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Selected Legal Aspects of Agricultural Cooperatives' Adaptation to Climate Change

In Search of an Optimal Model

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ABSTRACT

This article presents an attempt at a systematic approach to cooperative forms of economic management in agriculture and rural areas. The authors seek to answer the question of what the model of agricultural cooperation looks like and what it should look like in the context of a changing socio-economic and climatic reality. The study emphasises the need to undertake long-term and strategically consistent actions, adequately supported by financial resources, which are expected to have a positive impact on the creation and operation of new cooperative entities, such as farmers' cooperatives and energy cooperatives. A new, eco-friendly model of agricul-

ture cannot be achieved without sustainable measures, and such measures are certainly easier to develop within cooperative structures characterised by a high degree of democratisation.

KEYWORDS

agricultural cooperatives, farmers' cooperatives, energy cooperatives, citizen energy communities, climate change

1. Introduction

Global warming — or, more accurately and more generally, climate change — comprises processes that are accelerating rapidly as a result of expansive human activity.¹ It must be emphasised that a number of the accompanying phenomena are not the isolated problem of individual States, but constitute one of the principal areas of debate in the global international arena, for the reason that the human being, as a biological creature, is subject to the laws of nature and inseparably bound up with it. At the same time, it is disquieting that the results of scholarly research and statistical data indicate unequivocally that climatic processes are assuming an ever more violent and unnatural character.²

The fundamental premise of the present study is to present agricultural cooperatives as one of the cooperative forms of economic management that are contending with the sudden and adverse effects associated with climate change. Bearing in mind both the extraordinary breadth and the practical significance of the subject presented, we have decided to concentrate solely on selected, systemic legal aspects of the functioning of agricultural cooperatives. In addition, we shall analyse the question whether, and in what manner, support is possible in the adaptation of agricultural cooperatives in the face of such rapid climatic change, and we shall present selected examples in this regard.

¹The years 2023 and 2024 were the hottest on record, and in 2024 the global temperature exceeded 1.5 °C above pre-industrial levels, although breaching the 1.5 °C limit of the Paris Climate Accord would require that level to be exceeded not for a single year but as an average over twenty years. Global warming has accelerated significantly, the rate of temperature rise having nearly doubled over the past decade, from roughly 0.2 °C per decade (1970–2015) to about 0.35 °C per decade since 2015. See Emanuele Bevacqua, Carl-Friedrich Schleussner, Jakob Zscheischler, *A Year Above 1.5°C Signals that Earth Is Most Probably Within the 20-Year Period That Will Reach the Paris Agreement Limit*, "Nature Climate Change" 2025, 15(3), pp. 262–265.

²Konrad Prandecki, Wioletta Wrzaszcz, Marek Zieliński, *Rolnictwo a klimat* [in:] Małgorzata Burchard-Dziubińska, Konrad Prandecki (eds.), *Zmiana klimatu — skutki dla polskiego społeczeństwa i gospodarki*, Komitet Prognoz "Polska 2000 Plus" przy Prezydium PAN, Warszawa 2020, pp. 175–211.

2. Climate Change as a Challenge for EU Agriculture

On account of the complexity of the process of climate change, its effects remain severe for every individual, but of course particularly so for the agricultural sector. Moreover, given the considerable influence of natural conditions upon the results of agricultural production, both the volume of production and the revenues from activity of this kind are subject to strong fluctuations, which has an adverse impact on the food market and on the economic situation of farmers.³

In definitional terms, climate change — according to the formulation proposed by the Intergovernmental Panel on Climate Change (IPCC) — is understood as long-lasting transformations of the elements of the climate, capable of persisting over an extended period that may last years, decades or even centuries. These comprise all changes of climate over time: both the natural ones, which follow from cyclical processes occurring in nature, and those arising in the wake of extreme phenomena, as well as those effected through intensified human activity in industry (of various kinds), in livestock and agricultural production, through the inefficient consumption of energy, and through climatically irrational choices and decisions of various actors.⁴

On the pages of the European Commission we find the information that the principal driving force of climate change is the greenhouse effect, since certain gases in the atmosphere act like the roof of a greenhouse — while they admit solar energy “inside”, they also retain part of that radiation and thereby cause global warming.⁵ As a result, the EU took the decision to oblige the Member States to combat climate change, assuming the horizon of 2050, by which time all of them must transition to a climate-neutral economy with net zero greenhouse gas emissions.⁶ To that end, the EU institutions established measures and a legal framework in the field of climate policy,⁷ within which three principal pillars may be distinguished:

- the mitigation of climate change,
- adaptation to that change, and
- market and financial mechanisms.

³Piotr Nowak, Krzysztof Gorlach, *Rolnicy i spółdzielczość w Polsce: Stary czy nowy ruch społeczny?*, “Kwartalnik Wieś i Rolnictwo” 2015, No. 1.1(166.1), p. 132, doi: 10.53098/wir.2015.1.1.166.1/07.

⁴Ministry of Climate and Environment, brochure *Nasz klimat*, Warszawa 2022, p. 1, <https://www.gov.pl/attachment/9a63db67-a872-4391-911c-e9baf42cbe5> (accessed: 30 June 2025).

⁵European Commission, *Przyczyny zmian klimatu*, https://climate.ec.europa.eu/climate-change/causes-climate-change_pl (accessed: 30 June 2025).

⁶European Council, Council of the European Union, *Climate Change: What the EU Is Doing*, <https://www.consilium.europa.eu/en/policies/climate-change/> (accessed: 30 June 2025).

⁷Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 *establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (European Climate Law)*, OJ EU 2021 L 243, p. 1.

The first pillar, also termed the pillar of mitigation, comprises:

- *in genere* the reduction of emissions, that is, decreasing the quantity of greenhouse gases released into the atmosphere;
- temporal objectives: achieving *in accuratum* a reduction of 55% by 2030 and climate neutrality by 2050;
- renewable sources, and specifically increasing the share of green energy in the energy balance.⁸

Pillar number two is the pillar of adaptation (adjustment to change); here we find in particular regional resilience, detailed strategies for protecting health and — of relevance to the present subject — agriculture and forestry against the effects of drought or heatwaves, as well as, both where adverse effects have occurred and at the stage preceding their occurrence (prevention), risk management, among other things through the assessment of the vulnerability of infrastructure to extreme weather phenomena.⁹

Finally, pillar number three: legal and economic instruments, among which may be distinguished emissions trading systems — the EU ETS mechanism, imposing charges upon industrial installations — and border levies, specifically, within their framework, the carbon border adjustment mechanism (CBAM).¹⁰

Were a summary to be attempted at this point, it should be indicated that, above all, the reduction of emissions by 55% by 2030 and by 90% by 2040 across the whole economy will also encompass agriculture. The assumed climate neutrality (including energy neutrality) by 2050 will likewise be supported by the strategic implementation and promotion of ecologically sustainable agriculture. It is assumed here that as much as 25% of agricultural land in the EU will be devoted to organic production by 2030,

⁸European Council, Council of the European Union, *Climate Change: What the EU Is Doing*, <https://www.consilium.europa.eu/en/policies/climate-change/> (accessed: 30 June 2025).

⁹Cf. European Funds, *Poradnik weryfikacji inwestycji pod względem wpływu na klimat i adaptacji do zmian klimatu w okresie programowania UE 2021–2027*, <https://fundusze.malopolska.pl> (accessed: 30 June 2025).

