarian region, consequently, agricultural land occupies about 78% of its total area. Food security analysis has shown that over the past five years, more types of agricultural products have increased in production volumes. The level of food security in terms of food self-sufficiency is in most cases high. The Volgograd region provides itself with such types of products as grain crops, potatoes, vegetables, food melons and eggs.

At the same time, consumption of a number of foodstuffs by the Volgograd region population has decreased. Among all types of products that are produced on the territory of the Volgograd region, meat products have the worst dynamics in terms of production. As a recommendation, it is proposed to create a meat cluster, which will include agricultural enterprises, educational and research institutions and infrastructure organizations. The purpose of meat cluster creating is to enhance cooperation among its participants and boost the efficiency due to innovations in production [6].



It should be understood that an integrated approach will ensure not only food security, but also the efficiency of the energy system of the agrarian complex using local resources [4], which plays a special role for the Volgograd region. Investments in agriculture which are so necessary for the self-sufficiency of food security depend on various factors [5], including the completeness of legal regulation.

These assumptions apply not only to the Volgograd region and Russia but to other countries as well [2]. At the same time, it is necessary to ensure employment in the sphere of business tools and the state interest in organizing an independent food supply [9]. The role of the entrepreneurial agricultural and industrial sector is extremely important [7].

Lack in the legislation of the Volgograd region of norms ensuring liability for violations committed in ensuring food security is assessed by the author as one of the reasons that prompted the reform of the entire system of legislation in the region in this area.

Legislation should determine activity areas of the regional authorities to ensure food security in the Volgograd region, regulate relations in the field of guaranteed provision of the population living in the territory of the Volgograd region with safe agricultural

products, raw materials and food that do not have a harmful effect on human health or environment.

### **Discussion**

In this study, we understand administrative responsibility as a special state and legal status of the offender arising from commission of an administrative offense and the subsequent punishment of the guilty person.

In accordance with the current Russian legislation, administrative offense is referred to as unlawful guilty act (inaction) of an individual or legal entity for which the Code of Administrative Offenses of the Russian Federation[8] or the laws of the constituent entities of the Russian Federation on administrative offenses establish administrative responsibility.

A legal entity is found guilty of committing an administrative offense if it is established that it had the opportunity to comply with rules and norms for violation of which the Code of Administrative Offenses of the Russian Federation or the laws of a constituent entity of the Russian Federation provide for administrative liability, but the responsible individuals in this entity did not take necessary measures.

Furthermore, constant improvement of legal norms on administrative responsibility in the field of food security is inseparably accompanied by the process of establishing and developing legislation on food security itself - both on federal and regional levels. Responsibility for violation and obstruction of food security can occur only when subject to the existence of such requirements, textually enshrined in federal legislation and the legislation of the constituent entities of the Russian Federation on administrative responsibility.

It is claimed that legal framework of the Volgograd region "On Ensuring Food Security in the Volgograd Region" (which, we hope, will be adopted in the future), will regulates legal relations in this area, should at least contain a blanket rule establishing the position according to which legal and individuals (not only citizens, but also individual entrepreneurs, officials) carrying out their activities in the field of food security and whose actions or inaction caused harm to food security, the population, natural resources, food stocks, are liable in accordance with the legislation of the Russian Federation.

Currently, the Code of Administrative Offenses of the Russian Federation does not contain special elements of administrative offenses in the field of food security. At the same

time, persons guilty of violating certain norms of legislation in the field of food security may be held administratively liable under the following articles:

- art. 6.3 of the Code of Administrative Offenses of the Russian Federation provides for administrative liability for violation of legislation on ensuring the sanitary and epidemiological welfare of the population, violation of existing sanitary rules and hygiene standards, failure to comply with sanitary and hygienic and anti-epidemic measures;
- art. 10.12 of the Code of Administrative Offenses of the Russian Federation establishes liability for violation of the rules and norms of production, procurement, processing, storage, sale, transportation and use of seeds of agricultural plants;
- elements of administrative offenses related to violation of the requirements for mandatory confirmation of compliance are provided in Articles 14.43 - 14.48 of the Code of Administrative Offenses of the Russian Federation, and liability for them may arise due to non-compliance with the stipulated requirements for certification or declaration of conformity of products;

- elements of administrative offenses related to violation of the mandatory requirements for information provision to consumers, enshrined in Article 14.5, 14.8 and 14.43 of the Code of Administrative Offenses of the Russian Federation.

