

Piddubnyi O., Pustovit O., Holovii L.

**STATE CONTROL BODIES IN FIELD
OF QUALITY AND SAFETY
OF AGRICULTURAL PRODUCTS
IN UKRAINE**

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The monograph deals with the actual issues of the administrative and legal status of the bodies of state administration in the field of quality and safety of agricultural products.

The monograph is a complete scientific work done in Ukraine at a new theoretical level and is a study of the legal status of state bodies authorized to control the safety and quality of agricultural products at the present stage.

The monograph is intended for legal scholars, specialists in information and administrative law, civil servants, graduate students and students of law schools and anyone interested in the problems of public administration of modern times.

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Content

INTRODUCTION.....	4
SECTION I. STRUCTURE OF THE ADMINISTRATIVE AND LEGAL STATUS OF STATE GOVERNMENT BODIES IN THE FIELD OF QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS	6
1.1. Ensuring the Quality and Safety of Agricultural Products as a Public Service Function.....	6
1.2. System of State Management Bodies in the Field of Quality and Safety of Agricultural Products.....	21
1.3. Tasks of State Administration Bodies in the Field of Quality and Safety of Agricultural Products	33
Conclusions to section 1.....	44
SECTION II. LEGAL ENTITY OF STATE ADMINISTRATION BODIES IN THE FIELD OF QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS.....	49
2.1. Legislative Basis for Exercising the Powers of State Administration Bodies in the Field of Quality and Safety of Agricultural Products.....	49
2.2. Acquisition and Implementation of Powers of State Administration Bodies in the Field of Quality and Safety of Agricultural Products.....	59
2.3. Legal Personality of Officials of State Administration Bodies in the Field of Quality and Safety of Agricultural Products	68
Conclusions to section 2.....	81
SECTION III. DIRECTIONS FOR IMPROVING THE ACTIVITIES OF STATE ADMINISTRATION BODIES IN THE FIELD OF QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS	85
3.1. Foreign Experience of Organizational and Legal Regulation in the Field of Quality and Safety of Agricultural Products.....	85
3.2. Legal Principles of Interaction Between State Administration Bodies and International Institutions in the Field of Quality and Safety of Agricultural Products.....	98
3.3. Improvement of the Administrative and Legal Status of State Management Bodies in the field of Quality and Safety of Agricultural Products	104
Conclusions to section 3.....	120
CONCLUSIONS.....	124
REFERENCES	131
ADDITION.....	158

INTRODUCTION

The current state of the state's development is characterized not just by activation, but by a radical reformation of all spheres of social life. The need for changes, a new role in the international arena, an internal political position, a newly formed vision of the living standards of the population correlate the concept of such reforms with the concepts of progress and development, the construction of a liberal-democratic society and a welfare state.

In this light, it is also important to improve the activities of public administration bodies, an important link in the system of which are state management bodies in the field of quality and safety of agricultural products.

In particular, in the system of values of which any civilized nation is proud, a special place is always given to people's health, as provided by the basic laws of countries, and the Constitution of Ukraine is no exception. Health cannot be considered as an isolated phenomenon, because health depends on many factors: climatic conditions, the state of the natural environment, and the level of medicine. However, one of the most serious threats to human health is low-quality and dangerous agricultural products, in particular, those used as food products. Ensuring Ukraine's food security is an important area of state activity, as Ukraine's national security in the world of global challenges and threats also depends on it.

The need to understand the practical and theoretical aspects of functioning, tasks, powers and other components of the administrative and legal status of state management bodies in the field of quality and safety of agricultural products necessitates conducting scientific research in this area.

The category "administrative-legal status" is in the constant field of view of scientists, which also indicates the importance and relevance of its definition. Scientific works of legal scholars on the theory of law and administrative law, in particular of V. Averyanov, O. Bandurka, D. Bachrach, A. Berlach, Y. Bytyak, E. Dodin, L. Koval, V. Kolpakov, A. Komzyuk, T. Kolomoets, R. Kuybida, T. Matselyk, N. Nyzhnyk, A. Pasichnyk, S. Stetsenko, E. Kurinny, O. Negodchenko, V. Petkov, O. Ryabchenko, Yu. Tikhomirov, V. Shishkin and others.

The works of administrative scientists who at different times studied legal issues of state regulation and product quality management, powers and directions of interaction of state bodies in agriculture, issues of administrative jurisdiction in the agricultural sector are relevant to management in the agrarian sphere. First of all, it is necessary to highlight the works of the following scientists: L. Honcharuk, O. Gorbunova, N. Berlach, O. Bondar, G. Ivanova, M. Kostiv, M. Kravchuk, V. Kurylo, K. Kotukh, I. Lomakina, A. Lyubarets, D. Mandychev, S. Ovcharuk, O. Paladiychuk, V. Petryna, O. Piddubny, I. Pilyavska, M. Pushkar, K. Ryabets, O. Svitlichnyi, A. Trygub, V. Shkarupa, K. Yaremchuk, Yu. Yarmolenko.

Important aspects of ensuring the quality and safety of agricultural products, food safety, regulation of the activities of the agro-industrial complex, markets of agro-food products are considered in the works of scientists – representatives of agrarian law, including: N. Bagai, O. Batygina, A. Beikun, A. Bohdan, L. Bodnar, K. Kondratyeva, V. Kornienko, V. Kurzova, S. Lushpaev, S. Marchenko, V. Melnyk, S. Obolenska, L. Pankova, O. Pashchenko, D. Piddubna, O. Pogribny, S. Pogribny, M. Shulga, V. Yanchuk and others.

The problems of state regulation of food security were investigated in the works of many specialists. Among them are specialists on public administration – V. Dovgan, O. Zapadynchuk, V. Ilyashenko, N. Prytula, on economics – O. Hoychuk, O. Skidan, on other legal fields – M. Kozhukh, M. Medvedeva and others.

However, regardless of the study of individual issues of administrative and legal status or the status of individual bodies, the system of bodies for the safety and quality of agricultural products was not the subject of a separate study. In the existing scientific works, these issues are considered fragmentarily, within the framework of broad administrative and legal issues and without a comprehensive approach.

In addition, since the implementation of the last sectoral studies, the legal status of state administration bodies in the field of safety and quality of agricultural products has undergone significant evolutionary changes over several years. Also, according to the scale of legislative changes that have taken place during the last period, we are talking about a completely new structure and powers of state administration bodies in the field of quality and safety of agricultural products, which need to be studied.

SECTION I. STRUCTURE OF THE ADMINISTRATIVE AND LEGAL STATUS OF STATE GOVERNMENT BODIES IN THE FIELD OF QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS

1.1. Ensuring the Quality and Safety of Agricultural Products as a Public Service Function

The provisions of the Constitution of Ukraine enshrine the state's obligation to protect consumer rights, monitor the quality and safety of products and all types of services and works, promote the activities of public consumer organizations (Article 42), and grant citizens the right to an environment safe for life and health and the right to compensation for damage caused by violation of this right, free access to information about the state of the environment, about the quality of food products and household items, as well as the right to its dissemination. Such information cannot be kept confidential (Article 50 of the Constitution of Ukraine) [95].

The effectiveness of the implementation of state policy depends on the presence of a system of the corresponding effectively operating mechanism as a real organizational force for the embodiment of the will of the state [242, p. 4]. In the field of quality and safety of agricultural products, as shown by the practice of Ukraine and foreign experience, it is the system of state administration bodies.

The need for effective organization of relations regarding the production of high-quality and safe agricultural products in Ukraine includes the factor of state regulation of the functioning of this sphere of social relations at the level of legislative activity of legislative bodies and managerial influence and sub-legal regulation by executive bodies.

The activity of the legislative power consists in comprehensive regulation of the field of production of agro-industrial products through the formation of a legal field for the development and proper functioning of agriculture, which represents the legislative level of regulation, and the function of direct regulation of quality and safety of agricultural products, both through the issuance of subordinate legal acts

and by the means of the state agrarian policy. It is fixed by the bodies of executive power at all levels.

In the scientific legal literature, a single definition of public administration has not been formed, the understanding of this concept is a dynamic process. Most of the definitions of this term consist in the fact that public administration is a process of activity of state authorities, which is aimed at regulating social relations through external and material influence on them [271].

Public administration is a type of state activity, the implementation of managerial organizing influence by using executive power through the organization of the implementation of laws, the implementation of management functions for the purpose of complex socio-economic and cultural development of the state, its separate territories, as well as ensuring the implementation of state policy in the relevant spheres of public life, creating conditions for citizens to exercise their rights and freedoms [40, p.34].

V.B. Averyanov defines public administration as the purposeful organizational and regulatory influence of the state on the development of social processes, consciousness, behavior and activities of individuals and citizens with the aim of achieving the goals and implementation of the functions of the state, reflected in the Constitution and legislative acts, through the introduction of state policy developed by the political system and legislated through the activities of state authorities endowed with the necessary competence [55, p. 103].

The essence of public administration in a nutshell is the implementation of laws and other legal acts of state authorities. From this point of view, implementation is the main feature of state administration, the implementation of which is entrusted to executive power bodies (in a broad sense – to state administration bodies). State administration is characterized by the fact that executive activity is its main purpose and constitutes an important aspect of the content of this type of administration, which is organically connected with the direct management of the economy, socio-cultural and administrative-political construction and, therefore, at the same time is an administrative activity [129, p. 13].

Quite often in the scientific literature, the concepts of state management and state regulation are equated. However, it is worth talking only about the identical result of the activity of these two forms, because both are aimed at organizing social objects and social processes, while using specific methods of managerial influence [271].

For state regulation, the main characteristics will be the setting of general questions in the relevant field, the determination of the general directions of activity of bodies, a set of tools with which the state establishes certain requirements for enterprises and citizens (laws, orders, auxiliary rules, etc.). At the same time, public administration implements the issues raised, areas of activity, implements state policy in a particular industry, and provides a direct impact on enterprises and institutions.

Speaking of the terms "state regulation" and "state management" as non-identical, we can take as an example Article 7 of the Law of Ukraine "On Beekeeping", which states that state regulation in the field of beekeeping is carried out by improving state management in the field of beekeeping [146].

At the same time, regulation covers a wider field of organizational activity compared to management. Management means purposeful influence specifically on management objects, using methods involving the subjection of these objects to management influence by the subject of management. Regulation is related not so much to the influence on the objects of management as on the surrounding environment. It implies a high degree of alternative behavior of controlled objects [267, p. 28].

The full content of the management activity of state bodies can be revealed through the categories and components of the administrative and legal status of the state body, which reflects the main features of the body and actually forms the structure of this scientific study.

The positions of most scientists reduce the concept of administrative and legal status of state bodies to several constituent elements: functions, tasks, competences [16, p. 82-94], adding to the list the goals, responsibilities, order of formation and procedures of activity of these bodies [102, p. 378]; competence, law enforcement, legal responsibility, as well as the normatively determined order of creation [119, p.

39]. Separate positions, on the contrary, expand the interpretation of the specified concept, highlighting, in addition to the above-mentioned components of the purpose of the formation of the body, the definition of the scope of its responsibility, principles and territorial scope of activity, the internal structure of the body, the nature of state powers, sources of funding of the body, rights and obligations use state symbols, etc. [247].

However, in the study we consider it expedient to use, in our opinion, the most complete three-block system of administrative and legal status: the target block, the structural-organizational block and the competence block [39, p. 255], which includes such components as rights and duties, tasks, functions, the nature of relationships with other bodies, place in the structure of the hierarchy of executive authorities, the procedure for solving constitutional and personnel issues, etc. [39, p. 247].

The definition of "sectoral bodies of state administration" records the separation of a certain group, outlines an independent subject structure. The separation of the specified link of the system of state authorities, first of all, takes place according to the goals, tasks, and functions that make up the target block of the administrative-legal status. Including, among other administrative bodies, state management bodies in the field of quality and safety of agricultural products are distinguished by the nature of the subject of management (subject criterion).

Thus, agricultural products are the goods specified in groups 1-24 of the Ukrainian classification of goods of foreign economic activity according to the Law of Ukraine "On the Customs Tariff of Ukraine" [203], if at the same time such goods (products) are grown, fattened, caught, collected, manufactured, produced, processed directly by the manufacturer of these goods (products), as well as products of processing and processing of these goods (products), if they were purchased or produced at own or leased facilities (areas). This is a large number of commodity items, which includes all products of plant and animal origin – live animals, milk and dairy products, fishery products, alcoholic and non-alcoholic beverages and vinegar, tobacco and its substitutes, spices, teas, coffees, cereals, vegetables and some edible roots etc.

Agricultural products (goods) also include waste obtained during the production of agricultural products (goods), defined in groups 1-24 of the Ukrainian classification of goods of foreign economic activity in accordance with the Law of Ukraine "On the Customs Tariff of Ukraine", namely: organic fertilizers (manure, humus, bird droppings, as well as chaff, tops, etc.), mixtures of organic and mineral fertilizers, in which the share of organic fertilizers is 50 percent of the total weight of such mixtures, as well as all biological fuel and energy obtained during the processing and disposal of agricultural products (goods) and their waste (biogas, biodiesel, ethanol, solid biofuel, in the production of which agricultural products (its waste) were used in the amount of more than 50 percent of all products used, electricity, steam, hot water, etc.) [166].

In the economic literature, according to the criterion of the intended purpose of agricultural products, the latter is divided into three types: final consumption, intermediate and raw materials. Final consumption products include products that, due to their biological quality characteristics, are directly used for personal consumption (fresh vegetables, fruits, berries, whole milk, etc.). Products intended for further use in agricultural production in the following cycles of reproduction are called intermediate (seeds, planting material, fodder). Agricultural raw materials (raw materials) are represented by those types of products that are used for industrial processing (sugar beet, technical varieties of potatoes, a significant share of grain, flax products, sunflower, etc.) [25].

Producers of agricultural products are multidisciplinary farms which activities are necessarily connected with the use of land, water and other natural resources, special material and technical and energy resources, capital and human labor.

In particular, agricultural production is specific, and first of all, from the point of view of having such an irreplaceable basic factor as agricultural land. At the same time, it is the quality of the soil that affects the indicators of the quality of products in the field of crop production, and in the future, due to the qualitative condition of fodder, indirectly also affects the products of the industry of livestock [37, p. 229].

This speaks of a certain number of subjects of managerial influence in the field of quality and safety of agricultural products, because their activities cover a wide

range of areas of state control over compliance with land legislation, soil fertility, seed production and nursery production, protection of the rights of owners of plant varieties, rules of operation and maintenance of proper the technical condition of agricultural machines and mechanisms, compliance with measures of biological and genetic safety, quality and safety of agricultural products, compliance with the rules of production of wine products; the variety of legal relationships subject to such influence; the need for constant updating and maintenance at the proper level of the large-scale regulatory and legal field, an extensive list of specific requirements and norms, the purpose of which is to ensure the safety and quality of products.

The functioning of state administration bodies in the field of quality and safety of agricultural products is related to the practical implementation of tasks, functions and powers of authority to guarantee the safety of the population.

The potential of this sector of the economy has a significant impact on ensuring food security of Ukraine, which is the main function of the state and is of strategic importance, since the national security of Ukraine also depends on it.

First of all, the state policy of ensuring food security of Ukraine is defined at the legislative level as a sub-branch of national security, according to clause 17 of article 92 of the Constitution of Ukraine. The distribution of spheres of responsibility for ensuring national security, and accordingly food security as its component, between branches of government and officials is also generally regulated by the Constitution.

According to Art. 8 of the Law of Ukraine "On the Basics of National Security" [211], the main direction of the state policy on national security issues in the economic sphere was ensuring food security. To date, this law has been repealed, and in the new law, due to various military accumulations from the sphere of work and the organization of law enforcement agencies, food security was completely forgotten [207], and this deficiency must be corrected, The hybrid war being waged against our country is not least of all economic in nature, and military threats by no means cancel out economic threats, in particular in the field of food security.

An important stage in the development of legislation was the adoption of the Law of Ukraine "On the Basic Principles of State Agrarian Policy for the Period Until

2015" [214], which established the guarantee of food security at the level of a strategic goal of agrarian policy. The provisions of Article 3 on state control of the quality and safety of food products in terms of consumer rights protection and the formation of agricultural product markets are quite relevant. Unfortunately, the Law, although it remains in force, but the time frames defined in it have long passed, therefore such a regulation cannot be called relevant, and the corresponding draft law, which was supposed to replace it and become permanently effective [215] was never adopted by the Verkhovna Rada of the 8th convocation, and at the moment when this work is completed, it is no longer possible within the limits of this convocation.

Today, the corresponding legislation is being updated, but there is a tangible need to adopt a program document that would absorb and concentrate all the positive achievements in the direction of the European integration development of Ukraine, in particular, the implementation of high standards in the field of quality and safety of agricultural products, together with the legal mechanism for their provision. At the same time, legislative acts are adopted, the provisions of which are duplicated and do not have a comprehensive nature, as, for example the laws "On the Basic Principles and Requirements for the Safety and Quality of Food Products" [216], "On the Safety and Hygiene of Feed" [147] "On State Control over Compliance with the Legislation on Food Products, Feed, By-products of Animal Origin, Animal Health and Welfare" [165].

In the Law of Ukraine "On State Support of the Agriculture of Ukraine" [166], food security is defined as the protection of a person's vital interests, which is expressed in the state's guarantee of a person's unimpeded economic access to food products in order to maintain his normal life activities.

In this case, when defining the concept of food security, the legislator took as a basis only the problem of food availability, while not taking into account the connection with its quality and safety. Meanwhile, these indicators will play a significant role in the formation of food dependence, or vice versa, food independence of the country.

Thus, against the background of the shortage of quality products and the low level of demand of the solvent population, the attachment of the domestic market to

export-import operations, the reasons for the country's economic dependence are the lack of competitiveness of the national agro-industrial complex and the low competitiveness of agricultural products in terms of quality and safety. This situation is somewhat different in the case of the main export articles – grain crops, but such specialization of the economy does not benefit the domestic consumer, since a number of high-quality livestock products and wine products are supplied from abroad, while Ukraine is able to establish high-quality production of such goods according to climatic and economic conditions.

Today, the concept of quality and safety of agricultural products is not fixed by law, instead, attention is focused on the quality and safety of food products. We are also talking about individual quality indicators [216], although how can we not mention the literary character who claimed, as they say, that sturgeon does not have a second freshness, there is only one freshness, the first, and it is also the last. But there are certain reasons for this, based on the internal logic of legislation and the needs of practice in developing the same approaches to regulating the quality of food products, regardless of their origin from the food industry or from agriculture. But besides that, we cannot ignore the fact that the food industry is also engaged in the processing of raw materials that come mainly from agriculture and are agricultural products.

According to Art. 1 of the Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products" [216], a dangerous food product is a food product that is harmful to health and/or unfit for consumption. The Law also establishes the opposite concept – a safe food product is a food product that does not have a harmful effect on human health and is suitable for consumption. In addition to dangerous, the concept of unsuitable food product is also distinguished – food product that contains foreign substances and/or objects, damaged in another way and/or spoiled as a result of mechanical, and/or chemical, and/or microbial factors . At the same time, in order to distinguish an unsuitable food product from a dangerous one, it was established that an unsuitable product, in the case of consumption as intended under normal conditions of such consumption, does not have a harmful effect on human health. That is, the law tries to formulate the opinion that after losing

its taste, vitamin, and nutritional properties, the product did not become harmful, but ceased to be suitable for consumption.

The law does not establish a specifically defined concept of "quality food product", obviously due to the complexity and discreteness of the concept of quality, depending on the requirements of consumers and the level of production, there may be different degrees of quality of a food product. Obviously, it is on these grounds that the Law establishes not the concept of quality as a whole, but instead "separate indicators of the quality of a food product" – indicators and / or properties of a food product used to perform one or more tasks: separation of a traditional food product from other food products; establishing requirements for baby food products, for food products, for special medical purposes, as well as for food products that are a complete replacement for normal food products, for weight control; informing consumers about the properties of a food product, including through its labeling.

S. Bughera offers an understanding of the quality of agricultural products as a set of useful properties and characteristics of these products that are regulated by the norms of agrarian law and other branches of law, which are able to satisfy the needs of the consumer. E. Zhiterov considers the quality of agricultural products as a set of consumer properties created in the production process according to defined standards, preservation of these properties during storage, transportation and sale [77, p. 8]. V. Petryna believes that the concept of the quality of agricultural products in the legal sense does not include the set of product properties fixed in the relevant regulatory acts and not the degree of compliance of the product properties with the level of requirements set for it in accordance with current regulatory documents, but the set of features of products fixed in law [128, p. 7], although this definition is difficult to understand, because the law establishes first of all the rules of conduct, and the characteristics of products are rather technical norms than legal ones. Also considered is the opinion that the quality of agricultural products in the legal sense is a set of standardized features of products that characterize their toxicological safety and suitability to meet the needs of people in food products [90]. It is possible to agree with this approach only partially, since the quality in this case is determined by another characteristic of the product – its safety.

