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THE DIRECT SALES PHENOMENON CONSIDERING THE STIPULATIONS TOWARDS THE CONSUMER AND PRODUCER

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Abstract. The main purpose of this article is to present the phenomenon of the direct supply in the context of the requirements towards both – consumer and producer. With regards to consumer responsibility and constituting the new model of consumption, some of the direct supply issue in Poland were presented. In support of the analysis, it was pointed out that there are some benefits of such type of transaction. Attention was paid to other problems which could disturb the development of the direct supply development in Poland.

Keywords: direct supply, responsibility of consumption

INTRODUCTION

When describing today's consumption realm, the co-existence of two development paths becomes apparent: the first one could be defined as consumerism while the other involves deliberate actions for a balanced and sustainable consumption. It should be emphasized that globalization, with its major impact on all areas of life, often leads to the unification of consumption patterns. This makes people increasingly look for unconventional products which differ from other ones or can be equated to a specific group (Borowska, 2013). The transformation of consumption patterns is a bipolar process which includes intra- and intergenerational changes as well as changes due to the individual's social or economic

status. While a polarization of the popular culture may be observed, a commitment to local and regional traditions is also apparent (Olejniczuk-Merta, 2011). An interesting aspect of today's consumption is the fact that products chosen based on patriotism and loyalty towards national manufacturers and their products gradually, yet consistently, increase their share in the consumption basket (Zalega, 2012). This method of market communication is highly promising as it drives the farmers' incomes, provides the consumers with high-quality goods, brings people closer to each other (when trading goods for money and in more aspects), engages the public institutions in the local good promotion process, and helps strengthening the communications between the rural manufacturer and the urban customer.

SOCIAL RESPONSIBILITY OF THE CONSUMER

The sustainable development concept assumes a balance between three levels (social, economic and environmental). Its implementation actually means the need to adjust the production and consumption processes or human behavior on a local scale. The impact of the sustainable growth concept on microeconomic market behavior as a part of consumer activities is reflected by sustainable consumption. Note that sustainability means demonstrating all of the following features: durability,

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i.e. the perpetuation of consumption processes which ensure the maximization of wealth; self-sustainability, i.e. the minimization of internal disturbances that restrict or prevent further consumption and the balancing of (Kielczewski, 2007):

- the environmental aspect, by optimizing the consumption satisfaction while preserving the quality and usefulness of natural resources and of the natural environment;
- the social aspect: the possibly most uniform distribution of consumption between the entire population, at least when it comes to socially desirable goods; such a balancing implies giving preference to consumption patterns which minimize or help solving social issues (e.g. consumption of regional products that contributes to the creation of new jobs and the preservation of cultural heritage);
- the economic aspect: by defining a proportion between current and future consumption so that the consumption processes do not significantly disturb the general economic balance;
- the psychological aspect which focuses on defining the optimum balance between the material consumption and addressing the non-material needs (“to be and to have”); this implies the development of an adequate system of values, awareness and education.

For further considerations, it will be of key importance to define the socially responsible consumer who becomes an equal partner in his dialog with the manufacturer in the sense that his market decisions (to buy or not to buy) may affect the solution of environmental and social problems.

As commonly understood, and as provided in the relevant literature, there are many terms related to the consumer’s social responsibility: the sensitive consumer (Fryzel, 2016), the green consumer (Waloszczyk, 2002) and the socially responsible consumer (Czubała, 2011). Most of the definitions share a common element: the consumer’s awareness of the consequences of his consumption patterns. Note also that when discussing the socially responsible consumer, most of the authors focus solely or mainly on the purchase stage. From that perspective, informed consumers are those who “vote with their money”: by choosing specific goods or services, they reward the socially responsible enterprises/manufacturers while boycotting the ones who behave contrary to their views (Trudel, 2011). Such an approach to this problem matches the definition of sustainable

consumption (Neale, 2015) which means purchasing products made in compliance with the fundamental social and ethical principles and in an environmentally-friendly manner. In that sense, sustainable consumption could mean an active or passive approach, i.e.: positive purchasing which means giving preference to products made by enterprises who, as a part of their long-term strategy, endeavor to work for the society and the environment instead of focusing on the microeconomic efficiency in the narrow sense; or a moral boycott which means refraining from purchasing the products made in an inappropriate manner, contrary to ethical standards in a broad sense. It may be therefore concluded that sustainable consumption is determined by an environmentally-friendly consumer behavior resulting from his values and from the awareness of the consequences of his market decisions (Zrałek, 2013). This is reflected by an efficient and reasonable use of man-made goods and of natural resources, and by a deliberate reduction of overconsumption (Kryk, 2013). In the food market, sustainable consumption is manifested, for instance, by choosing fair trade and/or organic products. This is based on such factors as consumer confidence in certificates represented by specific marks (Nestorowicz, 2015)¹.

