

Ricerche

Between constraint and freedom: territories leading food strategies in France*

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1.- The origins of territorial food projects

Territorial food projects (TFPs)¹ are often presented as the result of local food-related struggles and initiatives, stimulated by the food crises of the 90s²: pick-your-own and direct farm sales, associations for the preservation of peasant agriculture, short circuits³, food cooperatives, solidarity grocery shops⁴, community gardens, local vegetable shops, local abattoirs, local produce supplies for collective (mainly public) catering, local food education initiatives, etc. The emergence and development of these collective initiatives have helped to give rise to new perceptions of the relationship between agriculture, food and the local environment. They have outlined alternatives to the agro-

industrial model and have been able to convince some local elected representatives.

However, this does not mean that Parliament has simply endorsed the wishes of the regions and local food pioneers. The reality is more complex: the TFPs are the fruit of a partisan strategy⁵, driven by elected members of the *Europe Écologie Les Verts (EELV)* political party (Brigitte Allain, Joël Labbé, Jean-Louis Robillard), imbued with the idea that agriculture cannot be considered independently of food, local territories and more sustainable food systems.

This agriculture/food/territory triptych is the political foundation of the TFSs. It has been present from the start (2013), in the negotiations prior to the presentation of the bill on the future of agriculture and food. As a result of this first act of negotiation between EELV elected representatives and the Minister for Agriculture and Food, Stéphane Le Fol, Bill 1548, submitted to the National Assembly on 13 November 2013, states that "*To ensure the territorial basis of [public food policy], [the national food programme PFA] specifies the ways in which local and regional authorities can be involved in achieving these objectives*".

At this stage, this is no more than a declaration of

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(¹) The notion of territory in French has no unambiguous equivalent in English. We use it here in the sense of an infra-national and often infra-regional geographical area that is representative of specific local actors, institutions and culture.

(²) FRUGAL, *op.cit.*

(³) Y. Chiffolleau et T. Dourian, *Sustainable food supply chains: is shortening the answer? A literature review for a research and innovation agenda: Sustainability*, 2020 (23), p. 1-21. It should be noted that short circuits differ from TFPs in that the central criterion is the number of operators and not proximity or territorial anchorage.

(⁴) ANDES created in 2000: <https://andes-france.com/> (consulted on 30/04/2024).

(⁵) Bonnefoy, 2025, *op.cit.*; S. Loudiyi Culleron, *Construire une géographie des politiques alimentaires intégrées: acteurs, échelles et gouvernance*, Mémoire d'habilitation à diriger des recherches, vol. 2: Université Clermont Auvergne, 2020, p. 249; J. Pahun, *L'agriculture face aux politiques alimentaires: une analyse comparée dans trois régions françaises: Thèse de doctorat en Sciences Politiques*, Université Paris-Est, 2020. – L. Guillot et C. Blatrix (2021), *Alimentation, État et territoires. Diffusion et reconnaissance des Projets Alimentaires Territoriaux en France (2014-2021)*. Géographie, économie, société,

intent, which can only take shape if the Government draws up a roadmap through the NFP. The process will be strengthened by successive amendments during the parliamentary debates: In order to ensure that food policy is "territorially anchored", Law 2014-1170 of 13 October 2014 on the future of agriculture, food and forestry⁶ will finally promote "the development of short circuits and geographical proximity between agricultural producers, processors and consumers", "actions to be implemented for the supply of public collective catering" and the development of TFPs aimed at "bringing together producers, processors, distributors, local authorities and consumers and developing agriculture in the regions and food quality" (French Rural Code, art. L. 1). These TFPs will also be the subject of a provision (French Rural Code, art. L. 111-2-2) specifying certain procedures for drawing them up and their objectives. The system will be reformed in 2018 and 2021⁷.

Article L.111-2-2 of the French Rural Code now states that: "*Territorial food projects (...) are drawn up in consultation with all the stakeholders in an area and meet the objective of structuring the agricultural economy and implementing a territorial food system. They help to consolidate local supply chains, fight food waste and food insecurity, and develop the consumption of products from short distribution channels, in particular those produced organically, or as part of a collective environmental certification scheme as provided for in article L. 611-6. They promote the economic and environmental resilience of local supply chains for healthy, sustainable and accessible food and help to guarantee national food sovereignty*".

