

Food Self-Sufficiency: An Analysis of a Defeated Czech Bill



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MARTIN
PÁNEK

On January 20, 2021, the Chamber of Deputies of the Parliament of the Czech Republic approved an amendment to the Food Act proposed by the Freedom and Direct Democracy Party (SPD)¹, which implements an unprecedented anti-market measure in the form of food sales quotas into Czech legislation. The legal norm favors Czech producers over foreign competitors by setting minimum quotas for specific foodstuffs sold (not offered) in retail outlets with an area of more than 400 square meters. However, this amendment is a completely unnecessary state intervention in the principles of the free market and free international trade. These would positively impact economic rents for a narrow interest group of domestic agricultural producers, but would negatively impact the rest of the society, particularly by reducing the freedom of choice of consumers and retailers, reducing the availability of selected foods, upward pressure on prices, etc.

Arguments put forward by sponsors of the legislation can be summed up as: “[1] will enable regional food producers to better establish themselves in the domestic market, [2] help [...] maintain employment in rural areas and ultimately [3] reduce the carbon footprint by reducing food imports across Europe”².

The controversy surrounding the issue is evidenced not only by the heated expert debate, which has seen absurd arguments

¹ Amendment 6687 to the bill “Sněmovní tisk 502, Novela z. o potravinách a tabákových výrobcích – EU”. Available [online]: https://public.psp.cz/sqw/historie_sqw?t=502&o=8 [in Czech]

² Horáček, F. (2020) “České maso, zelenina i gouda. Poslanci chtějí omezit potraviny z dovozu”, [in]: *iDnes*, May 26. Available [online]: https://www.idnes.cz/ekonomika/domaci/potraviny-sobestacnost-cesko-jidlo-regionalni-potraviny-zakon-novela.A200525_200502_ekonomika_rts [in Czech]

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THE CHAMBER OF DEPUTIES OF THE PARLIAMENT OF THE CZECH REPUBLIC APPROVED AN AMENDMENT TO THE FOOD ACT WHICH IMPLEMENTS AN UNPRECEDENTED ANTI-MARKET MEASURE IN THE FORM OF FOOD SALES QUOTAS INTO CZECH LEGISLATION

from the proponents of the regulation³, but also by the declarations of eight EU countries with a negative opinion on the plan, as

³ For example, when defending the standard on the floor of the Chamber of Deputies, Minister of Agriculture Miroslav Toman (ČSSD) argued that milk produced in Germany is served with coffee in the Chamber of Deputies, which, in his opinion, confirms the necessity of adopting the regulation. However, even without regulation, everyone, including ministers and MPs, has the freedom to choose what milk to consume in their coffee – even milk from Czech producers.

well as the debate on the inconsistency of the regulation with EU law.

The Senate of the Parliament of the Czech Republic has rejected an amendment to the Food Act proposed by a group of MPs to increase food self-sufficiency. The bill was ultimately rejected, after pressure mounted on the Prime Minister to not support this bill. However, food self-sufficiency is an idea that never dies, and it is certain to make a comeback sooner or later. The relevant interest groups have lobbied for



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thirty years and are unlikely to give up. We therefore consider the issue not moot and analyze it.

This study provides a brief analysis of the text of the proposal and a description of the current situation on the Czech food market.

A PROBLEMATIC BILL

The key passage of the amendment to the Food Act is the following text:

“(3) A food business operator operating a retail outlet shall ensure that the proportion of selected staple foods from the short supply chain [...] sold to final consumers in each retail outlet operated by him is

(a) a minimum of 55% in calendar year 2022, [...]

g) a minimum of 73% in calendar year 2028 and subsequent years.”

CRITIQUE

There are several problems with the proposal – it is illegal under both EU and WTO law, it is very poorly drafted and would lead to perverse outcomes for the retailers, resulting in sub-optimal allocation of resources and bigger environmental impact. The selection of the items is so absurd and frivolous it borders on the ridiculous.