In the field of quality and safety ensuring of food products, the system of legal protective measures is established in Art. 4 of the Federal Law of January 2, 2000 No. 29-FZ “On the Quality and Safety of Food Products”[3], stipulating:

- state regulation measures in the field of quality and safety ensuring of food products and materials (hereinafter referred to as food products), which is the most important condition for ensuring food security;
- carrying out production control over the quality and safety of food products, introduction of quality management systems for food stocks;
- application of measures to suppress violations of the requirements of regulatory documents, as well as measures of responsibility against persons guilty of committing these violations.

Production control over the quality and safety of food products is carried out in accordance with the Program developed

by the economic entity on the basis of regulatory and technical documents.

Legal measures to ensure the quality and safety of food stocks through the application of liability measures affect a huge layer of existing norms of various branches of law.

The current judicial practice follows the system of bringing to administrative responsibility under Art. 14.43 of the Code of Administrative Offenses of the Russian Federation, if technical regulations, technological conditions, standards or sanitary rules are violated.

In Russia, there is Rospotrebnadzor, a specialized state body with sanitary and epidemiological supervision authority and federal state supervision in the field of consumer protection. Consequently, it controls the quality and safety of services, work performed, goods produced including food stocks on the territory of the Russian Federation.

In order to assess the quality of food products, Rospotrebnadzor follows the standards established in the Federal Law “On the Quality and Safety of Food Products” by All-Union State Standards (GOSTs) which are put into effect annually in large numbers, and other regulatory legal acts.

The main indicators of prohibition of foods, materials or products are non-compliance with their standards, inconsistency of information about the product, absence or violation of expiration dates and labeling, obvious poor quality of the product.

### **Conclusion**

Undoubtedly, legal protection measures, which have been studied in this paper, ensure guarantees for compliance with textually fixed requirements for food stocks, for food products circulation. We characterize them to be effective preventive measure to minimize risks of unsafe food causing harm to life or health of consumers, and, therefore, ensuring food security.

On the basis of the above mentioned factors, the following measures can be identified in order to improve legislation on administrative responsibility in the field of food security:

- 1) Introduce clarifying amendments to certain articles of the Code of Administrative Offenses of the Russian Federation, providing liability for violations of legislation in the field of food security. In particular, art. 8.5 of the Code of Administrative Offenses of the Russian Federation after the words "On the radiation situation" should be supplemented

with the words "on the level of risk and on the measures taken to ensure food security":

“Concealment, deliberate distortion or untimely communication of complete and reliable information on the state of the environment and natural resources, on sources of pollution of the environment and natural resources or other harmful effects on the environment and natural resources, on the radiation situation of data obtained during the implementation of industrial environmental control, on the level of risk and measures taken to ensure food security, information contained in the application for state registration of objects that have a negative impact on the environment, declaration on environmental impact, declaration on payment for negative environmental impact, report on the implementation of an action plan for environmental protection or a program to improve environmental efficiency, as well as the distortion of information about the state of lands, water bodies and other environmental objects by “persons” obliged to report such information.

- 2) Introduce in Chapter 6 "Administrative offenses in the field of environmental protection, nature management and veterinary medicine" of the Law of the Volgograd Region



dated June 11, 2008 No. 1693-OD Article 6.6. the following content:

Destruction of food (food stocks) of the Volgograd region, as well as actions (inaction) that can lead to the destruction, reduction of food stocks, if these actions do not fall under the signs of a criminally punishable act, entails the imposition of an administrative fine on citizens in the amount of two thousand five hundred up to five thousand rubles; on officials - from fifteen thousand to twenty thousand rubles; for legal entities - from thirty thousand to one hundred thousand rubles.

At the same time, food stocks in the interests of this article are understood as a group of agricultural foods that provide at least 90% of the needs of the population of the Volgograd region in energy (kcal) and at least 85% in basic nutrients (including grain, potatoes, vegetables, milk, meat, eggs and their products).

Thus, it can be observed that the features of ensuring food security directly depend on the effectiveness of legal regulation in the Volgograd region in particular and in the Russian Federation as a whole.

Dependence on import substitution affects fragile infrastructure of the food security system which is also exposed to risks ranging from climate to entrepreneurial. It is necessary to adopt Russian legislative system in a timely manner in order to minimize risks and constantly control them, while taking into account all the realities of today.

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