This is how the TFSs came into being in France: by law; by the will of a political movement that wanted to instil a new way of "thinking together" about agriculture, food and local development around collective territorial projects. The advent of this legislation led to a change in the socio-technical landscape of the food

system⁸, based around a new paradigm - local food strategies - which "provide a forum for stabilising the norm and translating it into practice"⁹.

These TFSs will gradually develop in France, mainly supported by local authorities. To date, almost 500 have been drawn up and some are in the implementation phase¹⁰. The latest assessments carried out by the national network of TFSs (*France PAT*) have shown that there are four main types of TFS: generic agri-food TFSs", which focus on "supporting the agricultural economy by seeking a better distribution of added value, in particular by strengthening short distribution channels and local food chains"; "transitional agri-food TFSs", which also include the ecological transition (environmental challenges facing food systems); "generic systemic" TFSs, which link together a number of sectors in an attempt to achieve coherence (nutrition, health, gastronomy, quality, environment, regional planning, social accessibility to food, food economy, etc.); "systemic transition" TFSs, which also include the ecological transition (agro-ecology, biodiversity, climate, water, air, landscape and soil). It seems that the most recent TFSs are increasingly systemic, less agri-food-based and more open to social accessibility issues; however, the actions and funding "mainly concern actions in the field of the agricultural and food economy"¹¹.

The Guidance pact for the renewal of generations in agriculture, published on 15 December 2023¹², devotes a provision to TFSs. It encourages the continued deployment of TFSs by strengthening networks between producers, processors and distributors and by more systematic representative and participative governance. It also announces public support of €20 million for 2024. These are not insignificant measures, but they do not contain any genuinely binding legal instruments; they are not themselves binding, and the increase in financial support must be seen in the context of the very significant increase in the number of

⁽⁶⁾ L. n. 2014-1170, 13 oct. 2014: JO 14 oct. 2014.

⁽⁷⁾ L. n. 2021-1104, 22 août 2021: JO 24 août 2021. – L. n. 2018-938, 30 oct. 2018: JO 1^{er} nov. 2018.

⁽⁸⁾ F.-W. Geels, *The Multi-Level Perspective on Sustainability Transitions: Responses to Seven Criticisms, Environmental Innovation and Societal Transitions*, vol. 1, 2011, n.1, p. 24-40; C. Darrot, *et al.* 2020, *op.cit.*

⁽⁹⁾ C. Darrot, *Tensions foncières, un fil rouge de la transition agri-alimentaire: les Projets alimentaires territoriaux comme caisse de résonance*. In S. Bonnefoy et C. Margetic, expected in 2025, *op. cit.*

⁽¹⁰⁾ <https://agriculture.gouv.fr/pres-de-430-projets-alimentaires-territoriaux-pat-reconnus-par-le-ministere-au-1er-avril-2023#section-3> .

⁽¹¹⁾ *PATnorama* n. 4, 2022: https://france-pat.fr/publications_rnpat/lanalyse-patnorama-n4-sur-le-debut-du-2eme-cycle-des-pat-est-sortie/ (consulted on 30/04/2024).

⁽¹²⁾ *Pacte d'orientation pour le renouvellement des générations en agriculture*, *Mesure* n. 34: <https://agriculture.gouv.fr/dossier-de-presse-pacte-dorientation-pour-le-renouvellement-des-generations-en-agriculture>

TFSs.

In other words, the pact does little to change the legal position that has already been formulated on a number of occasions: the TFS is a political, rather than a legal, instrument through which the State is trying to encourage local authorities to develop food strategies; as such, it orients and provides a framework for local action, while leaving them a great deal of freedom and space for action (2). Should we leave it at that? Certainly not, if we consider the importance of the objectives assigned to the TFSs, particularly the new issues linked to food insecurity that have arisen as a result of the recent international crises.