ECONOMIC AND LEGAL PROBLEMS

According to the Liberal Institute, in terms of the economic problems of food self-sufficiency, *“the proposal is anti-consumer, non-environmental, illegal, and helps dominant players such as the Agrofert Group”⁴.*

⁴ Pánek, M., Nohejl, J., and M. Hampl (2020) “Potravinná soběstačnost – drahý a nebezpečný nápad”, [in:] *Liberal Institute – Studies and Proceedings*, June 1.

In addition to the legal problems⁵, according to press reports, ambassadors to the Czech Republic have objected to the bill and so has the European Commission itself⁶.

Rulings of the Court of Justice of the European Union (CJEU) in *Costa v. ENEL (6/64)*, *Pubblico Ministero v. Ratti (148/78)*, and other cases⁷ state that EU law is superior to national law and takes precedence over national law in case of conflict between the two. If the expert community agrees that the bill in question contradicts superior law, and the European Commission has signaled the same, it is reasonable to assume that the strong players in the market would rate the chances of a final victory before the CJEU as high and would not address these provisions of the bill.

However, as smaller market players are more risk averse and have fewer resources to litigate, there is a strong presumption that they would be more likely to comply with the provisions than large market players, putting them at a disadvantage and making them irreversibly damaged after a future presumed ruling of illegality of the bill⁸.

⁵ Ibid., p.7ff.

⁶ *Novinky.cz* (2021) "Velvyslanci v ČR se ohradili proti kvótám na potraviny. Diskriminace je v EU nepřipustná", January 20. Available [online]: <https://www.novinky.cz/ekonomika/clanek/velvyslanci-v-cr-se-ohradili-proti-kvotam-na-potraviny-diskriminace-je-v-eu-nepripustna-40348413> [in Czech]; Daněk, V. (2021) "Kvóty na české potraviny mohou v Bruselu narazit. Evropská komise před nimi už dvakrát varovala", [in]: *iRozhlas.cz*, January 21. Available [online] https://www.irozhlas.cz/zpravy-svet/kvoty-na-ceske-potraviny-evropska-unie_2101211159_pj.

⁷ See: *EUR-Lex* (2021) "Glossary of Summaries", August 28. Available [online]: https://eur-lex.europa.eu/summary/glossary/primacy_of_eu_law.html

⁸ For more on the disparate impact of regulation, see: Stigler, G. (1971) "The Theory of Economic Regulation", [in]: *The Bell Journal of Economics and Management Science*, Vol. 2(1), spring 1971, pp. 3-21. See also and subsequent economic theory of regulation.



AN AVERAGE CZECH CONSUMER CONSUMES 70 TIMES LESS BEANS THAN POTATOES. ACCORDING TO THE FAO, THE CZECH REPUBLIC HAS A SELF-SUFFICIENCY RATE OF 0% FOR BEANS, WHILE THE CZECH STATISTICAL OFFICE (CZSO) REPORTS A SELF-SUFFICIENCY RATE OF OVER 100% FOR POTATOES (ACCORDING TO THE FAO DATA, POTATOES HAVE A SELF-SUFFICIENCY RATE OF 78%)

PROBLEMS WITH ITEM SELECTION

The authors of the bill do not explain how they have drawn up the list of foodstuffs covered by this legislation. It remains unclear why, for example, potatoes are included but not Coca-Cola, since both foods originally came from the Americas but are now produced exclusively from local sources.

It is also not clear why there are items on the list that are practically impossible to produce in the Czech Republic. An example for all of them is item 10.84.30 *Food salt*. The Czech Republic, having neither salt mines nor sea, is thus at a considerable disadvantage in the production of salt.

*"Occurrences of [halite] in the Czech Republic are insignificant, e.g., Ostrava (in mines, stalactites formed from the salt content of topsoil), larger deposits are in Slovakia (Solivar near Prešov, Michalovce), Austria (Hallstadt, Bad Ischl – Triassic), Poland (Wieliczka), Germany (Stassfurt, Hannover) or the Garabogazköl lagoon (Caspian Sea)."*⁹ Production in Solivar was discontinued in 2009¹⁰.