¹⁰*Carbon Border Adjustment Mechanism*: the mechanism for adjusting prices at the EU border with account taken of CO₂ emissions, established within the framework of the European Green Deal. Under CBAM, traders introducing specified goods into the territory of the EU will be obliged to purchase emission certificates and to submit a CBAM declaration. The legal basis is Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 *establishing a carbon border adjustment mechanism* (OJ EU 2023 L 130, p. 52), together with Commission Implementing Regulation (EU) 2023/1773 of 17 August 2023 *laying down the rules for the application of Regulation (EU) 2023/956 as regards reporting obligations for the purposes of the carbon border adjustment mechanism during the transitional period* (OJ EU 2023 L 228, p. 94), which specifies the reporting obligations during the CBAM transitional period.

together with the “Farm to Fork” strategy, whose aim is to create a safe and environmentally friendly food system.¹¹

3. Selected Legal Aspects of the Functioning of Cooperative Forms of Economic Management in Agriculture

One should share the view that, in a market economy in which there exists an economic need for group activity — including on the part of individual farmers — agricultural cooperatives still constitute an attractive form of economic management, not only for the farmers themselves, but also for the local community and for the national economy.¹² In the literature of the subject we find the information that the first agricultural companies appeared in the eighteenth century as small-credit organisations, which marked the beginning of cooperativism.¹³ The development of agricultural cooperatives in Poland began in earnest in the second half of the nineteenth century, at a differing pace in the individual partition zones. Worthy of note are the beginnings of Stanisław Staszic’s agricultural-cooperative activity in 1816, when the Hrubieszów Agricultural Society was established.¹⁴ A very material reservation must nevertheless be made: in the agricultural sector in Poland we have diverse forms of cooperativism. Such a situation determines the necessity of a more inclusive approach in the research conducted, extending its reach to cooperatives connected with rural areas *sensu stricto*, such as Cepelia in the field of handicraft and folk art.¹⁵

Adopting the assumptions and research methodology of M. Ruda and M. Górka,¹⁶ the following should be distinguished within the field of agricultural and rural activity:

¹¹The strategy “Farm to Fork” for a Fair, Healthy and Environmentally-Friendly Food System and the Biodiversity Strategy for 2030 constitute key pillars of the European Green Deal. Cf. <https://eur-lex.europa.eu> (accessed: 30 June 2025).

¹²Małgorzata Górka, Maria Ruda, *Spółdzielcze formy gospodarowania na przykładzie rolniczych spółdzielni produkcyjnych* [in:] “Nierówności społeczne a wzrost gospodarczy” 2012, No. 27, p. 236; Marcin Adamski, *Procesy dostosowawcze w rolniczych spółdzielniach produkcyjnych. Raport Programu Wieloletniego nr 120, IERiGŻ-PIB, Warszawa 2008*, pp. 7–8.

¹³Bogdan Marian Wawrzyniak, *Spółdzielczość rolnicza w II Rzeczypospolitej*, “Zagadnienia Doradztwa Rolniczego” 2025, No. 1 (119), p. 6.

¹⁴*Ibidem*, p. 6.

¹⁵The Centre of Folk and Artistic Industry (CPLiA) was founded nearly sixty-five years ago. At present “CEPELIA” is represented by the “CEPELIA” Polish Art and Handicraft Foundation, the “CEPELIA” Chamber of Commerce and the “CEPELIA” Cooperative Auditing Union. The principal aim of CEPELIA is above all the protection, organisation, development and promotion of Polish folk art and of folk and artistic handicraft.

¹⁶Małgorzata Górka, Maria Ruda, *Spółdzielcze formy gospodarowania na przykładzie rolniczych spółdzielni produkcyjnych* [in:] “Nierówności społeczne a wzrost gospodarczy” 2012, No. 27, p. 235.

- supply and marketing cooperatives “Samopomoc Chłopska” (Peasant Self-Help);¹⁷
- dairy cooperatives;¹⁸
- horticultural and beekeeping cooperatives;¹⁹
- agricultural production cooperatives;²⁰
- agricultural circles’ cooperatives;²¹
- cooperative banks — materially supporting and financing the cooperative movement.

To this group one should also add **cooperative agricultural producer groups**,²² as an element that appeared at a later stage of development. Here

¹⁷Notwithstanding the departure of the majority of these cooperatives from servicing agriculture, they perform an important function in the countryside, running retail shops and fuel depots; some still supply farmers, more than a hundred operate bakeries and around thirty run butcheries. After: Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*, <https://krs.org.pl> (accessed: 30 June 2025).

¹⁸They held around 80% of the share in the purchase and processing of milk and in the production of dairy goods in Poland; they constitute a key branch for the Polish economy and are a significant player on the export market for these products within the EU and beyond. After: Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*, <https://krs.org.pl> (accessed: 30 June 2025).

¹⁹They play a considerable role in local milieus, chiefly through the purchase of fruit and vegetables and the operation of retail shops. After: Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*, <https://krs.org.pl> (accessed: 30 June 2025).

²⁰They are an important link in national agricultural production: through the joint activity of the farming families associated within them they achieve significant production results, including high efficiency. They are regulated directly by the provisions of the Cooperative Law, among others by Article 138, which defines the object of the activity of an agricultural production cooperative as “the conduct of a common agricultural holding and of activity for the benefit of the individual agricultural holdings of members. The cooperative may also conduct other economic activity”. Pursuant to Article 139, members of the cooperative may be farmers who are: (1) owners or autonomous possessors of agricultural land; (2) lessees, usufructuaries or other dependent possessors of agricultural land; and (3) other persons having qualifications useful for work in the cooperative. After: Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*, <https://krs.org.pl> (accessed: 30 June 2025).

²¹To a considerably lesser degree than in years past, but still, they provide machinery services for agriculture, which is material given the ever-rising costs of agricultural equipment, and they are developing services for local government and the population. After: Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*, <https://krs.org.pl> (accessed: 30 June 2025).

²²As a form of farmers’ activity on the market this appeared as early as 2000; notwithstanding difficulties in creating larger economic entities and problems with bureaucracy, they are a form enabling farmers to undertake the joint action so badly needed on strongly globalised agricultural markets. After: Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*, <https://krs.org.pl> (accessed: 30 June 2025). In determining the directions of the development of agricultural cooperativism following Poland’s accession to the European Union, one must indisputably point to branch cooperativism, that is, the emergence and development of cooperative agricultural producer groups. It is worth explaining at the outset that as early as 15 September 2000, and thus still in the pre-accession period, the Act of 15 September 2000 *on agricultural producer groups and their unions and on the amendment of other acts* was passed (consolidated text: Journal of Laws 2023, item 412). As Aneta Suchoń observes, the Polish legislature, in supporting the development of cooperation in agriculture, drew upon the producer groups that had functioned for many

too, of course, we shall include Cepelia, characterised above. In considering this subject, however, it is worth availing ourselves of the so-called Old School and, in accordance with the rules of writing “from the general to the particular” — or with the Latin tradition of *ab ovo usque ad mala* — invoking threads of a contextual and international, historical, and definitional character, so that, on that basis, the changes that have occurred in this area may be presented.

The key point of reference here will be the established international standard, according to which the International Co-operative Alliance (ICA),²³ an organisation founded as early as 1895 in London, coined at its XXXI Congress in Manchester in 1995 a universal definitional formula in the following terms: *a cooperative is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise*.²⁴

Considerable convergence with the aforementioned standard is displayed, on the ground of Polish law, by Article 1 of the Act of 16 September 1982 — the *Cooperative Law*,²⁵ which provides that “§ 1. A cooperative is a voluntary association of an unlimited number of persons, of variable membership and a variable share fund, which conducts common economic activity in the interest of its members. § 2. A cooperative may conduct social, educational and cultural activity for the benefit of its members and their milieu”.

years within the European Union. The creation of such an entity begins with the establishment of a legal person (in the case of interest to us, a cooperative), while the next constitutive element is entry in the register maintained at present by the locally competent Director of the regional branch of the Agency for Restructuring and Modernisation of Agriculture. Agricultural producer groups may therefore conduct activity in various legal forms — as mentioned, that of the cooperative, but not only, since they may also take the form of, for example, a limited liability company, an association or a society. As was noted already at the stage of the draft act, the term “group” does not denote a legal form but refers to the functions performed by organised agricultural producers, and thus concerns above all the concentration and standardisation of supply, promotion, and the assurance of quality and continuity of deliveries. After: Aneta Suchoń, *Spółdzielnie rolnicze po akcesji Polski do Unii Europejskiej. Wybrane zagadnienia prawne*, “Problemy Rolnictwa Światowego” vol. 11 (XXVI), No. 4, p. 150. Cf. Sejm print no. 1002 of 2000, <http://orka.sejm.gov.pl> (accessed: 30 June 2025).