The concept of environmental safety of agricultural products is separately distinguished – it is a separate interdisciplinary institute of environmental safety law and legislation, which has as its object human health – the final consumer of such products, subject – agricultural products and is characterized by such a favorable state of development of social relations in the field of agriculture and environmental protection, in which the state, through the activities of specially created authorities and physical and legal entities – producers of agricultural products, ensures the implementation of sanitary and veterinary measures established by current legislation and the requirements of mandatory indicators and safety parameters, procedures for confirming compliance, certification and labeling and other special measures for the prevention and elimination of possible harmful consequences of the occurrence of environmental risks to the life and health of citizens as a result of the production, sale, processing and consumption of dangerous rural economic products [243].

Therefore, quality characterizes a certain level of safety for human consumption. The indicator of "safety of agricultural products" is defined as the absence of a threat of harmful effects on the human body. Thus, it can be assumed that safety (safety, as it is customary to use in the last two versions of the Law, although before that the term security was used, and we use the same term in the updated version) is an appropriate measure of quality [100, p. 211].

However, low-quality products do not necessarily mean dangerous products, let's recall the above-mentioned unsuitable food product. For example, it is necessary to note an important difference in domestic and European legislation, which is related to such categories as product quality and safety. In EU countries, the quality of food products is a purely commercial category that is not subject to state control [249, p. 22]. The issue of product quality is only a market issue. For example, stale bread is of poor quality, because it differs from fresh bread, but it does not pose a threat to anyone and remains suitable for consumption. However, it will probably not cause medical consequences, but from the point of view of the current Law, it will be considered unsuitable. In Europe, there is no ban for this, the potential buyer must be informed that it is stale bread and about the expiration date. In addition, such a product cannot pose a threat to the consumer. So, provided that the buyer is informed

about the real properties of the product and is ready to pay for it, the question of quality cannot arise. It is another matter if this bread has already been covered with mold that is dangerous to health. In the end, there are two concepts in the EU countries: product safety and defectiveness [137, p. 17].

Based on the analysis of the considered legislative and theoretical approaches to the concept of quality and safety, we tend to consider the safety and quality of agricultural products as not equal characteristics and not two components of some one whole, but as parameters from different logical series. Thus, in particular, to the question of product safety can be given an unambiguous answer – yes or no, while quality is a complex set of parameters, levels, gradations, compliance with the expectations of different categories of product consumers, one of these gradations will correspond to the legal term – unsuitable product.

As a result, supporting one or another definition of the concept of food security, which is debatable in the literature, we believe that it is necessary to distinguish, first of all, concepts that include not just the provision of the necessary volume and range of products, but the provision of high-quality, safe and nutritious plant and animal food products. Another problem lies in the gradations of quality, because having wine for 200 hryvnias and for 2,000 hryvnias, we have in front of us two identical bottles with the same product, one of which for some reason is considered ten times better than the other. Therefore, the problem of availability of food for the population is closely related to its quality, and safety is the main property of agricultural products, which determines the criterion of suitability for consumption.

The definition of I.O. Hoychuk and V.I. Kurilas is fair, who consider food security as the guaranteed ability of the state, based on the principles of self-sufficiency in basic food products and on their economic and physical availability, regardless of the influence of external and internal factors, to satisfy the needs of the population in food products in the necessary volume, assortment and quality at a level that ensures its health and intellectual development [45, p. 3].

V.A. Ilyashenko explains food security as a system of economic relations between business entities associated with the creation of conditions for meeting the

needs of the population in food products in accordance with norms that ensure the full-fledged life of the population with optimal use of the resource potential of the state and the opportunities of the regional food market [85].

According to the FAO definition, reflected in the Rome Declaration on World Food Security adopted in 1996, food security is realized when all people at all times have physical and economic access to sufficient, quantitatively safe and nutritious food to meet their dietary needs and taste preferences for leading an active and healthy lifestyle [90].

Therefore, guaranteeing the production of high-quality and safe agricultural products ensures the food security of each individual country, and is one of the key functions of the state, because the stable production of food products, their availability and consumption through own production and imports is possible only under the control of state authorities. Only the state can properly take care of food stocks, using mechanisms of support for producers of basic food products, regulation of exports and customs and tariff policy, satisfaction of demand for high-quality and safe products [244], and in the person of state administration bodies that function on the basis of priority, social compliance, accessibility for all segments of the population, organizational and economic efficiency and dynamism, allocation of a special apparatus of state authorities for regulation and development of the system [85], realizes the goal of food security and its development.

The foregoing makes it possible to formulate the goals of the functioning of government bodies in the field of quality and safety of agricultural products, organically combining the goal of economic growth and protecting the rights of citizens as consumers of products and services defined by constitutional provisions.

From the specified goals, tasks follow, through which the state coordinates and targets the activity of the body [259, p. 194], and functions, as constituent parts of the content of its activity, reflected in the tasks established for the body to ensure the vital needs of the managed object and carried out by the structural divisions (and officials) of the body through the implementation of the powers entrusted to them [89].

Functions are defined in the scientific literature as legally required types of activity [50], as a complex of interrelated organizational and legal influences of the

body, each structural subdivision, which serves as a direction for achieving the goal set before the management system [52], the main interrelated directions of activity, which are implemented both by the body as a whole and by its structural subdivisions, officials and employees to fulfill the general goal [104, p. 119].

The initial provisions for determining the functions of state management bodies in the field of quality and safety of agricultural products are their competence, defined in the norms of the Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products", which is distributed among state bodies in the field of ensuring the safety and quality of food products products.

Thus, part 2 of Art. 4 of the above Law states that the state regulates the safety and individual quality indicators of food products by:

- establishment of sanitary measures;
- establishment of requirements for individual quality indicators of food products;
- state registration of objects of sanitary measures defined by this Law;
- issuing, terminating, canceling and renewing the operational permit;
- informing and raising the awareness of market operators and consumers regarding the safety and individual quality indicators of food products;
- establishing requirements for the health status of facility personnel;
- participation in the work of relevant international organizations;
- implementation of state control;
- bringing market operators and their officials to justice in case of violation of the legislation on safety and certain quality indicators of food products[216].

It should be noted that although the provisions of the said Law are basic for regulating relations between state administration bodies, producers, sellers (suppliers) and consumers of agricultural products, the terms "agricultural products" and "food products" are not identical.

Having familiarized yourself with the commodity groups of agricultural products of Ukrainian classification of goods, it can be noted that not all groups belong to food products. For example, goods of group 10 – cereals. That part of cereals that is used for human nutrition should be classified as food products, and

those cereals that are used for animal feed should be excluded from food products. Products of animal and plant origin often serve as raw materials for the manufacture of pharmaceuticals. Goods of group 14 – vegetable materials for the manufacture of woven products, other products of vegetable origin. This group of goods is clearly not used to support the vital activity of the human body. Goods of group 23-24 – ready-made feed for animals, as well as tobacco are not food products, since they are not used for food or drink [239, p. 61]. Thus, the concept of "agricultural products" is a broader concept that includes the concept of "food products". It should be stated that in the Law "On Basic Principles..." the legislator in the current edition excluded the definition of agricultural products, although in the previous ones it existed and was reduced to the identification of agricultural and food products, for the purposes of this law, see the law as amended in 1997 [216] "On the Quality and Safety of Food Products and Food Raw Materials". Such identification within the framework of one law, at least, made it possible to clearly distinguish the requirements for food agricultural products.

The above-mentioned measures make up the content of state management in the field of quality and safety of agricultural products as an independent form of activity that has a certain goal, however, the planned result, as in any field of state management, can be achieved only under the condition of providing material, human resources, legislative basis, objective information, and in case of correct setting of management tasks [129, p. 13].

The main tasks of state administration bodies in the field of quality and safety of agricultural products can be determined based on the environment of their functioning and the tasks established in general legislation for executive power bodies (which are state administration bodies). In our opinion, such tasks are:

- ensuring regulatory and legal regulation of the production of high-quality and safe agricultural products, which will be competitive not only on the domestic, but also on the foreign market, and its circulation;
- meeting the demand for high-quality and safe products;
- informing and providing explanations regarding the implementation of state policy regarding the provision of high-quality and safe agricultural products;

- summarizing the practice of applying legislation in the relevant field and developing proposals for its improvement;
- protection against falsified, low-quality, dangerous agricultural products;
- preservation and restoration of environmental safety (implementation of the ecological function of the state);
- ensuring the stable development of the agricultural sector of the country's economy and establishing itself on the international market of agricultural products as a reliable supplier of quality products that meets international safety criteria (implementation of the economic function of the state).

Thus, the need for dynamic development of relations in the sphere of production of high-quality and safe products of the agricultural sector of Ukraine, the range of problematic issues, taking into account the state and peculiarities of the agro-industrial complex, the inability of the market to independently resolve these issues, brings to the fore the factor of state regulation of the industry by legislative and executive authorities.

Such activity consists in comprehensive regulation of the field of agricultural production by forming a legal field for the development and proper functioning of the agricultural sector.

The above shows that the positive development of relations in the field of ensuring the quality and safety of agricultural products requires a set of levers of both regulatory and security nature.

Ensuring the quality and safety of agricultural products is considered in an inseparable unity with ensuring food security, which is one of the key functions of the state, because stable production of food products, availability of their acquisition and consumption through own production and imports is possible only under the control of state authorities.

The safety of food products is one of the indicators of the standard of living, the actual realization of the purpose for which the state exists – to make the life of its citizens convenient, safe and comfortable, to provide opportunities for comprehensive development of the individual, this is precisely what determines the importance of the function of state bodies regarding the safety and quality of agricultural products.

1.2. System of State Management Bodies in the Field of Quality and Safety of Agricultural Products

The implementation of state policy in the field of quality and safety of agricultural products is carried out by executive bodies of general and special competence, legally separate institutions authorized to perform organizational-administrative, coordination, advisory, organizational-expert, control and other functions in the relevant field.

The system and general powers of executive authorities, the procedure for their formation and reorganization are defined in Chapter VI of the Constitution of Ukraine, which became a decisive step in establishing the principles of state administration.

The highest body in the structure of executive authorities in the field of quality and safety of agricultural products is the Cabinet of Ministers of Ukraine. According to Art. 113 of the Basic Law, which was set forth in the new version of 22.02.2014, in addition to the Constitution of Ukraine, the highest body in the system of executive authorities in its activities is guided by the laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine.

Thus, the organization, powers and order of activity of the highest body in the system of executive authorities are determined by the Law of Ukraine "On the Cabinet of Ministers of Ukraine" [200], the Regulations of the Cabinet of Ministers of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of July 18, 2007 No. 950 [190].

The main powers of the Cabinet of Ministers of Ukraine as a management body in the field of quality and safety of agricultural products are disclosed in detail in Art. 20 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine" [200]. In the sphere of economy and finance, the Cabinet of Ministers of Ukraine ensures the protection of consumers' rights and improvement of their quality of life, food security of the state, implements the state agrarian policy, in the sphere of health care – the implementation of state policy to ensure the sanitary and epidemiological well-being

of the population, and is empowered to control compliance with legislation by executive power bodies, their officials, as well as by local self-government bodies in matters of implementation of their delegated powers of executive power bodies in the field of legal policy, etc.

In addition to the tasks contained in the Constitution of Ukraine, clause 3, part 1 of Art. 2 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine"[200] enshrines the task of ensuring the implementation of, including, structural and sectoral policy. According to Art. 10 of the Economic Code of Ukraine [48], the latter is one of the main directions of economic policy and is aimed at the implementation by the state of progressive changes in the structure of the economy, improvement of inter-industry and intra-industry proportions, stimulation of the development of industries that determine scientific and technical progress, ensure the competitiveness of domestic products and the growth of the level life of the population. The components of this policy are, in particular, industrial and agrarian.

The Council of Ministers of the Autonomous Republic of Crimea has powers to manage the quality and safety of agricultural products that are similar in scope and direction of activity – Article 18 of the Law of Ukraine "On the Council of Ministers of the Autonomous Republic of Crimea" [226] defines powers in the field of agriculture, including implementation of measures to increase volume of production and improvement of the quality of agricultural products.

The Cabinet of Ministers of Ukraine includes a number of ministries that ensure the implementation of state policy in all branches of state activity. They participate in the implementation (within the relevant sphere) of the economic and social policy of the state, forecast and implement strategic development goals, participate in the development and implementation of national programs in the relevant areas of development of Ukraine and the State Budget of Ukraine, promote the development of entrepreneurship, market infrastructure, conclude international agreements, etc.

In particular, the basic special legislative act "On the Basic Principles and Requirements for the Safety and Quality of Food Products" [216] to the system of bodies that, within their competence, ensure the development, approval and implementation of sanitary measures (in fact, the implementation of a preventive

function in the field of product safety), as well as state control and supervision of their implementation includes, in addition to the Cabinet of Ministers of Ukraine, the central executive body that forms and ensures the implementation of state policy in the field of health care (Ministry of Health of Ukraine); the central body of the executive power, which forms and ensures the implementation of the state policy in the field of safety and certain indicators of the quality of food products (the Ministry of Agrarian Policy and Food of Ukraine); the central body of the executive power that implements the state policy in the sphere of safety and certain indicators of the quality of food products (competent body) which is currently the State Service of Ukraine for Food Safety and Consumer Protection. The same State Production and Consumer Service, which was originally supposed to integrate the former State Sanitary and Epidemiological Service as a result of its reorganization, and later, by Resolution of the Cabinet of Ministers of Ukraine No. 348 of March 29, 2017 [62], the latter was simply liquidated, with the State Production and Consumer Service being entrusted with the functions of implementing state policy in in the field of sanitary and epidemic well-being of the population and in the implementation of control (supervision) in compliance with the requirements of sanitary legislation (except for functions in the implementation of state policy in the field of epidemiological supervision (observation) and in the field of occupational hygiene and functions in the implementation of dosimetric control of workplaces and employee exposure doses).

An important element of the system of state management bodies in the field of food safety is the Ministry of Health of Ukraine – the main body in the system of central executive bodies for the formation and implementation of state policy in the field of health protection and the formation of state policy in the field of sanitary and epidemic welfare of the population. Its competence is determined by the "Regulation on the Ministry of Health of Ukraine" [180] according to which in the field of quality and safety of agricultural products the Ministry of Health of Ukraine in the field of sanitary and epidemic welfare of the population:

approves:

– state sanitary norms and rules, sanitary-epidemiological and sanitary-anti-epidemic rules and norms, sanitary-epidemiological rules and norms, anti-epidemic

rules and norms, hygienic and anti-epidemic rules and norms, state sanitary-epidemiological regulations, sanitary regulations;

– mandatory safety parameters of food products and other objects of sanitary measures, minimum specifications of the quality of food products, a set of rules and proper practice of their production in order to ensure an adequate level of protection of human health;

carries out state registration of cosmetic products that contain genetically modified organisms or obtained with their use;

coordinates the activities of executive authorities on issues of food safety and quality;

approves the lists:

– of food products, which usually represent a high and low risk for human health;

approves orders:

– registration of food additives and flavorings;

– conducting all types of testing, research, specialized assessment in the case of state sanitary-epidemiological examination, hygienic regulation and state registration of dangerous factors in non-food products, disinfectants, as well as the procedure for analyzing factors dangerous to human health at all stages of production and sale of non-food products.

Formation and implementation of state agrarian policy, state policy in the spheres of agriculture and issues of food security of the state, protection of rights to plant varieties, animal husbandry, crop production, development of rural areas, horticulture, viticulture, winemaking, food and processing industry (hereinafter referred to as spheres agro-industrial production), technical policy in the field of agro-industrial complex and machine building for agro-industrial complex, agricultural advisory activities, production and circulation of organic products (raw materials), monitoring and fertility of soils on agricultural lands, seed production and nurseries; formation and implementation of state policy in the spheres of fisheries and the fishing industry, protection, use and reproduction of aquatic biological resources, veterinary medicine, safety and certain quality indicators of food products, in the

spheres of quarantine and plant protection, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of land of all categories and forms of ownership, soil fertility is entrusted to the Ministry of Agrarian Policy and Food of Ukraine [130].

In its activities, the Ministry of Agrarian Policy and Food of Ukraine is guided by: the Constitution of Ukraine [95], the Law of Ukraine "On the Cabinet of Ministers of Ukraine" [200], the Law of Ukraine "On Central Bodies of Executive Power" [238], the Regulation on the Ministry of Agrarian Policy and Food of Ukraine [130] and other normative legal acts of Ukraine.

The organizational structure of the Ministry of Agrarian Policy and Food of Ukraine includes a number of structural subdivisions that manage the quality and safety of agricultural products.

The Directorate of Food Safety and Quality of the Ministry of Agrarian Policy and Food of Ukraine is an independent structural subdivision of the apparatus of the Ministry of Agrarian Policy and Food of Ukraine, which is formed to perform tasks related to ensuring the formation of state policy in the field of safety and certain quality indicators of food products, veterinary medicine, animal health and welfare, quarantine, plant protection. The Directorate develops proposals for the formation of state policy in the relevant spheres of competence of the Directorate, collects and systematizes statistical data, information received from industry associations, enterprises, institutions and organizations of all forms of ownership and subordination, public information provided by information managers in the relevant spheres of competence of the Directorate. It studies, analyzes, evaluates, compares the received information in order to identify certain patterns and trends, existing and potential problems and predict the further development of the situation in the relevant spheres of competence of the Directorate, classifies existing and potential problems according to the degree of risk, formulates proposals for alternative options for solving identified problems and/or preventing their aggravation, evaluates the benefits and risks for each such alternative option, determines priorities for the formation and implementation of state policy, develops concepts for the implementation of state policy in the relevant spheres of competence of the

Directorate, proposals for action plans regarding regulatory, financial, administrative-organizational, informational and communication support for the implementation of state policy in the relevant spheres of competence of the Directorate. Within the limits of competence, carries out monitoring and evaluating the results of the implementation of state policy in the relevant spheres of competence of the Directorate, according to the determined indicators of the achievement of the set goals, including the results of the activities of the central executive bodies, which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister, prepares proposals for the continuation, revision, adjustment of state policy in relevant spheres of competence of the Directorate, and performs a number of other functions [141].

The Department of Agrarian Policy and Agriculture includes the Department of Land Relations, Forest Resources and Fisheries, the Department of Crop Production, Seed Production, Horticulture and Viticulture, the Department of Animal Husbandry, the Department of International Integration in the Field of Technical Regulation, Sanitary and Phytosanitary Measures in the Agricultural Industry [138]. The main tasks of the Department are: participation in the formation of the main directions of development and implementation of state policy on agriculture, chemical and land reclamation, production of plant products, organic production in accordance with competence, horticulture, viticulture and winemaking, hops, seed production and nursery, in the field of rights protection on plant varieties; participation in the formation and implementation of state policy in the areas of protection of rights to plant varieties; participation in the formation of the main directions of development and implementation of state policy in the field of animal husbandry, breeding in animal husbandry, organic production of products of animal origin and beekeeping products; participation in the formation of state policy in the spheres of fishing and fishing industry, protection, use and reproduction of aquatic biological resources, regulation of fishing and navigational safety of fishing fleet vessels, forestry and hunting; participation in the formation of state policy in the field of state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of land of all categories and forms of ownership, soil fertility;

ensuring the implementation of functions in the field of technical regulation (standardization, metrology, certification, conformity assessment, quality management) in the agro-industrial complex; participation in the formation of state policy in the field of quality and safety management of agricultural products and requirements for the production of such products in order to adapt them to the legislation of the European Union; ensuring the generalization of the practice of applying legislation on issues within its competence, making and developing proposals for improving legislation and submitting them to the Ministry's leadership for consideration in the prescribed manner, organizing the implementation of legislative acts, carrying out systematic control over the implementation of legislative and regulatory acts on technical regulation, sanitary and phytosanitary measures; participation in the implementation of measures to ensure food security of the state; development and coordination of the implementation of national, regional and sectoral programs for the development of crop production and organic production in accordance with the competence of horticulture, viticulture, winemaking, hop production, seed production and the production of planting material, taking into account the conditions of the agricultural market and environmental requirements; development and coordination of the implementation of national and sectoral programs for the development of animal husbandry, breeding programs in animal husbandry; development of proposals for the optimization of the territorial placement of crop production and organic production in accordance with the competence of horticulture, viticulture, hops, seed production, nurseries, implementation of technological policy; ensuring the cooperation of the Ministry with the State Service of Ukraine for geodesy, cartography and cadastre on the formation of state policy in the field of topographic-geodetic and cartographic activity, land relations, land management, in the field of the State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance land legislation, use and protection of land of all categories and forms of ownership, soil fertility, the State Agency of Forest Resources of Ukraine in the field of forestry and hunting, the State Service of Ukraine for food safety and consumer protection in the fields of seed and nursery production, protection of rights to plant varieties, in the field of state supervision (control) of breeding affairs in

animal husbandry, identification and registration of animals; The State Fisheries Agency of Ukraine in the fields of fishery and fishery industry, protection, use and reproduction of aquatic living resources, regulation of fishing and navigational safety of vessels of the fishery fleet; implementation of the procedure of state management in the field of horticulture, viticulture, winemaking and hop-growing in accordance with the law, development of the procedure for importing planting material of foreign origin, not entered into the State Register of plant varieties suitable for distribution in Ukraine, promotion of the development of the internal and external market of fruits, berries, hops, grapes, wines and planting material; organization of implementation of legislative and regulatory acts on issues related to the competence of the Department, control over their implementation and some other tasks.

