

LEGAL ASPECTS OF YARD SALES – LIMITS AND PERSPECTIVES

PRÁVNE ASPEKTY PREDAJA Z DVORA – LIMITY A PERSPEKTÍVY

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I Introduction

Agriculture is an organic part of the national economy of every country. One of the irreplaceable components of agriculture are also the so-called small farmers (also referred to as small farmers or small producers), because they ensure food self-sufficiency and security by supplying the domestic market with healthy, fresh and high-quality food from the region, which undoubtedly contributes to the support of the local economy, production, and employment in the countryside, as well as the development of agritourism. Despite the existence of numerous benefits, however, there are many obstacles and challenges in this area, which undoubtedly reduce the effectiveness of this institute, and which are caused by the existing European and Slovak legal framework regulating this area. With regard to the above, the author will focus on the research of European and Slovak legislation in the field of yard sales, with the aim of identifying the most frequent and serious application problems in this area, as well as formulating appropriate proposals for de lege ferenda, in order to strengthen social cohesion and sustainable development of individual regions in the conditions

of the Slovak Republic. The achievement of the stated goals assumes using several scientific and theoretical methods by the author, in particular, the methods of descriptive, analysis, synthesis, explanation, specification, and ultimately, the comparative method.

II Legislation

2 European Legislation

2.1.1 Primary Law

In primary law, which originates from the Member States as Masters of the Treaties (with a certain participation of the EU institutions), a number of provisions can be found relating to the issue of yard sales⁽¹⁾. Despite the abundance of sources in this area, the provisions on this issue are centrally regulated in the Treaty on the Functioning of the European Union (hereinafter referred to as “TFEU”), of which it is necessary to mention in particular articles 38 to 44,

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1 Becková, Benko, Ružičková (2021).

Abstract (EN)

The direct sale of small quantities of primary products to the final consumer directly from the farm or household (the so-called “yard sales”) is one of the key tools for supporting the regional economy, as well as an important source of livelihood for many rural communities. Although yard sales guarantee consumers access to fresh and sustainable food, a number of obstacles associated with the application of this institute can be found in practice. In connection with the above, the author focuses on the research of European and Slovak legislation on yard sales, in order to identify application problems present in this area, as well as the subsequent formulation of appropriate proposals for their solution.

Keywords (EN)

European Union, primary production, yard sales

Abstrakt (SK)

Priamy predaj malého množstva primárnych produktov konečnému spotrebiteľovi priamo z farmy alebo domácnosti (tzv. „predaj z dvora“) je jedným z kľúčových nástrojov na podporu regionálnej ekonomiky, ako aj dôležitým zdrojom obživy pre mnohé vidiecke komunity. Hoci predaj z dvora zaručuje spotrebiteľom prístup k čerstvým a udržateľným potravinám, v praxi možno nájsť množstvo prekážok spojených s uplatňovaním tohto inštitútu. V súvislosti s uvedeným sa autorka zameriava na výskum európskej a slovenskej legislatívy týkajúcej sa predaja z dvora, s cieľom identifikovať aplikačné problémy prítomné v tejto oblasti, ako aj následne formulovať vhodné návrhy na ich riešenie.

Kľúčové slová (SK)

Európska únia, prvovýroba, predaj z dvora

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dealing with the issues of the common agricultural policy and the common fisheries policy⁽²⁾. Considering the fundamental objectives of the common agricultural policy, which may include the increase in agricultural productivity by promoting technical progress and ensuring the rational development of agricultural production and the optimal use of the factors of production (in particular labour), Ensuring a fair standard of living for farmers (in particular by increasing the individual incomes of individuals working in agriculture), stabilising markets, ensuring proper supply and ensuring supply to consumers at reasonable prices, it can be stated that the common denominator of these provisions is the effort to achieve harmonisation and efficient functioning of agrarian markets within the European Union⁽³⁾. However, ensuring the effective functioning of the internal market (including the free movement of food) is narrowly determined by the existence of a set of tools and mechanisms aimed at the protection of subjective rights and the enforcement of legal obligations, i.e. guarantees, among which the guarantee contained in Article 168 of the TFEU, which regulates the protection of public health, cannot be omitted in this area. While it is true that this article places the issue of prevention and protection of public health among the supporting competences of the European Union, Article 4(4) of the TFEU also lays down the areas in which the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, may adopt harmonisation measures, one of which is veterinary care and plant production, the direct objective of which is the protection of public health⁽⁴⁾. In addition to

the above-mentioned guarantee of a uniform standard, quality, and food safety, it is also necessary to mention Article 169 of the TFEU, which regulates the guarantee of a high level of protection of consumers' interests, as consumer confidence in cross-border transactions is an essential determinant for effective competition and economic growth. This statement is also reflected in the substantive scope of protection referred to in Article 169 (1) of the TFEU, according to which: "In order to promote the interests of consumers and ensure a high level of consumer protection, the Union shall contribute to the protection of their health, safety and economic interests, as well as to the promotion of their right to information, enlightenment and the formation of associations for the protection of their interests."

Despite the existence of the above-mentioned guarantees, the harmonisation of food law (including the institution of yard sales) cannot be described as complete, given the specific nature of agricultural activity resulting from the social structure of agriculture and the structural and natural differences between the various agricultural areas, which must be taken into account when drawing up the common agricultural policy and the specific methods of its application⁽⁵⁾. In view of the above, it is therefore necessary to make special mention of Articles 174 to 178 of the TFEU, which constitute the basic legal framework for the creation and implementation of the European Union's regional policies, the basic objective of which is to eliminate or mitigate the above-mentioned demographic and regional disparities between the countries and regions of the European Union, in order to ensure a higher degree of efficiency in the free movement of food within the internal market of the European Union. The implementation of these policies presupposes the creation and application of several financial instruments, among which the European Regional Development Fund and the European Social Fund have an irreplaceable position⁽⁶⁾.

2 In addition to the Treaty on European Union and the Treaty on the Functioning of the European Union as founding Treaties, the Charter of Fundamental Rights of the EU, the Treaties amending the founding Treaties, the Treaties of Accession and Withdrawal from the Union, including all the Annexes and Protocols adopted to all of the above-mentioned Treaties, also fall under the category of primary law. For further details see: CHRENŠŤ, J. – NESVADBA, A. *Právo Európskej únie*. Bratislava : Akadémia Policajného zboru v Bratislave, 2020, p. 142. ISBN 978-80-8054-867-4.

3 For further details, see: Art. 39 (1) and Art. 114 of the Treaty on the Functioning of the European Union.

4 Since support powers presuppose supporting, complementary, and coordinating activities, often in the form of financial support, exchange of information and experience, or cooperation between Member States' authorities, legal acts adopted on the basis of these powers must not lead to harmonisation of legislation in the Member States. For further details see: KARAS, V. – KRÁLIK, A. *Právo Európskej únie*. Praha : Nakladatelství C. H. Beck v Prahe, 2012, p. 62. ISBN 978-80-7179-287-1.