In conclusion, it may be assumed that sustainable consumption means making market choices determined by environmental and ethical concerns. Thus, one of the dimensions of sustainable consumption would be the greening of consumer behavior, defined as (Mazurek-Łopocińska and Sobocińska, 2009): moving to a post-Engel stage, characterized by a relative increase of organic food expenditure, improving the environmental knowledge and creating customer groups in order to organize a process of direct purchasing from the manufacturer. Sustainable consumption could also be reflected by the customers’ active participation in organizing cooperatives as a part of partnership between the consumers and farmers, to jointly specify the types of products to be delivered, as well as their prices and

¹ According to the 2011 GlobeScan study by Nestorowicz (2015) (http://www.fairtrade.org.pl/a153_rozpoznawalnosc_fairtrade_badanie_globescan_2011.html), 44% of Poles covered by the survey declared to trust the Fairtrade certificate. This is not much compared to such countries as the UK, Ireland or Switzerland with a trust rate of around 90%. As a result, Poland was ranked 20th in the group of 24 countries covered by the study.

quantities². Another option is a contribution to environmental movements which shift from a purely intellectual approach to social movements (Mazurek-Lopocińska and Sobocińska, 2009).

That process could evolve in several ways, including: consumer ethnocentrism, dematerialization of consumption or deconsumption. Therefore, it could be assumed that as regards the food market (and beyond), the sustainable consumption model is a market communication method with a consumer on one side. The response from the supply side could be direct sales based on the following assumption: the farmers (manufacturers) sell the primary products at market prices instead of delivering them to intermediaries or processing plants at lower prices. The consumers, in turn, purchase food of known origin at fair prices.

The consumer's responsibility and awareness is extremely important, not only from the consumer's own perspective, and may be regarded as (Nowak-Lewandowska, 2016):

- individual responsibility: the goods consumed are seen as a way of attaining the values and goals sought by the individual;
- social responsibility: the individual anticipates the consequences of his/her consumption to others;
- environmental responsibility: rejecting the consumable goods with an adverse environmental impact.

Obviously, several conditions for the above responsibilities need to be taken into account: addressing the needs, choosing a product, choosing a manufacturer, choosing the place of purchase. It could be also concluded that the consumer is somehow required to organize with others to reinforce the consumers' impact in order to promote and protect their interests, develop a critical approach to prices and quality of goods, and take measures to assure fair commercial practices. Note also that the current socio-economic changes have a significant effect on the development of a new consumer mentality, providing an incentive to take active part in market transactions and raise the awareness of consumers. New patterns of consumer behavior are being developed, driven by the pursuit of higher levels of personal satisfaction. Increasingly educated buyers demand goods capable of addressing their needs on an individual basis (Grzegorzewska-Ramocka, 2014). The

relevant literature mentions the "critical" consumption patterns related, for instance, to the increasing popularity of fair trade products. Also, it is emphasized that the consumers may breach their brand loyalty or switch from a strong price orientation to other criteria, i.e. quality aspects, respect of human rights in manufacturing processes or respect for the environment. This could indicate a high level of market awareness of the consumer who demonstrates selectivity, criticism and independence when making his decisions (Fryzel, 2016).

THE ESSENCE OF DIRECT SALES

The idea behind direct sales is to enable the manufacturers of unprocessed food (farmers, breeders) to sell that food to end customers on an "as is" basis or after essential processing (to a minimum and restricted extent), thus shortening the supply chain and eliminating the intermediaries. In Poland, direct sales (often related to organic food promotion) is not new (from the perspective of everyday practice) as it takes place through multiple channels: fairs, festivals, marketplaces, home deliveries³ or farm shops (extremely rarely). In the Internet, a bottom-up consumer movement is noticeable: consumer groups are established to jointly order specific products⁴ (Italian NRN..., 2015)⁵.

Direct sales may also be regarded from the perspective of benefits to the local economy. In addition to

³ An example of these initiatives is www.OdRolnika.pl, a website connecting 5 food-producing farms with customers from Tarnów and Kraków. The advantage of this platform is that it delivers a complete range of products, and orders may be placed by phone or e-mail.