Department of International Cooperation. The main tasks of the Department are the implementation of the state agrarian policy in the field of international and foreign economic relations, participation in the development of proposals and improvement of decisions regarding its formation and implementation, coordination within the competence of the implementation of measures arising from the obligations undertaken by Ukraine within the framework of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand (hereinafter – the Association Agreement between Ukraine and the EU), and some others[139].

Department of Food. The tasks of this department are the formation and implementation of state policy in the food and processing industry and participation in the implementation of measures to ensure the food security of the state; participation in the formation of a strategy and the implementation of measures aimed at saturating the food market with products of the food and processing industry, and promoting it in foreign markets; participation in the implementation of measures aimed at protecting the interests of domestic producers of food and processing industry on foreign markets from unfair competition and the application of discriminatory conditions to their activities (here its tasks overlap somewhat with the tasks of the Department of International Cooperation); implementation of European legislation regulating the functioning of the food market to provisions of national

legislation within the framework of the Association Agreement between Ukraine and the European Union; ensuring cooperation with the State Service of Ukraine for food safety and consumer protection in the areas of prevention and reduction of the use of tobacco products and their harmful effects on the health of the population [140].

Until the end of 2013, the system of the Ministry of Agrarian Policy had central sectoral tasting commissions, which task was to assess the quality of certain products: the quality of alcohol, vodka, special vodka, liquor-vodka and low-alcohol drinks, the quality of confectionery, food concentrates, coffee, tea and drinks on their basis, evaluation of the quality of beer, non-alcoholic, low-alcohol drinks, mineral and drinking waters, syrups and concentrates, oil and fat products, baby food products, canned milk and juice products, meat and dairy products, bakery, flour confectionery and pasta products, ice cream. Today, the quality assessment functions of commissions have been transferred to specialized tasting commissions of manufacturing enterprises and their associations [221].

The department of agro-industrial development of regional state administrations is tasked with participating in the formation and implementation of state policy aimed at the development of the agro-industrial complex and ensuring food security of the region, for the purpose of which it performs the analysis of statistical indicators of the activity of the agro-industrial complex and provides relevant information to the Ministry of Economic Development, Trade and Rural Affairs farms to make decisions and implement measures that ensure an increase in the economic efficiency of the agro-industrial complex and allow ensuring the food security of the region at the appropriate level; coordinates the activities of agricultural commodity producers on determining their need for pesticides and agrochemicals and their actual arrival in the region; contributes to the organization of the production of raw materials and products for children's, dietary and preventive nutrition; submits proposals for draft regulations on the regulation of the market of agricultural products and food and performs other functions arising from the tasks assigned to it [54].

The State Service of Ukraine for Food Safety and Consumer Protection (State Consumer Protection Service) is a central executive body which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister

of Economic Development, Trade and Agriculture, and which implements state policy in the field of veterinary medicine, safety and individual indicators of the quality of food products, quarantine and plant protection, identification and registration of animals, sanitary legislation, sanitary and epidemic welfare of the population (except for the implementation of functions for the implementation of state policy in the field of epidemiological supervision (observation) and in the field of occupational hygiene and functions for the implementation of dosimetric control workplaces and worker exposure doses), metrological supervision, market supervision within the scope of their responsibility, seed production and nursery production (with regard to the certification of seeds and planting material), state supervision (control) in the field of the agro-industrial complex, state supervision (control) in the spheres of protection of rights to plant varieties, seed production and nurseries, state control over compliance with legislation on the protection of consumer rights and advertising in this area, over the quality of grain and its processing products, state supervision (control) over compliance biological and genetic safety measures for agricultural plants during the creation, research and practical use of a genetically modified organism in open systems at enterprises, institutions and organizations of the agro-industrial complex, regardless of their subordination and form of ownership, implementation of radiation control over the level of radioactive contamination of agricultural products and products nutrition [177].

An important element in ensuring the safety of agricultural products is the formation and implementation of a policy on the protection of the natural environment, ecological, biological, genetic and radiation safety, the regulation of relations regarding the distribution and use of pesticides and agrochemicals, the implementation of state environmental expertise, which has become a mandatory component of management, economic and other activities that affect the state of the natural environment and the health of the population. These functions were carried out by the Ministry of Ecology and Natural Resources of Ukraine (Ministry of Natural Resources) [179]. Scientific researchers did not mention this central body of executive power in the system of state management bodies in the field of quality and safety of agricultural products. However, in our opinion, the result of the performance

of the functions and tasks assigned to the ministry directly affects the category of quality and safety of agricultural products. This is ensuring the formation of state policy in the field of environmental and biological and genetic safety within the limits of the powers provided by law; handling of pesticides and agrochemicals, protection and rational use of land; state supervision (control) of compliance with the requirements of legislation on rational use, reproduction and protection of natural resources, reproduction and protection of land, environmental and radiation safety; compliance with biological and genetic safety requirements for biological objects of the natural environment during the creation, research and practical use of genetically modified organisms in an open system; implementation of state policy in the field of ecology and within the limits of the powers provided by law, biological and genetic safety, protection and rational use of land.

Proper protection of lands and soils, waters, among which surface waters provide 80 percent of the entire drinking water supply of Ukraine [212], from substances that lead to pollution, results in ensuring the appropriate level of ecological status of agricultural products produced from such natural resources, which is the main factor of sanitary and epidemiological well-being of the population.

An important step in protecting consumer rights and preserving the proper quality of agricultural raw materials and food products is the purposeful disposal of production waste and the ecological safety of raw materials and food products, in particular those that do not meet sanitary and hygienic requirements (excessive nitrate content, milk and meat of sick animals, etc.). Environmental safety and product quality must be ensured and regulated by law in inseparable unity, which is fully reflected today only in the Law of Ukraine "On Withdrawal from Circulation, Processing, Disposal, Destruction or Further Use of Low-Quality and Dangerous Products" [152]. The latter enshrines in Article 16 the powers of the central executive body for environmental protection and its local bodies in the field of removal from circulation of low-quality and dangerous products and their further treatment.

Certain changes took place in the system of executive authorities as a result of the administrative reform introduced by the Decree of the President of Ukraine dated 09.12.2010 No. 1085/2010 "On optimization of the System of Central Executive

Authorities" [209]. The consequence of the reform was the reorganization of the Ukrainian State Seed Inspection and the Ukrainian State Pomological and Ampelographic Inspection.

With the reform regarding the optimization of the system of central executive bodies, which was enshrined in the Resolution of the Cabinet of Ministers of Ukraine No. 442 of September 10, 2014 "On the Optimization of the System of Central Executive Bodies" [208], the government eliminated a number of state agencies and inspections, and created several new ones. The specified changes also affected the system of state management bodies in the field of quality and safety of agricultural products, as the State Inspection of Agriculture of Ukraine, based on the State Veterinary and Phytosanitary Service, the State Inspection for the Protection of Consumer Rights, and the State Sanitary and Epidemiological Service (later simply liquidated with the transfer of relevant powers [62]), the State Service of Ukraine for Food Safety and Consumer Protection was formed.

Thus, the current system of state bodies and institutions in the field of quality and safety of agricultural products, on the basis of the widely used definition of the system of management bodies in legal doctrine, should be defined as an internally organized set of structural elements that are interconnected and determined by the goal of implementing laws and other regulatory acts of the state in the field of quality and safety of agricultural products, and in order to achieve it, performs the relevant functions of regulation, supervision, planning, control and other types of executive and administrative activities.

When classifying the system of public administration bodies, it is also possible to use the classic two-level territorial structure: Cabinet of Ministers of Ukraine, ministries and central bodies of executive power, the second level – all other functioning bodies and territories of the respective region.

For most of the listed bodies, a common feature is that their performance of management functions in this area is only one of the many areas of activity of these state authorities or relate only to certain aspects of the development of relations to ensure the quality and safety of agricultural products.

1.3. Tasks of State Administration Bodies in the Field of Quality and Safety of Agricultural Products

Analyzing the practical content of management activity, which actually determines the role of state-authority subjects, it is important to note that the latter finds its manifestation through the implementation of powers granted by the state with the help of certain forms and methods of state management. Taking as a basis the general provisions of the theory of administrative law, it is possible to determine the specifics of the specified process of implementation of the activities of state administration bodies in the field of quality and safety of agricultural products against the background of other executive authorities.

Form is an external outline, appearance, contours of an object or an external expression of any content [252, p. 896]. Forms of management activity are directly or indirectly conditioned by those legal prescriptions by means of which the state regulates a certain type of activity.

The implementation of such tasks and functions, the forms of its implementation, depend entirely on the power structures formed to solve these tasks and their content. Based on the above, we agree with the opinion that the choice of appropriate forms should ensure the most targeted performance of management functions and the achievement of the corresponding goal with the least expenditure of effort, resources and time [16, p. 170].

The law-making form of management activity is important, with the help of which the authorized bodies of the executive power issue legal acts, thereby regulating relations related to the organization and functioning of the activities of state administration bodies regarding the quality and safety of agricultural products, control over legality in the sphere of the specified legal relations. Also, the specified form reflects the powers granted to the direct body regarding the practical implementation of the functions assigned to it to regulate activities. But in practice, some problems arise with regard to the specified type of activity, for example, general norms and rules of conduct formulated in special legislation are unable to regulate the relevant relations with a sufficient amount of detail, therefore there is a

need to establish norms of sub-legal nature in the process of the activities of executive authorities. This administrative rule-making is carried out in the form of issuing acts of a normative-legal nature, which establish the appropriate rules of appropriate or possible behavior in the sphere of public administration, which are designed for multiple use and have a typical, model character [142].

In accordance with the provisions of the Constitution of Ukraine, the Cabinet of Ministers of Ukraine, as the highest body in the system of executive authorities and, accordingly, as the highest management body of state administration in the field of quality and safety of agricultural products, is empowered to issue resolutions and orders within the limits of its powers, which are mandatory.

The Ministry of Agrarian Policy is the main body in the system of central bodies of executive power, which ensures:

forms and implements state agrarian policy, state policy in the spheres of agriculture and issues of food security of the state, protection of rights to plant varieties, animal husbandry, crop production, development of rural areas, horticulture, viticulture, winemaking, hops, food and processing industry (hereinafter referred to as spheres agro-industrial production), technical policy in the field of agro-industrial complex and machine building for agro-industrial complex, rural development, development of farming, agricultural cooperation, agricultural advisory activities, monitoring and soil fertility on agricultural land, seed production and nursery;

formation and implementation of state policy in the spheres of fishing industry, protection, use and reproduction of aquatic biological resources, regulation of fishing and navigation safety of vessels of the fishing fleet, in the field of topographical, geodetic and cartographic activities, land relations, land management, in the field of the State Land Cadastre, state supervision (control) in the agro-industrial complex in terms of compliance with land legislation, use and protection of land of all categories and forms of ownership, soil fertility;

formation and implementation of state policy in the field of national infrastructure of geospatial data;

formation of state policy in the field of supervision (control) in the system of engineering and technical support and innovative development of the agro-industrial complex;

formation and implementation of state policy in the field of land reclamation and operation of state water management facilities of complex purpose, inter-farm irrigation and drainage systems;

formation and implementation of state policy in the field of organic production, circulation and labeling of organic products;

formation and implementation of state policy in the field of safety and individual quality indicators of food products, quarantine and plant protection;

formation and implementation of state policy in the field of veterinary medicine.

Regulatory and legal regulation in the field of sanitary and epidemic well-being of the population is provided by the Ministry of Health of Ukraine: it approves state sanitary norms and rules, mandatory safety parameters and minimum quality specifications of food products, maximum permissible levels of residues of veterinary drugs and other pollutants in food products, lists of food products that usually pose a high and low risk to human health, as well as substances that are carcinogenic to humans [180].

An analysis of the state of implementation of the powers granted to the Ministry of Health of Ukraine in the researched area shows that the latter does not perform its rule-making function properly: a significant number of issues under its control still remain unsettled or settled at the level of acts of the USSR [94, p. 69-70]. Thus, no unified minimum quality specifications for food products (including agricultural products) have been approved; the maximum permissible levels of residues of veterinary drugs and other pollutants in food products are determined at the level of the Medical-biological requirements and sanitary norms of the quality of food raw materials and food products of August 1, 1989 [107]; updated requirements apply only in the field of regulating the concentration, quantity and levels of pesticides in agricultural raw materials and food products [59].

Close to law-making administrative activity is law-enforcing activity, carried out on the basis of expediency, justice and reasonableness, by competent subjects in issuing specific and individualized official regulations (individual regulation) and ensuring their issuance and actual implementation (enforcement of law) [34, p. 12].

E. Dodin writes about the objective necessity of law enforcement activities in the management process and the essence of individual regulation: "... Normative regulation is usually only the first first stage of legal regulation. A legal norm by itself does not always lead to the result for which it was created. To achieve that result, the activity of authorized subjects is also required, which consists in issuing the application of legal norms and acts as the second stage of regulation. Therefore, in individual (but not isolated) cases, the goal of legal regulation is achieved only in the presence of both a regulatory act and an act that extends general prescriptions to specific life situations..." [70, p. 23-24].

The issuance of individual (non-normative, administrative) acts of management is close to the normative, but not identical to it. The difference between them is that individual administrative acts establish, change or terminate specific administrative legal relations. According to the name, acts of application of the law can take the form of a decree, resolution, order, resolution, permit, act on the imposition of a fine, instructions, etc.

Thus, based on the results of the inspections, the inspectorates of Ukraine and their officials within their powers have the right to draw up inspection reports, protocols on administrative offenses, as well as to consider cases on administrative offenses, issue binding prescriptions (orders) and submit in the established according to the legislation of the order to the relevant bodies, the materials of inspections to bring the guilty persons to justice.

The positions of scientists are expressed regarding the independence of the form of administrative contracts as an element of the law-enforceable form of state administration, which provide for management and control functions and establish them at the legislative level.

The following types of administrative contracts are distinguished: founding administrative contracts; competence-delimiting administrative contracts; administra-

tive agreements on the delegation of powers; program-political administrative agreements on friendship and cooperation; contracts between state and non-state structures; contracts on civil consent; international agreements, etc. [116, p. 90; 15, p. 294, 35, p. 80].

In addition to the above, the signs of an administrative contract include: legal inequality of the parties, which is expressed in the exclusive powers of the managed party to the contract; public-legal nature of contractual obligations; imperatively defined terms of the contract according to the method of construction; the purpose of the contract is to satisfy public interests (dominance of public goals) [12, p. 383; 116, p. 90; 122, p. 398; 35, p. 80].

At the same time, the Code of Administrative Procedure defines an administrative contract as a bilateral or multilateral agreement, the content of which consists of the rights and obligations of the parties arising from the power management functions of the subject of power, which is one of the parties to the agreement.

The legislation does not directly provide for the conclusion of administrative contracts, but it is possible to perceive this institution as a form of management, a method of administrative regulation, and an act regulating contractual relations, therefore, such competence is indirectly defined in legislative acts or constituent documents of subjects [103]. Moreover, it still seems unclear to us what the substantive legal institution of an administrative contract does in the procedural code, which is the Code of Administrative Proceedings, how the legislator connects such contracts with judicial proceedings, and hence there is a need to adopt a corresponding law that would outline the competence of sub objects of contractual relations and established cases of application of administrative contracts.

In particular, contractual administration in the research topic acts as a means of supporting economic activity. The format of administrative-contractual relations, for example, can be used by executive authorities and local self-government bodies when assisting personal peasant farms (Article 10 of the Law of Ukraine "On Personal Peasant Farms"[218]):

in the organization of credit unions, agricultural service cooperatives in rural areas for the provision of services for harvesting, storage, processing and sale of agricultural products, joint use of technical and transport means and social and household services, provision of fodder and young livestock and poultry;

in the organization of activities for the provision of engineering and technical, veterinary, agronomic, zootechnical and other services, as well as services for the provision of varietal seeds, planting material, breeding and productive livestock, hybrids and crosses of poultry, agricultural machinery and equipment;

in the allocation of land plots as a single massif;

in obtaining loans for the construction of housing, farm buildings and structures, the purchase of agricultural machinery and equipment;

in the organization of professional training and retraining of members of the personal peasant economy in rural areas.

In continuation of the list, in the regulations on state administration bodies, their rights are spelled out in accordance with the established procedure to engage on a contractual basis employees of central and local executive bodies, as well as local self-government bodies, enterprises, institutions and organizations (in agreement with their managers) for the purpose of carrying out assigned tasks tasks.

Law enforcement activity, as an independent type of administrative activity of management bodies in the field of quality and safety of agricultural products, includes non-jurisdictional (operational-executive) and jurisdictional (law enforcement) activities.

The first group represents measures of an organizational and methodical nature, which are closely intertwined with such management methods as coordination, control, planning, registration and permitting actions, and explanatory work. Their purpose is to solve specific tasks that arise in the process of functioning and organization of the management system and issues of an organizational nature related to the realization of citizens' rights to quality and safe products.

The second group concerns the protection and provision of rights, interests of citizens, subjects of business activity and the state, combating offenses and monitoring compliance with legislation on the quality and safety of agricultural products.

Within this type of activity, it is proposed to distinguish law-enforcement, preventive, punitive and restorative functions [143].

Analyzing the forms of state management in the field of quality and safety of agricultural products, it is necessary not to leave aside the methods of state management, which find their expression in the form of state management, through the interaction of subjects and objects of management, the connections that have formed between them.

State management methods should be understood as methods of direct influence of state management bodies and officials authorized to do so on subordinated management objects [21, p. 123].

It should be noted that each legal form of management involves the use of several methods, on the other hand, each specific method can be applied in several forms of management. The optimally chosen methods will determine how effective the activity of the management body will be. Therefore, we come to the conclusion that the forms and methods of management are closely related and interact with each other and their separate existence is impossible [269].

From the presented material, it is possible to follow a clear representation of the control powers of management bodies.

In the legal literature, control is most often considered as a function of state bodies. In particular, O. Andriyko claims that control is a management function, which is characterized by a system of supervision and verification of compliance of the object's functioning process with the adopted management decisions, detection of the results of the subject's influence on the object, and correction of permitted deviations [24].

Control can be defined not only as a key function of state administration, but also as a certain type of management activity for the functioning of the entire system, as a mechanism for evaluating management decisions. It makes it possible not only to adjust management activities, but also to predict prospects for further development and achievement of a specific result [73].

I. Stefaniuk believes that control is a check of compliance and implementation of normatively established tasks, plans and decisions. With such a characteristic,

firstly, the functional purpose of control is emphasized; secondly, the fact that it arises, first of all, at a specific stage of the management process; thirdly, the fact that it is carried out by all subjects of state administration [254, p. 133].

According to Yu. Bytyak, V. Bogutskyi, V. Harashchuk, control can be characterized as a component (element) of management that ensures systematic verification of the implementation of the Constitution, laws of Ukraine, other regulatory acts, compliance with discipline and law and order, and consists in the intervention of control bodies in the operational activities of controlled bodies, providing them with mandatory instructions, suspension, change or cancellation of management acts, taking coercive measures against controlled bodies [18, p. 242].

Supervision (control) increases the effectiveness and efficiency of all management functions. It helps implement laws and other legal acts aimed at ensuring the quality and safety of agricultural products, provides an opportunity to identify gaps in the legal regulation of such relations, deficiencies in organizational and economic work related to the production of high-quality and safe agricultural products.

An established system of state supervision (control) in the field of quality and safety of agricultural products helps to timely identify and eliminate errors and shortcomings in this field, forces all parties to fulfill their direct duties consistently, increases the sense of responsibility of managers at all levels for the state of affairs in economic activity regarding the production of high-quality and safe agricultural products.

State bodies supervise compliance with standards, norms, and rules related to the quality of products, primarily agricultural, livestock and crop production, food, including products that have passed certification for compliance with the standards, norms, and rules in force in Ukraine.

In the field of quality and safety of food products, state control is defined as the activity of the competent body, its territorial bodies, state inspectors, state veterinary inspectors, assistants of the state veterinary inspector and authorized persons, which is carried out with the aim of checking the compliance of the activities of market operators with the requirements of the legislation on food products, feed, animal health and welfare, as well as elimination of the consequences of non-compliance and

prosecution for violations of the relevant requirements. State control also includes the activity of checking compliance with the legislation on by-products of animal origin during the import (forwarding) of such products to the customs territory of Ukraine (Article 1 of the Law of Ukraine "On State Control of Compliance with the Legislation on Food Products, Feeds, By-products of Animal Origin, Health self and animal welfare) [165].

In accordance with the Constitution of Ukraine [95] and the Law of Ukraine "On the Cabinet of Ministers of Ukraine" [200] the Cabinet of Ministers of Ukraine as the highest body of the state executive power exercises its control powers in the process of implementing economic, social, and agricultural development programs of Ukraine as a whole and its individual regions; implementation of economic policy, the components of which are industrial and agrarian policy; implementation of policy in the field of nature protection, ecological safety, nature management; foreign economic activity of Ukraine and customs affairs; management of the work of ministries, committees and other bodies of state executive power.

According to Article 20-2 of the Law of Ukraine "On Environmental Protection" [220] environmental and radiological control of goods and vehicles moving across the customs border of Ukraine is carried out by territorial bodies of the State Environmental Inspection of Ukraine in the relevant territory.

Radiological control is carried out for the purpose of monitoring compliance with the requirements of current legislation when moving radioactive substances and nuclear materials across the state border. This type of control is mandatory for all types of goods, except for goods that are transported by pipeline transport.