²³<https://www.ica.coop/en> (accessed: 30 June 2025).

²⁴Piotr Nowak, Krzysztof Gorlach, *Rolnicy i spółdzielczość w Polsce: Stary czy nowy ruch społeczny?*, “Kwartalnik Wieś i Rolnictwo” 2015, No. 1.1 (166.1), p. 136, doi: 10.53098/wir.2015.1.1.166.1/07.

²⁵Consolidated text: Journal of Laws 2024, item 593. Cf. Krzysztof Pietrzykowski, *Pojęcie spółdzielni* [in:] *System Prawa Prywatnego*, t. 4. *Prawo rzeczowe*, ed. E. Gniewek, Warszawa 2007, p. 318 et seq.

Table 1. Changes in the number of selected types of cooperatives, 1989–2023²⁶

Type of cooperative	1989	2008	2011	2015	2018	2023	2023/ 1989 (%)	Fall (%)
Supply and marketing “Samopomoc Chłopska”	1912	1358	1259	1110	973	753	39.4	60.6
Dairy	323	169	156	137	124	108	33.4	66.6
Horticultural and bee- keeping	140	90	73	51	41	37	26.4	73.6
Agricultural production	2089	826	734	666	578	500	23.9	76.1
Agricultural circles’	2006	652	570	473	360	295	14.7	85.3
Cooperative banks	1663	573	574	560	550	492	29.6	70.4
Cooperative producer groups and producer organisations	—	85*	301	450	664	924	—	—

Diagram 1. The contrast between the decline of traditional forms of agricultural cooperativism and the growth of cooperative producer groups, 1989–2023

Interpretation: the majority of traditional cooperative branches recorded a profound fall in the number of entities in the years 1989–2023. A different direction is displayed by the category of cooperative agricultural producer groups and producer organisations — from 85 entities in 2008 to 924 in 2023 (a more than tenfold increase).

In the sector of interest to us, that of “agriculture and the countryside”, and in accordance with the exemplification set out above, among the key acts of statutory rank governing the functioning of agricultural cooperatives one must include the relatively new Act of 4 October 2018 *on farmers’*

²⁶On the basis of the original study and data from: Małgorzata Górka, Maria Ruda, *Spółdzielcze formy gospodarowania na przykładzie rolniczych spółdzielni produkcyjnych* [in:] “Nierówności społeczne a wzrost gospodarczy” 2012, No. 27, p. 235, supplemented and reconstructed on the basis of additional sources: Ryszard Kata, *Spółdzielczość w Polsce na tle innych krajów Unii Europejskiej — stan i współczesne wyzwania*, “Roczniki Ekonomiczne Kujawsko-Pomorskiej Szkoły Wyższej w Bydgoszczy” 2016, No. 9, pp. 67–86; Krajowa Rada Spółdzielcza, *Organizowanie się gospodarce polskich rolników po 1990 roku*, Warszawa 2010; Aneta Suchoń, *Spółdzielnie rolnicze po akcesji Polski do Unii Europejskiej. Wybrane zagadnienia prawne*, “Problemy Rolnictwa Światowego” vol. 11 (XXVI), No. 4, pp. 148–158; Krajowa Rada Spółdzielcza, *Tabele statystyczne za 2015 r. and za 2016 r.*; Krajowa Rada Spółdzielcza, *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.*; Krajowa Rada Spółdzielcza, *Rozwój spółdzielczości rolniczej oraz energetyki odnawialnej na obszarach wiejskich w Polsce poprzez uznane organizacje producentów i spółdzielnie energetyczne*, Warszawa 2024; Komisja Nadzoru Finansowego, *Sytuacja banków spółdzielczych po IV kwartale 2023 r.* (all accessed: 30 June 2025). * The value for 2008 refers to agricultural producer groups operating in cooperative form according to the data for that year; it does not unequivocally cover all producer organisations functioning on the basis of separate sectoral regulations.

cooperatives,²⁷ which constitutes a *lex specialis* in relation to the Cooperative Law (*lex generalis*).²⁸ In accordance with the statutory definition contained in Article 4 of the Act on farmers' cooperatives, a farmers' cooperative is a voluntary association of natural or legal persons:

- 1) conducting an agricultural holding within the meaning of the provisions on agricultural tax, or conducting agricultural activity in the field of special branches of agricultural production, being producers of agricultural products or groups of such products, or engaged in the rearing or breeding of fish, hereinafter referred to as "farmers";
- 2) not being farmers, conducting activity in the field of the storage, warehousing, sorting, packaging or processing of agricultural products or groups of such products, or of fish, produced by the farmers referred to in point 1, or service activity supporting agriculture and comprising the provision, for the benefit of the farmers referred to in point 1, of services making use of machines, tools or devices serving for the production by those farmers of agricultural products or groups of such products, or of fish, hereinafter referred to as "entities not being farmers";

— of variable membership and a variable share fund, which conducts common economic activity in the interest of its members.

Bearing the foregoing in mind, the term "farmers' cooperative" (*spółdzielnia rolników*) should nevertheless not be identified with the notion of "agricultural cooperative" (*spółdzielnia rolnicza*). It has been explained in the literature of the subject that the term "agricultural cooperative" does not belong to legal language (and thus is not employed in the texts of legal acts), but to juristic language (that is, it is used by legal doctrine). It appears in foreign literature as well.²⁹ For this reason, farmers' cooperatives belong to the group of agricultural cooperatives, alongside agricultural production cooperatives, agricultural circles' cooperatives, dairy cooperatives and cooperative agricultural producer groups³⁰ (Article 178 § 1 of the Cooperative Law).

In accordance with the assumptions of the draft, the purpose of preparing the "special act" was to be the comprehensive regulation of the principles and manner of "the functioning of *strictly* agricultural cooperatives, by creating incentives for farmers to establish entities of this type, as well as

²⁷Consolidated text: Journal of Laws 2025, item 443.

²⁸Dominik Bierecki, *Zbycie udziału w spółdzielni rolników*, "Pieniądze i Więź" 2019, No. 1, p. 82; Jerzy Bieluk, Adam Doliwa, Beata Jeżyńska, *Ustawa o spółdzielniach rolników. Komentarz*, Warszawa 2020, p. 16.

²⁹Aneta Suchoń, *Prawna koncepcja spółdzielni rolniczych*, Wydawnictwo UAM, Poznań 2016, p. 9 et seq.; eadem, *Cooperatives in the Process of Developing the Multifunctionality of Rural Areas in Poland — Selected Legal Issues*, "International Journal of Cooperative Law" 2020, No. 3, pp. 10–30.