⁴ Initiatives in the Polish market include bioska.pl and ekoarka.com.pl. Note also the extremely large number of producer websites.

⁵ For instance, according to a survey with Italian consumers of local food, the customers are interested in buying products sold directly by local producers because they believe such products are fresher and of higher quality than those offered in traditional shops. Also, the consumers see a clear relationship between short supply chains and the minimization of the adverse environmental impact of food production. Some of them believe the higher quality of such foodstuffs justifies their higher prices. The customers find that the main obstacle is the poorly developed network of shops offering farm-grown food. Also, no essential changes have occurred in the respondents' consumption patterns since they started to buy foodstuffs directly from the producer (Italian NRN..., 2016).

² This very manifestation of greening the consumer-producer interaction could be referred to as direct sales.

being beneficial to the direct participants, an exchange based on the promotion of a local product could drive local entrepreneurship and build a local brand⁶. Also, it might result in a stronger cooperation between various sectors of the local development.⁷

An extremely important aspect of direct sales is that it provides an obvious opportunity to shorten the supply chains, and therefore should be analyzed from this point of view. Bringing the manufacturer closer to the consumer (which means eliminating or reducing the number of intermediaries) is important for the quality of products (short shelf life, traditional manufacturing processes), for building confidence between the farmer and the consumer, and for increasing the buyer's loyalty. This implies several conditions, including institutional support from the public sector who should define the methods for supporting the small manufacturers and processors sector, and should align the legal regulations with the needs of manufacturers and consumers⁸.

In EU countries, there is room for different interpretation of Union legislation which defines direct sales as “direct supply of small quantities of primary products, by the food business operator producing them, to the final consumer or to a local retail establishment” (Rozporządzenie..., 2004). In many cases (e.g. in France, Italy or Hungary), “direct sales” extend to preparations made by farmers. Also, EU member countries are left with a high degree of flexibility as regards their competence to adopt regulations on sales of foodstuffs made as a part of “marginal, localized and restricted activity.” According to Article 1, Para. 5 b (ii) of the Regulation (EC) No. 853/2004 of the European Parliament and

of the Council laying down specific hygiene rules for foodstuffs, the “marginal, localized and restricted activity” shall be specified in the national law (Systemy sprzedaży..., 2015).

In the Polish legislation, heterogeneous nomenclature is used which is quite confusing:

- the veterinary regulations for the sales of animal products are set out by the Ministry of Agriculture and Rural Development, and are applicable to direct sales and to the marginal, localized and restricted (MLR) activity;
- while being related to direct supplies, hygiene and health regulations for products of non-animal origin are the responsibility of the Ministry of Health.⁹

In practice, “direct supplies” also means “direct sales.” The main difference between MLR activity and direct sales is that goods sold directly by the farms are unprocessed products of animal origin or unprocessed products of non-animal origin. Meanwhile, MLR activity refers to processed and unprocessed products of animal origin, i.e. dairy, meats, processed fishery products or meat preparations¹⁰.

It seems that the legislation may prove to be the weakest link in the direct sales process. In the EU-15 countries, direct sales is a well established practice with loyal customers and a long tradition, reflecting the consumers' and manufacturers' needs on a bottom-up basis. Meanwhile, it seems that the Polish legislation for direct sales results in excessive formalization of a simple market transaction.

The following is provided for in the recent amendments to regulations related to direct sales which involve the production of the broadest possible range of products of animal origin (Wymagania..., 2015):

- the catalog of products of animal origin approved for direct sales shall be extended with: colostrum, frozen poultry carcasses, poultry offal, deboned carcasses of large wild game;

⁹ Note that the Ministry of Health prepared the “Guidelines on good hygiene and production practice for the production of food of non-animal origin in a domestic environment with the use of farm-grown vegetable primary products” which may be helpful in the implementation of basic food hygiene and safety principles for the purposes of production of food of non-animal origin in a domestic environment (Zasady..., 2016).

¹⁰ This means that while farmers may sell milk and cream in the direct sales model, cheese, head cheese or smoked trout need to be sold as a part of MLR activities (Zasady..., 2016).

⁶ Examples of market stimulation by the activities of local (food and other) producers can be found at <http://www.neweconomics.org/blog/entry/how-to-activate-our-local-economics>. The estimate data on the effectiveness of local expenditure seems interesting: according to the New Economic Foundation, EUR 10 paid to a local farmer or local food seller translates into EUR 25 for the region while the same amount spent in a supermarket provides only EUR 14.