Radiological control is one of the measures to minimize the consequences of radioactive contamination and is particularly relevant for Ukraine in connection with the Chernobyl disaster. As a result of the latter, the regions of Kyiv, Zhytomyr, Chernihiv, Rivne and Volyn regions were the most affected. Almost 40% of the forest areas of Ukraine are concentrated in these regions, which account for significant volumes of wood harvesting, food and technological raw materials [251].

Cargo containing industrial raw materials, production waste, plant protection products, plant growth stimulants, fertilizers are subject to ecological control; all

types of fish, wild animals and plants, zoological, botanical, mineralogical collections, hunting trophies [198].

Currently, the legislation of Ukraine defines state supervision (control) as the activity of legally authorized central bodies of executive power, their territorial bodies, state collegial bodies, bodies of executive power of the Autonomous Republic of Crimea, local self-government bodies within the limits of the powers provided for by law, in order to detect and prevent violations of requirements legislation by business entities and ensuring the interests of society, in particular, the proper quality of products, an acceptable level of danger for the population, and the natural environment [213]. From the analysis of this definition (in terms of the bodies authorized to implement it and directly their powers), it can be concluded that local self-government bodies should also be entrusted with supervisory powers in the field of economic activity in order to ensure the interests of society, in particular, the proper quality of products, as noted by V. Murza in his article on the essence and significance of self-government supervision in the state [113, p. 66-67].

Thus, it is possible to propose to classify the exercise of control powers by management bodies according to the objective criterion:

- product control during export-import operations (measures in customs control zones)
- product control at facilities where agricultural products are produced
- control of agricultural products in circulation, in particular, and in agro-food markets (including such conditions of use as storage, transportation, display for sale and preparation, in case of fulfillment of which the safety of the product is guaranteed).

A significant part of management activities in the field of quality and safety of agricultural products is embodied in the implementation of various organizational measures, the implementation of material and technical actions, the purpose of which is to maintain the management process (carrying out statistical, clerical operations, clarification of legal acts), as well as in the provision of administrative services. According to the current legislation, administrative services are the result of the exercise of authority by an authorized entity, which, in accordance with the law,

ensures the legal registration of the conditions for the realization of rights, freedoms and legal interests by individuals and legal entities at their request (issuance of permits (licenses), certificates, holding registration, etc.) [234, 145]; the result of the exercise of authority by the entity providing administrative services at the request of a natural or legal person, aimed at acquiring, changing or terminating the rights and/or obligations of such a person in accordance with the law. The provision of administrative services is related to ensuring the creation of conditions for physical and legal entities to exercise their rights, freedoms and legitimate interests [234].

V. Aleksandrov, V. Gusev cite the following most common services provided by state authorities:

- services for state registration of various types of activities;
- services for licensing of certain types of activities;
- expert services in various spheres of activity;
- services for certification of entities that carry out certain activities;
- consulting services on various issues;
- reference and information services provided by state authorities at the request of the population;
- services for providing various types of permits, agreements, etc.;
- services for the organization of tenders and competitive procedures;
- services for professional development, training and retraining of personnel of state authorities [22, p. 212, 33].

O. Strelchenko singles out the following groups of administrative services:

- 1) issuance of licenses, permits and other documents of a permissive nature, certificates, certificates;
- 2) registration (facts, subjects, rights, objects, in particular legalization of subjects and acts (documents), notarization, verification);
- 3) other types of activities, regardless of the name, as a result of the implementation of which a certain legal status and/or fact is granted or confirmed to interested individuals and legal entities, as well as objects owned, possessed and used by such persons [255, p. 174–175; 33].

Bondar O.H. reveals the concept of administrative services in the field of agriculture – this is a state service provided by the State Agricultural Inspection or a body authorized by it (territorial bodies or enterprises, institutions that are part of the State Agricultural Inspection), clearly established by law and aimed at the implementation and protection of the rights and legitimate interests of economic entities in agriculture [33]. It is worth agreeing with this statement, with its extension to all state administration bodies in the field of quality and safety of agricultural products, taking into account the fact that the inspection mentioned by the author has ceased to exist for the time being, but the provision of administrative services in one or another organizational and governmental form has not stopped.

Conclusions to Section 1

The chapter examines the general principles of administrative and legal regulation of the activities of state bodies in the field of providing high-quality and safe agricultural products by defining the main categories of "ensuring the quality and safety of agricultural products", "the system of state management bodies in the field of quality and safety of agricultural products" and the components of administrative and legal status of state administrative entities, which reflects the powers of the relevant bodies and actually forms the structure of this scientific research.

It was determined that the need for dynamic development of relations in the field of production of high-quality and safe agricultural products traditionally determines the importance of the factor of state regulation of the industry by legislative and executive authorities. The activity of the former consists in comprehensive regulation of the sphere of production of agro-industrial products by forming a legal field for the development and proper functioning of the agricultural sector, which can be called formal regulation, and the function of actual regulation of the field of quality and safety of agricultural products is assigned to state administration bodies, which are bodies of the executive branch of government.

Implementation of the goal of ensuring food security of Ukraine, which is one of the main functions of the state and has strategic importance, since the national security of Ukraine depends on it, and its component – food security, is inseparable

unity with the provision of which the functions and tasks of state administration bodies in the sphere of quality and safety of agricultural products.

It was established that when defining the concept of food security, attention is primarily paid only to the problem of food availability, while not taking into account the connection with its quality and safety.

Thus, supporting one or another definition of the concept of food security, which is debatable in the literature, we believe that it is necessary to distinguish, first of all, concepts that include not just the provision of the necessary volume and range of products, but the provision of high-quality, safe and nutritious plant and animal food products

The role and importance of state management bodies in the field of quality and safety of agricultural products is clarified by highlighting the features of the subject of management. Based on the understanding of agricultural products as those that fall under the definition of groups 1-24 of the Ukrainian classification of goods of foreign economic activity – this is a large number of commodity items, which includes all products of plant and animal origin – live animals, milk and dairy products, fishery products, alcoholic and non-alcoholic beverages and vinegar, tobacco and its substitutes, spices, teas, coffees, cereals, vegetables and some edible roots, food industry residues and waste, animal feed, etc.

This indicates a significant number of direct and indirect directions of managerial influence in the field of quality and safety of agricultural products – state control over compliance with land legislation, soil fertility, seed production and nursery production, protection of rights to plant varieties, operation and technical condition of agricultural machinery, compliance with measures of biological and genetic safety, quality and safety of agricultural products, compliance with wine production rules; the variety of legal relationships subject to such influence; the need to constantly update and maintain the large-scale regulatory field at the proper level, a wide list of specific requirements and norms, the purpose of which is to ensure product safety.

The separation of the indicated link of the system of state authorities, first of all, takes place according to the goals, tasks, and functions that make up the target block of the administrative-legal status.

The definition of "sectoral bodies of state administration" records the separation of a certain group, outlines an independent subjective composition, which is an organizational-structural block of administrative-legal status.

The concept of the system of state administration bodies in the field of quality and safety of agricultural products is structurally organized and legally established subjects of authority that direct their activities to ensure compliance with legislation in the field of quality and safety of agricultural products by interacting with each other and fulfilling the tasks assigned to them functions: regulation, supervision, forecasting, planning, control and other types of executive and administrative activities.

The conducted research allows us to propose a definition of the concept of the system of management bodies in the field of quality and safety of agricultural products – an internally organized set of structural elements, which is interconnected and determined by the purpose of implementing laws and other regulatory acts of the state in the field of quality and safety of agricultural products, and performs for it achieving the relevant functions of regulation, supervision, forecasting, planning, control, permitting and other types of public service activities.

Depending on the place in the structure of the executive power, the latter is a structure of the following levels: the Cabinet of Ministers of Ukraine, the Ministry of Agrarian Policy and Food of Ukraine, the Ministry of Health of Ukraine, other central bodies of the executive power.

When classifying the system of state administration bodies, it is also possible to use the classic two-level territorial structure: the Cabinet of Ministers of Ukraine, ministries and Central Committee of the Central Government, the second level – all other functioning bodies and territories of the respective region.

The foregoing allows for the formation of goals for the functioning of state administration bodies in the field of quality and safety of agricultural products, which organically combine the goal of economic growth and protection of the rights of citizens as consumers of products and services defined by constitutional provisions.

Based on the analysis of the environment of the functioning of state administration bodies, the tasks of state bodies within the framework of ensuring the quality and safety of agricultural products are outlined:

ensuring regulatory and legal regulation of production by enterprises and organizations of high-quality and safe agricultural products, which will be competitive not only on the domestic, but also on foreign markets, and their circulation;

meeting the demand for high-quality and safe products;

informing and providing explanations regarding the implementation of state policy regarding the provision of high-quality and safe agricultural products;

summarizing the practice of applying legislation in the relevant field and developing proposals for its improvement;

protection against falsified, low-quality, dangerous agricultural products;

preservation and restoration of environmental safety (implementation of the ecological function of the state);

ensuring the stable development of the agricultural sector of the country's economy and its entry into the international market of agricultural products as a reliable supplier of quality products that meet international safety criteria (implementation of the economic function of the state).

The peculiarity of the determining influence and the structure of the management mechanism in the field of quality and safety of agricultural products is the system of organizational and legal methods and forms of state-management influence on relations in this field, through which powers are exercised (competent block of administrative and legal status).

When examining in detail the powers of management bodies in the field of quality and safety of agricultural products, law-making, contractual administration, and law-enforcing forms are distinguished. The latter is divided into non-judicial and judicial (law enforcement, preventive, punitive and law enforcement functions) forms of activity.

The dominant role of control powers, which collectively form the key function of state management in the field of quality and safety of agricultural products, is highlighted, which are proposed to be classified according to the subject criterion:

– product control during export-import operations (measures in customs control zones)

- product control at facilities where agricultural products are produced
- control of agricultural products in circulation, in particular, and in agro-food markets (including such conditions of use as storage, transportation, display for sale and preparation, in case of fulfillment of which the safety of the product is guaranteed).

A significant part of management activities in the field of quality and safety of agricultural products is embodied in the implementation of various organizational measures, the implementation of material and technical actions, the purpose of which is the maintenance of the management process (performance of statistical, clerical operations, clarification of legal acts), as well as in the provision of administrative services, of which two most important groups are highlighted in the work: implementation of registration actions and issuance of permit documents.

SECTION II. LEGAL ENTITY OF STATE ADMINISTRATION BODIES IN THE FIELD OF QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS

2.1. Legislative Basis for Exercising the Powers of State Administration Bodies in the Field of Quality and Safety of Agricultural Products

The principle of the rule of law proclaimed in the Constitution of Ukraine means that all the behavior of state bodies and officials must meet the requirements of the law, which is the embodiment of the highest justice. State leadership should be carried out not through voluntary orders, but through the implementation of legal guidelines. The most important social relations are regulated by laws.

Paragraph 12 of Article 92 of the Constitution of Ukraine states that the organization and activity of executive bodies, the foundations of public service, the organization of state statistics and informatics are determined exclusively by the laws of Ukraine.

The legislative framework regulating the activities of state administration bodies in the field of quality and safety of agricultural products includes regulatory documents of various purposes.

The broadest group consists of legislative acts of a general nature, the main role of which is assigned to the Constitution of Ukraine. In particular, the Basic Law of Ukraine was the decisive step in establishing the principles of public administration, where Chapter VI defines the system and general powers of executive bodies, the procedure for their formation and reorganization.

According to Art. 113 of the Basic Law, the highest body in the system of executive authorities in its activities is guided by the Constitution and laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine [95].

Thus, the organization, powers and order of activity of the highest body in the system of executive authorities are determined by the Law of Ukraine "On the Cabinet of Ministers of Ukraine" [200].

The main powers of the Cabinet of Ministers of Ukraine as a management body in the field of quality and safety of agricultural products are disclosed in detail in Art. 20 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine". In the sphere of economy and finance, the Cabinet of Ministers of Ukraine ensures the protection of consumers' rights and improvement of their quality of life, the food security of the state, conducts the state agrarian policy, in the sphere of health care – the implementation of the state policy to ensure the sanitary and epidemiological well-being of the population, and is vested with control powers for compliance with legislation by executive power bodies, their officials, as well as by local self-government bodies in matters of implementation of delegated powers of executive power bodies in the field of legal policy, etc.

Article 18 of the Law of Ukraine "On the Council of Ministers of the Autonomous Republic of Crimea" [226] defines the powers of the Council of Ministers of the Autonomous Republic of Crimea in the field of agriculture, including the implementation of measures to increase the volume of production and improve the quality of agricultural products.

The organization, powers and procedure of activity of the central bodies of executive power of Ukraine, which includes the Ministry of Economic Development, Trade and Agriculture of Ukraine, are defined by the Law of Ukraine "On Central Bodies of Executive Power" [238].

In order to create the necessary prerequisites for ensuring compliance with the quality and safety requirements of agricultural products, a system of technical regulation is functioning in Ukraine. The Laws of Ukraine "On the Basic Principles and Requirements for the Safety and Quality of Food Products" [216], "On State Control over Compliance with the Legislation on Food Products, Feed, Animal By-Products Origin, Health and Welfare of Animals" [165] "On the Protection of Consumer Rights" [195]; "On Plant Quarantine" [201]; "On Standardization" [232]; "On Technical Regulations and Conformity Assessment" [235]; "On Veterinary Medicine" [148]; "On Ensuring Sanitary and Epidemic Welfare of the Population" [170]; "On State Regulation of Import of Agricultural Products" [163]; "On the System of Engineering and Technical Support of the Agro-industrial Complex of

Ukraine" [228], "On standardization" [232] regulate the national system of technical regulation in the field of quality and safety of agricultural products.

The powers of state supervision (control) bodies in the sphere of economic activity are determined by the Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity" [213]. According to some scientists, with the entry into force of this law, the effectiveness of the system of technical regulation and consumer policy has significantly decreased. Some provisions of this Law provide an opportunity for unscrupulous subjects of economic activity to avoid state supervision checks for compliance with the requirements of standards, norms and rules, to hide low-quality, dangerous and counterfeit products [105, p. 25].

The Law of Ukraine "On Administrative Services" [145] defines the basic principles of activity of entities providing administrative services, rights and obligations of individuals and legal entities in relation to receiving administrative services.

The Law of Ukraine "On the Permit System in the Field of Economic Activity" [169] defines the legal and organizational principles of the functioning of the permit system in the field of economic activity and establishes the procedure for the activity of permit authorities authorized to issue permit documents and state administrators. On April 9, 2014, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Reduction of the Number of Permitting Documents" [155], which makes changes to the entire concept of the permitting system of Ukraine, because the last one canceled 19 out of 44 permitting documents in agriculture, fisheries, forestry and in the field of land relations. The adopted Law introduced significant changes and additions to a number of agricultural laws, in particular, it affected the separate powers of management bodies in the field of quality and safety of agricultural products:

– in the Law of Ukraine "On Plant Protection" [196], from the main tasks of state control in the field of plant protection, the implementation of state control over:

- a) compliance with the regulations on the use of pesticides and agrochemicals (only plant growth regulators),
- b) compliance with the requirements of quality certificates

of protection means is excluded from the main tasks of state control in the field of protection of plants imported into the territory of Ukraine, c) the content of residual amounts of pesticides, agrochemicals and heavy metals in agricultural products and raw materials of plant origin. The following activities are no longer within the competence of the central executive authorities: determination of the range and volume of production of plant protection products by the domestic industry, coordination of their import purchase, control over wholesale and retail trade of plant protection products; approval of the range of plant protection products, technical conditions for their production and use, the plan for state testing and registration of plant protection products, the list of pesticides approved for use in Ukraine, the range of pesticides imported into Ukraine; issuance of approval for the importation of plant protection products into the territory of Ukraine;

– from the Law of Ukraine "On Grain and the Grain Market in Ukraine" [199], the norms regarding the mandatory certification of the quality of grain and its processing products for the implementation of export-import operations with grain and its processing products and the movement of grain and its processing products through the territory of Ukraine were removed (Article 21), as well as the mandatory certification of grain storage services and its processing products was canceled (Article 11);

– The Law of Ukraine "On Quarantine of Plants" [201] excludes provisions on the implementation of quarantine supervision of imported plants (Article 44), as well as changed the phytosanitary procedures of cargoes at customs of destination, etc.

An important step in protecting consumer rights and preserving the proper quality of agricultural raw materials and food products is the purposeful disposal of production waste and the ecological safety of raw materials and food products, in particular those that do not meet sanitary and hygienic requirements (excessive nitrate content, milk and meat of sick animals, etc.). Environmental safety and product quality must be ensured and regulated by law in inseparable unity, which is fully reflected today only in the Law of Ukraine "On Withdrawal from Circulation, Processing, Disposal, Destruction or Further Use of Low-Quality and Dangerous Products" [152].

The framework is the Law of Ukraine "On the Basic Principles and Requirements for the Safety and Quality of Food Products" [216], which establishes the legal principles for ensuring the quality and safety of food products, food raw materials for the health of the population, regulates relations between executive authorities and producers, sellers (suppliers and consumers) during development, production, import into the customs territory of Ukraine, procurement, supply, storage, transportation, sale, use, consumption and disposal of food products, food raw materials, as well as provision of services in the field of public catering.

Based on the concept of agricultural products (agricultural goods), which is given in the Law of Ukraine "On the Customs Tariff of Ukraine" [203], a group of laws should be distinguished for certain types of products and compliance with the requirements of which is checked during the implementation of state supervision (control) measures in terms of quality and safety of agricultural products: "On State Regulation of the Production and Circulation of Ethyl Alcohol, Cognac and Fruit Alcohol, Alcoholic Beverages and Tobacco Products" [161]; "On Milk and Dairy Products" [205]; "On Fish, Other Aquatic Living Resources and Food Products from Them" [227]; "On Grain and the Grain Market in Ukraine" [199]; "On Beekeeping" [146]; "On State Regulation of Sugar Production and Sale" [162]; "On Drinking Water and Drinking Water Supply" [223]; "On Grapes and Grape Wine" [153], etc.

The domestic legislation shows a trend that was abandoned several decades ago in the EU, which applies the principle of "horizontal regulation". This means that they do not set requirements for each individual product, which, for example, are set forth in the last mentioned group of laws for individual types of products, but mostly establish uniform rules for all types of products. In addition, standards for each individual type of product remain in Ukraine – this situation of technical regulation creates, in some cases, inhibition of the economy, creation of unjustified technical barriers in trade [105, p. 25].

In order to bring the provisions of the Law of Ukraine "On Seeds and Planting Material" into compliance with the Law of Ukraine "On the Permit System in the Field of Economic Activity" and to adapt it to the requirements of the WTO and the EU in terms of the introduction in Ukraine of the Organization for Economic

Cooperation and Development Seed Varietal Certification Scheme, The Law of Ukraine of October 2, 2012 "On Seeds and Planting Material" [206] is set out in a new version. This Law defines the basic principles of production and circulation of seeds and planting material, as well as the procedure for state control over them.

It is necessary to highlight legislative acts on the regulation of state supervision (control) in terms of compliance with land legislation, use and protection of land of all categories and forms of ownership, because the rational use of natural resource potential plays an important role in ensuring the quality and safety of agricultural products. The quality of the soil significantly affects the indicators of the quality of crop production, and in the future, due to the quality of the fodder, it affects the products of the livestock industry. Legal regulation of the specified issues regarding the rational use and protection of land and, accordingly, ensuring the established level of soil quality in the production of agricultural products is regulated by the legal norms of the Land Code of Ukraine [83], the Law of Ukraine "On Land Protection" [219], the Law of Ukraine "On State Control on Land Use and Protection" [164], the Law of Ukraine "On Land Reclamation" [202], etc.

The use of the latest technologies in the production of products has led to the spread in the production of products of genetic engineering – genetically modified organisms (organisms into the genome of which, using genetic engineering methods, functional foreign genes or sections of DNA have been introduced).

They and their components are actively used in the production of food products, various agricultural products, medical and household products. And it is the use of GMOs during the production of these products that generates the most discussions in society. After all, a number of studies (very controversial, it must be admitted) carried out by scientists in terms of the use of the mentioned products, testify to the negative consequences of their use, and to the possible threat that they can pose to the biological safety of the global population, because under the influence of GMOs, allegedly, established ecosystems are destroyed and the human gene pool is destroyed [260].

A specialized legal document regarding the use of GMOs is the Law of Ukraine "On the State System of Biosafety in the Creation, Testing, Transportation

and Use of Genetically Modified Organisms" [167] of May 31, 2007 No. 1103-V was adopted, which regulates relations between executive authorities, manufacturers, sellers (suppliers), developers, researchers, scientists and consumers of GMOs and products.

This document announced the establishment of a biological safety system, the need for which arises in connection with the implementation of genetic engineering activities in Ukraine and abroad, the results of which in the form of genetically modified organisms can cause harm to human life and health, as well as negatively affect the environment.

The use of GMOs in agricultural production and, accordingly, obtaining agricultural products based on this technology requires an extremely balanced approach, taking into account the existing potential risks for the environment and human health. The lack of sufficient comprehensive scientific research (including the use of time factors of influence) with the appropriate set of statistical information of the required level of probability regarding the negative consequences of the use of GMOs requires clear legal regulation [36, c. 92].