5 For further details, see: Art. 39 (2) letter a) of the Treaty on the Functioning of the European Union.

6 In the case of the Slovak Republic, on the basis of a partnership agreement with the European Commission, 12.8 billion EUR has been allocated for the implementation of regional policies for the 2021–2027 programming period, including the area of yard sales. Proof of this statement is, for example, the recently launched call announced by the Ministry of Foreign Affairs and Trade of Hungary as the managing authority and the Ministry of Investments, Regional Development and Informatization of the Slovak Republic as the national authority for submission of applications for financial contribution under the Interreg Hungary-Slovakia Programme (HUSK-2501), while one of the main activities falling under the call in question is also the issue of short supply chains. However, it must be stated that the possibility of submitting applications for

2.1.2 Secondary Law

As the primary law of the European Union does not regulate in more detail the issues related to the examined issue, it is necessary to take into account the secondary law of the European Union, which is a concretization of the starting points contained in the primary law of the European Union. In view of the above, it must be stated that this area is regulated by a relatively large number of secondary sources, of which it is necessary to mention in particular Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (hereinafter referred to as "Regulation No 178/2002"), the adoption of which was a response to the different legal approaches of individual Member States of the European Union, as each Member State applied different basic criteria for determining food safety, which gave rise to many barriers to trade in food or feed. In the intentions of Art. 1 (1) of Regulation No. 178/2002, this regulation provides the basis for ensuring a high level of protection of human health and consumer interests in relation to food, taking into account, in particular, the diversity of food supply, including traditional products, while ensuring the effective functioning of the internal market⁽⁷⁾. Taking into account the subject matter of this regulation as well as its scope, it can be stated that this regulation represents the basic legal framework of modern European food law based on prevention and accurate scientific risk analysis, which significantly helps to eliminate risk in the area studied by the author the creation of a legislative vacuum in small-scale

production and the strengthening of the credibility of the local market within the single European area⁽⁸⁾.

The implementation of the modern European food law contained in Regulation No. 178/2002 also presupposes the existence and effective provision of hygiene standards, which are contained in two separate regulations, collectively referred to as the so-called hygiene package, namely the Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (hereinafter referred to as "Regulation No. 852/2004") and Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (hereinafter referred to as "Regulation No. 853/2004")⁽⁹⁾. It should be noted, however, that despite the relatively clear and specific rules, conditions, and requirements imposed on food establishments dealing with plant or animal products, Regulation No. 852/2004 and Regulation No. 853/2004 do not apply to the sale of local products. This argument is based on Art. 1 (2) letter c) of Regulation No. 852/2004, according to which that regulation does not apply to the direct supply of small quantities of primary products by their producers to the final consumer or to local retail establishments directly supplying the final consumer. Similarly, in the case of Regulation No. 853/2004, where Art. 1 (3) letter c), d), and e) provides that this Regulation does not apply to:

- direct supply by producers of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer;

a non-repayable financial contribution under this particular scheme was limited in time, and the process of accepting project plans was completed on 31 January 2026. For further details see: Interreg Maďarsko – Slovensko. Výzva na predkladanie žiadostí o FP – HUSK-2501. [online] 6 March 2026 [cit. 2026-03-06]. Available at: <https://interreghusk.eu/sk/call-for-proposals/vyzva-na-predkladanie-ziadosti-o-fp-husk-2501/>

7 It sets out common principles and responsibilities, the means to ensure a strong scientific base, effective organisational programmes and procedures to support decision-making in food and feed safety matters. In particular, this regulation lays down general principles applicable to food and feed in general and, in particular, to food and feed safety at Community and national level, establishes the European Food Safety Authority and, finally, lays down procedures for matters having a direct or indirect impact on food and feed safety. For more details, see: Art. 1 (2) of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

8 In the intentions of Art. 1 (3) of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, this Regulation will apply to all stages of production, processing and distribution of food and feed (with the exception of primary production for private domestic use or for home preparation, handling or storage of food for private domestic consumption).

9 While Regulation No. 852/2004 defines universal hygiene standards and the obligation to apply HACCP preventive procedures for all categories of food businesses, Regulation No. 853/2004 extends that framework to hygiene requirements for unprocessed and processed products of animal origin, in view of the existence of specific microbiological and chemical hazards to human health from this type of food. This legislative dualism thus ensures that processors of meat, milk, eggs or fishery products must not only meet general technical and personnel conditions closely related to hygiene standards, but are also bound by strict requirements for the approval of establishments, the marking of products with identification marks and compliance with specific temperature regimes throughout the logistics chain.

- the direct supply by producers of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying that meat as fresh meat to the final consumer;
- hunters who supply small quantities of wild game or game from wild game directly to the final consumer or to local retail establishments that supply it directly to the final consumer.

In conclusion, however, it must be noted that both Regulation No. 852/2004 and Regulation No. 853/2004 provide that the abovementioned spheres of social relations are to be regulated by the various Member States by means of their national law⁽¹⁰⁾. This legislation undoubtedly adds an element of timelessness to modern European food law, as it reflects the effort to balance high safety requirements with the needs of local markets, where national derogations allow for a more flexible application of the rules for small producers and yard sales. Thus, Regulation No. 852/2004 and Regulation No. 853/2004 effectively combine consumer protection against zoonoses and contamination with the promotion of biodiversity of food systems and regional production, while firmly anchoring the strict liability of the producer within the single internal market⁽¹¹⁾.

2.2 National Legislation

In the conditions of the Slovak Republic (similarly to the law of the European Union), the issue of yard sales is regulated by several legal regulations, of which the irreplaceable Regulation of the Government of the Slovak Republic No. 359/2011 Z. z., laying down requirements for certain food establishments and for small quantities (hereinafter referred to as "Government Regulation No. 359/2011 Z. z.") and

Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and dairy products to the final consumer and other retail establishments (hereinafter referred to as "Government Regulation No. 360/2011 Z. z.")⁽¹²⁾. As far as the substantive intention of these regulations is concerned, while Government Regulation No. 360/2011 Z. z. regulates hygiene requirements for the direct sale and supply of small quantities of primary products by primary producers to the final consumer or to a local retail establishment that directly supplies end consumers (including the regulation of the obligations of the primary producer and the obligations of a natural person – entrepreneur or legal entity that is the operator of a local retail establishment) and the supply of milk and milk products from a retail establishment to other retail establishments, which is considered to be only a marginal, local and limited activity of the retail establishment, pursuant to the provision § 1 para. 1 of the Government Regulation No. 359/2011 Z. z., this regulation regulates:

- a) modification of requirements for the construction, layout, and equipment of certain food establishments,
- b) the supply of food of animal origin from a retail establishment to other retail establishments, which is considered to be only a marginal, local, and limited activity of the retail establishment in question;
- c) requirements for the direct sale and supply of small quantities of meat from poultry and domestic rabbits by primary producers and small quantities of wild game and game by users of the hunting ground to the final consumer or to a local retail establishment directly supplying the final consumer;

10 For further details see: The first sentence of Article 1(3) of the Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs and first sentence of Article 1 (4) of the Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.