³⁰Aneta Suchoń, *Spółdzielnie rolnicze a czynności notarialne — wybrane zagadnienia prawne*, "Rejent" 2018, No. 12, pp. 47–52.

better economic conditions for the conduct of their activity. The incentives in question consist in particular in the exclusion of entities that have obtained the status of a farmers' cooperative from specified fiscal obligations. The provisions moreover envisage the introduction of incentives of this character for unions of farmers' cooperatives, which is to motivate farmers' cooperatives to establish them".³¹ In practice, as both Table 1 and Diagram 1 demonstrate, we observe a deepening decline in the forms of agricultural cooperativism. The new solution in the shape of the farmers' cooperative, supported by tax preferences, was to change this negative trend, or at least to arrest it, above all through exemption from property tax in respect of buildings and structures or parts thereof, together with the land occupied by them, used for the activity specified in the Act; the exemptions from income tax also concern legal persons, in the scope of income derived from the sale of agricultural products or groups of such products. Beyond this, mention should be made of the exemptions constituting *de minimis* aid, which means that their aggregate amount granted to a single entity, calculated over a period of three tax years, could originally not exceed the equivalent of: EUR 15,000 in the agricultural production sector (at present EUR 50,000),³² EUR 30,000 in the fisheries and aquaculture sector,³³ and EUR 200,000 in a sector other than agricultural production.³⁴ The need to support initiatives of this type was mentioned, among others, by Dr Mieczysław Grodzki, President of the Management Board of the National Cooperative Council, who stated that, in contrast to other States of Western Europe, Polish farmers are very poorly organised economically. It is estimated that only 15–20% of farmers in Poland are organised in cooperatives.³⁵ It is observed that "more than 4,000 such entities operate in the EU, contributing, through joint action on a larger scale, to reducing production costs, contracting the sale of products on better terms, decreasing the unit costs of investment, and purchasing machinery and equipment for common use".³⁶ Significantly, agreeing upon and attaining climate objectives, and managing their scalability, is decidedly easier where a single entity representing farmers appears in the relationship with an EU or national institution — since, as we note, pursuant to Article 7(1) of the

³¹Sejm print no. 1425 of 2017, <https://orka.sejm.gov.pl> (accessed: 30 June 2025).

³²Commission Regulation (EU) No 1407/2013 of 18 December 2013 *on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid* (OJ EU 2013 L 352).

³³Commission Regulation (EU) No 1408/2013 of 18 December 2013 *on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector* (OJ EU 2013 L 352).

³⁴Commission Regulation (EU) No 717/2014 of 27 June 2014 *on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector* (OJ EU 2014 L 190).

³⁵Marcin Martynowski, Grzegorz Maśloch, Rafał Czaja, *Rozwój spółdzielczości rolniczej oraz energetyki odnawialnej na obszarach wiejskich*, Warszawa 2024, p. 3.

³⁶*Ibidem*.

Act on farmers' cooperatives, the founders of a farmers' cooperative should be farmers whose number may not be fewer than ten. This circumstance is sometimes regarded as "a factor slowing the development of cooperativism in Poland",³⁷ in the context of Article 6 § 2, second sentence, of the *Cooperative Law*, which lays down the general rule according to which the establishment of an agricultural production cooperative requires the joint action of five founders, on account of which "the number of cooperative founders required in Poland is too high to permit the dynamic development of cooperatives".³⁸ On the other hand, however, it appears that the legislature was more concerned with creating *ab initio* only large entities of this type, which would in the future have the character of a manageable interest group — perhaps as a form more convenient for the governmental administrative apparatus.

What activity, then — or perhaps whose activity — should a farmers' cooperative serve under the provisions in force? The answer to this question is furnished by Article 6(1) of the Act on farmers' cooperatives, which provides that the object of the activity of a farmers' cooperative is the conduct of economic activity for the benefit of the members of the farmers' cooperative in the field of:

- 1) the planning of the production of products or groups of products conducted by farmers and its adjustment to market conditions, with particular regard to its quantity and quality;
- 2) the concentration of supply and the organisation of the disposal of products or groups of products produced by farmers;
- 3) the concentration of demand and the organisation of the acquisition of the means of production of products or groups of products necessary to farmers.

Article 6(2) of the "special act", in turn, provides that a farmers' cooperative may, in addition to conducting the activities enumerated above, conduct economic activity in the field of:

- 1) the storage, packaging and standardisation of products or groups of products produced by farmers;
- 2) the processing of products or groups of products produced by farmers, and trade in the processed products thereby obtained;
- 3) the provision to farmers of services connected with their production of products or groups of products;
- 4) the disposal of products or groups of products produced by farmers;

³⁷Dominik Bierecki, *Prawne determinanty rozwoju spółdzielni rolników i spółdzielni energetycznych w Polsce*, Kancelaria Senatu RP, Biuro Analiz, Dokumentacji i Korespondencji, Opinie i ekspertyzy: OE-354, Warszawa 2021, p. 10.

³⁸Ibidem, p. 10.

- 5) the dissemination among its members of environmentally beneficial methods of cultivation, production technologies or methods of waste management;
- 6) the conduct of service activity for the benefit of its members other than the provision of the services referred to in point 3.

A third group of activities of farmers' cooperatives is specified by Article 6(3) of the Act *on farmers' cooperatives*, which also affords such cooperatives the possibility of conducting activity:

- 1) of a social, educational and cultural character for the benefit of their members and their milieu;
- 2) as a citizen energy community, as referred to in the provisions of the Act of 10 April 1997 — *the Energy Law* (Journal of Laws 2024, items 266, 834, 859, 1847 and 1881, and Journal of Laws 2025, item 303);
- 3) in the field of the generation of electricity or biogas, or agricultural biogas, or biomethane, or heat from renewable sources in renewable energy source installations, trade therein or their storage, effected within the framework of activity conducted exclusively for the benefit of that cooperative and its members.

It must be borne in mind that, pursuant to Article 6(4) of the “special act”, revenues from the conduct of service activity for the benefit of members other than the provision of services to farmers connected with their production of products or groups of products, together with social, educational and cultural activity for the benefit of members and their milieu, may not jointly exceed 25% of the revenues of the farmers' cooperative obtained in the given financial year.

A further limitation is the circumstance set out in Article 6(5) of the Act, according to which each member of a farmers' cooperative may belong to one farmers' cooperative in respect of specified products or groups of products.

Were a summary to be attempted at this point, it could successfully be demonstrated that the elements presented constitute an emanation of European solutions and values, without being a solution directly implemented from EU legislation. Indirectly, however, European climate policy makes itself felt in the solutions concerning, among other things, citizen energy communities,³⁹ where, pursuant to Article 11z of the *Energy Law*, a citizen energy community may conduct activity in the form of:

- 1) a cooperative within the meaning of Article 1 § 1 of the Act of 16 September 1982 — *the Cooperative Law* (Journal of Laws 2024, item

³⁹Cf. the remarks of Łukasz Jan Mroczynski-Szmaj, *Nowe oblicze spółdzielczości: spółdzielnie energetyczne szansą dla polskiej Energiewende? Polsko-niemiecki kontekst porównawczy*, “Prawo i Więź” 2024, No. 5, pp. 179–201.

- 593, and Journal of Laws 2025, item 1556), and a housing cooperative as referred to in the Act of 15 December 2000 *on housing cooperatives* (Journal of Laws 2024, item 558, and Journal of Laws 2025, item 1077);
- 2) a housing community as referred to in Article 6 of the Act of 24 June 1994 — *on the ownership of premises* (Journal of Laws 2021, item 1048, and Journal of Laws 2023, item 1688);
 - 3) an association within the meaning of Article 2(1) of the Act of 7 April 1989 — *the Law on Associations* (Journal of Laws 2020, item 2261), with the exclusion of ordinary associations;
 - 4) a partnership, with the exclusion of the professional partnership within the meaning of Article 4 § 1 of the Act of 15 September 2000 — *the Commercial Companies Code*;
 - 5) a farmers' cooperative as referred to in the Act of 4 October 2018 — *on farmers' cooperatives* (Journal of Laws 2025, item 443).