According to the Law of Ukraine "On Amendments to the Law of Ukraine "On the State System of Biosafety in the Creation, Testing, Transportation and Use of Genetically Modified Organisms" [158] of January 19, 2010 No. 1804-VI, Chapter II was supplemented by Article "11-1 Authority of the Central of the executive authority on matters of veterinary medicine".

Later, in connection with the joining of the State Veterinary and Phytosanitary Service to the State Production and Consumer Service, the mentioned article of the Law was amended and set out in the wording "11-1 Powers of the central executive body implementing the state policy in the field of food safety", however, as we know, changes may continue, but the function itself will be preserved under the auspices of one or another body.

According to the specified article, the central executive body that implements the state policy in the field of food safety carries out the state registration of GMO sources of feed, feed additives and veterinary drugs; approves the list of feeds, feed additives and veterinary drugs, in which the content of GMOs is controlled, and the

list of relevant methods of detection and identification of GMOs, monitors feeds, feed additives and veterinary drugs obtained with the use of GMOs, based on the criterion of the presence of registered GMO sources in them.

The issue of ensuring control over the conduct of research related to genetically modified microorganisms is considered in Art. 14 of the Law of Ukraine "On the Protection of the Population from Infectious Diseases" [194] of April 6, 2000 No. 1645-III, which states that enterprises, institutions, organizations, regardless of ownership, their structural divisions (laboratories) in which research is conducted, related to the creation of new and genetically modified microorganisms and biologically active substances, are subject to mandatory registration in a specially authorized central body of the executive power for health protection in order to exercise state control over the conduct of such research.

The Law of Ukraine "On the State System of Biosafety in the Creation, Testing, Transportation and Use of Genetically Modified Organisms" [167] is quite formalized and, therefore, cannot really guarantee the biosafety it refers to. Regardless of the specified legislative framework, today there is a need to introduce a system of strict control over the use of such products, and to develop and adopt special laws in Ukraine, among which the important one should be "On the Control System and Implementation of Expertise in the Field of Creation and Use of Products Containing GMOs or Their Components" [260].

In order to improve the health of the population, preserve the natural environment, rational use of soils and other natural resources in the process of agricultural production, on September 3, 2013, the Law of Ukraine "On the Production and Circulation of Organic Agricultural Products and Raw Materials" was adopted [154], which acquired entered into force on January 10, 2014 and has ceased to be in effect for the time being, having been amended by the following legislative act [217]. This Law determined the legal and economic basis of production and circulation of organic agricultural products and raw materials, state policy and powers of state authorities in the field of production and circulation of organic products and raw materials, measures to control and supervise such activities. The current law also copes with this function, but contains somewhat unfortunate, in our

opinion, wording, such as the term "inorganic production", "inorganic ingredient" which contradicts the fundamental division of chemical compounds into organic ones, that is, those containing hydrocarbon compounds, and those that are not organic. In addition, the terms "organic production" and "organic products" refer to each other in a circle, which in the end, in principle, does not give an opportunity to find out what, in the end, organic products are from the point of view of the authors of the law.

The Law provided that the central executive body was to develop detailed rules for the production and circulation of organic products (raw materials), appoint bodies for assessing the conformity of production of organic products (raw materials), organize the training and attestation/accreditation of certification auditors, organize state supervision of work for conformity assessment by the designated conformity assessment bodies, to determine a graphic image of the State logo to indicate "organic product", to introduce a register of producers of organic products (raw materials) and to ensure the publication of official information about persons engaged in the production and sale of organic products (raw materials).

Soon, on 22.07.2014, the framework legislation was adopted, which changed the national system of control of production and circulation of food products in accordance with EU requirements. As a basis and in general, the Parliament of Ukraine adopted the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Food Products" [156]. The tasks of the latter are to improve the terminology in order to ensure harmonization with the EU legislation, to clarify the provisions regarding the types of offenses and the degree of punishment, to create a single control body for all food products, to cancel the permit procedures that do not exist in the EU, to introduce European principles for the regulation of GMOs, to establish detailed requirements to the procedures of state control of food products on the market of Ukraine and imported products in accordance with European practice, establishment of a self-regulation mechanism by market operators based on the general requirements of the legislation on food hygiene.

An important element of the organic production development system was the Law of Ukraine "On Basic Principles and Requirements for Organic Production,

Circulation and Labeling of Organic Products" [217], which consistently promotes the sub-sector of organic production in agriculture, which constitutes a separate complex of legal relations, due to the allocation of a parallel a complex of industries, such as organic crop production (including seed production and nursery production); organic animal husbandry (including poultry, beekeeping); organic mushroom growing (including the cultivation of organic yeast); organic aquaculture; production of organic seaweed; production of organic food products (including organic winemaking); production of organic fodder; harvesting organic objects of the plant world.

The powers of the central body of executive power, which implements state policy in the field of safety and certain quality indicators of food products, in the field of organic production, circulation and labeling of organic products, include, first of all, the implementation of state control (supervision) of compliance by market entities of organic products products of legislation in the field of organic production, circulation and labeling of organic products.

So, to date, quite a large number of legislative acts have been developed and put into effect, which collectively form the legal field of activity of state management bodies in the field of quality and safety of agro-food products. At the same time, draft laws related to the quality and safety of agricultural products are in the process of being examined or read in the Verkhovna Rada of Ukraine. In general, the legislative process in Ukraine today is focused on bringing national legislation into compliance with international requirements defined by international agreements. Such are, for example, the already mentioned Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labeling of Organic Products" [217], Law of Ukraine "On Safety and Hygiene of Feeds" [147], adopted last year in 2018. At the same time, in the Law "On National Security of Ukraine"[207], adopted in the same year, we have a rollback and the loss of the concept of food security as an area of inational security.

2.2. Acquisition and Implementation of Powers of State Administration Bodies in the Field of Quality and Safety of Agricultural Products

A special legal component of the organization and activity of state administration bodies in the field of quality and safety of agricultural products is the system of subordinate legal acts, which, along with laws, play an auxiliary, detailed role in the regulation of social relations and contribute to the implementation of proper administration in the specified field.

The concept of subordinate regulatory legal acts, which make up, by the way, the majority of both Ukrainian and foreign legislation, is understood as "acts adopted by competent state authorities or other entities authorized by the state on the basis of the law, in accordance with the law and in order its implementation" [257, p. 220], "legislative acts of competent bodies, which are based on the law and do not contradict it... are endowed with less legal force than laws, they are based on the legal force of laws and cannot oppose it" [268, p. 244], "an act issued in accordance with the law, on the basis of the law, to specify legislative orders and their interpretation or establish primary norms" [248, p. 335], "a collective legal category that expresses one general property of a large, the largest group of normative legal acts issued by subjects of executive and administrative activity in Ukraine, according to which their content must be based on the provisions of the law and not contradict it » [46, p. thirteen].

Note that in Soviet times, the resolutions of the Government, ministries and departments were the most common sources of agrarian (agricultural) law. The majority of relations in agriculture were regulated not by laws, but by-laws, which included separate and joint administrative acts of party, trade union and Soviet bodies in various combinations and configurations, among the latter the predominant ones were orders and other normative acts of ministries and as it was archaically called then – departments Despite the fact that agriculture was a significantly important sphere of social relations, close to agricultural producers – collective farm workers and workers of state farms, regulatory regulation of agrarian relations was the most centralized, built on the mobilization principles of the planned economy.

The Constitution of Ukraine enshrines the powers of the President of Ukraine to adopt bylaws (Part 3 of Article 106) – decrees and orders, of the Cabinet of Ministers of Ukraine (Article 117) – resolutions and orders and normative legal acts of ministries and other central executive bodies authorities, of heads of local state administrations (Article 118) – decisions and, to a limited extent, of the Verkhovna Rada of Ukraine (Articles 85, 91) – resolutions and other acts, which are generally named in Article 85 "decisions", of the Verkhovna Rada of the Autonomous Republic of Crimea – normative legal acts and the Council of Ministers of the Autonomous Republic of Crimea – decisions and resolutions (Articles 135, 136), of local self-government bodies (Article 144) – decisions.

Thus, the statutory regulation of the activities of state administration bodies in the field of quality and safety of agricultural products is carried out by decrees of the President of Ukraine, resolutions and orders of the Cabinet of Ministers of Ukraine, orders of relevant ministries, orders, instructions, regulations of departments, inspections, services, agencies.

It is noteworthy that such law-making is both a form of exercising the powers of some bodies and a way of acquiring the powers of other bodies, which are created, reorganized and united by relevant legal acts.

An important group of acts regulating management activity is made up of the acts of the President of Ukraine – decrees and orders.

Legal acts of the President of Ukraine are not always a direct consequence of adopted laws, their specification and development, which is characteristic of regulatory and legal acts of executive authorities. A significant number of acts of the President of Ukraine are devoted to issues of management organization, the status of management bodies, and various links of their system.

The active phase of administrative reform, which as a result had a significant impact on the functioning of the system of state administration bodies in the field of quality and safety of agricultural products, was initiated by the Decree of the President of Ukraine of December 9, 2010 No. 1085 "On the Optimization of the System of Central Executive Bodies", which is currently not valid, but became a significant stage of change [209]. With corresponding large-scale changes from 2014,

it determined the number of ministries, central executive bodies, central executive bodies with special status, central executive bodies which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the relevant members of the Cabinet of Ministers of Ukraine. 16 ministries, 28 services, 13 agencies, 7 inspectorates, independent regulators and bodies with special status were created. In particular, through the reorganization of the Ministry of Agrarian Policy, the Ministry of Agrarian Policy and Food of Ukraine and the State Inspection of Agriculture of Ukraine were formed; by reorganizing the State Committee of Veterinary Medicine – the State Veterinary and Phytosanitary Service of Ukraine; the State Sanitary and Epidemiological Service of Ukraine was created, with the last function of implementing state policy in the sphere of ensuring the sanitary and epidemiological well-being of the population; the State Fisheries Committee of Ukraine was reorganized into the State Fisheries Agency of Ukraine. But later, this structure was also optimized [150].

Until December 2010, state control over the quality and safety of products entering the market was carried out by 85 control bodies [72], after the reform only a few of them remained: state services (veterinary and phytosanitary, sanitary-epidemiological) and state inspections (on issues of protection consumers, agriculture, environmental).

The second period of reform, initiated by Resolution No. 442 [209] with the aim of ensuring an effective system of control, reducing pressure on business, and reducing the level of corruption, reduced the existing system of central bodies of executive power with control functions by 34% (as of July 2018 – 68 central bodies of executive power, 19 ministries and 49 other central bodies of executive power exist, not all of them have control functions in the field of economic activity), while in the field of quality and safety of agricultural products the State Agricultural Inspection was liquidated and the functions of the control bodies of the State Consumer Inspection, separate functions of the State Sanitary and Phytosanitary Service and the State Veterinary Phytosanitary Service were consolidated in a single body – the State food safety and consumer protection service.

In order to ensure the implementation of a unified approach, the President of Ukraine at one time introduced standard provisions on the Ministry of Ukraine and on the Central Committee of Ukraine, which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the corresponding member of the Cabinet of Ministers of Ukraine (Decree of the President of Ukraine of December 24, 2010 No. 1199 "On Some Issues of Organizing the Work of Ministries, Other Central Bodies of Executive Power" [66], although in practice in modern conditions there is no need for standard provisions and each Central Executive Committee must act according to individual provisions, therefore this decree is also no more than an administrative rudiment waiting to be canceled within the framework of the process of regulation of the by-law array of acts of the President of Ukraine).

The status of state management bodies in the field of quality and safety of agro-industrial products, the main functions and tasks, the structure of management bodies are fixed in the provisions approved by the Resolutions of the Cabinet of Ministers of Ukraine.

The Constitution of Ukraine comprehensively defines the range of powers of the President of Ukraine that also relate to the sphere of safety and quality of agricultural products – compliance with the Constitution of Ukraine, rights and freedoms of man and citizen. The President of Ukraine is the guarantor of the implementation of the strategic course of the state for the acquisition of full membership of Ukraine in the European Union, which obliges him to participate in the implementation of the legislation of the European Union in the field of safety and quality of agricultural products.

Some issues of organization and activity in the branches and spheres of management are resolved with the help of legal acts of the executive authorities. A significant number of them are issued by the Cabinet of Ministers of Ukraine, which exercises its powers, first of all, through the issuance of resolutions and orders.

Along with Presidential Decrees, by-laws of the highest executive body constitute a group of acts establishing general norms of legal regulation.

Thus, the resolutions of the Cabinet of Ministers of Ukraine determine the general organizational principles of the internal activities of the central executive

bodies, which are, for example, the Resolutions of the Cabinet of Ministers of Ukraine "On Streamlining the Structure of the Apparatus of the Central Executive Bodies, Their Territorial Subdivisions and Local State Administrations" [236] and "Some Issues of Approval of the Maximum Number of Employees of the Apparatus and Territorial Bodies of the Central Bodies of Executive Power, Other Central Bodies" [64].

Documentation of management activities and regulation of the procedure for working with documents from the moment of their creation or receipt until they are sent or transferred to the archive in the state authorities of Ukraine is carried out in accordance with the Standard instructions for documenting management information in electronic form and organizing work with electronic documents in record keeping, electronic interdepartmental exchange, Standard instructions for record keeping in ministries, other central and local bodies of executive power. The instructions regulate general issues of documenting management activities; reception, consideration and registration of documents; compilation and execution of official documents, including dating, indexing, agreement, certification and addressing of documents. The instructions determine the procedure for general record keeping, their provisions apply to all official documentation, including operational information exchange using official e-mail. It is established that the electronic document circulation of the institution is the circulation (passing) of official electronic documents from the moment of their creation or receipt until the completion of execution, sending, destruction or transfer to the archival division of the institution.

The Cabinet of Ministers of Ukraine establishes the list of territorial bodies of central state administration bodies, which enables them to perform the functions assigned to management bodies at the regional level:

– Resolution of the Cabinet of Ministers of Ukraine "On the Formation of Territorial Bodies of the State Service for Food Safety and Consumer Protection" [237] according to which the Main Department of the State Production and Consumer Service and the Department of the State Production and Consumer Service operate in each oblast's districts and cities of regional importance;

– Resolution of the Cabinet of Ministers of Ukraine "Issues of Implementation of the Concept of Reforming the System of State Supervision (Control) in the Field of Environmental Protection" [132].

Along with the group of acts of by-law regulation of a general nature, it is possible to single out groups of normative legal acts relating to state management in the field of quality of a specific type of agricultural products, a separate function of state management in the field of quality and safety of agro-industrial products.

State control over the quality and safety of agricultural products entering the market is carried out in compliance with the requirements of by-laws:

– when carrying out state supervision (control) in the agro-industrial complex over procurement by purchasing, processing, trading enterprises and organizations, regardless of the form of ownership and management of trade rules, the supervisory bodies take into account the general conditions for conducting trading activities, provided for by the Procedure for conducting trading activities and the rules for trading services on the consumer market of goods approved by the Resolution of the Cabinet of Ministers of Ukraine of June 15, 2006. No. 833 [187]; In particular, the Regulation prohibits the sale of products that imitate food products (have their shape, smell, color, appearance, design, marking, volume or size) and endanger the safety or health of consumers, in particular children, who may confuse them with food products, put in the mouth, suck or eat, which can lead to suffocation, intoxication, perforation or obstruction of the gastrointestinal tract;

– when monitoring the activity of wholesale markets of agricultural products, the Ministry of Economic Development, Trade and Agriculture, other executive authorities and local self-government bodies check compliance with the Standard Rules for the Operation of Wholesale Markets of Agricultural Products, approved by the Order of the Ministry of Agrarian Policy No. 73 of 19.02.2010 [192];

– The rules of retail trade in food products, approved by the order of the Ministry of Economy and European Integration of Ukraine of 11.07.2003 No. 185 [189], regulate the procedure for receiving, storing, preparing for sale and selling food products through a retail trade network, and also determine the requirements in

compliance with consumer rights regarding the quality and safety of goods and the level of trade service;

– The rules for the retail trade of potatoes and fruit and vegetable products, approved by the Order of the Ministry of External Economic Trade Relations of Ukraine of 07.08.1997 No. 344 [188], regulate the procedure for receiving, storing, preparing for sale and selling potatoes, vegetables, melon crops, berries, fruits, grapes, nuts, mushrooms, citrus fruits, subtropical and tropical crops, wild fruits and berries in fresh, dried, fresh-frozen, processed and canned form, as well as determine the requirements for compliance with consumer rights regarding the proper quality of goods and the level of trade service.

As mentioned above, a new stage in the formation of a comprehensive nationwide system of supervision (control) in the field of economic activity, a single agreed legal field, which regulates the procedure for conducting control inspections of various types of economic activity of business entities, a mechanism for making decisions and taking actions by controlling bodies according to the consequences their inspections, the adoption of the Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity" [213] became.

In particular, the Cabinet of Ministers of Ukraine adopted:

– Resolution No. 1280 of October 31, 2007 "On Approval of the Procedure for Selecting Product Samples to Determine Their Quality Indicators and the Form of the Act of Selection of Product Samples" [183] – defines the mechanism for the implementation of state supervision (control) bodies for selecting product samples from business entities for examination (testing);

– Resolution No. 1279 of October 31, 2007 "On the Approval of the Procedure for Reimbursement by a Business Entity of Costs Related to the Examination (Testing) of Product Samples" [185] – defines the mechanism for reimbursement by a business entity of the costs of a state supervision (control) body, related to the examination (testing) of product samples (hereinafter referred to as the examination), in case of confirmation by the results of the examination of the fact that the business entity has violated the requirements of the legislation.

This series of acts of the Cabinet of Ministers of Ukraine includes the Procedure for the selection of samples of products of animal, plant and biotechnological origin for conducting research, approved by Resolution of the Cabinet of Ministers of 14.06.2002 No. 833 [184], which defines the mechanism of selection of samples of products of animal, plant and biotechnological origin, which is subject to state veterinary-sanitary control, veterinary-sanitary examination and research to determine its quality and safety indicators.

Regulation of quality and safety indicators of food products has several levels and degrees of legal responsibility for their compliance. Among them: standards of different legal status (former republican, interstate CIS, state, harmonized with European normative documents), compliance with the requirements of which is a mandatory condition, but their implementation in production is a voluntary matter of the manufacturer; technical conditions for the production of products (can be adjusted by the manufacturers themselves regarding the formulation of the products); technical regulations – normative documents of direct effect (introduced by Resolutions of the Cabinet of Ministers of Ukraine) have as a consequence the unconditional fulfillment by all manufacturers of the requirements stipulated by them; laws on individual food products are documents of direct effect [78].

Normative legal acts issued by the Ministry of Agrarian Policy and Food of Ukraine also have a valuable regulatory focus. Orders of the Ministry of Economic Development, Trade and Agriculture of Ukraine, issued within the scope of its powers, are mandatory for execution by the central bodies of executive power, their territorial bodies and local state administrations, authorities of the Autonomous Republic of Crimea, local self-government bodies, enterprises, institutions and organizations of all forms of ownership and citizens.

Order of the Ministry of Agrarian Policy and Food of Ukraine No. 86 of 27.02.2012, which approved the Procedure for the interaction of the Ministry of Agrarian Policy and Food of Ukraine with central bodies of executive power, which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food of Ukraine [186].

Thus, the subordinate legal regulations can be divided into two groups:

– documents regulating the internal administrative activity of management bodies, which is aimed at streamlining intra-organizational relations that arise in the process of formation and functioning of the sphere of quality and safety of agricultural products (determines the structure, number, planning, control of work, material and technical support, functional duties ties of officials of such a system, etc.);

– documents regulating external administrative activity (related to participation in the formation of the state's policy on ensuring food safety, respectively, the organization of work in the field of quality and safety of agricultural products, as well as its implementation).

And it is precisely in this area that state administration bodies implement their rule-making, but at the same time, they create a number of issues that need to be resolved.

In particular, N.R. Nizhnyk [118, p. 87] indicates that during the development and adoption of such an act, the strict requirement of their compliance with laws is often violated, which leads to unwanted "swelling" and duplication of the normative array. S. Zhevakyn also notes another shortcoming with regard to by-laws [76, p. 90] rightly citing the danger of narrow, ambiguous management decisions that protect purely departmental interests, low public trust regarding the likelihood of full consideration of citizens' rights in such a form of legal regulation. M. Yu. Tikhomirov [258, p. 48] called its complex language constructions, the possibility of using specific terms, ambiguous wording, frequent cases of inconsistency with the current legislation, and cases of issuance of acts with a significant excess of competence as negative aspects of subordinate legislation.

Separately, it should be noted the situations when, as a result of the adoption of new laws, a subordinate regulatory legal act becomes such that it contradicts the new law and loses its legitimacy, but the relevant norm-making entity does not make appropriate changes to this regulatory legal act. For example, as noted in the study regarding the exercise of powers in the field of quality and safety of agricultural products and the system of state administration bodies that is functioning today, defined by the new version of the Law "On Basic Principles and Requirements for the Safety and Quality of Food Products" [216], and changes in accordance with the

resolution of the Cabinet of Ministers of Ukraine "On Optimization of the System of Central Executive Bodies" [208].