11 The need for synergy between national law and European law in this area is evidenced in particular by the provision of Art. of The second sentence of Article 1(3) of the Regulation Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs and the second sentence of Article 1(4) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, which provide that the nationalThe level regulation regulating the field of yard sales must pursue the objectives contained in these regulations.

12 Other legal regulations regulating this area include, for example, Act No. 152/1995 Z. z. on Foodstuffs, as amended, Act No. 39/2007 Z. z. on Veterinary Care, as amended, Act No. 355/2007 Z. z. on the Protection, Promotion and Development of Public Health and amendments to certain acts, as amended, Decree of the Ministry of Health of the Slovak Republic No. 533/2007 Z. z. on details and requirements for mass catering facilities, as amended, or the Food Codex of the Slovak Republic. In addition to legislation, this area is also regulated by several official documents, of which it is necessary to mention in particular the Manual of Good Hygiene Practice for Mass Catering Establishments, including fast food, which is approved Public Health Authority of the Slovak Republic and which serves as a detailed guide to ensuring the hygienic flawlessness and health harmlessness of the food and beverages served, in accordance with Slovak and European legislation, in particular with the above-mentioned Decree of the Ministry of Health of the Slovak Republic No. 533/2007 Z. z.

d) details of the labelling of meat from animals that have been urgently slaughtered outside the slaughterhouse, and the accompanying document of the animals urgently slaughtered outside the slaughterhouse¹³.

The limitation of the scope of the contribution, in correlation with the above-mentioned comprehensiveness of the subject matter of both government regulations, undoubtedly makes it impossible for the author to include all aspects of the regulation relating to the area of yard sales in the submitted article. With regard to the above, as well as the need to maintain the attribute of clarity and comprehensiveness, the author, following the effort to meet the above-mentioned goals of this paper, will focus in the following text only on some areas of regulation clarifying the essence of the institute of yard sales, namely the area of origin of the primary products sold, the quantitative limits applicable to the sale of primary products, as well as the specifics, which are related to the buyer's specification, including the related clarification of distribution channels.

2.2.1 Origin of the Primary Products

Although the existence of the above-mentioned government regulations is a manifestation of the use of the principle of flexibility within the common European legislation on food hygiene (and thus represents a form of simplified regime), this regime is not universally applicable and is subject to strict conditions and restrictions. In the author's opinion, the first condition (and thus the limiting factor) is the origin of the primary products, which is explicitly expressed in the provision § 2 para. 1 letter a) of Government Regulation No. 360/2011 Z. z., according to which: "Small quantities of primary products must come from the own production, breeding, harvesting, farm or activity of a primary producer who is specifically registered to carry out the activities provided for in this Government Regulation." It should be noted that the criterion of own production cannot be seen restrictively (i.e., as the sale of products immediately after harvest or slaughter), but in the form of an extended definition of own production. Apart from the origin of the input raw material, it presupposes compliance with this condition throughout the process

of its technological development, processing, including finishing or packaging (i.e., total value chain, from primary production to final treatment or packaging, it must remain with the same economic operator).

As far as the processing of plant primary products is concerned, compliance with the condition of exclusivity of origin is supplemented by another attribute, namely the requirement to preserve the essence of the original raw material, i.e., the technological phase of processing and the implementation of the final plant primary products (packaging), significantly changes the character of the primary product. Although the legislation does not explicitly stipulate the criteria of "change in the nature of the product", by abstracting several provisions listed in Government Regulation No. 36/2011 Z. z., it can be stated that the identifiability of the final primary product as the original raw material is based on a combination of technological procedures and product composition. A concrete, the final primary product will be considered as the original raw material if:

1. Will be processed by a process that serves for the preparation, preservation, or basic treatment of the raw material, namely:
 - a) mechanical treatment (e.g., cleaning, sorting, slicing, pressing, grinding),
 - b) heat treatment (drying),
 - c) natural fermentation (fermentation without the addition of chemical accelerators).
2. The technological processing process maintains the ratio of the main raw material or
3. The technological process of processing does not assume the use of additives (industrial processing), which is closely related to the use of methods that radically change the structure or durability of the product.

With regard to the processing of animal primary products, which include fish, raw milk, eggs, and honey, the requirement to preserve the essence of the original raw material is perceived much more restrictively than in the case of plant-based primary products. Namely:

- a) in the case of fish, it is only allowed to kill, bleed, gut, remove the head or fins, cool, freeze or store it in a clean container or in a clean container for transport and further handling or sale (the primary producer may not cut, fillet, bon, skin, cut, process in any way, pack it in a vacuum or modified atmosphere and carry out operations at the primary production stage, where contamination may occur and new hazards may be introduced);
- b) in the case of raw milk, only handling immediately after milking, including refrigeration and storage, is permitted (however, handling immediately after milking does not include processing, centrifugation

13 For more details, see: provision § 1 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z. laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments.

or pasteurisation, or other activities that substantially alter its character, including pre-packaging in consumer packaging);

- c) in the case of eggs, only their production and collection is permitted, or their transport between the premises of the primary producer and storage at the place of their production;
- d) bee honey must not be exposed to direct sunlight and must be protected from contamination at all stages of handling (including packaging)⁽¹⁴⁾.

For the sake of completeness, it should be noted that the legislation contained in both regulations also recognizes technological processing, which fundamentally changes the nature of the raw material (specifically in the case of dairy products and meat products). Even if these cases break the requirement to preserve the essence of the original raw material, the requirement of exclusivity of origin must still be maintained (e.g., own breeding for dairy products). In this case, however, it will no longer be a regime for the sale of a small number of products, but a regime of so-called “marginal, local and limited activity”. This regime, which is explained in more detail below, is of great importance for these selected raw materials, as it allows retail establishments to supply their products to other retailers without the need for approval according to the above-mentioned European regulations, as only registration is sufficient.

In conclusion, it can therefore be stated that the condition of exclusivity of the primary product is not only the basic defining feature of the institute of yard sales distinguishing it from standard business activity (the so-called retail), but also guarantees minimization of the risks associated with microbiological contamination, which would require stricter hygienic supervision in more complex production processes, as any accumulation of the primary producer’s own products at any stage of processing or modification of this product with products of other origins automatically assumes the loss of the status of yard sales and would be subject to a stricter regime of the above-mentioned general hygiene regulations of the European Union.