2.- TFS: a tool for managing local territories¹³

The TFS is an instrument for "top-down management". Its 'philosophy' emerges quite clearly from the legislator's objectives when we attempt to execute it. Thus, when the law states that TFSs meet the requirement of a national strategy "*promoting the resilience of agricultural systems and territorial food systems and guaranteeing food sovereignty*" (French Rural Code, art. L. 1-III and L. 111-2-2¹⁴), it requires them to contribute to maintaining "*the capacity (...) to produce*

at least in part within its territory the agricultural and food products that enable it to guarantee its population access to basic foodstuffs of sufficient quality and quantity"¹⁵; and to developing "*the capacity over time of a food system and its entities at multiple levels to provide everyone with sufficient, appropriate and accessible food, in the face of varied and even unforeseen disturbances*"¹⁶. The challenge of food sovereignty and resilience means that territories must be able to feed their local populations, at least in part, by ensuring that their food is accessible, available and adequate, even in the event of a crisis.

This ambition cannot be dissociated from the systemic approach that characterises the concept of sustainable development¹⁷ and the concept of the "territorial food system" (TFS)¹⁸, which are also used in article 1 of the Rural Code¹⁹. Similarly, TFPs are one of the responses to the fundamental right to food²⁰, which is quite clearly set out in article L. 1 of the Rural Code. This intersection between the objectives of TFPs and the concepts that underpin them, projects a legislative approach that is far removed from the dominant model, characterised by top-down power from the most powerful operators in the agri-food chain to weaker operators, consumers and local territories. In contrast, TFS is about "*thinking of the human factor*

(¹³) Part based on: L. Bodiguel, *Le développement des projets alimentaires territoriaux en France : quel droit pour quelle relocalisation de l'agriculture et de l'alimentation?*, in XV^e congrès mondial de l'Union Mondiale des Agraristes Universitaires, Les évolutions actuelles du droit rural et agroalimentaire: entre globalisation, régionalisation et relocalisation: UAM ed., 2018, 409-415; L. Bodiguel, *Réflexions sur l'effectivité de la démocratie alimentaire dans les projets alimentaires territoriaux* in D. Patureau et P.-N. Diaye (dir), *Le droit à l'alimentation durable en démocratie*, Champ social éditions, 2020, p. 64-78.

(¹⁴) From Loi n. 2021-1104, 22 août 2021.

(¹⁵) L. Bodiguel, T. Bréger, et al., 2023, op.cit.

(¹⁶) D. M. Tendall, J. Joerin, B. Kopainsky, P.-G. Edwards et al., *Food System Resilience: Defining the concept: Global Food Security*, 2015, n. 6, p. 17-23.

(¹⁷) See French Code rural on https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071367, art. L. 1: «développer des filières (...) alliant performance économique, sociale, (...) environnementale et sanitaire (...)».

(¹⁸) J. L. Rastoin, *Conférences introductives – Le concept de systèmes alimentaires territorialisés*. Actes du Colloque de la Chaire de recherche DDSA de l'Université Laval, 2015, p. 16-18, <https://numerique.banq.qc.ca/patrimoine/details/52327/2796938?docref=km6j0vPuvURXrgs-0YUmoA> (consulted on 30/04/2024), SFS is "a set of agri-food sectors meeting sustainable development criteria, located in a regional geographical area and coordinated by territorial governance".

(¹⁹) According to this, the aim of agriculture and food policy, in its territorial dimensions, is to ensure that "the population has access to food that is safe, healthy, diversified, of good quality and in sufficient quantity, produced under conditions that are economically and socially acceptable to all, promote employment, protect the environment and landscapes and contribute to mitigating and adapting to the effects of climate change".

(²⁰) V. www.ohchr.org/en/food – O. De Schutter, 2014. *Final Report: The transformative potential of the right to food*. Presented to the 25th Session of the UN Human Rights Council, United Nations General Assembly, www.sfood.org/en/documents. M. Ramel, *Le droit à l'alimentation et la lutte contre la précarité alimentaire en France*: Thèse, 2022, Univ. Tours. – M. Ramel (coord.), in collaboration with L. Bodiguel, E. Bouillot, P. Claeys, T. Ferrando, C. Golay, E. Lambert and F. Riem, *The Right to Food for a Just Transition Towards Sustainable Food Systems: How the right to food can underpin and guide the European Commission's work on a legislative Framework for Sustainable Food Systems (FSFS)*: Brussels, Belgium. FIAN, 2023. www.fian.be/The-Right-to-Food-for-a-Just-Transition-Towards-Sustainable-Food-Systems.