The study of international legal acts shows the need to improve the regulatory and legal regulation of the activities of state management bodies in the field of food quality and safety, first of all, with the need for their "internal" harmonization, as well as harmonization with EU law. At the same time, the mentioned processes should take place as systemic transformations, which involve the formation of not only a qualitatively new, but also an effective mechanism for their law enforcement [274, p.8].

When considering the process of harmonization of legislation, it should be taken into account that the possibilities of implementing the latter into the legal system of European legislation remain limited. The reasons for this are that, firstly, legislation in the field of ensuring the quality and safety of agricultural products cannot and should not be difficult to understand, which limits the possibility of "direct adoption" of legal constructions, technical and legal methods of setting out the legal array, etc. Secondly, the latter can be used only in a sufficiently adapted form. Thirdly, it is the legal instability of by-laws, which is connected with the synchronicity of their adoption. In this regard, an important aspect of improving legislation in the field of food quality and safety is the clear planning of legislative works, which ensures the adoption of normative legal acts in an agreed time frame [274, p.14].

2.3. Legal Personality of Officials of State Administration Bodies in the Field of Quality and Safety of Agricultural Products

The main feature of the legal relations that take place in the state administration is that the mandatory subject of such legal relations is the state body and, accordingly, its officials who are empowered with organizational and administrative powers.

The concept of "official" was introduced into the legislation of Ukraine for the first time by the Law of Ukraine "On Civil Service" and was later transformed into a

combination of the concepts of "civil servant" and "civil service position" [168], and accordingly, a civil servant who holds a certain position and is an expression of interests state and authority. A civil servant is a citizen of Ukraine who holds a civil service position in a state authority, another state body, its apparatus (secretariat) (hereinafter – the state body), receives a salary from the state budget and exercises the powers established for this position, directly related to the performance of tasks and functions of such a state body, and also adheres to the principles of public service. Gradually, the focus on this very concept is becoming widely used in legislative and regulatory acts. At the same time, the terms "official", "officer" are commonly used in special legislation, for example, establishing administrative or criminal liability, in anti-corruption legislation [171].

According to the legal encyclopedia [257], an official is the head and deputy head of state bodies and their apparatus, other civil servants, who are entrusted by laws or other normative acts with the implementation of organizational, administrative and consultative functions, and the position is the primary structural unit of the state body and its apparatus, enterprise, institution or organization with relevant official powers and duties.

According to N. Yarmysh, the performance of organizational and administrative functions characterizes a person precisely as an official. Therefore, there are sufficient reasons to believe that an official is an office-holder in the field of public service or local self-government, who performs exactly the organizational-administrative function combined with consultative-advisory[273].

But in our opinion, these two concepts are not opposites, but are in synthesis with each other, because not all persons acting on behalf of the state and exercising authority are civil servants within the meaning of the Law of Ukraine "On Civil Service". Regarding certain persons, the Law contains clearly stipulated exceptions in Part 3 of Article 3 [168], and regarding persons who exercise delegated powers or represent self-regulatory organizations in certain segments, where this is provided for by law, we can attribute them to officials empirically.

Heads and deputy heads of state bodies and their apparatus, other civil servants, who are entrusted by laws or other normative acts with the implementation

of organizational, administrative, consultative and advisory functions[92] are considered to be officials.

A person who performs these functions, permanently or temporarily, is considered an official. The concept of an official is inseparable from the concept of a position, since being in a certain position gives a person certain powers.

The Law of Ukraine "On Civil Service" stipulates that a civil service position is the primary structural unit of a state body defined by the structure and staffing list with job duties established in accordance with the law within the scope of powers defined by part one of Article 1 of this Law.

Public, professional, politically impartial activity for the practical implementation of state tasks and functions is public service [168].

Accordingly, officials of state management bodies in the field of quality and safety of agricultural products are in public service relations.

The position held by a civil servant determines the content of his activity and legal status. The scope, forms, and methods of participation of a civil servant in the practical implementation of the competence of the state body in which he works depend on the position.

If a person does not hold office, then he cannot be considered an official. Therefore, a position outside a certain organization does not exist. Thus, the concept of an official exists only in relation to the organization [112, p. 29].

Positions can be different. They can be classified according to the order of replacement, composition of powers, term of their validity and other features. The most important, most meaningful theoretical division is the division of positions according to the nature of powers into managerial and economic ones. Managerial positions are positions that involve the authority to make decisions on behalf of the organization. Economic positions provide for the authority to take actions regarding the disposal of property and funds.

The Law of Ukraine "On Civil Service" (Article 6) specifies the hierarchical classification of positions of civil servants. Its main criteria are: organizational and legal level of the body that employs them; the scope and nature of competence in a specific position; the role and place of the position in the structure of the state body.

This classification allows us to understand the level of the position, but we can understand the content of the powers only from the relevant norms that regulate the competence of the body and specific officials.

The circle of persons who can obtain the position of a civil servant defines the concept of legal personality. The latter also guarantees the acquisition and protection of at least the minimum necessary for the recognition of the appropriate legal status of a complex of rights, determines the "legal fate" of the subject.

In the theory of law and the state, it is noted that legal personality as a category of legal science serves the purpose of defining the circle of subjects that can be participants in social relations regulated by legal norms. The one who has legal personality is the subject of law, that is, a future or current participant in legal relations.

When defining legal personality, we assess a person's ability to be a subject of law, besides that there are the following aspects of legal personality: as the ability to have rights and obligations, and the possibility of realizing rights and obligations and their bearers. S.I. Arkhipov applies the approach of research in dynamics to the disclosure of the content of legal personality, since it is legal personality that connects a person with the legal system, makes the subject a participant in legal relations and provides access to all the opportunities provided by it [26, p. 130-132].

Examining administrative legal personality as a branch category, it should be said that it is a mandatory prerequisite for legal relations in the sphere of the exercise of executive power.

Some scientists talk about revealing the content of legal personality through the establishment of constituent parts of this category. And this is fully justified, since the study of the whole is a consequence of the study of its components. This is a collective concept used to distinguish a set of certain elements that characterize the subject of law. These same elements, in turn, have an independent meaning and can be studied separately from legal personality [126]. Therefore, it is possible to give a definition of administrative legal personality, provided that the constituent parts of this category are clearly established and their content is determined.

V.K. Kolpakov points out that the components of administrative legal personality can be called: the potential opportunity to have rights and to possess responsibilities in the field of public administration (administrative legal capacity), to have the opportunity to implement the granted rights and obligations in the field of public administration (administrative legal capacity), and accordingly, existing subjective rights and duties in the sphere of state administration form the administrative-legal status of the relevant subject [92, c. 116]. A.I. Berlach points out that in relation to state authorities, such legal personality is also manifested in the competence established by regulatory documents, that is, in a certain set of their legal and governmental powers granted to state bodies to perform tasks and functions [29, p. 132].

The vast majority of sources indicate the selection of such elements of legal personality as legal capacity.

Legal capacity is usually understood as the ability of a person to have rights and obligations, at the same time, the spectrum of opinions given when explaining this legal structure is quite diverse.

Scientists of the last century considered legal capacity as a certain stage of the development of subjective law, as a certain potential state of realization of subjective law, as a certain property of the subject of law, which determines its connection with the state and can even exist outside the framework of defined legal relations [272, p. 123].

Traditionally, the sectoral affiliation of legal capacity is emphasized by indicating the sectoral affiliation of rights and duties, their scope of implementation. For example, administrative scientists, representatives of the classical school of administrative law of Ukraine, believe that administrative legal capacity is the subject's ability to have the rights and obligations stipulated by the norms of administrative law. Administrative legal capacity arises from the moment the subject appears [14, p. 187].

The peculiarities of legal capacity are that, firstly, it is regulated by legal norms; secondly, its content is the regulation of the relations of individual and collective subjects of law with subjects of public administration [84, p. 72], this

opinion of a representative of another legal specialty can be extrapolated to administrative law.

Administrative capacity is the ability of the subject independently, with the help of voluntary conscious actions (personally or through a representative), to realize the rights granted to him and to fulfill the duties assigned to the subject in the field of administrative and legal regulation [14, p. 187].

Capacity also consists of certain elements: the ability of a person to independently exercise the rights that belong to him; implement the competence it possesses and adopt legal acts in the field of management; apply measures of administrative coercion; to recognize, guarantee and protect the rights and freedoms of citizens; bear legal responsibility for damage caused to other entities; bear legal responsibility (administrative tortious capacity) in case of committing the relevant offense [13, p. 67].

In individual subjects of administrative law, administrative capacity arises in different ways. Administrative legislation links the emergence of administrative capacity depending on various criteria, such as age, position, legal regime of exercise of powers and performance of duties, the result of organizational and registration procedures. The legal prerequisites for the acquisition of administrative capacity are provided for in normative legal acts [13, p. 67].

T. Matselyk summarizes research in this field: administrative legal capacity and administrative legal capacity are external forms of manifestation of administrative legal personality, which is connected with the sequence, a certain "formation" (here we use our own term, the quotation is indirect) of the will of the subject [106, p.93]. One should agree with the opinion of the author.

Having clarified the general theoretical approaches of scientists regarding the understanding of such categories as "legal personality", "administrative legal personality", "official", we will proceed directly to the content of the legal personality of officials of state administration bodies in the field of quality and safety of agricultural products.

The latter is regulated by the Constitution of Ukraine [95], the Laws of Ukraine "On Civil Service" [168], "On the Principles of Prevention and Combating

Corruption", the Code of Ukraine "On Administrative Offenses", the Criminal Procedure Code of Ukraine, the Criminal Code of Ukraine and is specified in a whole series subordinate legal acts of various levels, regulations on separate management bodies, typical professional qualification characteristics, regulations and instructions developed on the basis of typical professional qualification characteristics of positions and approved by the heads of relevant bodies.

For each category of positions, there are general rights, duties, and responsibilities determined by labor legislation, organizational tasks, production and technological discipline, and special conditions of the institution's activity.

Thus, the general rights of officials of state bodies are determined by the Law of Ukraine "On Civil Service" [127, p. 28].

An important feature of the legal personality of officials of state bodies, which distinguishes them from the legal personality of a private person, is the primacy of duties and the derivative direction of rights. That is, the tasks and functions of such a service, by their very nature, make it necessary to first establish official duties and only then official rights. They must be distinguished from powers, because the areas of activity of a civil servant in matters of his competence constitute his powers. This concept is similar to rights, but it is distinguished by the fact that powers can and must be used, non-use of powers in cases where their use is regulated by legal norms means in itself a violation in the form of inactivity of an official.

Summarizing the duties listed in Art. 8 of the Law of Ukraine "On Civil Service", first of all, the following powers are allocated (and they have changed little in comparison with the previous edition of the Law): compliance with the Constitution of Ukraine and other acts of the legislation of Ukraine; ensuring effective work and performance of tasks of state bodies in accordance with their competence; preventing violations of human and citizen rights and freedoms; direct performance of official duties assigned to them, timely and accurate implementation of decisions of state bodies or officials, orders and instructions of their managers; preservation of state secrets, information about citizens that became known to them during the performance of public service duties, as well as other information that, according to the law, is not subject to disclosure; constant improvement of the

organization of one's work and improvement of professional qualifications; conscientious performance of official duties, initiative and creativity in work.

The timely and conscientious performance of reporting and financial obligations is separately highlighted [127, p. 27]. To date, the legislation establishes two main requirements for the submission of information on income and financial obligations: submission of information before taking office; annual declaration of income.

It is important to pay attention to the fact that in order to prevent abuse of the granted powers and to direct civil servants to perform official tasks, the legislation established a system of restrictions and prohibitions in the activities of civil servants [31, p. 52]. This element is integral to the concept of their legal status, and the need to establish these restrictions is provided for by the Constitution of Ukraine: restrictions on entrepreneurial activity, political bias, prohibition of strikes, etc.

A civil servant who is an official also does not have the right:

1) to assist, using their official position, individuals and legal entities in their foreign economic, credit-banking and other activities with the aim of illegally obtaining material goods, services, benefits or other advantages for this;

2) to unlawfully interfere, using their official position, in the activities of other state bodies or officials in order to prevent them from fulfilling their powers;

3) to be an attorney for third parties in the affairs of the state body whose activities he controls,

4) to provide illegal advantages to individuals or legal entities during the preparation and adoption of normative legal acts or decisions.

The Law of Ukraine "On Prevention of Corruption" [171] classifies all officials and employees of legal entities under public law as subjects of responsibility for corruption offenses. Thus, all officials of the system of state management bodies in the field of quality and safety of agricultural products became subjects of responsibility for corruption offenses.

However, at the same time, one should not equate the general rights, duties, powers and limitations established for all civil servants with the job rights, duties, powers and limitations defined for specific positions.

Solving specific management tasks in the field of quality and safety of agricultural products requires the allocation of specific responsibilities, rights and duties of each official, in particular, due to the predominance of control and supervisory powers.

Control can be defined not only as a key function of state administration, but also as a certain type of management activity for the functioning of the entire system, as a mechanism for evaluating management decisions. It makes it possible not only to adjust management activities, but also to predict prospects for further development and achievement of a specific result [73].

The activity of inspectors in the field of agriculture occupies a special place, since the implementation of state supervision (control) warns, stops offenses in the field of quality and safety of agricultural products, and also has a kind of preventive focus. The result of proper control in the specified area is the protection of the agricultural market and citizens from the purchase and consumption of low-quality products.

Thus, the Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products" unites officials with control and supervisory functions in the single concept of "state inspectors" and defines their powers [216].

In general, the latter can be divided into two groups: the implementation of preventive work in the field of quality and safety of agricultural products and the authority to stop violations.

The first group includes, taking into account the legal provisions of the current legislation, which came into force in September 2015: the right of unhindered access without warning to facilities during the operation of such facilities; conducting inspections of any buildings, vehicles, temporary and other facilities, testing laboratories located at facilities and related to the production and/or circulation of food products; conducting a state audit of permanent procedures based on the principles of the system of analysis of dangerous factors and control at critical points; inspection and sampling of objects of sanitary measures; checking documents regarding market operators' compliance with the requirements of the legislation on safety and individual quality indicators of food products and obtaining their copies;

evaluation of the results of laboratory studies (tests) of samples of objects of sanitary measures for the purposes of state control.

The second group includes: issuance of prescriptions for the elimination of violations of the requirements of the legislation on safety and certain indicators of the quality of food products; collection of evidence necessary to substantiate the violation of sanitary requirements, including taking samples of materials and substances that confirm or document the violation; issuance of orders, orders on the temporary ban on circulation of objects of sanitary measures, temporary suspension of production or its separate processes, if there is an immediate threat to people's lives. Production may be temporarily suspended in accordance with this Law. In particular, the chief state inspectors have the right to issue resolutions on correcting the labeling of food products, other objects of sanitary measures, to issue resolutions on the recall and/or removal from circulation of objects of sanitary measures that do not meet the requirements of the legislation on safety and certain quality indicators of food products, creating a direct threat to the health of the consumer, to temporarily suspend, cancel and renew the operation permits in the cases provided for by this Law.

During border state control [193, 198], state inspectors have the right to: inspect cargoes of food products and/or other objects of sanitary measures imported (forwarded) to the customs territory of Ukraine and/or exported (forwarded) from it; fill out international certificates when importing (forwarding) cargoes of food products and/or other objects of sanitary measures to the customs territory of Ukraine.

During the implementation of state control, the state inspector ensures the confidentiality of information that constitutes a commercial secret, except for cases provided by law, and presents documents certifying the identity of the state inspector and the authority to perform state control, including a list of objects of state control, and provides and prepares documents related to state control.

The powers and rights of officials of state supervision (control) bodies in the field of economic activity are also established by the Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Field of Economic Activity" [213].

Chapter V of the Law of Ukraine "On Seeds and Planting Material" [206] defines the rights of officials in matters of supervision (control) in the field of seed and nursery production:

- monitor the observance of methodological and technological requirements by subjects of seed and nursery production, regardless of the form of ownership;
- to issue mandatory instructions for seed production and nursery production entities to eliminate violations related to seed production and nursery production and to determine the deadline for the elimination of identified violations;
- unimpeded access to any place of cultivation, processing and storage of seeds and planting material in accordance with the law;
- familiarize with the documentation on seed production and nursery production, open any packaging with seeds or planting material for the selection of control samples;
- impose administrative fines on guilty persons for violating the requirements of this Law and other regulatory legal acts;
- stop or prohibit the sale of any seeds and planting material, if during the inspection it is found that their quality indicators do not comply with regulatory documents;
- file a petition for deprivation of the right to produce and sell seeds and planting material in case of systematic violation of this Law, other normative legal acts or regulatory documents in the field of seed production and nurseries;
- perform other powers defined by law in accordance with their competence.

Inspectors of the State Inspectorate during the performance of their official duties have the right to wear uniforms of the established model, as well as to carry and use firearms and special means in accordance with the legislation. Inspection officials are given the right to limit or stop (temporarily) the production and sale of products, the use of which can cause significant damage to the surrounding natural environment or which do not meet the requirements of environmental and radiation safety [175].

Implementation of organizational and legal measures aimed at compliance by legal entities and individuals with legislation on veterinary medicine [148] is carried

out by state inspectors. These measures constitute veterinary and sanitary control and supervision, and allow to determine and ensure the quality and safety of food products and raw materials of animal origin.

The powers of state bodies, the rights and duties of officials in the field of ensuring veterinary well-being, the procedure for veterinary and sanitary control and supervision are established by the Law of Ukraine "On Veterinary Medicine", the Regulation on the State Service of Ukraine on Food Safety and Consumer Protection [177] .

Officials who carry out state veterinary and sanitary control and supervision are obliged, in the case of detection of outbreaks of acute infectious diseases or mass poisoning of animals during the day, to submit to the relevant executive body a submission on the establishment of a special regime and rules, the implementation of which will ensure the non-distribution of pathogens of infectious diseases, ecological well-being of products and raw materials of animal origin, environmental protection. Such persons have the right to: freely visit controlled objects in the relevant territory; receive information; issue binding orders on the implementation of anti-epidemic and veterinary-sanitary measures; in case of presence of contagious diseases or suspicion of the presence of a particularly dangerous disease of animals, to issue orders for the slaughter of animals, disinfection of products and raw materials of animal origin, their processing or disposal; prohibit the sale of such products and raw materials; to limit, temporarily stop or prohibit the construction, reconstruction of livestock buildings, meat and milk processing enterprises and other objects that do not meet veterinary and sanitary requirements; temporarily suspend or cancel the validity of permits (licenses) for the implementation of entrepreneurial veterinary practice, the manufacture and sale of veterinary drugs; limit, temporarily prohibit or terminate the activities of enterprises, institutions and organizations in case of violation of veterinary and sanitary norms and rules, as well as impose administrative penalties.

The passage through the customs border of Ukraine of animals, products of animal origin, fodder of animal and plant origin, feed additives, stamps of microorganisms, means of protection for animals, means of veterinary medicine, as well as objects and materials that can be carriers of pathogens of infectious diseases

of animals, and other cargo is allowed only after passing mandatory veterinary and sanitary control.

The use of phytosanitary measures allows to produce high-quality, ecologically safe and clean agricultural products of crop production. Organization and implementation of phytosanitary control, which is also carried out for the purpose of protecting the territory of the country from the introduction or independent penetration of quarantine organisms, fulfilling international obligations of Ukraine, preventing the penetration of harmful organisms both into the territory and beyond it, protecting consumers from plants infected with pests and diseases and weeds under quarantine materials [193], including imported ones, which can cause significant damage to the national economy and the environment, is entrusted to the State Production and Consumer Service and its officials.

The Law of Ukraine "On Plant Protection" [196] defines the rights and duties of officials of specially authorized executive bodies in the field of plant protection. In particular, they have the right to: demand compliance with plant protection legislation from enterprises, institutions, organizations of all forms of ownership and citizens whose activities are related to plant protection; to visit enterprises, institutions, organizations of all forms of ownership, the activities of which are related to the use of land, forests, water bodies, the cultivation of plants for agricultural and other purposes, perennial and forest plantations, trees, shrubs, vegetation of closed soil, as well as sales, processing, storage and use of plants and products of plant origin for the purpose of checking compliance with legislation on plant protection and taking samples of soil, water, seeds, plants, products of plant origin and other materials for phytosanitary diagnostics; to limit, temporarily prohibit or terminate the activities of enterprises, institutions, organizations of all forms of ownership and citizens in case they violate the requirements of technology and regulatory legal acts on plant protection, which may cause a threat to the life and health of people and the environment; determine and regulate the scope of work related to plant protection, in accordance with the phytosanitary status; prohibit the sale of plant protection products that do not meet the requirements for their quality; to receive the necessary information on plant protection issues from ministries, other central executive bodies,

enterprises, institutions, organizations of all forms of ownership and citizens; issue binding orders (prescriptions) on the implementation by enterprises, institutions, organizations of all forms of ownership and citizens of preventive and exterminating measures for plant protection; impose administrative fines on persons guilty of violating plant protection legislation.

A separate group of powers consists in providing administrative services in accordance with current legislation by officials of state administration bodies in the field of quality and safety of agricultural products [145]. As the scientists who researched this issue point out, the use of both classic quality control tools and new quality management tools in the field of administrative services requires the development of special methodological recommendations for employees of relevant control bodies, including control bodies in agriculture [121 p. 118], and therefore such professional training and special knowledge is an element of the administrative-legal status of an official responsible for providing administrative services.