In this respect, the solutions concerning the European Green Deal, in the field of ecological, sustainable agriculture consisting, among other things, in a philosophy of management within a closed circuit, are acquiring concrete institutional shape. Taking into account the immense body of issues involved, we have decided to concentrate above all on this element as an exemplification.

4. The Strategic and Legal Framework of Adaptation to Climate Change in Poland

In principle, the main documents setting the directions of agricultural policy in Poland are the **Strategy for Sustainable Development of Rural Areas, Agriculture and Fisheries 2030**⁴⁰ (hereinafter: the Strategy) and the **Strategic Plan for the Common Agricultural Policy for 2023–2027**.⁴¹ They concentrate on strengthening food security, supporting family farms, and the ecological and digital transformation of agriculture and rural areas.

Within the Strategy, “Specific objective II: Improvement of the quality of life, of infrastructure and of the state of the environment” contains “Direc-

⁴⁰Resolution No. 193 of the Council of Ministers of 17 October 2023 *on the adoption of the update of the “Strategy for Sustainable Development of Rural Areas, Agriculture and Fisheries 2030”* (Official Gazette 2023, item 1214).

⁴¹Act of 8 February 2023 — *on the Strategic Plan for the Common Agricultural Policy for 2023–2027* (consolidated text: Journal of Laws 2024, item 1741). The *Strategic Plan for the Common Agricultural Policy for 2023–2027* is a national programme financed from the EU budget (approximately EUR 22 billion) and from national funds, supporting the sustainable development of Polish agriculture, agricultural holdings and rural areas. It comprises direct payments, eco-schemes and rural development. Cf. <https://www.gov.pl/web/rolnictwo> (accessed: 30 June 2025).

tion of intervention II.5: Adaptation to climate change and counteracting that change". Among the measures enumerated there are:⁴²

- 2.5.1. *stimulating the development of alternative, zero-emission sources of heat (among others cheap electric heating), which will contribute to reducing low-stack emissions, in particular in less urbanised areas;*
- 2.5.2. *developing technologies for storing energy (in various forms);*
- 2.5.3. *increasing the energy efficiency of public-utility and residential buildings and of undertakings;*
- 2.5.4. *support for low- and zero-emission strategies;*
- 2.5.5. *support for the combined generation of electricity and heat (cogeneration);*
- 2.5.6. *promoting and initiating local undertakings (clusters, energy cooperatives, citizen energy communities) in the field of energy generation (with an indication of the development of renewable energy sources) and of energy efficiency, with a view to striving for the energy self-sufficiency of municipalities and districts (autonomous energy areas);*
- 2.5.7. *investments with a view to using locally available energy raw materials and other resources in accordance with territorial potential (for example hydroelectric plants, biomass, biogas and agricultural biogas, waste, geothermal installations);*
- 2.5.8. *drawing up a map of available water resources for use by the population, industry, agriculture and other branches of the economy, together with the principles of its updating on the basis of the balance of surface and groundwater resources;*
- 2.5.9. *devising and implementing comprehensive measures in the field of preventing the effects of persistently high temperatures or low precipitation and the agricultural droughts consequent upon them;*
- 2.5.10. *pro-ecological management of local water resources, encompassing also the shaping of landscapes conducive to the retention of water;*
- 2.5.11. *developing methodological foundations for managing the absorption of CO₂ in agriculture within the framework of implementing climate policy;*
- 2.5.12. *reducing emissions from the agricultural sector itself, particularly as regards ammonia;*
- 2.5.13. *support for vehicle-sharing systems, especially in rural areas — a solution reducing the costs of individual commuting to work and also the pressure on the natural environment;*
- 2.5.14. *informational and educational activity within the framework of measures aimed at protecting biodiversity and wetland areas;*

⁴²After: Strategia Zrównoważonego Rozwoju Wsi, Rolnictwa i Rybactwa 2030, Warszawa 2023, pp. 70–71.

- 2.5.15. *the development and refinement of green technologies by the research base;*
- 2.5.16. *promotion of the Polish green-technology sector at home and abroad;*
- 2.5.17. *developing and disseminating knowledge in the field of climate protection;*
- 2.5.18. *protection and restoration of marine biological diversity and marine ecosystems, and contributing to the restoration of populations of valuable species.*

Of course, for such measures to have any *raison d'être*, an appropriate allocation of financial resources is needed, as is a responsible public administration. Both elements are determined by the aforementioned Strategic Plan, as a dedicated instrument of support from EU and national funds within the 2023–2027 financial perspective. A range of mechanisms, such as direct payments⁴³ and agri-environmental-climate payments,⁴⁴ are only part of the system created to give effect to the objectives of the Strategy.

Among the measures of this type we may certainly count the reforms concerning the functioning of citizen energy communities, including energy cooperatives. As an element giving effect to the strategic postulates we may recognise, among others, the entry into force on 1 October 2023 of the provisions of the Act of 17 August 2023 — *amending the Act on Renewable Energy Sources and certain other acts*,⁴⁵ which, as the government declared,⁴⁶

- extended the principles and conditions of conducting economic activity in the field of agricultural biogas to include the possibility of producing biomethane from agricultural biogas;

⁴³Article 20(1)(1)–(6) of the Act of 8 February 2023 — *on the Strategic Plan for the Common Agricultural Policy for 2023–2027* enumerates here: (a) basic income support for sustainability, referred to in Article 16(2)(a) of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 *establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy and financed by the EAGF and by the EAFRD and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013* (OJ EU 2021 L 435, p. 1); (b) complementary redistributive income support for sustainability, referred to in Article 16(2)(b) of Regulation 2021/2115; (c) complementary income support for young farmers, referred to in Article 16(2)(c) of Regulation 2021/2115; (d) coupled income support, referred to in Article 16(3)(a) of Regulation 2021/2115; (e) payments under schemes for the climate, the environment and animal welfare, referred to in Article 16(2)(d) of Regulation 2021/2115; (f) the payment referred to in Article 28 of Regulation 2021/2115, namely the payment for small farms.

⁴⁴The essence of agri-environmental-climate interventions is the promotion of agricultural practices contributing to the protection of soils, waters and the climate, of valuable natural habitats and endangered bird species, of endangered genetic resources of plants and animals, and to the protection of landscape diversity. The practices applied within these interventions affect biological diversity in the rural landscape and contribute to increasing the species diversity and abundance of pollinating insects, as well as to creating habitats for many other animal species. After: <https://wmodr.pl> (accessed: 30 June 2025).

⁴⁵Journal of Laws 2023, item 1762.

⁴⁶After: <https://www.gov.pl/web/kowr> (accessed: 30 June 2025).

- extended the subjective scope of the register of producers of agricultural biogas to include producers of biomethane from agricultural biogas;
- clarified the definition and the object of activity of energy cooperatives;
- clarified the conditions of cooperation between an energy cooperative and an energy vendor;
- introduced facilitations as regards the principles of settlement and reporting of energy cooperatives.

Other material changes introduced by the provisions of the Act of 17 August 2023 — *amending the Act on Renewable Energy Sources and certain other acts* consisted in updating the conditions for obtaining entry in the register of producers of agricultural biogas and of energy cooperatives.