*and the fundamental social needs linked to food as the keystone from which the agricultural and food system is structured in a given area*²¹.

The recognition of TFPs therefore includes the recognition of a conceptual grammar, more or less explicit, which is the basis of a (non-exclusive) alternative to the globalised economy and can be summed up as follows: to guarantee people healthy and adequate food, to make the fundamental right to food and social justice a reality, we need to develop sustainable, resilient and territorialised food systems. To this end, the State is attempting to drive forward a new agricultural and food policy that is closer to the local territories, populations, institutions and networks²².

This "top-down" approach is guaranteed by a hierarchical legal structure: TFPs are the final link in a chain of texts and policies. At the top of the national legal pyramid, just below article L. 1 of the Rural Code, a strategic document has been instituted: the National Food Programme (NFP), which became the "National Strategy for Food, Nutrition and Climate" (NSFNC) since Law 2021/1104. This recent strategy "sets out the guidelines for a sustainable food policy that emits less greenhouse gas, respects human health, better protects biodiversity, promotes the resilience of agricultural systems and local food systems and guarantees food sovereignty (...) as well as the guidelines for nutrition policy". It is based on two pre-existing strategic documents: the NFP and the national nutrition and health programme (NNHP)²³.

According to the current regulation, as the NSFNC has not yet been published, the NFP (2019-2023) continues to set the standard. It comprises three thematic areas (social justice, the fight against food waste, food

education) and two cross-cutting areas ("territorial food projects" and collective catering)²⁴. As a result of this legislative direction, the NFP is intended to incorporate public health injunctions into the field of food. It must also include measures to tackle food waste and social justice. It thus provides a link between food and nutrition policy, environmental policy ("combating food waste") and social action policy ("combating poverty and exclusion" versus "combating food insecurity"²⁵). As tools for implementing the SNANC and the PNA, the TFPs have a role to play in integrating these different issues. Moreover, TFPs have an impact on spatial planning issues. In other words, TFPs are at the heart of a systemic alliance between agricultural, food, environmental, health and regional planning policies²⁶.

The State's impetus takes the form of a legal regime that includes two interdependent measures: a system of recognition (labelling) and public aid system²⁷. According to Bonnefoy, this evolution of the TFPs should be analysed as a process of institutionalisation which "mainly consisted of specifying the nature and content of the TFP as well as the role of the State" and led to strengthening "the role of the State with regard to the local territories and their stakeholders with the aim of guiding the territorialisation of national food policy from a distance"²⁸. This change in law and public action began with the 2017 instructions²⁹, which were repealed and replaced in 2020³⁰, when a second phase of TFP recognition began, boosted by the "France relance" funding plan³¹. With this instruction, the State retains control, as it is its local authorities (regional departments for food, agriculture and forestry) that are responsible for recognition.

Since 27 November 2023, the new €2.84 million NFP

⁽²¹⁾ L. Bodiguel et T. Bréger, *Systèmes alimentaires territoriaux*, in F. Collart Dutilleul, V. Pironon et A. Van Lang (dir.) *Dictionnaire juridique des transitions écologiques*: Institut Universitaire Varenne (LGDJ-Éditions Lextenso), coll. Transition & Justice, 2018, 780-785.

⁽²²⁾ The legislator is even calling for "local food autonomy" to be strengthened.

⁽²³⁾ French Code de la santé publique, art. L. 3231-1.

⁽²⁴⁾ <https://agriculture.gouv.fr/programme-national-pour-l-alimentation-2019-2023-territoires-en-action> (consulted on 30/04/2024).

⁽²⁵⁾ L. Bodiguel, *Le droit et la politique de lutte contre la précarité alimentaire: de la perspective assistancielle de l'aide alimentaire à l'innovation territoriale*, in *Droit de l'alimentation: nourrir, soigner, protéger*: Presses universitaires de la Faculté de Droit et de Science politique de Montpellier, 2023.

⁽²⁶⁾ L. Bodiguel, *Construire un nouveau modèle juridique commun agricole et alimentaire durable face à l'urgence climatique et alimentaire: de la transition à la mutation*, in *European Journal of Consumer Law / REDC* 2020, 29-42.

⁽²⁷⁾ The creation of a national network of TAPs completes the centralised organisation (French Rural Code, art. L. 111-2-2).