PROBLEMS WITH COUNTING BY TOTAL WEIGHT

The bill states that the proportion is calculated on the "total volume of food [...] sold by the operator [...] in relation to the total volume of food", where volume here means weight ("expressed in units of weight"). Why the weight of, for example, potatoes, milk, and sunflower seeds should be added together is not explained.

⁹ Vávra, V. and Z. Losos (2013) "7.3 Halovce", [in]: *Multimediální studijní texty z mineralogie pro bakalářské studium*, January 11. Available [online]: https://mineralogie.sci.muni.cz/kap_7_3_halov/kap_7_3_halov.htm [in Czech]

¹⁰ *MúzeumSolivar.sk* (2021) "The History of the Salt Plant", September 19. Available [online]: <https://muzeumsolivar.sk/en/the-history-of-the-salt-plant/>

The law can thus be complied with by excessive sales of cheap (and purposefully even more cheapened) but substantial domestic food, which the Czech consumer likes to buy, compared to foreign and more expensive food, which the Czech consumer buys in smaller weights. For example, an average Czech consumer consumes 70 times less beans than potatoes. According to the FAO, the Czech Republic has a self-sufficiency rate of 0% for beans, while the

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Czech Statistical Office (CZSO) reports a self-sufficiency rate of over 100% for potatoes (according to the FAO data, potatoes have a self-sufficiency rate of 78%).

PROBLEMS WITH THE OBLIGATION TO SELL IN EVERY SHOP

According to the bill, the obligation is to *sell*, not just *offer*, specified weights is in "any [...] retail establishment".

Since the Czech Republic is a free country and a market economy, retail outlets cannot force consumers to buy Czech food over imported food – at most, they can incentivize them, for example, with a lower price or an advertising campaign. However, as small and specialized (and probably also internet) shops are exempted from the regulation, shops may find themselves in a situation at the end of the year where they will need to sell a larger share of Czech food to *catch up* with the mandatory share. They may thus find themselves selling, e.g., potatoes, well below cost, leading to waste, deadweight losses, and excessive emissions.

The supermarket chains can solve this problem more easily by having stores sell their goods within the chain at the end of the year in such a way that the discount promotions are the least profitable for them. Small players do not have this option.

DATA

The data used for the following analysis is a compilation of three sources:

1. One set of data comes from the Czech Statistical Office (CZSO). CZSO publishes data on food consumption¹¹ and

¹¹ Czech Statistical Office (2020) "Spotřeba potravin - 2019", [in]: *Czech Statistical Office*, December 1. Available [online]: <https://www.czso.cz/csu/czso/spotreba-potravin-2019>, Table 1.

on harvesting¹², including household harvests¹³. The data must be recalculated according to the mean of population¹⁴. The data used is for 2019, own calculations. Methodology: self-sufficiency = per capita production / per capita consumption × 100.

2. Another set of data comes from the *Report on the state of agriculture in the Czech Republic in 2018*, the so-called *Green Report*¹⁵. It contains calculations for selected foodstuffs, whereas the data is used for the last published year. Methodology can be found in *Ibid*.
3. A third set of data comes from the Food and Agriculture Organization of the United Nations¹⁶. 2019 data is used, supplemented with our own calculation according to the methodology available in the FAO Statistical Pocket Book¹⁷: self-sufficiency = production × 100 / (production + imports – exports).

¹² Czech Statistical Office. (2020b) "Definitivní údaje o sklizni zemědělských plodin – 2019", [in]: *Czech Statistical Office*, February 18. Available [online]: <https://www.czso.cz/csu/czso/definitivni-udaje-o-sklizni-zemedelskych-plodin-2019>, Tables 2 and 3.

¹³ *Ibid.*, Table 2.

¹⁴ Czech Statistical Office. (2020c) "Obyvatelstvo - roční časové řady", [in]: *Czech Statistical Office*, June 5. Available [online]: https://www.czso.cz/csu/czso/obyvateľstvo_hu [in Czech]

¹⁵ Ústav zemědělské ekonomiky a informací pod gescí Ministerstva zemědělství (2019) "Zelené zprávy", [in]: *eAgri.cz*. Available [online]: <http://eagri.cz/public/web/mze/zemedelstvi/publikace-a-dokumenty/zelene-zpravy/> [in Czech]

¹⁶ Food and Agriculture Organization (2021) "Crops and Livestock Products", [in]: *FAOSTAT*, February 9. Available [online]: <http://www.fao.org/faostat/en/#data/TP> [in Czech]

¹⁷ Food and Agriculture Organization (2012) *FAO Statistical Pocketbook 2012: World Food and Agriculture*.