2.2.2 Quantitative Limits

Quantitative restrictions on yard sales are another essential regulatory mechanism that defines

the boundary between small-scale primary production and industrial food processing. In addition, these limits serve the function of protecting competition, as they prevent the abuse of administrative relief at the expense of entities that must meet the complex requirements of the general legislation of the European Union in large-scale production. The fixation of maximum quantities thus guarantees that the institute will remain for its original purpose, which is to support local self-sufficiency and a direct supply chain in a short sales circuit.

Small quantities of primary products of plant origin may be considered to be quantities that the primary producer sells directly to the final consumer or supplies to a local retail establishment that directly supplies the final consumer if they are:

- a) cereal grain, of each species up to 500 kg,
- b) grain of buckwheat, sorghum, millet, and cultivated species of lovage up to 500 kg,
- c) dry legumes up to 500 kg,
- d) oilseeds up to 500 kg,
- e) table potatoes up to 2,000 kg,
- f) cruciferous vegetables up to 2,000 kg,
- g) fruiting vegetables, of each species up to 500 kg,
- h) root vegetables, of each species up to 500 kg,
- i) onion vegetables up to 200 kg,
- j) legume vegetables up to 300 kg,
- k) leafy vegetables up to 150 kg,
- l) pome fruit up to 2,000 kg,
- m) stone fruit up to 1,000 kg;
- n) berries, including table or grape grapes, for direct consumption up to 250 kg;
- o) shell fruit not peeled up to 700 kg,
- p) perennials up to 50 kg,
- r) cultivated mushrooms up to 50 kg.⁽¹⁵⁾

As regards the quantitative limits for primary products of animal origin, these are contained in the following Table 1.

As mentioned above, these do not always have to be only primary products, but also processed primary products. With regard to processed primary products of plant origin, the small quantity of processed products of plant origin in this case should be understood as the quantity produced by the primary producer in his private holding and sold directly to the final consumer or supplied to a local retail establishment

¹⁴ For more details, see the provisions § 3, § 4, § 5 and § 6 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk and milk products to the final consumer and other retail establishments.

¹⁵ The provision of § 7 para. 2 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments.

Table 1 Quantitative limits for products of animal origin

Product	Quantity limit
Aquaculture products (fish)	– the total supply of the primary producer to local retail establishments of a maximum of 100 kg of fish per week – for individual direct purchases to the final consumer from a primary producer on an aquaculture farm or local market, with a maximum value of 20 EUR
Raw milk (cow, sheep, goat)	– an amount that corresponds to the usual daily consumption of that milk in the final consumer's household
Eggs	– a maximum of 60 unsorted eggs to one final consumer at the place of production, at the local market/1 week – a maximum of 350 pieces of unsorted eggs delivered to local retail establishments in total/1 week
Bee honey	– an amount that corresponds to the usual consumption of honey in the household of the final consumer – when supplied to local retail establishments, the total quantity of honey from its own production must not exceed one tonne per year
Poultry and rabbit meat	– the farmer's annual production may not exceed 10 000 poultry and 2 500 rabbits
Wildlife and game	– the user of the hunting ground may directly sell or deliver no more than 30% of the bodies of game actually caught annually in the given hunting ground – the user of the hunting ground may directly sell to the end consumer on the spot (on its premises) a maximum of 1 ton of broken and/or boneless game per week.

Source: author's own processing

The author's own processing was based on the abstraction of the provisions of § 3, § 4, § 5 and § 6 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., which lays down hygienic requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and dairy products to the final consumer and other retail establishments and the provisions of § 7 of the Regulation of the Government of the Slovak Republic No. 359/2011 Z. z., laying down requirements for certain food establishments and for small quantities

directly supplying the final consumer, in the case of the following per year:

- processed fruit up to 1,250 kg by weight of the raw material, especially jam, jam, compote;
- processed vegetables up to 1,250 kg by weight of the raw material, in particular pickled vegetables;
- sterilized vegetables;
- fermented cabbage up to 500 kg by weight of raw material;
- cultivated canned mushrooms up to 50 kg of raw material weight;
- cultivated dried mushrooms up to 50 kg of raw material weight;
- syrups, fruit juices, and vegetable juices up to 1,250 kg by weight of raw material;
- dried kitchen herbs up to 50 kg of raw material weight;
- processed grain and potato products up to 400 kg of raw material weight, especially lokše, pagáče, pasta;
- snacks based on processed fruit and vegetables up to 100 kg by weight of the finished product, especially dried flavoured oilseeds, fruit teas, and fruit vinegars up to 200 l⁽¹⁶⁾.

¹⁶ The provision of § 7a para. 1 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments.

With regard to processed primary products of animal origin, namely dairy products made from raw and heat-treated milk, as well as meat (including minced), meat products, rendered animal fats and greaves, the quantitative limits are set as a combination of two criteria that must be complied with at the same time, namely the maximum quantity of food produced per week and the maximum proportion in % of the quantity produced per week, which can be supplied to other retail establishments⁽¹⁷⁾. These limits are set as follows, for example, for meat and meat products:

- cutting, cutting, cutting, portioning, boning per week max. two tons of meat of domestic ungulates (beef, pork, mutton, and goat meat) and game from farm farms, max. 1.5 tonnes of poultry, rabbit, and ostrich meat;
- production per week of max. one tonne of minced meat and meat preparations intended for consumption after cooking, rendered animal fats and greaves or heat-treated meat products;
- production per week, total max. 200 kg of minced meat or meat preparations intended for consumption as raw or uncooked meat products;
- supply to other retail establishments max. 25% of the total processed, prepared, processed meat and manufactured products⁽¹⁸⁾.

For the sake of completeness, it should be added that in addition to the protection of competition, quantitative limits also have another justification, which is the effort

¹⁷ Pokorný, Komarová (2026).