At the same time, on 11 September, the provisions of a further act entered into force: the Act of 13 July 2023 — *on facilitations in the preparation and implementation of investments in agricultural biogas plants and in their functioning*.⁴⁷ This time the legislature took up the problem of facilitations for investments in agricultural biogas plants, including, as the National Support Centre for Agriculture declared, among others:⁴⁸

- acceleration of the process of constructing an agricultural biogas plant;
- facilitations in issuing the conditions for connecting an agricultural biogas plant to the grid;
- exemption from the obligation to change the designation of land and to exclude it from agricultural use for agricultural biogas plants located on agricultural holdings over an area not exceeding one hectare;
- permitting the location of agricultural biogas plants on land belonging to an agri-food processing plant, where the provisions of the local spatial development plan envisage the possibility of locating development connected with agriculture or production, or services, or warehousing, and the area of land beneath the agricultural biogas plant is not greater than one hectare;
- a special procedure for locating biogas plants above 1 MW — a location resolution of the municipal council;
- exemption of specified, safe types of biomass from restrictive waste provisions;
- easier management of the digestate as a fertiliser.

⁴⁷Journal of Laws 2023, item 1597.

⁴⁸After: <https://www.gov.pl/web/kowr> (accessed: 30 June 2025).

A third element of governmental support — implemented above all by the National Support Centre for Agriculture — was the conduct of supporting (training and educational) measures for the development of renewable energy sources in agriculture, including in the field of agricultural biogas plants and energy cooperatives. By way of example, in the period from October to November 2023 alone, KOWR planned the delivery of a series of free workshops concerning the functioning of energy cooperatives in the territory of rural and urban-rural municipalities,⁴⁹ and of agricultural biogas plants.⁵⁰

What, then, is the effect of the measures undertaken? According to data from the KOWR registers, in June 2025⁵¹ the number of agricultural biogas plants⁵² stood at 155 — an increase of 28 new producers by comparison with October 2023 — while in the case of energy cooperatives the figure rose from 16 to nearly 100 by the middle of 2025.⁵³ In both cases, therefore, we are dealing with a positive change, which will serve the climate and at the same time constitutes an attempt to adapt the traditional forms of cooperativism in agriculture and in rural areas to the changes taking place.

Were we, on the other hand, to seek other means of financially strengthening cooperatives that function successfully in the legislation of Western European States, mention should be made of the question — raised in the literature of the subject — of investment shares in a cooperative.⁵⁴

⁴⁹<https://www.gov.pl/web/kowr/bezplatne-warsztaty-ze-spoldzielni-energetycznych> (accessed: 30 June 2025).

⁵⁰<https://www.gov.pl/web/kowr/biogazownie-rolnicze-bezplatne-warsztaty> (accessed: 30 June 2025).

⁵¹<https://www.gov.pl/web/kowr/rejestr-wytworcow-biogazu-rolniczego> (accessed: 30 June 2025).

⁵²At the political level of the EU — within the framework of the Commission document *Implementing the REPowerEU Action Plan: Investment Needs, Hydrogen Accelerator and Achieving the Bio-methane Targets* — an indicative, EU-wide target was established of producing 35 billion m³ of biomethane in the EU by 2030, which is to constitute approximately 10% of imported gaseous fuel in all EU Member States. It was indicated that this is a cost-effective means of implementing the plan of reducing imports of natural gas from Russia, and also that the investment needs for increasing biogas production capacity in the EU and promoting its conversion into biomethane will amount, in that period, to nearly EUR 37 billion. This is to constitute a further impulse and driving wheel not only for the process of transformation and decarbonisation of the gas sector in the EU, but also a step towards economic development and towards the support and stabilisation of revenues from the agri-food sector in the EU." After: Eryk Kosikowski, Marcin Trupkiewicz, *Sprzedaż biometanu po stałej cenie zakupu ... jako instrument prośrodowiskowej regulacji sektorowej*, "Prawo i Więź" 2025, No. 4(57), p. 36.

⁵³<https://www.gov.pl/web/kowr/wykaz-spoldzielni-energetycznych> (accessed: 30 June 2025).

⁵⁴Thus, for example: "(...) Finnish cooperative law provides for a category of investment shares, which may be treated in the cooperative's statute differently from ordinary shares; on the part of the members of the cooperative who shape its statute there exists a freedom to determine a particular manner of treating investment shares. Statutory privileging of such shares as regards participation in the distribution of the cooperative's balance-sheet surplus, or a statutory guarantee of a minimum share in the distribution of profit, would to a material degree remove the obstacle to investing in cooperatives with the participation of natural persons, constituted by the absence of material influence of a member holding a considerable number of supplementary shares

“It should be noted that what is at issue here are investment shares, and not investment membership, which suggests the adoption of a sound solution affording the possibility of taking up investment shares not only by investor members, who neither avail themselves of the cooperative’s services nor conclude transactions with it, but also by user members, who do avail themselves of such services and do conclude such transactions”.⁵⁵

In the context of the farmers’ cooperatives discussed in the present study, it must be stated — or rather the position already expressed in the literature must be reiterated — that in order to increase their economic potential “it is necessary to permit the disposal of membership shares in a farmers’ cooperative and in an energy cooperative during the currency of membership, on the basis of an agreement between members of the cooperative or between a member and a person who has submitted a declaration of accession to the cooperative; [and] it is necessary to allow the possibility of introducing into farmers’ cooperatives and energy cooperatives, on the basis of the provisions of the statute, a category of investment shares and to take them into account within the institution of determining the number of shares (Article 11(1) of the *Act on farmers’ cooperatives*), as well as to enable the cooperative to award members investment shares depending on the value of their turnover with the cooperative — of their transactions with the cooperative”.⁵⁶

All of this must, of course, be postulated on the assumption that the legislature will be consistent. We have in mind here above all the *casus* of cooperative agricultural producer groups. As the National Cooperative Council reports, the share of the cooperative form among newly created groups has risen to over 80%, and its popularity is favoured by the democratic character of the cooperative, through the taking of key decisions in accordance with the principle of “one member — one vote”. Importantly, agricultural producer groups receive lump-sum financial support for the creation and operation of the group during the first five years of its activity, dependent upon the volume of turnover in the product or group of products for which it was established. The aggregate limit of this support amounts to **EUR 500,000** per group.⁵⁷ The year 2023 appeared to be the apogee, the number of this form of cooperative economic management having reached 924. At

upon the decisions of the cooperative’s supreme organ, and consequently by the possibility of depriving him of the expected profit (...). Adam Jedliński, *Perspektywy rozwoju prawa spółdzielczego* [in:] *Kierunki zmian prawa spółdzielczego w Polsce*, “Zeszyty Senackie” 22 (2014), p. 13. Cf. Piotr Zakrzewski, *Stan aktualny i perspektywy rozwoju polskiego prawa spółdzielczego*, “Rocznik Nauk Prawnych” 2017, vol. XXVII, No. 4, pp. 103–104; Dominik Bierecki, *The De Lege Ferenda Propositions Regarding the Membership in the Cooperative in Poland*, “Prawo i Więź” 2019, No. 3, pp. 38–41.

⁵⁵Dominik Bierecki, *Prawne determinanty rozwoju spółdzielni rolników i spółdzielni energetycznych w Polsce*, Kancelaria Senatu RP, Biuro Analiz, Dokumentacji i Korespondencji, Opinie i ekspertyzy: OE-354, Warszawa 2021, p. 19.

⁵⁶*Ibidem*, p. 19.