Even in the CZSO data, the items are not broken down according to the CZ-CPA 2015 classification used in the bill, so the following subchapter is a gross figure for the whole category, not broken down by a more detailed classification, as the bill would require. Since the law does not assume that the standard is met for each item separately, we believe that the data obtained in this way is sufficient for an analytical judgement on the Czech market.

DATA FOR INDIVIDUAL ITEMS

Table 1 shows the level of self-sufficiency for each item according to the three sources. Items with self-sufficiency below 73% are shown in bold.

As a side note, we have contacted selected manufacturers and importers to obtain further data. According to Danone's reply and its own calculations, the self-sufficiency in yoghurt production is 110.5 %. Yoghurt is listed as entry *10.51.52 Yoghurt and other fermented or acidified milk or cream*, but the individual ingredients of yoghurt (such as milk and fruit) are already listed in the table above, as it is based on data from producers, not processors or retailers.

BRIEF COMMENTARY ON SELECTED ITEMS

To further highlight the absurdity of the proposal and to bring home how unworkable this bill (should it ever become law) would be, let us make a brief commentary on selected items.

TOMATOES: 19% SELF-SUFFICIENCY

The current situation does not meet regulatory expectations. Tomato is a fruit for which growing conditions in the Czech Republic are favorable only seasonally and depending on the weather. Countries with better growing conditions, particularly in the subtropical zone, have absolute and relative comparative advantages, reflecting the



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availability of goods all year round at prices affordable to all classes of the population. Ignoring the advantages of foreign importers implies higher production costs (greenhouse cultivation), which will lead to higher prices or reduced availability of tomatoes.

For the items listed below, essentially the same geographic and economic conclusions apply, so let us not repeat them.

FRUIT: LOW SELF-SUFFICIENCY (EXCEPT FOR APPLES AND CHERRIES)

As Table 1 suggests, the Czech Republic is inefficient in the production of almost all fruits, be it wine grapes, pears, apricots,

Table 1: Self-Sufficiency for Specific Foodstuffs in the Czech Republic

Item	Self-sufficiency	Data source	Item	Self-sufficiency	Data source
Beans	0.00%	FAO	Cherries	102.56%	CZSO
Peas	144.90%	FAO	Peaches	13.92%	CZSO
Other green leguminous vegetables	52.94%	FAO	Plums	46.78%	CZSO
Soya beans	64.10%	FAO	Other pome and stone fruit	39.47%	FAO
Mustard and rapeseed	103.64%	FAO	Strawberries	23.65%	CZSO
Sunflower seeds	21.62%	FAO	Natural honey	81.82%	FAO
Other oilseeds	266.67%	FAO	Beef	121.60%	Green Report
Cabbage	47.20%	CZSO	Pork	51.50%	Green Report
Lettuce salad	63.50%	CZSO	Mutton	102.60%	Green Report
Spinach	53.55%	CZSO	Poultry meat	72%	Green Report
Paprika	20.74%	CZSO	Vegetables	31.50%	Green Report
Cucumber salad and cucumber pickles	27.26%	CZSO	Fruit and nuts	77.10%	Green Report
Tomatoes	19.30%	CZSO	Other animal fats	54.29%	FAO
Carrots, turnips, and turnips	48.15%	CZSO	Sunflower oil, crude	166.67%	FAO
Garlic	28.04%	CZSO	Canola, rapeseed, and mustard oil, crude	180.75%	FAO
Onion	43.15%	CZSO	Other oils	131.25%	FAO
Potatoes	101.99%	CZSO	Milk	137.80%	Green Report
Potatoes	78.07%	FAO	Milk	109.62%	FAO
Wine grapes	59.77%	FAO	Butter	50.00%	FAO
Apples	75.29%	CZSO	Sugar	187.09%	FAO
Pears	53.29%	CZSO	Eggs	90.60%	Green Report
Apricots	40.29%	CZSO			

Source: Own calculation based on statistical data for Hungary



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peaches, plums, or strawberries. The only exceptions are apples and cherries – both fruits are not very demanding and do not need sustained high temperatures. The region of Central Europe's comparative advantage surely does not lie in producing fruits. For example, Faro in Southern Portugal registers around 3,000 hours of sunshine annually¹⁸, meanwhile Prague registers only about half¹⁹.