¹⁸ *Ibid.*

Table 2 A brief overview of key hygiene standards for individual types of primary products

Product	Key hygiene standard
Aquaculture products (fish)	sold only live or chilled, the point of sale must allow hygienic handling and drinking water supply
Raw milk (cow, sheep, goat)	dairy cows/sheep must be free from symptoms of infectious diseases and TB, and the milk must be chilled to 8 °C(except for its sale within 2 hours)
Eggs	they must be clean, dry, not exposed to the sun, and stored at a temperature of +5 °C to +18 °C; they must not be washed
Bee honey	it must be ripe, free from foreign odors and impurities, and packaged in its original state without the addition of other substances
Poultry and rabbit meat	slaughter must take place in the premises designated for this purpose on the farm, and the meat must be cooled immediately after processing to max. 4 °C
Wildlife and game	examination required a trained person in place, temperature storage at 7 °C (big game), respectively; 4 °C (small game)
Plant primary products	they must be safe for health, free of rot and pesticide residues, and the requirements of good hygiene practice must be observed for processed products
Dairy products	raw milk products and heat-treated milk products must be marked and indicated that they are raw/heat-treated milk products, indicating their type
Meat products	it is forbidden to use certain tissues (e.g. eyes, external auditory canals, laryngeal cartilage); for fresh meat from ungulates, contamination is removed by trimming

Source: author's own processing

Table No. 2 was created by abstracting the rules contained in several provisions of both government regulations, namely the provisions of § 4, § 5, § 6, § 7, § 7a, § 9 and § 10 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments and the provisions of § 6, § 7 and § 8 of the Regulation of the Government of the Slovak Republic No. 359/2011 Z. z., which lays down requirements for certain food establishments and for small quantities

to ensure effective risk management in the area of public health, as a simplified hygiene standard is only acceptable for a limited volume of production destined for the local consumer. The essence of this connection lies in the assumption that when handling a limited volume of production, intended for a narrow circle of local consumers, it is possible to accept a certain relaxation of technical and construction requirements for establishments, which would otherwise have to meet the strict criteria of the above-mentioned European hygiene package. Quantitative limits, therefore, act as a so-called safety filter, as the low volume of food placed on the market minimizes the impact of possible hygiene errors, thus preventing large-scale epidemiological incidents that are typical for industrial production. Recognizing the importance of specific hygiene procedures, requirements for sanitation or traceability within the processing of individual primary products, as well as the effort to maintain structural clarity and the specified scope of the submitted contribution, the following Tab No. 2 provides only a brief overview of the hygiene standards that the author perceives as key for individual types of primary products:

2.2.3 Buyer Entity and Distribution Channels

As regards the last, no less important definition criterion, it can generally be stated that primary products can be sold either directly to the final consumer or to local retail establishments. In that regard, however, it should

be noted that the concept of 'local retail establishment' differs depending on the primary product in question. According to the provision of § 2 para. 2 of Government Regulation No. 360/2011 Z. z., a local retail establishment is a suitably equipped food retail store, a suitably equipped market place or a mass catering retail establishment, except for supermarkets, distribution centres, wholesale stores and distribution centres, door-to-door, mail-order, internet or other intermediary sales, in which foodstuffs are handled, stored at the point of sale or delivery to the final consumer, or processed and prepared and served to the final consumer.

While the above legal definition applies in principle to raw materials and processed products of plant origin, small quantities of primary products of animal origin, such as fish, raw milk, eggs and bee honey, may only be supplied to a local retail establishment which, in addition to the limits mentioned above, is also a maximum of two hours' journey away, subject to hygienic transport conditions from the territorial perimeter of the region, where the relevant regional veterinary and food administration that registered the primary producer is located⁽¹⁹⁾. In addition, small quantities of these

¹⁹ The provision of § 3 para. 3 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments.

primary products of animal origin may not be supplied to short-term stalls and tents, as well as sales vehicles for ambulance sale⁽²⁰⁾. For the sake of completeness, it should be noted that such a legal definition of a retail establishment will be identical even in the case of processed products of animal origin in the form of dairy and meat products, but with the difference that the legislation uses the addition “marginal, local and limited activity” for this type of primary products. While the local attribute is expressed by a distance of no more than two hours, the attribute of marginality and limitation is determined by quantitative limits and the form of sale, as retail establishments may not continue to supply small quantities of primary products to other establishments or place them on the market in any form other than direct sales to the final consumer or serving meals prepared from them to the final consumer on the spot in the retail establishment. The final consumer can only use the food purchased in this way for home consumption⁽²¹⁾.

III Identification of Deficiencies and Formulation of Appropriate Proposals for their Solution

Although at first glance it may seem that the legal regulation of yard sales represents, thanks to its complexity, the optimal tool for the application of this institute in application practice, this is not the case. This statement reflects not only the long-standing opinions of the professional or lay public, but also the existence of several political efforts to strengthen this institute, among which we cannot omit, for example, the relatively recently implemented strategic project called “From the Backyard to Regional Rural Development”⁽²²⁾. Despite the fact that this project led to a number of relevant outputs in this area (in

particular, the analysis of the current situation, the formulation of *de lege ferenda* proposals, as well as proposals for the next programming period), it did not eliminate all the shortcomings present in this area. This statement is reflected in several recent official documents of the Ministry of Agriculture and Rural Development of the Slovak Republic, among which we can mention, for example, commodity, situational, and prospective reports from 2025, which point to the long-term unfavorable phenomenon of low competitiveness of farmers, including primary producers⁽²³⁾. Analyzing the *de lege lata* legislation in the area in question, the author came to the conclusion that, in the case of primary producers, the issue of low competitiveness is determined by several circumstances, in particular:

- a) defining the types of food to which the backyard regime can be applied,
- b) quantitative limits;
- c) the spectrum of distribution channels,
- d) the existence of a number of legal obligations, the legal regulation of which is contained in other legal regulations of the Slovak Republic.

3.1 Types of Foodstuffs Allowing the Application of the Backyard Sales Regime

As it follows from the above, primary products that are associated with the “yard sales” regime can be divided into two categories. While the first category is represented by input raw materials, i.e., raw materials, whose profit is linked exclusively to their collection or slaughter, the second category is represented by primary products, the profit of which is linked to the need for technological processing of input raw materials. Synthesizing the above knowledge, it can be concluded that none of the categories list all types of raw materials and primary products with which small producers come into contact. As an example falling into the first category, we can mention, for example, meat from large slaughter animals (i.e. cattle, pigs, sheep or goats), which, according to Government Regulation No. 359/2011 Z. z., can only be killed in an approved slaughterhouse and processed only in a much more complicated regime, namely in the regime of local, limited and marginal activity. Although this special regime has its ratio (given the existence of a number of microbiological and chemical hazards, as well as sensitivities to the temperature chain, which naturally increase the risk to the health of consumers), this argument cannot be applied to all the missing primary raw materials. As an example, we can mention wild mushrooms, where these risks can be minimized or eliminated not only

20 The provision of § 3 para. 3 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments.

21 The provision of § 2 para. 4 of the Regulation of the Government of the Slovak Republic No. 360/2011 Z. z., laying down hygiene requirements for the direct sale and supply of small quantities of primary products of plant and animal origin and the supply of milk and milk products to the final consumer and other retail establishments.