Therefore, the legal personality of officials of state administration bodies in the field of quality and safety of agricultural products is formed through the legal status of the body in the system of executive power, individually defined duties and powers in the field of quality and safety of agricultural products, and has a complex structure of consolidation - in branches laws that have long been inconsistent with the structure and distribution of powers between state authorities and in numerous subordinate legal acts that regulate either the activities of inspectors of specific bodies (no longer existing) or separate procedures and operations, such as border crossing or actions during the quarantine regime , which should be the subject of by-law regulation.

Conclusions to Section 2

The section analyzes the current state of the legislative foundations of the activities of state administration bodies, secondary legislative acts and basic provisions determining the legal personality of officials of state administration bodies.

The legislative base regulating the activities of state administration bodies in the field of quality and safety of agricultural products includes normative documents of various purposes, which can be classified into groups of legislative acts: codified

legislative acts; program legislative acts defining tasks and directions of development and transformation in the field of safety and quality of agricultural products, including integration and international cooperation; laws of a general nature, which determine the powers and distribution of spheres of responsibility for state bodies; the national system of technical regulation in the field of quality and safety of agricultural products; legislative acts regulating environmental safety and quality of agricultural products, production of organic agricultural products; laws on certain types of products, features of their production and sale.

As a result, we have the effect of decentralization of powers under numerous legislative acts, most of which were adopted in violation of the subject criterion, namely, higher legal force in the form of laws is given to fragmentary issues of the production of certain types of agricultural products, in other words, the adoption of laws such as "on milk", "on meat" etc., which is unjustified. Such issues should be regulated flexibly and at the sub-legislative level presented by instructions and technical regulations agreed with Law "On Basic Principles and Requirements for the Safety and Quality of Food Products", or become an integral part of the national standardization system. All norms regarding the exercise of administrative powers from these laws should in the future be incorporated into the basic legislative act.

The by-law base of activity is similarly built, but due to specific tasks, it is proposed to separate the by-law normative regulation into two groups, not according to the sectoral, but according to the functional criterion:

documents regulating the internal organizational activity of management bodies (determines the structure, number, planning, control of work, material and technical support, functional duties of officials of such a system, etc.);

documents regulating external administrative activity (related to participation in the formation of the state policy on ensuring food safety, respectively, the organization of work in the field of quality and safety of agricultural products, as well as its implementation and direct enforcement.

Regarding the analysis of by-law regulation as a whole, it is observed that it often leads to: unwanted duplication of regulatory material, may be aimed at protecting purely departmental interests, enshrining unilateral management decisions,

is often characterized by complex language and may contradict new legislation, if the subject of by-law rule-making does not make changes to the formed by-laws that preceded the newly adopted legislative acts.

The legal instability of by-laws, which is connected with the synchronicity of their adoption is also a problem. In this regard, an important aspect of improving legislation in the field of food quality and safety is the clear planning of legislative works, which ensures the adoption of normative legal acts in an agreed time frame.

The main feature of the legal relations that take place in the state administration is that the mandatory subject of such legal relations is the state body and, accordingly, its officials who are empowered with organizational and administrative powers. The section analyzes the main concepts of the concept of "official", explains the general theoretical approaches to the concept of legal personality, administrative legal personality and its components, which outline the circle of persons who can receive a position, reveals the content of activities and the legal position of an official of a state body as civil servant.

The legal personality of the officials of the bodies is regulated by the Constitution of Ukraine, the Laws of Ukraine "On Civil Service", "On Prevention of Corruption" and is specified in a whole number of secondary legal acts of different levels, statutes and regulations on individual management bodies, typical professional and qualification characteristics, regulations and instructions developed on the basis of typical professional and qualification characteristics of positions and approved by the heads of relevant bodies.

The Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products" unites officials with control and supervisory functions in the single concept of "state inspectors" and defines their powers.

The activity of state inspectors occupies a special place, since the implementation of state supervision (control) warns, stops offenses in the field of quality and safety of agricultural products, and also has a kind of preventive focus. The result of proper control in the specified area is the protection of the consumer against the purchase and consumption of low-quality products.

The general rights, duties and responsibilities of officials of legal entities under public law are disclosed, an important feature of which is the primacy of duties and derivative direction of rights.

In general, the latter can be divided into the following groups: the implementation of organizational work, the provision of administrative services and the authority to stop offenses.

SECTION III. DIRECTIONS FOR IMPROVING THE ACTIVITIES OF STATE ADMINISTRATION BODIES IN THE FIELD OF QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS

3.1. Foreign Experience of Organizational and Legal Regulation in the Field of Quality and Safety of Agricultural Products

A hot topic today – the implementation of the Ukraine-EU Association Agreement revives interest in the regulation of agricultural production in the coordinates of the relationship between European and Ukrainian legislation, understanding the necessary changes and principles for organizing production in the new system, as well as studying international experience in the organizational and legal regulation of the of the quality and safety of products of the agro-industrial complex.

First of all, it is necessary to note an important difference in domestic and European legislation, which is related to such categories as product quality and safety. In EU countries, the quality of food products is a purely commercial category that is not subject to state control [249, p. 22]. The issue of product quality is purely market-related. In EU countries, there are two concepts: product safety and defectiveness. A product is not safe if it is potentially dangerous (to people, animals, other creatures or, for example, can explode). The issue of security is controlled by the state, which can resort to various measures of control and influence. For example, if it turns out that a certain batch of goods contains an element harmful to health, it should be removed from the market with a ban on further distribution [137, p. 17].

In the EU, the most important indicators of the safety of agricultural products and products of processing industries are defined in regulations and directives and are aimed at protecting the health of the population, consumer interests (prevention of falsification and fraud in the sale of food products), protection of animals, plants and the environment. The regulatory provisions of European legislation determine the specific framework for the application of national and regional legislation. They are quite flexible and allow to carry out interpretation of national regulatory provisions in

any country that is a member of the EU, without contradicting European legislation. For example, UK legislation governing the maximum residue level of pesticides in food is based on European legislation, while at the same time legislating the maximum residue level of pesticides that will be detected in food, taking into account the need to produce safe food. In cases where there is no established maximum level of pesticide content, it is established by national legislation on the basis of analytical data [60].

In EU countries, new directives are constantly being developed, lists of controlled substances are being refined, and maximum permissible levels of their content in certain food products or in raw materials are being established.

In the EU, the system of certification of agricultural products has been developed and continues to be improved. For example, the Regulation on organic production and labelling of organic products defines the requirements for the production of ecologically clean products. This standard provides for quality control at all stages of production, starting with raw materials. Today, it is impossible to sell agricultural and food products on the EU market without the company having a proven quality and safety management system based on the principles of HACCP, which in translation means risk analysis and critical control points, which are a key element of the ISO 22000 family of international standards.

Food production enterprises ensure the safety of their products and carry out their own control. The functioning of the self-control system of enterprises is checked by a state body [60].

The main principles legally declared by the EU countries in the field of veterinary medicine and food products require the acceptance of obligations for "self-control" at the enterprise, veterinary supervision of food products at the enterprise, as "self-control control" of the functioning of unified border control bodies, EU-admission of certain enterprises and organizations, regionalization in crisis cases.

The system of control measures for agricultural and food industry products is determined by Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. The

regulation establishes requirements for the competent body authorized to organize official control:

- effectiveness and appropriateness of control measures
- absence of conflict of interest
- availability of an appropriate laboratory base
- qualified and experienced staff
- availability of properly equipped premises
- availability of proper legal authority
- availability of action plans in case of emergency situations
- the presence of obligations on the part of business operators to undergo inspections, etc. [7].

General principles and requirements for food safety; procedures related to food safety; obligations of participants related to food products and feed at all stages of production and consumption; responsibility for food products of organizations participating in the food chain, the basis of the rapid response system for reporting a direct or indirect risk to human health are contained in Regulation (EC) No. 178/2002 of the European Parliament and the Council [6].

An important role is played by the European Food Safety Authority (EFSA), which includes 8 scientific committees (scientific groups) with food additives, seasonings, technological additives and materials in contact with food products; additives, substances and products that are fed to animals; plant health and plant protection products and their residues; genetically modified organisms (GMOs); dietary products, dietary food and allergens; biological risks; pollutants in the food chain; the health of the animal and the conditions of its content. The main task of the committees is to provide scientific recommendations and justifications to EFSA, which should ensure scientific and technical support, independent informing and exchange of information on risks, a high level of protection of human life and health. The collection and analysis of the received data allows monitoring and more fully characterizing the risks that have a direct or indirect impact on the safety of food and feed [6].

The European Food Safety Authority is an independent European agency funded by the EU budget that operates separately from the European Commission, the European Parliament and the EU member states. The 15 members of the EFSA Board approve the annual work program and are responsible for ensuring that EFSA works efficiently and successfully, cooperating with partner organizations in EU countries and beyond.

The European Food Safety Authority is responsible for risk analysis (a mandatory procedure with three elements: risk assessment (scientific advice and information analysis: hazard identification and description; exposure assessment; risk description); exchange of risk information (on hazards and risks – professional competence, prevalence, transparency in relation to the consumer); risk management (legislation and supervision) – formation of legislation in the EU and member states, where supervision of food products is carried out by the FVO inspection in Dublin).

The main tasks of the FVO inspection: promotion of effective management of food safety and quality systems, veterinary and plant health sectors; verification of compliance with the requirements of EU legislation on food safety and quality, veterinary and plant health within the EU and in third countries that export to the EU; informing interested parties about the evaluation results; formation and development of the EU policy on food safety and quality, veterinary and plant health sectors, inspection of control systems, inspection of the implementation of EU legislation [60].

The FVO inspection, the supervisory body of EU member countries in third countries, conducts inspections in these and other countries that want to trade with them, ensures unified methods, is responsible for food safety, animal health. The FVO inspection includes food and veterinary services. As a control and surveillance service, it plays an important role in the implementation and application of EU legislation on food safety, animal health, plant health and animal husbandry.

The general rules for the organization of official control by the FVO inspection are harmonized at the EU level, and it is carried out to ensure compliance with the law on food and feed, animal health and animal husbandry rules. Official control (regularly and in proportion to the risk) can be carried out in the form of: inspection,

audit, sampling and testing. In addition, control can be carried out on a specific case at any time. Any official control must be carried out with equally high quality. Participating states are responsible for organizing official control. Competent bodies of the participating states must guarantee their impartiality and efficiency, have appropriate qualified and experienced personnel, appropriate material and technical base [60].

Control of feed and food from third countries is carried out according to the same procedures as when control of products of manufacturers of private countries is carried out: veterinary control, control of additives, labeling, traceability of food, study of food and materials in contact with food, etc. Information from control systems of third countries may be requested. Importing countries are given the function of laboratory control under the supervision of EU authorities (reference laboratories). The availability of such laboratories in importing countries is necessary to demonstrate continuity of control from farm to table. The competent authority should transfer control functions to laboratories that are functioning, evaluated and accredited [60].

Legislation in the EU defines: special checkpoints for the passage of fodder and food from third countries, uniform tariffs for customs services, registration and permission are established; the algorithm of actions and procedures for the EU-admission of certain enterprises and organizations, the principle of regionalization in crisis cases have been worked out.

A special rapid alert system is designed for the prompt exchange of information between EU states in order to protect the consumer from any, even potential, danger arising from the consumption of food products. The main task of this system is to prevent the placement or withdrawal from the Community market of food products (or feed) that pose a significant risk to the health of the consumer.

The scope of the system is limited to those food products that pose a health risk and that are sent outside the borders of individual member states. The main groups of food products that require the creation and operation of an alarm system: fish, meat, milk, fruits and vegetables, grain, nuts, spices, etc. Bacteria, mold, mycotoxins, heavy metals, organic environmental pollutants, pesticides, veterinary drugs, and various

additives found in food products that pose a risk to the consumer's health may be the reasons for the need for an alarm notification [6].

The experience of other countries in the field of quality and safety of agricultural products also shows that the required level of safety of agricultural products can be achieved without the use of rigid restrictive administrative processes that negatively affect the competitiveness of the agricultural sector.

It is known that there is no single system that would be suitable for all countries. Each country must implement institutional reforms that correspond to its unique political and historical characteristics. For example, over the past few years, a significant number of EU member states have reformed their national food safety control bodies. They have differences in functions and goals, which depend on individual characteristics and the territorial structure of a particular country. Common to the mentioned countries is that the reform made it possible to achieve a higher level of safety for less money and to introduce efficient and effective control.

Thus, a law on food safety has been adopted in Poland, which brings the procedures used in the country into compliance with EU procedures. The unified food control system will operate under the direction of the Ministry of Health. Encouraging the introduction of quality management systems that will regulate the entire production process is a much more effective way to regulate the safety and quality of food products at all stages of their production (from raw materials to actual production and packaging) than certification of finished products, which does not justify itself [144, p. 51].

The Belgian Food Agency is an example of how a multi-institutional food quality control system can be qualitatively transformed into an integrated control system that ensures effective, targeted and coordinated supervision through clear communication between all competent control bodies. In the past, various agencies, including the Ministry of Agriculture and the General Food Inspection Service, had their own inspection and control services. Realizing that under such circumstances it is impossible to create an efficient, effective and at the same time business-friendly food control system, the Belgian government decided to combine all control functions in one federal institution – the Belgian Food Agency, which alone performs

all control and inspection functions on all stages of food production: from farm to table [270].

In Estonia, the only government body responsible for the safety of food and agricultural raw materials used in their production is the Department of Food and Veterinary Medicine under the Ministry of Agriculture. The main responsibilities of the department are monitoring of compliance with legislation in veterinary medicine, regulation of food safety and the market, etc. [144, p. 52].

Speaking about the safety of agricultural products in EU countries, it is worth noting Germany, which has achieved a lot in recent years: organizational structures have been improved, food safety control has been strengthened, more transparent information has been provided for consumers, EU food legislation has been improved, and cooperation with the information services of other countries has been strengthened in member countries of the EU.

The system for ensuring the safety of agricultural products is three-level: local, federal and EU levels.

The basis is made up of the owners of enterprises involved in the production and distribution of food products. They bear the main responsibility for the safety of food products, whether it is an industrial enterprise, a farmer, a baker or a restaurant owner. Employees of city and district bodies for food safety control and veterinary supervision carry out selective control of products and quality management systems of enterprises. Ministries of the federal states coordinate activities in the field of supervision at the state level. Representatives of the states, in turn, closely cooperate with federal authorities, for example, when it comes to coordinating federal programs for quality control and product safety, as well as in the event of crises related to food products [19].

At the federal level, the principle of separation of powers applies. Along with legislative work, the competence of the Federal Ministry of Food, Agriculture and Consumer Protection also includes the development of other measures in the field of risk management. It bears joint responsibility for choosing appropriate measures. Scientific work is carried out by the Federal Institute of Risk Assessment and four other research institutes [19]. Their tasks: identification and assessment of risks,

hazard identification, hazard characterization, impact assessment, risk characterization, development of options for action, risk management (legislative and regulatory), risk notification through mass educational activities and creating transparency, joint work with European authorities on food products, conducting scientific research in the field of consumer health protection [60].

As part of practical work, the Ministry is supported by the Federal Department of Consumer Rights Protection and Food Safety. The federal agency coordinates the work between federal, state and EU authorities [19]. The Federal Service for Agriculture and Food is also functioning in Germany, created in 1995 by the merger of the Federal Agency for the Organization of the Agricultural Market and the Federal Food and Forestry Administration [4]. The Federal Ministry of Health separately supervises the production and circulation of agri-food products in Germany.

Financing of the federal agencies that supervise the production and circulation of food products in Germany is carried out from the state budget. According to the legislation on food products, consumer goods and feed, supervision of the production and consumption of food products is also one of the main tasks of the federal states.

The manufacturer of food products is obliged to provide access to production and submit all documentation for control, take samples, present samples, and carry out disposal free of charge.

Federal bodies are obliged to monitor the quality and safety of food products, and in case of violations, to issue administrative orders with penalties. In exceptional cases, when there is a danger to health, criminal cases are initiated, which are transferred to the prosecutor's office, decisions are made, up to the closure of enterprises [60].

A similar division of competences exists at the EU level. Along with the European Parliament and the Council of Ministers, the European Commission is one of the political partners with which the German agency in the field of agricultural product safety cooperates. It is advised by the European Food Safety Authority. The agency carries out tasks within the EU, comparable to tasks at the national level. The agency also checks the quality control and product safety systems of EU member

states and third countries. There are other bodies outside the EU that develop food safety standards, such as the Codex Alimentarius Commission (FAO's Food Codex). Specialists from Germany also participate in this work [19].

An important contribution to ensuring the safety of food products is made by the system of state control of the safety of food products and fodder. Wherever food products are manufactured or sold: inspectors carry out inspections at enterprises and take samples. In Germany, this is the responsibility of the federal states.

Sampling and inspection at enterprises belongs to the competence of cities and districts. Annually, more than a million inspections are carried out at enterprises for the production and distribution of food products, as well as the selection of more than 400,000 samples. In their work, inspectors apply risk-oriented approaches: the most sensitive enterprises and food products are inspected more often. Research laboratories of cities, districts and lands conduct sample analyses. Some samples are examined only for the remains of one substance, many for several hundred. The competence of the federal states includes the enforcement of laws, the prosecution of violations and the imposition of fines for offenses.

The surveillance system covers the entire food chain. Control of imported products is carried out at the borders. And even before the fodder reaches the feeder, the inspectors of the state supervision over the safety of fodder have already conducted a selective study of the products in accordance with the provisions of the national monitoring plan of Germany. Land plant protection services check the sale and use of plant protection products.

Veterinary surveillance bodies monitor the activities of agricultural enterprises and slaughterhouses, and food safety control bodies inspect food products and manufacturing enterprises, craft enterprises, as well as trade and public catering enterprises. But the most important basis for ensuring effective control is, of course, the quality management systems of the manufacturing enterprises themselves [19].

Harmonized standards, the system of management bodies of Canada in the field of quality and safety of agricultural products allowed the latter to gain a reputation as one of the best in the world, ensuring the supply of high-quality and safe food for the health of the consumer both on the domestic market and abroad.

The administrative division of the territory of Canada is 10 provinces and three territories. In Canada, both the Federal Government and the provincial (local) and territorial governments are directly involved in food safety and quality programs. These programs are implemented on a partnership basis between different levels of management, because the success of the food safety system depends on the close working relationships of the latter with each other and with legislative bodies.

Until 2007, the Canadian Food Inspection Agency operated at the federal level, which was reformed into the Food Safety and Nutrition Board. Public servants competent in the field of health care and agriculture hold positions in the committees, which allows balancing work often on different topics in the same field of food safety [1].

The federal level is also represented by the Canadian Federation of Agriculture, the largest organization of farmers in the country, founded in 1935 [8], federal ministries, councils and associations of producers, transporters and sellers of food products.

The federal government of Canada provides comprehensive support to food producer organizations in the development and implementation of quality and safety management systems based on HACCP principles. A functioning management system based on the principles of HACCP is aimed at ensuring consumer confidence in the safety of food products, as well as at increasing the competitiveness of products of Canadian producers. Canada has on-farm food safety recognition programs and off-farm food safety programs [60].

The activity of the system of committees for monitoring the quality of food products, which is part of the structure of the Ministry of Agriculture of Canada, serves as a benchmark for Canadian manufacturers in the matter of product quality, and monitors the effectiveness of the functioning of food safety programs at the federal, provincial, and territorial levels [2].

In particular, the committees are entrusted with the following functions: conducting laboratory studies of biological materials for the presence of pathogens of infectious diseases, determining the presence of contamination of food products (microbial contamination, as well as residues of prohibited and harmful substances),

etc.; scientific development of methods of diagnosis and prevention of infectious diseases, methods of determining the content of contaminants and their implementation; accreditation of laboratories; consultative support of veterinary specialists and representatives of the business community [120, p. 5].

To fulfill its tasks, the committee system unites a network of laboratories. It is represented by fourteen state laboratories, 9 of which are engaged in the research of food products. Private laboratories are also involved in implementing monitoring programs [120, p. 8].

The powers granted to officials to ensure compliance with the rules of the committees are not limited to carrying out inspection activities, making decisions on the withdrawal of products from sale in Canada, delay and confiscation of products. specific inspector rights and powers are prescribed in each separate legal act, such as the Law "On Quality Control of Meat Products", Law "On Food Products and Medical Preparations" [120, p. 9].

Such powers include: conducting inspections to control, assess and supervise compliance with legal requirements; interacting with controlled parties regarding legal requirements, assessing compliance and identifying violations; considering the application of possible preventive and corrective measures and explaining legal requirements to controlled parties; issuing orders to take measures to eliminate detected violations; preparing reports on detected violations; preparing executive memos, preparing reports on the results of inspections; responding to consumer complaints; providing testimony in court and at court hearings related to violations in the field of agricultural product quality [120, p. 10].

All enterprises that produce goods subject to the agency's control are required to register for their activities with the competent authority and must obtain the appropriate license.

Among the main tasks related to the control and supervision activities of committee inspectors, including: taking measures to ensure the safety of food products; taking measures related to food products (availability and compliance of labels, marking); solving tasks related to export; control over the implementation of the HACCP system; control over the maintenance of animals and their health; solving

problems of product sampling according to the state program or the enterprise program [120, p. 10-11].