“According to the Vegetable Growers’ Union of the Czech Republic, the self-sufficiency of the Czech Republic is lower than 30%, for example in the production of

cucumbers, tomatoes, cauliflowers, kohlrabi, or garlic, while in the case of onions or potatoes the current self-sufficiency is higher than 55%. The situation is similar in fruit production – although self-sufficiency in the dominant fruit, apples, is around 60%, this is rather exceptional. A number of other species, such as apricots, are well below 55%, and some species, such as currants, gooseberries and similar species, are currently grown in the Czech Republic only to a very small extent,” comments an agricultural analyst Petr Havel in the press²⁰.

Havel also addresses claims made by the sponsors of the bill that Czech farmers will increase production of foodstuffs that are currently under the bill's limits:

“It is not possible to increase production year-on-year, often by even one percent, because it requires considerable investment and because the climatic conditions are unsuitable for the increase in fruit and vegetable production in the Czech Republic. Not all crops can be grown in greenhouses. And for those that can be grown, greenhouses must be built – and this is expensive and takes time, certainly not just one year,” explains Havel further²¹.

**SALT, BEANS, YEAST:
ZERO SELF-SUFFICIENCY**

Completely without any sense of reality, the bill also included items in which the Czech Republic has zero self-sufficiency. In addition to salt, mentioned previously, these include beans or yeast. The comparative advantage for these foodstuffs lies elsewhere:

¹⁸ Current Results (2021) *Average Sunshine a Year in Portugal*. Available [online]: <https://www.currentresults.com/Weather/Portugal/annual-sunshine.php>

¹⁹ Current Results (2021) *Average Sunshine a Year at Cities in Europe*. Available [online]: <https://www.currentresults.com/Weather/Europe/Cities/sunshine-annual-average.php>

²⁰ Adamcová, P. (2021) “Česko bude bez vlna, zeleniny i vepřového. Sny agrobaronů u řady položek splnit nejde”, [in]: *Aktuálně.cz*, January 21. Available [online]: <https://zpravy.aktualne.cz/finance/nakupovani/potravinova-sobestacnost/r--8c2d3bc65bce11ebb408ac1f6b220ee8/> [in Czech]

²¹ Ibid.

*"In the European Union, the most cultivated legumes are peas, with more than half the share, and broad beans, with less than 10%. Lupin, beans, lentils, and vetches are grown to a lesser extent. [...] Lentils are mainly imported from Canada, common beans mainly from Ethiopia, China and Myanmar, and other types of beans mainly from China"*²².

Yeast is also not produced in the Czech Republic. Importers import it *"from Hungary, Poland, France, Ukraine and several other European countries"*²³.

GARLIC AND ONIONS: 28% AND 43% SELF-SUFFICIENCY

Opinions on garlic are diametrically opposed – according to Horace, it is *"more baneful than hemlock"*²⁴, but according to the tastes of contemporary consumers, garlic, with its higher essential oil content and stronger taste, is increasingly popular. *"The interest in garlic is huge and is not decreasing. On the contrary, our garlic is also increasingly in demand abroad,"* says domestic garlic breeder Jan Kozák²⁵. The fact remains, however, that the Czech supply of garlic is far from sufficient to meet demand – according to data, Czech supply does not satisfy even a third of domestic demand, and must be imported from Spain or China, among others.