⁽²⁸⁾ S. Bonnefoy, 2025, op.cit.

⁽²⁹⁾ *Instructions techniques DGAL/SDPAL/2017-294 du 30 mars 2017 et /2017-299 du 4 avril 2017 qui avaient pour objet de définir le dispositif de reconnaissance des PAT*.

⁽³⁰⁾ *Instruction technique DGAL/SDPAL/2020-758 du 9 décembre 2020*.

⁽³¹⁾ www.gouvernement.fr/les-priorites/france-relance.

call for projects³² has been explicitly identified as a top-down management tool: "(...) *The 2019 National Food and Nutrition Programme (NFNP), led by the Ministry of Health and Prevention and the Ministry of Agriculture and Food Sovereignty, sets the direction for food and nutrition policy for five years (2019-2023), bringing together for the first time the actions of the National Food Programme (NFP3) and the National Nutrition Health Programme (NNHP4).*" Looking at the text of the call for projects, we can only confirm the Government's desire to control the TFP development process. The list and precision of the proposed actions is one of the indicators of this, as is the desire to disseminate them.

There is a risk that projects will become standardised, whereas the idea of territorialisation refers more to an approach based on local socio-economic and environmental characteristics, with a focus on local democracy.

TFPs are hybrid in nature: They are managed and driven "from the top", but developed and imagined "from the bottom"³³.

This perspective results from the way in which TFPs have been designed.

The aim of each TFP is to "bring together producers, processors, distributors, local authorities and consumers" (French Rural Code, art. L. 1). This "multi-partner approach"³⁴ is expressly promoted by article L. 111-2-2 of the Rural Code: not only must TFPs be built on the basis of a "*shared diagnosis of agriculture and food in the area*", they must also be drawn up "*in consultation with all the stakeholders of an area*" (public establishments, local authorities, associations, economic and environmental interest groups, farmers, etc.). The law requires TFPs to be built on a participatory basis, open to all stakeholders, although it does not define how this is to be achieved. Stakeholders therefore have some leeway to experiment with this unregulated requirement. This freedom can be a strength if the co-production process is successful. Indeed, the

scope of TFPs may not be legal in the strict sense, but normative in the way that if a collective succeeds in organising a TFS, it will produce rules enabling it to function, rules that could govern the organisation of the local agri-food sector. These rules could, for example, be commitments setting in charters of good practice, or perpetuated by repeated and more or less formalised practices.

Research into these local experiments has highlighted a number of salient features of this bottom-up approach and raised a number of fundamental questions.

Firstly, there is a kind of standardisation in the way TFPs are drawn up: "*In practice, most projects follow a relatively identical path. After a decision in principle by a decision-making body (...), a diagnostic phase is undertaken. (...) Specifications are drawn up (...). In the excitement of the launch, considerable effort is generally devoted to consultation, participation and even co-construction with civil society to establish the current situation (...)*". This standardisation is reflected in the difficulties: "*Almost universally, there are difficulties in mobilising certain types of stakeholders: supermarkets, etc. (...) In practice, we note an erosion in the participation of civil society (...). Furthermore, so-called participatory methods are generally not very imaginative, (...) [and] this type of meeting suffers from the bias of strong social selectivity*".³⁵

Secondly, it is important to emphasise the extreme dependence of collective TFP processes on the interplay of local networks and players, and more generally on local history: "*the monographs of urban and rural areas drawn up in the course of research projects between 2015 and 2023 show that many TFPs have their roots in a long-term weaving of local initiatives that predate their emergence*"³⁶. This characteristic sometimes makes it difficult to make field studies more general and to create models³⁷.

The third specific feature is that most of the TFPs drawn up are also characterised by the predominance of local authorities, with municipalities and metropoli-

⁽³²⁾ See the Call on: <https://rmpat.fr/2023/11/30/le-nouvel-appel-a-projets-du-programme-national-pour-l'alimentation-vient-de-sortir/> (consulted on 30/04/2024).

⁽³³⁾ L. Bodiguel, *Réflexions sur l'effectivité de la démocratie alimentaire dans les projets alimentaires territoriaux*, in D. Paturel et P. N. Diaye (dir), *Le droit à l'alimentation durable en démocratie*, Champ social éditions, 2020, p. 64-78.