⁷ As illustrated by the example of the “Green Gastronomy Guide” project implemented in France, measures primarily focused on food promotion may lead to the activation of the entire region through the development of tourist or hospitality services, in a broad sense. The report on the project is available at <http://www.paysloirenature.fr> and <http://issuu.com/cm37/docs/guidegastronomie>.

⁸ Examples of the Union approach to short supply chains are presented in the Przegląd... (2012).

Table 1. The requirements towards the direct sell of foodstuffs from the Polish farmer

Tabela 1. Wybrane wymogi stawiane sprzedaży bezpośredniej produktów żywnościowych przez rolnika w Polsce

List of requirements provided for in the applicable regulations Lista wymogów wynikająca z obowiązujących przepisów	Description of obligations Opis nałożonych obowiązków
Fiscal obligation Obowiązek podatkowy	<ul style="list-style-type: none"> • lump-sum tax: 2% of incomes accounting for up to EUR 150,000 per year opodatkowanie ryczałtowe – 2% przychodów do kwoty 150 tys. euro rocznie • an amendment to the act provides for a permission to sell own products on a tax-free basis within the limits of 40,000 per year nowela ustawy przewidująca zezwolenie na sprzedaż własnych produktów bez podatku do kwoty 40 tys. rocznie
Registration/approval Rejestracja/zatwierdzenie	<ul style="list-style-type: none"> • compulsory: the manufacturing and sale of foodstuffs obowiązkowe – wytwarzanie i sprzedaż artykułów żywnościowych <ul style="list-style-type: none"> – in the case of products of animal origin: the District Veterinary Inspectorate dla produktów pochodzenia zwierzęcego – Powiatowy Inspektorat Weterynaryjny – in the case of products of vegetable origin and mixed products: the National District Sanitary Inspector dla produktów pochodzenia roślinnego i mieszanych – Państwowy Powiatowy Inspektor Sanitarny • registration only (for small quantities of products originating from the producer's own farm) tylko rejestracja – dla niewielkich ilości produktów pochodzących z własnego gospodarstwa
Sanitary regulations Przepisy sanitarne	<ul style="list-style-type: none"> • detailed requirements for premises, cleaning, disinfection, cooling wymogi szczegółowe dla pomieszczeń, mycia i dezynfekcji, schładzania • Good Agricultural Practice (GAP) Dobra Praktyka Rolnicza (GAP) • Good Farming Practice (GFP) Dobra Praktyka Hodowlana (GFP)
Required establishment of a business Wymóg założenia działalności gospodarczej	<ul style="list-style-type: none"> • compulsory: processed products (in the case of organized non-agricultural activities) obowiązkowe – produkty przetworzone (gdy działalność pozarolnicza ma charakter zorganizowany) • not required, if the products are unprocessed nie ma obowiązku, jeśli produkty są nieprzetworzone

Source: own elaboration on the base the legislation (bibliography).

Źródło: opracowanie własne na podstawie aktów prawnych (spis bibliograficzny).

- direct sales of eggs from the farm shall be permitted;
- the operator is allowed to exceed the weekly limit of direct sales provided that the yearly limit is complied with;
- the limits are lifted for direct sales during expositions, festivals, fairs, and marketplaces organized in order to promote the relevant products¹¹;
- “aggregate sales” shall be authorized; this means an operator engaged in direct sales is allowed to sell

products of animal origin manufactured by another operator engaged in that activity in the same district during expositions, festivals etc. organized in order to promote the relevant products.

Therefore, it seems reasonable to look at direct sales from a broader, macroeconomic perspective, i.e. from the point of view of the developed consumer policy which could aggregate the interests of participants of direct sales processes. This would be a group of measures taken by government institutions and other operators external to individual producers and consumers,

¹¹ Initially, the regulations included a restrictive provision that products may be sold directly only in their voivodeship of origin or in the neighboring voivodeships.

focused on improving consumer wealth in the context of their relationships with the sellers.

The reforms of the European Union's Common Agricultural Policy for 2014–2020 include proposals of mechanisms that could affect direct sales. Member countries may extend the RDP with thematic sub-programs addressing specific needs of small farms and short supply chains:

- local infrastructure and investments (farms' investments in property, plant and equipment, basic services and village renewal);
- development of farms and enterprises (investments in non-agricultural activities, start-up aid for young farmers);
- skills and knowledge development and quality promotion;
- cooperation between various partners (use of facilities and resources by small economic operators, establishment of producer groups).