⁵⁷<https://krs.org.pl/branze-spoldzielcze/spoldzielcze-grupy-producentow-rolnych> (accessed: 30 June 2025).

present, on an analysis of the data, we may speak of around 700 entities of this type.⁵⁸ Why, then, are the groups disappearing? The Ministry of Agriculture commissioned the Institute of Agricultural and Food Economics — National Research Institute to evaluate the measure “Establishment and development of producer groups and agricultural producer organisations” under the Rural Development Programme 2014–2020. The final report⁵⁹ of 2024 aptly describes the mechanism of which we are now statistically the witnesses. Adam Kagan and Jacek Kulawik state that the five-year formula of support is beginning to exhaust its potential. They point above all to the problem of continuing the groups’ activity following the end of the subsidised period: the economic benefits of joint action do not always exceed the organisational and transactional costs of maintaining a formal group. It is precisely for this reason that the authors of the report even propose extending the period of support, so that the organisations may attain greater stability.⁶⁰ We consider this to be an exceedingly weighty problem from the standpoint of climate change as well. In both cases, the absence of clearly determined financial allocations will favour only speculation or cost-and-tax “optimisation”, without the desired long-term effects, on both the micro and the macro scale. The debate now under way on the new EU financial perspective for 2028–2032 must therefore purposively assure such stability and predictability. Otherwise, it will be impossible to speak of the real attainment of objectives not only in the field of climate, but also in that of agriculture, or of the economy and innovation in general.

5. Conclusion

Taking the foregoing into account, and standing before the task of matching the force of nature through the adaptation of the whole agricultural sector, in both the national and the European perspective, in relation to climate change, the attainment of what are at times very ambitious objectives is possible only through the preservation of consensus and only through the multi-level joint action of individual States and their agencies (KOWR, ARiMR),⁶¹ of the European institutions, and of farmers and their representation (for example farmers’ cooperatives), with one another. At the same time, what remains material for cooperative forms of economic management is the engagement, activity and entrepreneurship of local com-

⁵⁸<https://www.gov.pl/web/arimr/rejestr-grup-producentow-rolnych> (accessed: 30 June 2025).

⁵⁹Adam Kagan, Jacek Kulawik, *Ewaluacja działania tworzenie i rozwój grup producentów i organizacji producentów rolnych finansowanych w ramach PROW 2020*, Warszawa 2024, p. 56.

⁶⁰*Ibidem*, pp. 56–57.

⁶¹Antoni Mickiewicz, Bartłomiej Mickiewicz, *Rola ministra rolnictwa i jego agend w rozwoju sektora rolnego i kształtowaniu obszarów wiejskich*, “Europa Regionum” 2016, vol. XXIV, pp. 111–127.

munities.⁶² For this to come about, however, the legal solutions prepared must be appropriately consulted upon,⁶³ planned in a long-term perspective, and duly secured financially. As regards this last element, and by way of conclusion, following the analysis prepared by Dominik Bierecki, one should regard as correct the necessity of adjusting the regulations of Polish law so as to facilitate farmers' functioning within a cooperative, among other things "by lowering the required number of founding members of a farmers' cooperative to two; it is necessary to permit the disposal of membership shares in a farmers' cooperative (...) during the currency of membership, on the basis of an agreement between members of the cooperative or between a member and a person who has submitted a declaration of accession to the cooperative; it is necessary to allow the possibility of introducing into farmers' cooperatives (...), on the basis of the provisions of the statute, a category of investment shares and to take them into account within the institution of determining the number of shares (Article 11(1) of the *Act on farmers' cooperatives*), as well as to enable the cooperative to award members investment shares depending on the value of their turnover with the cooperative".⁶⁴

Alongside developing awareness in people's minds of the need to introduce the requisite changes, it is indispensable to undertake long-term measures in the legal sphere, since it is in this way that support may be assured for agricultural production cooperatives in difficult situations such as, among others, unpredictable weather phenomena. Support in the organisational field is likewise crucial, among other things through assistance in preparing farmers, in formal terms, for the registration of an undertaking and the commencement of activity, and in the financial field through the financial support of institutions and organisations.⁶⁵

Still to be regarded as current are the postulates of undertaking "inter-cooperative cooperation with a view to creating cooperative integrated chains of control over the entire path of food products from the producer of the raw material (the agricultural production cooperative) to the consumer"; of economic integration with other undertakings and individual farmers with a view to creating stronger, more competitive organisations; and of joining in international economic cooperation and acting jointly

⁶²Małgorzata Górka, Maria Ruda, *Spółdzielcze formy gospodarowania na przykładzie rolniczych spółdzielni produkcyjnych* [in:] "Nierówności społeczne a wzrost gospodarczy" 2012, No. 27, pp. 236–239.

⁶³Justyna Czupryniak-Paluszkievicz, *Rolnik nie wytrzymał w Sejmie. "Kim my mamy tworzyć te spółdzielnie?"*, <https://www.tygodnik-rolniczy.pl> (accessed: 30 June 2025).

⁶⁴Dominik Bierecki, *Prawne determinanty rozwoju spółdzielni rolników i spółdzielni energetycznych w Polsce*, Kancelaria Senatu RP, Biuro Analiz, Dokumentacji i Korespondencji, Opinie i ekspertyzy: OE-354, Warszawa 2021, p. 19.

⁶⁵Piotr Nowak, Krzysztof Gorlach, *Rolnicy i spółdzielczość w Polsce: Stary czy nowy ruch społeczny?*, "Kwartalnik Wiedzy i Rolnictwo" 2015, No. 1.1(166.1), p. 132, doi: 10.53098/wir.2015.1.1.166.1/07.

with partners in common undertakings.⁶⁶ Only such conditions, combined with proper financing and with measures of a long-term character that are appropriately funded, can in reality bring climatic benefits that are at times far from obvious.⁶⁷

BIBLIOGRAPHY

- Adamski, Marcin. *Procesy dostosowawcze w rolniczych spółdzielniach produkcyjnych. Raport Programu Wieloletniego nr 120* [Adjustment processes in agricultural production cooperatives: Long-Term Programme report no. 120]. Warszawa: IERiGŻ-PIB, 2008.
- Bevacqua, Emanuele, Carl-Friedrich Schleussner, and Jakob Zscheischler. "A Year Above 1.5°C Signals that Earth Is Most Probably Within the 20-Year Period That Will Reach the Paris Agreement Limit." *Nature Climate Change* 15, no. 3 (2025): 262–265.
- Bieluk, Jerzy, Adam Doliwa, and Beata Jeżyńska. *Ustawa o spółdzielniach rolników. Komentarz* [The Act on farmers' cooperatives: A commentary]. Warszawa, 2020.
- Bierecki, Dominik. *Prawne determinanty rozwoju spółdzielni rolników i spółdzielni energetycznych w Polsce* [Legal determinants of the development of farmers' cooperatives and energy cooperatives in Poland]. Opinie i ekspertyzy OE-354. Warszawa: Kancelaria Senatu RP, Biuro Analiz, Dokumentacji i Korespondencji, 2021.
- Bierecki, Dominik. "The De Lege Ferenda Propositions Regarding the Membership in the Cooperative in Poland." *Prawo i Więź*, no. 3 (2019).
- Bierecki, Dominik. "Zbycie udziału w spółdzielni rolników" [The disposal of a share in a farmers' cooperative]. *Pieniądze i Więź*, no. 1 (2019).
- Czupryniak-Paluszkiewicz, Justyna. "Rolnik nie wytrzymał w Sejmie. „Kim my mamy tworzyć te spółdzielnie?”" [A farmer's outburst in the Sejm: "Who are we supposed to form these cooperatives with?"]. <https://www.tygodnik-rolniczy.pl> (accessed 30 June 2025).
- European Commission. "Przyczyny zmian klimatu" [Causes of climate change]. https://climate.ec.europa.eu/climate-change/causes-climate-change_pl (accessed 30 June 2025).
- European Council, Council of the European Union. "Climate Change: What the EU Is Doing." <https://www.consilium.europa.eu/en/policies/climate-change/> (accessed 30 June 2025).
- European Funds. *Poradnik weryfikacji inwestycji pod względem wpływu na klimat i adaptacji do zmian klimatu w okresie programowania UE 2021–2027* [Guide to the climate-proofing of investments and to adaptation to climate change in the 2021–2027 EU programming period]. <https://fundusze.malopolska.pl> (accessed 30 June 2025).
- Gajewska, Małgorzata. "Analiza stanu obecnego i kierunków rozwoju rolniczych spółdzielni produkcyjnych w Polsce po przystąpieniu do Unii Europejskiej" [An analysis of the present state and the development directions of agricultural production cooperatives in Poland after accession to the European Union]. *Zeszyty naukowe SGGW, Seria Problemy Rolnictwa Światowego* 10 (25), no. 1 (2010).