⁽³⁴⁾ G. Maréchal, J. Noël et F. Wallet, *Les projets alimentaires territoriaux: entre rupture, transition et immobilisme?: POUR*, 2018/2-3 (n. 234-235), 2018, p. 261-270.

⁽³⁵⁾ Cfr. il punto 44 delle motivazioni della sentenza.

⁽³⁶⁾ Darrot, expected in 2025, *op.cit.*

⁽³⁷⁾ C. Darrot, M. Marie, L. Bodiguel, C. Hochedez, C. Margetic, et al.: PSDR4 FRUGAL -Approcher les systèmes alimentaires urbains par les indicateurs : décrire, comparer, prioriser. *Innovations Agronomiques*, 2022, 86, pp.91-105.

tan areas in the front line³⁸. This stranglehold on TFPs is not only the result of the law, which specifically targets local authorities, but also of the fact that the latter have a range of levers for action arising from their areas of competence³⁹. In other words, the participatory mechanism instigated by the TFP scheme encourages action by the public authorities, who must then involve the other players in the area; this tendency is not always favourable to participation. Armed with these means of action, local authorities logically take the initiative, surround themselves with a certain number of players from civil and economic society, and attempt participatory approaches that are more or less successful, but often struggle to finalise the process and reach a conclusion⁴⁰.

In this context, it is very difficult today to know what "type of participation" TFPs fall into. While consultation is always present and co-construction is often sought, we have no examples of co-decision, co-learning or co-production⁴¹. We can therefore conclude that the voluntary institution of TFPs gives rise to a hybrid governance process of varying dimensions, bringing together players from representative democracy (local authorities but also consular chambers) and those who live in and give life to the area.

What's more, this steering by local players is hampered by shortcomings specific to the legal framework for TFPs.

The first limitation that needs to be emphasised is the optional nature of TFPs and the very informal nature of the process to be followed to develop and implement a TFP. The legislator is proposing a sort of informal grouping of people, public and/or private, with no a priori legal status, and no powers other than those held by the players who decide to work together to build a TFP. We are therefore sailing at a dead end: there is indeed a founding text of a legal nature, but it contains no legal obligation and has no binding force.

This optional nature is not compensated for by a binding effect a posteriori, as the TFP does not lead to a legal act. However, the law stipulates that they should be "formalised in the form of a contract between the partners involved" (French Rural Code, art. L. 111-2-2), but this reference to a contract has so far led to the idea of public action⁴² contracts or administrative contracts with no legal effect⁴³.

The second limitation is that local actors are dependent on the hierarchy of sources of law. Local authorities cannot act beyond their general or special legal powers. They can, of course, increase their powers by working together and with the State, or by drawing up a series of contracts and charters, but even then, they are bound by the rules of public policy. We are referring here in particular to competition law, which prohibits cartels. This point is fundamental because it can prevent "TFP groups" from creating a network of closed social and economic alliances that would influence the market. In addition, account must be taken of the influence of general principles of law, such as the principle of equality before the law and the principle of freedom of trade and industry, which could oppose any local policy leading to the exclusion of certain consumers or businesses from a systemic TFP or to forcing local businesses to comply with the TFP.

These various developments show the fragility of TFPs, ambitious instrument of public policy and territorial expression that is based on the ability to mobilise local forces. This vulnerability is likely to jeopardise the future of TFPs.

3.- The future of TFSs: giving territories the keys

In 2020, we drew up a mixed report on the strengths and weaknesses of the TFP system enshrined in law⁴⁴. We then proposed three cumulative or alternative ave-

⁽³⁸⁾ PATnorama n.4, 2022 (<https://rnp.at.fr>).

⁽³⁹⁾ See <http://agirpourlalimentationlocale.fr> (consulted on 30/04/2024) from L. Bodiguel, T. Bréger, G. Maréchal et C. Rochard, *L'action publique en matière d'alimentation locale. Les compétences accordées par la loi et les règlements aux collectivités locales (régions, départements, communes) dans le domaine de la production, la transformation et la consommation d'aliments locaux*, CNRS UMR 6297, 2021. hal-01842263v3.