As a part of institutionalized actions related to the consumer policy, the Ministry of the Agriculture and Rural Development appointed the Green Agriculture and Direct Sales Council. Its responsibilities include developing draft system solutions for the green agriculture, as well as consulting and commenting on initiatives regarding market for green foodstuffs and direct sales. The Council is supposed to have an advisory role and to provide assistance in the implementation of objectives set in the 2014–2020 Framework Action Plan for Organic Food and Farming in Poland (Ramowy plan..., 2014). Quite ambitious, the objectives provide for improving the competitiveness of organic farming and involving the central and local government authorities in the development of organic farming and in the establishment of direct sales solutions.

In Poland, the consumer policy (viewed in this context) in the area considered could include, for instance, the "My market" program for the creation and upgrade of marketplaces. This helped selling the agricultural products by shortening the chain of intermediaries, resulting in lower margins and transport costs and in higher incomes for the agricultural producers. The ability to reach the customer in an improved, direct manner is also attractive to other local manufacturers. From the customer perspective, the development of small trading provides a better opportunity to buy local products which often demonstrate specific features, are unprocessed, fresh and attractively priced (Mój Rynek, 2011).

CONCLUSIONS

To summarize, it can be concluded that direct sales reflect more than just simple market transactions between the consumers and the producers. On top of that, they may be of great importance to non-economic aspects. Today's consumers, as community members, may regard their consumption as a building block in developing personal relationships with the environment based on certain values that respect the environmental requirements and social cohesion. This implies meeting a series of requirements, whether resulting from the legal status quo or originating from human relations.

Considering the complexity of this issue, the following may be stated:

1. In the recent years, Poland has experienced a vibrant, spontaneous bottom-up movement of producers and consumers in the food market, leading to a shorter supply chain. This is an important development in the food market, bringing benefits both to producers and to consumers through:
 - the diversification and increase of the farmers' incomes;
 - strengthening the relationships between the consumers and the farmers, thus emphasizing the importance of the agricultural sector in a sustainable society;
 - increased sales of fresh, unprocessed high-quality foodstuffs offered on a local market;
 - promoting unprocessed products, as opposed to extensively processed, mass-produced foods.
2. Note the dual nature of direct sales: on one hand, this is a typical, spontaneous economic initiative while on the other, the socio-economic potential cannot be exploited without institutional support, education and development of distribution channels and logistics.
3. As demonstrated by the outcomes of this analysis, the producers face a series of difficulties resulting from the confusing nomenclature and sanitary regulations imposed on producers of foodstuffs sold under the direct sales model.

As regards the future of direct sales in Poland, the following seems to be required in order to fully exploit the growth opportunities:

- assistance in the establishment of an organizational framework for direct sales activities (some kind of "paths of conduct");

- increasing the competences of farmers engaged in short supply chain projects (marketing knowledge, management, logistics);
- creating guides on local quality marks so they may guarantee the compliance with the minimum standards of quality or origin;
- monitoring the process, examining the outcomes of a direct contact between farmers and consumers;
- developing local logistic systems which are of major importance to short supply chains and to the creation of producer groups.

As regards direct sales in Poland, it seems that the key determinant of success will be the human factor, i.e. the consumers' and farmers' awareness of mutual benefits which go beyond microeconomic effectiveness and are reflected in interpersonal relationships.

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ZJAWISKO SPRZEDAŻY BEZPOŚREDNIEJ W ŚWIETLE WYMOGÓW WOBEC KONSUMENTA I PRODUCENTA

Streszczenie. Celem artykułu jest ukazanie zjawiska sprzedaży bezpośredniej z punktu widzenia wymagań, którym muszą sprostać zarówno producent, jak i konsument. W części pierwszej omówiono kwestie związane z odpowiedzialnością konsumencią oraz proekologicznymi zachowaniami konsumentekimi. W dalszej części przedstawiono rozwiązania dotyczące sprzedaży bezpośredniej w Polsce, wskazując na liczne obszary problemowe. Ponadto, w podsumowaniu, na podstawie przeprowadzonej analizy wskazano na wielowymiarowe korzyści związane ze skróceniem łańcucha dostaw w ramach sprzedaży bezpośredniej. Zwrócono również uwagę na trudności, które mogą zaistnieć w rozwoju sprzedaży bezpośredniej w Polsce.

Słowa kluczowe: sprzedaż bezpośrednia, konsument odpowiedzialny

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