- Górka, Małgorzata, and Maria Ruda. "Spółdzielcze formy gospodarowania na przykładzie rolniczych spółdzielni produkcyjnych" [Cooperative forms of economic management: The example of agricultural production cooperatives]. *Nierówności społeczne a wzrost gospodarczy*, no. 27 (2012): 234–240.
- Jedliński, Adam. "Perspektywy rozwoju prawa spółdzielczego" [Prospects for the development of cooperative law]. In *Kierunki zmian prawa spółdzielczego w Polsce* [Directions of change in Polish cooperative law]. Zeszyty Senackie 22 (2014).
- Kagan, Adam, and Jacek Kulawik. *Ewaluacja działania tworzenie i rozwój grup producentów i organizacji producentów rolnych finansowanych w ramach PROW 2020* [Evaluation of the measure "Establishment and development of producer groups and agricultural producer organisations" financed under the RDP 2020]. Warszawa, 2024.
- Kata, Ryszard. "Spółdzielczość w Polsce na tle innych krajów Unii Europejskiej — stan i współczesne wyzwania" [Cooperativism in Poland against the background of other European Union countries: The present state and contemporary challenges]. *Roczniki Ekonomiczne Kujawsko-Pomorskiej Szkoły Wyższej w Bydgoszczy*, no. 9 (2016).
- Komisja Nadzoru Finansowego [Polish Financial Supervision Authority]. *Sytuacja banków spółdzielczych po IV kwartale 2023 r.* [The situation of cooperative banks after the fourth quarter of 2023]. <https://www.knf.gov.pl> (accessed 30 June 2025).
- Kosikowski, Eryk, and Marcin Trupkiewicz. "Sprzedaż biometanu po stałej cenie zakupu ... jako instrument prośrodowiskowej regulacji sektorowej" [The sale of biomethane at a fixed purchase price ... as an instrument of pro-environmental sectoral regulation]. *Prawo i Więzy*, no. 4 (57) (2025).
- Krajowa Rada Spółdzielcza [National Cooperative Council]. *Organizowanie się gospodarce polskich rolników po 1990 roku* [The economic self-organisation of Polish farmers after 1990]. Warszawa, 2010. <https://krs.org.pl> (accessed 30 June 2025).
- Krajowa Rada Spółdzielcza. *Rozwój spółdzielczości rolniczej oraz energetyki odnawialnej na obszarach wiejskich w Polsce poprzez uznane organizacje producentów i spółdzielnie energetyczne* [The development of agricultural cooperativism and renewable energy in rural Poland through recognised producer organisations and energy cooperatives]. Warszawa, 2024. <https://krs.org.pl> (accessed 30 June 2025).
- Krajowa Rada Spółdzielcza. *Spółdzielczość Polska. Prezentacja z 12 grudnia 2018 r.* [Polish cooperativism: Presentation of 12 December 2018]. <https://krs.org.pl> (accessed 30 June 2025).
- Krajowa Rada Spółdzielcza. *Tabele statystyczne za 2015 r.* [Statistical tables for 2015]. <https://www.krs.org.pl> (accessed 30 June 2025).
- Krajowa Rada Spółdzielcza. *Tabele statystyczne za 2016 r.* [Statistical tables for 2016]. <https://krs.org.pl> (accessed 30 June 2025).
- Martynowski, Marcin, Grzegorz Maśloch, and Rafał Czaja. *Rozwój spółdzielczości rolniczej oraz energetyki odnawialnej na obszarach wiejskich* [The development of agricultural cooperativism and renewable energy in rural areas]. Warszawa, 2024.
- Mickiewicz, Antoni, and Bartłomiej Mickiewicz. "Rola ministra rolnictwa i jego agend w rozwoju sektora rolnego i kształtowaniu obszarów wiejskich" [The role of the minister of agriculture and his agencies in the development of the agricultural sector and the shaping of rural areas]. *Europa Regionum* 24 (2016).
- Ministerstwo Klimatu i Środowiska [Ministry of Climate and Environment]. *Nasz klimat* [Our climate]. Warszawa, 2022. <https://www.gov.pl> (accessed 30 June 2025).

- Mroczyński-Szmaj, Łukasz Jan. "Nowe oblicze spółdzielczości: spółdzielnie energetyczne szansą dla polskiej Energiewende? Polsko-niemiecki kontekst porównawczy" [A new face of cooperativism: Are energy cooperatives a chance for a Polish Energiewende? A Polish-German comparative context]. *Prawo i Wiąż*, no. 5 (2024): 179–201.
- Nowak, Piotr, and Krzysztof Gorlach. "Rolnicy i spółdzielczość w Polsce: Stary czy nowy ruch społeczny?" [Farmers and cooperativism in Poland: An old or a new social movement?]. *Wiś i Rolnictwo*, no. 1.1 (166.1) (2015). doi:10.53098/wir.2015.1.1.166.1/07.
- Pietrzykowski, Krzysztof. "Pojęcie spółdzielni" [The concept of the cooperative]. In *System Prawa Prywatnego*, t. 4: *Prawo rzeczowe* [The system of private law, vol. 4: Property law], edited by Edward Gniewek. Warszawa, 2007.
- Prandecki, Konrad, Wioletta Wrzaszcz, and Marek Zieliński. "Rolnictwo a klimat" [Agriculture and the climate]. In *Zmiana klimatu — skutki dla polskiego społeczeństwa i gospodarki* [Climate change: The consequences for Polish society and the economy], edited by Małgorzata Burchard-Dziubińska and Konrad Prandecki, 175–211. Warszawa: Komitet Prognoz „Polska 2000 Plus” przy Prezydium PAN, 2020.
- Suchoń, Aneta. "Cooperatives in the Process of Developing the Multifunctionality of Rural Areas in Poland — Selected Legal Issues." *International Journal of Cooperative Law*, no. 3 (2020): 10–30.
- Suchoń, Aneta. *Prawna koncepcja spółdzielni rolniczych* [The legal concept of agricultural cooperatives]. Poznań: Wydawnictwo UAM, 2016.
- Suchoń, Aneta. "Spółdzielnie rolnicze a czynności notarialne — wybrane zagadnienia prawne" [Agricultural cooperatives and notarial acts: Selected legal issues]. *Rejent*, no. 12 (2018): 47–52.
- Suchoń, Aneta. "Spółdzielnie rolnicze po akcesji Polski do Unii Europejskiej. Wybrane zagadnienia prawne" [Agricultural cooperatives after Poland's accession to the European Union: Selected legal issues]. *Problemy Rolnictwa Światowego* 11 (26), no. 4 (2011): 148–158.
- Wawrzyniak, Bogdan Marian. "Spółdzielczość rolnicza w II Rzeczypospolitej" [Agricultural cooperativism in the Second Polish Republic]. *Zagadnienia Doradztwa Rolniczego*, no. 1 (119) (2025).
- Zakrzewski, Piotr. "Stan aktualny i perspektywy rozwoju polskiego prawa spółdzielczego" [The present state and the development prospects of Polish cooperative law]. *Rocznik Nauk Prawnych* 27, no. 4 (2017).