²² Příbík, O. (2014) "Luskoviny v posledních letech mizí z našich polí", [in]: *Zemědělec.cz*, April 22. Available [online]: <https://www.zemedelec.cz/luskoviny-mizi-z-nasich-poli/> [in Czech]

²³ *iDnes.cz*. (2020) "Češi vykoupili droždí. Oproti normálu je zájem pětinašobný, říká dodavatel", [in]: *iDnes.cz*, March 23. Available [online]: https://www.idnes.cz/ekonomika/domaci/drozd-i-kvasnice-pecivo-zasoby-koronavirus-covid-19.A200323_112155_ekonomika_mato [in Czech]

²⁴ Horace. 30 B.C. "Ode III", [in]: *Epodes*.

²⁵ Seidl, L. (2016) "Češi propadli domácímu česneku. V čem je jeho tajemství?", [in]: *Týden.cz*, December 8. Available [online]: https://www.tyden.cz/rubriky/relax/apetit/cesi-propadli-domacimu-cesneku-v-cem-je-jeho-tajemstvi_408774.html [in Czech]



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The current COVID-19 pandemic has shown that global supply chains are robust and work even in unusually challenging times full of movement restrictions. Czech consumers have plenty of garlic available even in this situation. However, Czech society is at a significant disadvantage in the event of a large-scale vampire attack.



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Onion finds less use in combating imaginary threats of supply chain disruption or mythical creatures. It is imported to the Czech Republic from countries as diverse as Egypt and New Zealand. Rather than crying tears, one should be filled with joy when cutting a vegetable so well-traveled.

**SUNFLOWER SEEDS: 21%
SELF-SUFFICIENCY**

Already the 19th-century French economist Frédéric Bastiat wrote ironically that *"the sun [...] has for that haughty island [perfidious Albion] a respect that he does not show for us"*²⁶. And while Bastiat's example is a complaint by candle-makers about

unfair competition from the sun, the growers of sunflowers, a flower that turns after the sun, see it the other way round. For their commodity, on the contrary, more sunshine is more favorable. And while the Czech Republic, unlike the United Kingdom, according to FAO data, does produce at least some sunflower seeds, it cannot compare with countries such as Romania or Bulgaria, which produce one to two orders of magnitude more tons of sunflower seeds.

However, unlike the bill's sponsors, Bastiat²⁷ knew that free trade leads to prosperity.

CONCLUSION

The proposal to increase the food self-sufficiency of the Czech Republic is not only anti-consumer, it is non-ecological and illegal. It is also discriminatory, aimed at helping the big players in production and sales. It is also confusingly written and does not reflect the situation in Czech agriculture.

The content of the bill lacks economic rationale, nor does it reflect the basic principles of international trade (absolute and relative comparative advantages of production and exchange). Moreover, it was proposed in an emergency (the COVID-19 pandemic) and the targets set as early as 2022 provided minimal room for domestic producers to react, especially in view of the significant investments expected in production processes. Even so, the expected negative effects of the amendment would not be eliminated, and the regulatory burden would ultimately be shifted by the supply chain to the consumer, who would bear the most significant part of the economic costs in saturating preferences.

²⁶ Bastiat, F. (1845) "A Petition", [in]: *Econlib.org*. Available [online]: https://www.econlib.org/library/Bastiat/basSoph.html?chapter_num=11#book-reader

²⁷ As well as other economists – see: Pánek, M., Nohejl, J., and M. Hampl (2020) "Potravinová soběstačnost – drahý a nebezpečný nápad", [in]: *Liberal Institute – Studies and Proceedings*, June 1.

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Therefore, it is recommendable that the Parliament ultimately rejected this proposal, and it is further advised that in the future the Czech Parliament spends its time on better ideas.

For the agro-lobby, increased food self-sufficiency is one of their long-held wishes, one can read about it in most of their media appearances as well as in their own

documents. Politicians in the populist parties will, no doubt, try to implement same or similar measures – maybe more skillfully drafted – in the upcoming 2021–2025 term. Ultimately, the bill was killed only when the Prime Minister realized its illegality under EU law and instructed his own party, ANO, to drop its support. It is, therefore, of utmost importance that liberals have their arguments ready when the next attempt comes up.



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MARTIN
PÁNEK

Director of the Liberální Institut based in Prague, the Czech Republic