22 This strategic project was implemented between 2020 and 2022 by the Agency for the Support of Innovation in Procurement. For further details, see: Operačný program Efektívna verejná správa. Z dvora k regionálnemu rozvoju vidieka. [online]. 10 March 2026 [cit. 2026-03-10]. Available at: <https://rozvijamevidiek.sk/>

23 Repka (2026)

by excellent knowledge of the species and cleanliness of the collection site, but also by follow-up measures. A typical example (and also a suitable inspiration) is the legislation of the Republic of Hungary, whose Decree No. 44/2023 (VIII.30) of the Minister of Agriculture on hygienic conditions for the production and supply of small quantities of local and marginal foodstuffs (hereinafter referred to as the “Hungarian Decree”), in point No. 18 of Annex No. 3, provides for the possibility of the sale of products collected in the wild (including mushrooms), in a total quantity of up to 50 kg, with the simultaneous obligation to certify them by an inspector, including their packaging in packages with the appropriate marking⁽²⁴⁾.

As far as the category of processed primary products is concerned, Slovak legislation does not include, for example, bee products or alcoholic beverages (e.g., mead), despite the fact that there can be no doubt about their benefits for human health. In addition to the benefits for human health, several economic impacts of this regulation can also be observed, specifically the so-called loss of products with higher added value or the unused raw material effect.⁽²⁵⁾ In this context, the legislation of the Czech Republic, which, in addition to bee honey, also distinguishes special categories of bee by-products, such as royal jelly or beeswax, can serve as inspiration.⁽²⁶⁾ The Czech legislation appears to be appropriate in this area, not only because of the condition of exclusivity of origin, but also because of its supplementation with hygiene standards, in order to protect the health of consumers and the related effective provision of official controls. Concretely,

24 For further details see: Art. 1 (12) Annex No. 6 of Decree No. 44/2023 (VIII.30) of the Minister of Agriculture on sanitary conditions for the production and supply of small quantities of local and marginal foodstuffs.

25 While raw honey can be sold by beekeepers under a simplified regime, processing these commodities would require a transition to a much more administratively and technically demanding regime, which is discouraging for many. By not being able to legally market these products as “yard sales”, farmers lose the opportunity to maximise profits from their own primary production. This is a typical example of a missed opportunity where raw material (e.g. beeswax or surplus honey for mead production) either remains unused or is sold as raw material at low purchase prices to processors, instead of the farmer benefiting from the final product.

26 A small amount is considered to be no more than two tons of honey per year, In the case of pollen, it is an amount not exceeding 100 kg per year, and a small amount of royal jelly is considered to be an amount not exceeding 10 kg per year. For further details see: Státní veterinární správa. Legislativní požadavky na zpracování vlastní produkce a prodej malého množství vlastních produktů, Praha : Státní veterinární správa, 2025, p. 17 [online]. 12 March 2026 [cit. 2026-03-12]. Available at: <https://www.svscr.cz/legislativni-pozadavky-na-zpracovani-vlastni-produkce-a-prodej-maleho-mnozstvi-vlastnich-produktu/>

the sale of bee by-products requires the mandatory registration of the beekeeper in the central register of breeders, as well as the provision of accompanying documentation for these types of primary products (except in cases where the sale takes place on his own farm or in the household of a small farmer)⁽²⁷⁾.

3.2 Quantity Limits

The issue of determining quantitative limits is another criterion that significantly diminishes the competitiveness of local producers, as it minimizes or prevents the emergence of so-called economies of scale, resulting in a sector characterized by imperfect competitiveness⁽²⁸⁾. Small-scale farmers are compelled, even with low production volumes, to invest in technological equipment that meets stringent hygiene standards. In contrast to large industrial enterprises, which can readily absorb these fixed expenditures through mass production and minimize the price per unit, these costs drastically inflate the unit price for small producers. Current quantitative ceilings thus act as an economic barrier, hindering the natural development of farms and the accumulation of capital necessary for future modernization.

For this reason, the Ministry of Agriculture and Rural Development of the Slovak Republic has drafted two amendments to amend the current wording of government regulations. As far as the amendment to Government Regulation No. 359/2011 Z. z. is concerned, it is based on in border adjustment of the amount of sale of hunted wild game that the user of the hunting ground can sell to the final consumer or deliver to the local retail establishment, up to a maximum of 50% of the bodies of wild game caught in the hunting ground per year⁽²⁹⁾. The amendment to Government

27 Bee products must come from a bee colony that is free from foulbrood plague or bee brood rot, and must be sold and stored in packaging complying with the packaging requirements for food of animal origin. As for royal jelly, it must be stabilised within 3 hours of being obtained and kept at a temperature below 0°C. For further details see: Státní veterinární správa. Legislativní požadavky registrace, výroby a zpracování medu. Příručka pro včelaře – producenty medu a dalších včelích produktů, Praha : Státní veterinární správa, 2025, p. 4 [online]. 12 March 2026 [cit. 2026-03-12]. Available at: <https://www.svscr.cz/zivocisne-produkty/prodej-medu/>

28 For more information on imperfect competitiveness, see: SABAYOVÁ, M. Basics of Economics for Non-Economic Study Subjects. Bratislava : Academy of the Police Force in Bratislava, 2016, pp. 57–58. ISBN 978-80-8054-664-9.

29 Osobitná časť dôvodovej správy k návrhu nariadenia vlády Slovenskej republiky, ktorým sa mení nariadenie vlády Slovenskej republiky č. 359/2011 Z. z., ktorým sa ustanovujú požiadavky na niektoré potravinárske prevádzkarne a na malé množstvá [online], 12 March 2026 [cit. 2026-03-

Regulation No. 360/2011 Z. z. concerns several areas, where it is possible to mention especially small quantities of fish, which change from the value of 20 EUR per purchase to the amount of no more than 10 kg of fish per day in the case of direct purchase to the final consumer from the primary producer, including the adjustment of the weekly limit of the supply of fish to primary producers to local retail establishments from the current limit of 100 kg to 300 kg per week⁽³⁰⁾. Another area is, for example, small quantities of eggs, the limits of which should now be determined as a maximum of 30 pieces of unsorted eggs sold directly by primary producers to one final consumer at the place of egg production or at the local market point, and/or a maximum of 500 pieces of unsorted eggs delivered to primary producers to local retail establishments during one week. Although these amendments, which are currently being discussed by the advisory bodies of the Government of the Slovak Republic, testify to the efforts of the Government of the Slovak Republic to use all available tools to support direct sales from the yard to the end consumer (while maintaining the requirements of their health safety and quality, and based on the requirements of application practice), the question arises in the future whether it is not possible to consider increasing the quantity limits for other types of primary products as well.