⁽⁴⁰⁾ G. Maréchal, J. Noël et F. Wallet, 2018, *op.cit.*

⁽⁴¹⁾ A. Rossi, E. Favilli et G. Brunori, *Il ruolo emergente dei civic food networks nell'innovazione attorno al cibo*, AgriRegionieuropa, 2013, Anno 9, Numero 32.

⁽⁴²⁾ J. P. Gaudin, *Gouverner par contrat: Presses de Sciences Po*, 2007, p. 280.

⁽⁴³⁾ L. Bodiguel et T. Bréger, *Des contrats de réciprocité aux projets alimentaires territoriaux: réflexions sur la nature contractuelle des engagements en faveur de l'alimentation locale*. In S. Bonnefoy et C. Margetic (eds.), expected 2025, *op.cit.*

⁽⁴⁴⁾ L. Bodiguel, *Réflexions sur l'effectivité de la démocratie alimentaire*, 2020, *op.cit.*

nues for developing and improving the law on TFPs: 1) making TFPs compulsory throughout the territory; 2) strengthening TFPs by requiring them to be finalised by acts with legal force; 3) imposing a system of stakeholder representation and a phasing of the process. The aim was to provide new, more effective legal tools for the benefit of the local territories.

The emergence of food insecurity and resilience issues in the context of the covid19 health crisis and the Ukrainian conflict has revived and renewed this discussion⁴⁵. These issues have led the Atlass 2 research group⁴⁶ to examine the risks associated with the disruption of food supply chains and the capacity of SFS to guarantee greater food resilience. The aim is no longer to explore and assess the '*resilience capacity of urban food systems*'⁴⁷ in the light of environmental and socio-political objectives, but to adopt an approach based more on risks and their anticipation. The idea is to rethink food security in terms of the risk of 'food crises' through the prism of food insecurity, understood as the lack of access, availability, nutritional, health and socio-cultural quality of food and/or the stability of the means of accessing it⁴⁸.

This perspective is in line with the pioneering work of Stéphane Linou⁴⁹, who emphasised the link between public order and the food resilience of territories and incorporated the risk of "*disruption of food supplies to populations*" into security and defence policies. It takes account of the 2022 report by the Court of Auditors, which noted that the "*food supply chain relies essentially on private players*" and concluded that "*in France there is no national food supply security strategy or department dedicated to this function*". It also draws on the 2022 report "*Les PAT: plus vite, plus haut, plus fort*" (TFPs: faster, higher, stronger), which proposed, among other things, recognising the food skills of local authorities and giving the region the

role of authority in this area⁵⁰.

Atlass 2's research has led to proposals aimed at integrating the risks of food chain disruption, improving the funding of TFPs and strengthening the system through legislation. We will confine ourselves to the last two points.

We therefore propose the development of a funding mechanism modelled on the Flood Action and Prevention Programmes⁵¹, through which the State would provide substantial support for coordinated, cross-functional actions to prevent the risk of disruption to food chains. This mechanism could be called the "Action and Financing Programme for Food Resilience" and be derived from the SNANC. The aim of this integrated and programmatic funding mechanism is to bring together all the constituent aspects of managing the risks of food insecurity in a single instrument, so as to link up various programmatic or crisis management tools (in particular town planning documents and TFPs). This approach is in line with the multi-scalar, multi-stakeholder approach required for the development of TFPs.

A "proposal" for a law on strengthening regional food planning and the resilience of regional food systems (*RésiAlim*)⁵² has also been drawn up. It combines the desire to plan for the risk of disruption to food supply chains with the desire to strengthen the effectiveness of emerging local food strategies, mainly in the context of TFPs. The text is organised around three principles: 1) express recognition of the shared competences of local and regional authorities in the area of food; this perspective allows for combined action by the territories in charge of their management and the adaptation of the territory of action according to the specific agro-nomic, climatic, morphological, but also social, cultural and political characteristics of the territories; 2) Substitute the logic of local planning for the logic of

⁽⁴⁵⁾ C. Darrot, Y. Chiffolleau, L. Bodiguel, G. Akermann et G. Maréchal, *Les systèmes alimentaires de proximité à l'épreuve de la Covid-19: retours d'expérience en France: Systèmes Alimentaires/Food Systems*, 2020, n. 5, p. 89-110.