3.3 Distribution Channel Spectrum

Another, no less important criterion that affects the competitiveness of small farmers is the spectrum of distribution channels through which the sale of local products can take place. In view of the above, it can be summarised that the legislation of the Slovak Republic allows the sale of primary products directly to the final consumer or local retail establishments, with a simultaneous ban on sales in the form of supermarkets, distribution centres, wholesale stores, and distribution terminals, door-to-door, mail-order, internet, or other intermediary sales. What is more, the sale of fish, raw milk, eggs and bee honey may be carried out only in relation to a retail establishment that is not more than

two hours away by car from the territorial district of the region of registration of the primary product (including the prohibition of sales in the form of stalls and tents for short-term sales and mobile sales vehicles intended for outpatient sales). In the author's opinion, such a definition of distribution channels is very narrow for several reasons. Firstly, the criterion of "immediate proximity" for primary products of animal origin de facto creates an invisible barrier that prevents farmers from supplying more affluent markets in urban agglomerations if they are located outside the two-hour time frame⁽³¹⁾. Secondly, the ban on internet and mail-order sales for local products represents a fundamental competitive disadvantage in the era of global digitalization. While industrial food enterprises can fully utilize e-commerce, small-scale farmers are restricted to physical sales, which prevents them from building a broader network of loyal customers. Such a definition of distribution channels not only hinders the development of short supply chains but also makes cross-border sales in border areas impossible, thereby reducing the overall competitiveness of Slovak primary producers compared to farmers in neighboring states⁽³²⁾. In view of the aforementioned facts, the author maintains the position that it is essential to expand distribution channels to include other forms of sale, where, given the increasing trend of globalization, internet sales in particular come to the fore. With regard to the above facts, the author is therefore of the opinion that it is necessary to expand distribution channels to include other forms of sales, where Internet sales are coming to the fore with regard to the growing trend of globalization. Since the European Union legislation does not explicitly prohibit online sales, the question naturally arises as to what led the Slovak legislator to enshrine this ban. Although it is true that, from the author's point of view, this reason will not be the primary one, as Slovak legislation allows, with a few exceptions (including local products), the sale of food over the Internet, while complying with very

12]. Available at: <https://www.slov-lex.sk/elegislativa/legislativne-procesy/SK/LP/2025/414>

30 Osobitná časť dôvodovej správy k návrhu nariadenia vlády Slovenskej republiky, ktorým sa mení a dopĺňa nariadenie vlády Slovenskej republiky č. 360/2011 Z. z., ktorým sa ustanovujú hygienické požiadavky na priamy predaj a dodávanie malého množstva prvotných produktov rastlinného a živočíšneho pôvodu a dodávanie mlieka a mliečnych výrobkov konečnému spotrebiteľovi a iným maloobchodným prevádzkarniam v znení nariadenia vlády Slovenskej republiky č. 100/2016 Z. z. [online]. 12 March 2026 [cit. 2026-03-12]. Available at: <https://www.slov-lex.sk/elegislativa/legislativne-procesy/SK/LP/2025/419>

31 As a result, producers remain economically isolated and dependent on the purchasing power of the population in their immediate, often economically weaker region.

32 In this context, several political efforts to strengthen short supply chains in the Slovak borderlands may be mentioned, among which the signing of the Memorandum of Understanding of the Prime Ministers on cross-border development between the Slovak Republic and Hungary, signed on 28 April 2025, cannot be omitted. This document declares, inter alia, cross-border cooperation in the sale of local products and the creation of short supply chains. For further details, see: Memorandum o porozumení predsedov vlád. [online]. 15 March 2026 [cit. 2026-03-15]. Available at: <https://www.krajan.sk/projekt.php?id=33756>

strict rules and restrictions contained in national and European legislation⁽³³⁾. The author proceeds from the assumption that the primary reason will therefore be the criterion of “immediate proximity”, which is primarily contained in the definition of the regime of “marginal, local and limited activity”, contained in paragraph 13 of the preamble of Regulation No. 853/2004⁽³⁴⁾. Perceiving the current legislation, as well as the tendencies towards its amendment (which prioritise “only” increasing quantitative limits), the author is of the opinion that the possibility of selling primary products via the Internet cannot be expected in the foreseeable future, despite the existence of several political efforts to strengthen the national and international market in this area.

However, online sales are not the only tool for increasing national and transnational competitiveness. Perceiving a very restrictive understanding of the criterion of “immediate proximity”, as well as the legislation of neighboring countries, the author is of the opinion that a suitable distribution channel, taking into account this criterion, could be vending machines, but only under the condition of their appropriate location in clearly defined “local locations”⁽³⁵⁾. One

of the appropriate ways of solving this seems to be the use of the institute of analogy of supplying small quantities of primary products of animal origin to another local retail establishment, where the location of vending machines for certain types of primary products would correspond to a maximum of two hours’ journey from the territorial district of the region in which it is based the relevant regional veterinary and food administration that registered the primary producer. However, the hygienic criterion is also important, where the legislation of the Czech Republic, which requires mandatory registration of vending machines with the relevant veterinary administration, including its own operating and sanitation rules for each vending machine, seems to be a suitable inspiration⁽³⁶⁾.

3.4 Other Obligations

In addition to the requirement to maintain the exclusivity of the origin of the product (including the related limits), quantitative quantities and limits on forms of sale, primary producers must also consistently fulfil other obligations that the legislation contained in government regulations lays down only in a blanket manner, i.e., referring to other legal regulations. A large number of this type of legal obligations, as well as their fragmentation in a number of legal regulations of different legal force, can also be perceived in a broader context as a significant application problem, as it not only brings a higher level of bureaucracy and administrative burden for existing primary producers, but also discourages potential ones⁽³⁷⁾. In the author’s

33 The possibility of selling food via the Internet arises, for example, from the provisions of Section 6 of Act No. 152/1995 Z. z. on Foodstuffs, as amended, according to which any operator, including a distance sales operator, other than those referred to in a special regulation, shall notify the competent authority of official food control, in accordance with a special regulation, of any establishment subject to its control which carries out activities at any stage of production, processing and distribution of foodstuffs for the purposes of registration. The key term contained in this provision is the phrase “distance selling”, which also includes internet sales. This claim is based on the provision § 2 para. 1 of Act No. 102/2014 Z. z. on Consumer Protection, as amended, according to which a distance contract for the purposes of this Act shall mean a contract between a seller and a consumer agreed and concluded exclusively by means of one or more means of distance communication without the simultaneous physical presence of the seller and the consumer, in particular by using a website, e-mail, telephone, fax, address letter or offer catalogue.

34 According to this provision, this is a form of supply that should constitute only a small part of the business activity of the supplying establishment, the supplied establishments should be located in the immediate vicinity and the supply should be limited only to certain types of products or establishments.