⁽⁴⁶⁾ L. Bodiguel, T. Bréger, et al. 2023, *op.cit.*

⁽⁴⁷⁾ C. Darrot et al., 2022, *op.cit.*

⁽⁴⁸⁾ A contrario definition of the concept of food security as it emerges from the UN/FAO's work on the right to food, www.fao.org/3/AB788F/ab788f07.htm (consulted on 30/04/2024).

⁽⁴⁹⁾ S. Linou, *Résilience alimentaire et sécurité nationale: Oser le sujet et le lier à celui de l'effondrement*, TheBookEdition.com, 2019, p. 166.

⁽⁵⁰⁾ F. Marchand et D. Chabanet, *Projets Alimentaires Territoriaux «Plus vite, plus haut, plus fort»*. [Rapport]. Ministère de l'Agriculture et de la Souveraineté alimentaire, 2022, p. 50 - <https://agriculture.gouv.fr/rapport-du-senateur-frederic-marchand-sur-les-projets-alimentaires-territoriaux> (consulted on 30/04/2024).

⁽⁵¹⁾ See <https://www.ecologie.gouv.fr/prevention-des-inondations> (consulted on 30/04/2024).

⁽⁵²⁾ Proposal on <https://projet-atlass.org/volet-3> (consulted on 30/074/2024).

local projects; this orientation proceeds by analogy with the prevention of natural risks, which combines the requirement to set clear prevention objectives, to provide the means to achieve them, to ensure non-discriminatory coverage of territories and to commit the State to financing the resulting actions; 3) Give effective levers for local authorities to negotiate with other local players; this last point takes up the previous argument on the need to provide prevention policies with the appropriate resources to achieve the objectives set by the law.

The future of TFPs may be at stake with this proposal, which is now in the hands of a number of Members of Parliament. Its aim is to give territories back the keys to TFPs by offering them dedicated legal tools that are more effective from a legal and practical point of view.

4.- Conclusions

The partisan origins of the law that created the TFPs have given rise to a system that promotes an alternative, more sustainable agricultural and food model, based on a systemic (food, agriculture, health, environment) and territorial approach. Conceived as a tool for both the State and local stakeholders to steer local areas, the TFPs have a hybrid top-down and bottom-up political nature, a limited legal scope in the absence of any truly binding provisions, and a practical scope that varies according to the local participatory dynamic, which is largely dependent on the local context.

We now need to think about the future of TFPs. Should they remain at the "glossy paper" stage, like some Agenda 21s before them? Is there not a risk that institutionalising them will create standardised TFPs, when the very aim is to anchor them in the territories and thereby recognise the right to territorial difference? Could TFPs be strengthened by a new legislative process or by better funding? Some answers may be

found in the final part of this paper, which suggests ways of reforming TFPs or promoting a broadening of local authority powers, a new planning paradigm and solid means of action.

ABSTRACT

Mentre l'Unione Europea ha abbandonato il progetto di regolamento sul sistema alimentare sostenibile e il governo francese presenta al Parlamento un progetto di legge incentrato esclusivamente sulla sovranità nazionale in materia agricola e sul rinnovo di generazioni di agricoltori, quasi 500 "territori" locali hanno intrapreso la strada delle strategie alimentari territoriali. A tal fine, utilizzano il quadro giuridico dei Progetti alimentari territoriali definito nel Codice rurale francese. L'obiettivo di questo studio è quello di evidenziare la natura ibrida di questo strumento di politica pubblica, che è allo stesso tempo uno strumento di gestione per lo Stato e uno strumento di innovazione per le comunità locali. Esamina le scelte giuridiche e politiche che lo caratterizzano, i suoi vantaggi e i suoi limiti e suggerisce come migliorarlo.

While the European Union has abandoned its Sustainable Food System Regulation project, and the French government is submitting to Parliament a draft law focused solely on national sovereignty in agricultural matters and the renewal of generations of farmers, almost 500 local "territories" have embarked on the path of territorial food strategies. To this end, they are using the legal framework of Territorial Food Projects set out in the French Rural Code. The aim of this study is to highlight the hybrid nature of this public policy instrument, which is both a management tool for the State and an innovation tool for local stakeholders. It examines the legal and political choices that characterise it, its advantages and limitations, and suggests ways in which it might be improved.