35 As far as the distribution channels of neighbouring countries are concerned, the legislation in the Republic of Hungary is undoubtedly the most liberal, as it allows small farmers to sell their primary products to the final consumer on the premises of his farm, at local farmers’ markets, markets, fairs, occasional events and authorised temporary shops operating in the territory of Hungary, by mail order (except for foodstuffs requiring refrigeration), at the place of delivery, from vending machines (except poultry, rabbit

and fish meat) and to retail and catering establishments. For certain types of products, a retail and catering establishment is territorially limited as an establishment located in Budapest or at a distance of no more than 40 km as the crow flies, or an establishment located in the same county as the small farmer’s farm. For more details, see: Chapter III, Sec. 5 of Decree No. 44/2023 (VIII.30) of the Minister of Agriculture on sanitary conditions for the production and supply of small quantities of local and marginal foodstuffs.

36 For further details see: Státní veterinární správa. Legislativní požadavky na zpracování vlastní produkce a prodej malého množství vlastních produktů, Praha : Státní veterinární správa, 2025, p. 11 [online]. 12 March 2026 [cit. 2026-03-12]. Available at: <https://www.svscr.cz/legislativni-pozadavky-na-zpracovani-vlastni-produkce-a-prodej-maleho-mnozstvi-vlastnich-produktu/>

37 This is mainly the obligation to register, which is mainly regulated in the Act of Foodstuffs or the Veterinary Care Act. A concreto, pursuant to the provision § 6 para. 1 of the Act of Foodstuffs, every food business operator is obliged to notify the competent authority of official food control for the purposes of registration of any establishment subject to its control that carries out activities at any stage of production, processing, and distribution of food. In the case of animal products, in addition to registering the food establishment, it is also necessary to register

opinion, this problem is all the more pronounced because, unlike the legislation of neighbouring countries, the Slovak Republic lacks the development and regular updating of methodological manuals and information policies in clearly defined, regular periods. In this context, in the author's opinion, it is therefore necessary to appeal for increasing legal awareness of the obligations of primary producers, using mainly various information materials, both in digital and printed form (as there is still a relatively large category of the population that does not have access to the Internet, or their digital literacy is not at a sufficient level)³⁸. In the author's opinion, the implementation

the breeding itself. Namely, according to the provision § 40a para. 1 of the Veterinary Care Act, the owner of livestock, the keeper of livestock, or a person authorized to dispose of livestock is obliged to apply to the Regional Veterinary and Food Administration for registration of livestock breeding before commencing livestock breeding. In relation to products of animal production, there is also another obligation, namely the obligation to notify the regional veterinary and food administration of the start, interruption, and termination of its activities and of any establishment under their control that carries out any stage of production, processing, and distribution of products of animal origin. This obligation arises from the provision § 37 para. 1 letter a) of the Veterinary Care Act. For the sake of completeness, it should be noted that the operation of a food establishment is also associated with other obligations that are not subject to the regulation contained in the regulations, even marginally. These are mainly tax obligations, namely the obligation to pay income tax (however, this obligation differs depending on whether the small farmer has the status of a natural person – a non-entrepreneur, a natural person – an entrepreneur, or acts as a legal entity).

38 According to the latest data published by the Statistical Office of the Slovak Republic, in 2025, out of 1,603,266 private households (with at least 1 person in the age group 16-74 years) in Slovakia, 1,482,888 households had access to the Internet via any device, which represents 92.5%. There were significantly fewer households with internet access in the 75-89 age group and accounted for 47.4% (52,015 households out of a total of 109,692 households with at least 1 person in the 75-89 age group). For further details see: Štatistický úrad Slovenskej republiky. Využívanie informačných a komunikačných technológií v domácnostiach a jednotlivcami 2025. Viacstranné štatistiky. Bratislava : Štatistický úrad Slovenskej republiky, 2025, p. 9. [online]. 17 March 2026 [cit. 2026-03-17]. Available at: https://slovak.statistics.sk/wps/portal/636d345d-ec87-4909-9e5b-cfe5a07456fb/!ut/p/z1/rVLLUsIwFP0WFI22u-TR9ugvg8BAWYCA0G6ctaRv7SGIDK39vcFzoiCjOm-MWd5Oack5OclIr2iFZh9NQclGFhVoH1Hleu3NvNB0S-ANeewHyxnaynG38IFqAnRBGNK1nLDAUiasNMb3O9P-kUaqFLwPlw506BrmczPnzSodg7Ysg86iz1Xt3zwdZ_Zkr4n-zA7BtWwniS7adcwPKLgJvfvNLFxbGUQUH26DhlPycxyl-wDecmrDnMy2j_4aYyD4A_CDRqA8uFc9PJho13HWO20l-m1K97-aPV5wBWIDKo9Lo49IAy2h6rmOZQ8vz-Tazml8DMZjVepUo2lJnOq0Sg_U3aispfjkdKVKCikux-Vov2_J6oQIVWEPeWvYQlRWGOcGvXPMInr9k4DDfQ-N1l-h0oIZSg1-I6SiVaZ-4pEdVl6-KznyeoEwZQ646JbEjIYvAG-t3Z-D/dz/d5/L2dBISEvZ0FBIS9nQSEh/

of these recommendations will significantly contribute to the elimination of the 'interpretative burden' placed on small farmers, thereby leading to a reduction in errors during official controls, the strengthening of legal certainty, and last but not least, the reinforcement of the process of integrating small producers into the economic system.

IV Conclusion

Yard sales, as a key element of the creation and existence of short supply chains, are primarily included in European food law and further developed by the national legal systems of the Member States, including the Slovak Republic. Despite the fact that the Slovak Republic regulates this issue quite comprehensively, it is possible to see several obstacles in this area, starting with the establishment of types of primary products, quantity limits and ending with distribution channels. Recognizing these facts, the author has therefore dealt with the formulation of several *de lege ferenda* recommendations, among which the expansion of types of primary products as well as the spectrum of distribution channels, using a comparison with neighboring countries, cannot be omitted. The adoption of these recommendations is not only capable of helping primary producers (as they can significantly contribute to the building a relationship between the primary producer and the final consumer, without disturbing their proximity, thereby strengthening the economic self-sufficiency and competitiveness of primary producers), but also in relation to the consumers, as they are able to ensure better access to fresh and sustainable food, while respecting the traceability requirement. In conclusion, however, it must be emphasized that the actual implementation of the recommendations in question must be preceded by the introduction of regular creation and updating of information policies relating to the area of yard sales, as in addition to the legislation contained in government regulations, there are also other obligations in this area, which are subject to a number of legal regulations of different legal force, which undoubtedly discourages potential primary producers and detracts from the legal certainty of the existing ones, which adversely affects the process of their integration.

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