After the inspection, the inspector documents the results, informs the company about the results of the inspection and sets the deadlines for eliminating the detected violations. If the enterprise is unable to independently ensure the adoption of corrective measures for the purpose of correction, the inspector draws up and approves an action plan for the implementation of corrective measures with the establishment of deadlines. The management of the enterprise gives an official answer about the implementation of corrective measures. In case of non-compliance by the enterprise with measures to eliminate non-conformities, the inspector has the right to suspend or revoke the license for the right to engage in his activity, issue fines or bring him to court [120, p. 11].

Food manufacturers, importers and retailers use various control procedures to ensure food safety. Such measures include product recalls, that is, actions taken by the company to return dangerous products from the market.

In Canada, the committee system works in collaboration with federal partners, Health Canada, and regional and local governments.

Control of the use of pesticides in Canada is carried out with the help of the Pest Control Service of the Ministry of Health Canada. This department of the Ministry of Health of Canada was created in 1995 and is responsible for the consolidation of resources and the regulation of pest control. To minimize the impact of pesticides on human health and the environment, their use in Canada is strictly regulated. Pursuant to the Pest Control Act [5], Health Canada: ensures that pesticides are accounted for after conducting a rigorous science-based risk acceptability assessment; re-evaluates pesticides available on the market on a 15-year cycle to ensure product compliance with current scientific standards; ensures ecologically rational control of pests.

During the import of agricultural products and for the purposes of effective management and response to emerging risks, the system of committees closely cooperates with the Canadian Border Services Agency, which monitors the work of border checkpoints [120, p. 11-12].

Thus, after analyzing the experience of the European Community and countries such as Poland, Belgium, Estonia, Germany, Great Britain, and Canada presented in the relevant information sources, we arrive at the following considerations. The EU system closely links the supranational level and national bodies in the field of product quality and safety. It is characteristic that there is no duplication of powers – all immediate tasks are solved at the national level, while the Community only generalizes, systematizes, coordinates activities based on the uniform rules developed by it.

Separate structures exist to check the safety and quality of products within the EU, a separate inspection deals with the quality of products coming from third countries, and this is not accidental, because here more emphasis should be placed on the control of final products and selective control of facilities far outside the EU. Also an advantage is the system of rapid notification of dangerous factors, which in modern conditions, taking into account the rapid turnover of goods and passenger traffic within the EU, is very important for the urgent stopping of the spread of dangerous biological factors that can lead to diseases, poisoning and the spread of pathogens.

Within the countries, especially those with a federal system, the system of control of the safety and quality of agricultural products has a powerful regional link, which frees up resources for the central government to carry out strategic management of the industry, cooperation and information exchange, development of joint programs with EU bodies.

The systems of food safety and quality authorities within the countries provide in one form or another for combining the powers of several key departments – health care, agriculture, ecology and border control. In different countries, the core of the system of safety and quality of agricultural products may be one of these bodies, but it is obvious that none of them monopolizes the entire range of powers, so there is always an objective need for the interaction of several institutions, which will be discussed in our next section.

The main idea and principle that can be borrowed from abroad is the marketing character of the concept of product quality, because quality, as we have already noted, is a concept of a wide spectrum, while safety always has a discrete character –

products are either safe or dangerous, in at the same time, quality can be a certain non-linear gradation, less quality, more quality, quality for different categories and expectations of consumers, etc.

3.2. Legal Principles of Interaction Between State Administration Bodies and International Institutions in the Field of Quality and Safety of Agricultural Products

Management appears before us in the form of internal interaction of the constituent links of the system of subjects in the relevant management sphere, the necessity of which existence is determined, according to the researched topic, by the needs of providing high-quality and safe agricultural products. However, no system can exist autonomously, since its connection with other systems of the same order is organically justified. Therefore, it is possible to consider this organized community as a component of a more general system of state administration.

The norm of paragraph 7 of the Regulation on the Ministry of Agrarian Policy and Food of Ukraine [130] establishes the norm on the interaction of the ministry in the established order with other state authorities, auxiliary bodies and services formed by the President of Ukraine, temporary consultative, advisory and other auxiliary bodies formed by the Cabinet of Ministers of Ukraine, local self-government bodies, citizens' associations, public unions, trade unions and employers' organizations, relevant bodies of foreign states and international organizations, as well as with enterprises, institutions and organizations.

The central bodies of the executive power exercise their powers directly and through territorial bodies established in the established order in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol, districts.

Clause 5 of Article 16 of the Law of Ukraine "On Local State Administrations" [204] entrusts local bodies of executive power with carrying out, within the limits defined by the Constitution and laws of Ukraine, in the relevant territories, state control over compliance by manufacturers of products with standards, technical conditions and other requirements related to its quality and certification.

Local state administrations, when exercising their powers in the field of management, interact with relevant ministries and other central executive bodies.

In the structure of regional state administrations, the main departments of agro-industrial development function, which are accountable and under the control of the Ministry of Economic Development, Trade and Agriculture. In its activities, the Department is guided by the Constitution of Ukraine, laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, orders of the Ministry of Economic Development, Trade and Agriculture, other normative legal acts, orders of the head of the regional state administration, decisions of the regional council and Regulations on Departments. The main tasks of the Departments are to ensure the implementation of the state agrarian policy in the relevant territory, the development and implementation of regional innovation-investment and other programs for the development of branches of agro-industrial production, participation in the implementation of state policy in the field of seed and nursery production, variety testing, plant protection, quarantine regime, standardization, etc.

The Ministry of Internal Affairs of Ukraine, in the process of carrying out the tasks assigned to it, interacts in accordance with the established procedure with other state bodies, auxiliary bodies and services established by the President of Ukraine, temporary consultative, advisory and other auxiliary bodies established by the Cabinet of Ministers of Ukraine, local self-government bodies, associations citizens [178].

At the same time, the Instruction on the organization of cooperation between the State Service of Ukraine for Emergency Situations and the State Service of Ukraine for Food Safety and Consumer Protection in the event of man-made and natural emergencies [172] is currently in force, with the aim of the cooperation of these bodies in the organization and implementation of measures from the prevention or elimination of the consequences of emergency situations related to infectious diseases and poisoning of farm animals, is the prevention of infection of the population with pathogens of infectious diseases common to animals and humans, the preservation of the livestock of farm animals and the minimization of the economic consequences of emergency situations.

The powers of the State Production and Consumer Service (in the past – the State Agricultural Inspection) include the fight against counterfeiting of wine products. Today, the inspectorate often receives complaints about the supply of counterfeit goods to the territory of Ukraine, presumably made from rectified alcohol on the basis of improvers and flavor additives. Production of such alcohol is carried out abroad on the basis of enterprises that do not engage in winemaking. The currently existing system of quality control of wine materials, including brandy spirits, does not allow to reliably evaluate some wineries. As a result, the end consumer receives a low-quality, often dangerous product [86]. The State Agricultural Inspectorate protects the Ukrainian market from imported counterfeit alcohol products in cooperation with the Ministry of Revenue and Duties of Ukraine.

The passage through the customs border of Ukraine of animals, products of animal origin, fodder of animal and plant origin, feed additives, stamps of microorganisms, means of protection for animals, means of veterinary medicine, as well as objects and materials that can be carriers of pathogens of infectious diseases of animals, and other cargo is allowed only after passing mandatory veterinary and sanitary control.

Thus, the interaction of state management bodies and other state authorities in the field of quality and safety of agricultural products should be understood as the activity of management bodies based on current legislation, coordinated with the goals within their competence, aimed at the unconditional compliance by individuals and legal entities with the requirements of the legislation on agro-food products on quality and safety issues.

At the current stage of international cooperation, more and more attention is paid to agriculture, including in the context of solving food, social and environmental problems.

In an effort to create favorable conditions for the development of mutually beneficial cooperation in the field of agriculture, the Ministry of Agrarian Policy and Food has signed a number of international documents:

– Agreement on cooperation in the field of livestock breeding between the Ministry of Agrarian Policy of Ukraine and the Ministry of Agriculture and Fisheries of the French Republic [231];

– Agreement on cooperation between the Ministry of Agrarian Policy and Food of Ukraine and the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina in the areas of mechanisms for the regulation and organization of agricultural markets and the establishment of market institutions, protection of plant and animal genetic resources, phytosanitary and veterinary issues, issues of food safety [229];

– Agreement between the Ministry of Agrarian Policy of Ukraine and the Federal Ministry of Consumer Rights Protection, Food and Agriculture of the Federal Republic of Germany on cooperation in the field of veterinary medicine [264];

– Agreement between the Ministry of Agrarian Policy of Ukraine and the Ministry of Food and Agriculture of Mongolia in the field of veterinary medicine [263];

– Memorandum of Understanding on the Program of Bilateral Cooperation in Agriculture between the Ministry of Agrarian Policy and Food of Ukraine and the Swiss State Secretariat for Economic Affairs [149];

– Agreement on cooperation in the field of agriculture between the Ministry of Agrarian Policy of Ukraine and the Ministry of Agriculture of the People's Republic of China [230];

– Agreement between the Ministry of Agrarian Policy and Food of Ukraine and the Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia on cooperation in the field of agriculture [262], etc.

Special attention should be paid to the membership of Ukraine in international organizations, which have a significant influence on the development by state management bodies of management methods in a certain area.

Coordination of activities of executive authorities in the field of external relations, in particular, related to the participation of ministries and other central executive authorities in the work of international organizations and their bodies, as well as general supervision of the implementation of international treaties of Ukraine,

including by other parties, compliance with the rights arising from such agreements for Ukraine is entrusted by the Decree of the President of Ukraine "On Measures to Improve the Coordination of the Activities of Executive Authorities in the Field of Foreign Relations" [197] to the Ministry of Foreign Affairs of Ukraine. The Ministry of Foreign Affairs of Ukraine, which also promotes the interaction of executive authorities with legislative and judicial authorities in terms of their external communications.

Integration of national economies into the global agricultural economy, strengthening of a competitive national agricultural sector are the main conditions for our country to take its proper place in the world economy.

During the years of independence, deep structural reforms of agriculture have already been carried out in our country, land and property relations have been completely restructured, and market-type organizational and legal entities have been deployed on the basis of private ownership of land. However, these very important processes require significant state support and stimulation, as well as interstate coordination, which will contribute to the effective development of the agricultural industry. Such coordination should be carried out primarily within the framework of specialized international sectoral organizations of the UN system, in particular within the framework of the FAO.

The geographical location of Ukraine, the size of its territory, population, natural resources combined with large-scale opportunities in scientific, economic and some other spheres of public life give it the opportunity and the right to have the status of one of the most influential members of the FAO.

Membership in FAO provides states with the following advantages and opportunities: to receive technical assistance from the organization in certain branches of the agro-industrial complex; participate in the development of international standards (which is especially important in the field of quality and safety of food products), as well as in the FAO information network; to organize joint pre-investment studies of advanced sectors of the agro-industrial complex; use the opportunities of organizations to attract credit from leading international financial institutions (World Bank, European Bank) to implement priority areas in agriculture.

Since 2003, Ukraine became a full member of FAO. Resolution of the Cabinet of Ministers No. 1371 of September 13, 2002 "On the Procedure for the Participation of Central Executive Bodies in the Activities of International Organizations of which Ukraine is a Member" designated the Ministry of Agrarian Policy and Food of Ukraine, the State Production and Consumer Service, the Ministry of Health, the Ministry of Foreign Affairs as responsible for organizing cooperation with FAO [225].

The State Production and Consumer Service represents the interests of Ukraine in international organizations, in particular the International Seed Quality Control Association (ICTA), the Organization for Economic Cooperation and Development (OECD), the International Grains Council and other international organizations [177].

In September 2004, Ukraine received an official notification of membership in the Codex Alimentarius Commission. For some time, a corresponding structure even functioned – the National Commission on the Codex Alimentarius [131]. However, the relevant national body was dissolved in 2015 for unclear reasons [159].

Thus, the main problems and prospects for the development of international legal cooperation of our state and international organizations have two legal dimensions. Firstly, these are legal issues related to the further scientific and technical development of agriculture, as well as the development of international relations in this area. Secondly, it is the improvement of the current legislation and the process of rule-making in the agro-industrial complex. Cooperation with international organizations should be fully used by the government of Ukraine during the implementation of the national program in the field of food security and improving the efficiency of the functioning of the agrarian sector of the economy on the basis of making proposals for the development and improvement of normative legal acts [110].

Therefore, the cooperation of state bodies in the field of safety and quality of agricultural products takes place both within the country and through effective participation in international organizations, as a result of which another aspect of the administrative and legal status of these bodies is implemented. As shown in the examples from foreign practice in the previous subsection and as a result of the analysis of the legislation in this subsection, bodies in the field of safety and quality

of agricultural products can work effectively only if they form a system, have a clear division of powers and an effective model of interaction and cooperation both at the national and at the international level.

3.3. Improvement of the Administrative and Legal Status of State Management Bodies in the field of Quality and Safety of Agricultural Products

An essential component of the optimal model of state management of the field of quality and safety of agricultural products is a modern, qualified system of state bodies that possesses transparent management tools aimed at creating incentives and motivators for agrarian business, and not one that is characterized by overload, "redundancy" of control and supervision functions.

Article 4 of the Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products" [216], in a certain way approaches the first model of state management, where the role of the state in the field of quality and safety of food products is disclosed through the term "regulation". In the first chapter of the dissertation, it is stated that regulation involves a high degree of alternative behavior of managed objects [267, c. 28]. In our opinion, the study of state activity in the field of quality and safety of agricultural products through the prism of "regulation" characterizes it as the one that most likely creates the proper conditions for improving the quality and safety of agricultural products and directs, rather than interferes and pressures. The latter is more characteristic of the "security" mechanism, which is mentioned in the preamble of the current Law. And although both the first and second processes are oriented towards the result of giving relations a real meaning, and perhaps they are correlated, as general and separate, in the same way as the preamble is correlated with the text of the legislative act, however, we believe that the means of state regulation are more relevant.

So, in a certain way, the legislation is moving towards solving the issue of "redundancy" of control and supervisory powers.

The period of active reform of the system of executive authorities, which is an important step in the reform of the food safety control system, is explained by the

principles of the control system that existed in the country since 1991, as well as the bilateral commitment to the implementation of the Association Agreement between the EU and Ukraine including the deepened and comprehensive Ukraine-EU free trade zone, liquidated a number of control and supervisory bodies, including in the agri-food complex, formed a single body in the field of food safety – the State Service for Food Safety and Consumer Protection, while feeling lack of legal basis for the activity of the latter.

But it should be noted the significant progress that has taken place along this path. If in 2007, O. Piddubnyi noted, not counting the body in the field of fisheries, the presence of nine separate agricultural inspections with asymmetric legal status, different structure, for example, the plant protection inspection and the plant quarantine inspection existed in parallel, not to mention the department (committee, service) of veterinary medicine and the sanitary-epidemiological service, the inspection for the protection of rights to plant varieties and the pomological-ampelographic inspection [134, p.17], significant reformation changes have taken place at the moment. We will not describe here the entire history of transformations in this field during the period of independence, it is enough that, methodologically, the State Production and Consumer Service is currently perceived as the single core of this system, which is loaded with all the powers that could only be combined in one body. Of course, there will always be certain points of contact, such as control over fertility and ecological safety of soils, which ontologically overlap in the powers of departments in the field of ecology and land relations, no matter what specific name they bear at one or another stage. The problem here, in our opinion, is not in the safety and quality of agricultural products, which is undoubtedly a direct consequence of high-quality agricultural soils that are not poisoned by agrochemicals, but in the very departure from the resource-based distribution of the management sphere due to the special nature of the lands, which are undoubtedly somewhat larger than natural a resource in a number of other natural resources that belong to the responsibility of the body in the field of ecology. In the same way, management bodies in the field of health care and ecology and natural resources can still "compete" for control powers in the field of GMOs, arguing that on the one hand, the

impact on human health, on the other – environmental safety. "Floating" has also always been and is the point of distribution of powers between veterinary medicine, health care and sanitary-epidemiological well-being of the population in the sense of diseases common to humans and animals and purely human factors of damage secondary to food raw materials, although in general at the moment, this issue is considered closed. In general, our opinion is that one or another minor crossing of powers will always exist and we should not be afraid of it, because it is better if the spheres of state management and control will be joined at the seams "overlapping", than there will be significant gaps between them. But it is worth investigating the raised questions in more detail in practice.

Thus, by Resolution No. 442 [208], the State Production and Consumer Service is entrusted with the functions of certification of seeds and planting material (in this direction, it is the successor of the State Agricultural Inspection), and the functions of the State Veterinary and Phytosanitary Service, the State Inspection for the Protection of Consumer Rights, and the State Sanitary and Epidemiological Service. At the same time, Clause 6 of the said resolution provides that the central bodies of executive power, which are terminated in accordance with this resolution, continue to exercise powers and functions in the specified areas until the completion of measures for the formation of central bodies of executive power, to which the powers and functions of central bodies of executive power are transferred powers that are terminated.

From the analysis of the main tasks of the transformed and joined central bodies of executive power, it can be concluded that the State Production and Consumer Service is entrusted with the task of implementing state policy in the fields of veterinary medicine, food safety and quality, quarantine and plant protection, consumer rights protection, etc.

In particular, Article 5 of the Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products" defines the place and role of the State Production and Consumer Service through the fifth paragraph of part six – the central body of executive power that implements the state policy in the field of safety and certain quality indicators of food products (competent body), in parallel with the second part of the same article, depriving other executive authorities and

institutions of the right to establish or otherwise exercise regulation and/or state control, including information on food products, unless this is provided for by this Law [216].

However, this classification does not oblige us to hard conclusions, since the topic of this research involves the legal status of state administration bodies in the field of quality and safety of agricultural products, part of which is indeed a subsystem of ensuring the quality and safety of food products.

According to the Law, this subsystem includes the Cabinet of Ministers of Ukraine; the central body of executive power, which forms and ensures the implementation of state policy in the field of health care; the central body of the executive power, which forms and ensures the implementation of the state policy in the field of safety and individual indicators of the quality of food products; the central body of the executive power, which implements the state policy in the field of safety and certain indicators of the quality of food products (competent body).

For comparison: one of the past editions of the Law "On the Safety and Quality of Food Products", in Article 5, established a different system of executive authorities in the field of safety and individual quality indicators of food products, where the first four links from the above list find their place, and the central the executive power body that implements state policy in the field of sanitary and epidemic welfare of the population [156].

The directions of work of the State Agricultural Inspection regarding compliance with the requirements of standards, technical conditions, other normative documents related to the quality and safety of agricultural products, supervision and coordination of the implementation of targeted programs and measures aimed at the production of radiologically safe agricultural products, control of the content of radionuclides, which duplicated with the State Veterinary and Phytosanitary Service of Ukraine; implementation of metrological supervision and control over compliance with the requirements of standards and regulatory documents, metrological provision of radiation and dosimetric control during the production and processing of agricultural products in the established control zones that were duplicated with the central body of executive power in the field of metrology and in fact are already far

removed from the direct provision of safety and quality of agricultural products. At the same time, the prerogatives of departments are formalized in some places, but in different normative acts with different wordings, which causes the effect of a plurality of decision-making centers.

Therefore, system integration is the result of a step-by-step complex process that includes both objective factors and needs, as well as subjective hardware interests, the human factor, and the struggle for authority.

Consolidation of all food safety functions in one department, which would be responsible for food safety with a clearly defined scope of powers, has significant advantages:

- harmonization of standards for food products and coordinated control measures on the entire chain from production to product sale;
- the possibility of making urgent and consistent decisions and taking measures for the effective protection of consumers;
- increasing profitability and more effective use of budgetary resources and expert knowledge;
- provision of more optimal and effective services, which will have a positive effect on industry and trade development [136, p. 140].

Thus, today's optimization of the work of state supervision (control) bodies in the field of quality and safety of agricultural products is justified, a complex system in the past generated many duplicate checks. The latter led to excessive state intervention in business and excessive budget expenditures to support this system. On the other hand, such "scale" and costliness did not guarantee the safety of consumers. The system is ineffective because (despite many bodies and inspectors) it is not capable of removing dangerous products from the entire market in case of detection. Let us at least compare it with the system of urgent notification of threats that operates between EU countries – a narrow-profile field of activity that effectively solves the issue of communication between safety and quality authorities of other countries, combining their capabilities and resources into a single chain, instead of creating a new system of control and supervision from above over the existing national systems.

Also, as a result of the changes made to the system of executive authorities, the positions of specialists of the Department of Health regarding the creation of the Public Health Service as a central executive authority, which is consistent with the basic principles and values of the European Union in the field of public health, appeared, which are reflected in Article 168 of the Treaty on the Functioning of the European Union, Chapter 22 of the Ukraine-EU Association Agreement and the program of the President of Ukraine "Strategy - 2020" and the transfer of part of the control and supervisory functions of the former State Sanitary and Epidemiological Service of Ukraine and now the State Production and Consumer Service in accordance with Concepts of reforming local self-government and territorial organization of power in Ukraine [233] to local self-government bodies [81].

The Law details the activities of management bodies in the exercise of control powers. In particular, control is implemented in the form of supervision, inspection, approval, audit, monitoring, review, sampling and their research (testing), and other similar actions [165].

Legislative changes from July 2014 in the field of food safety and quality provided a separate article for the provision of administrative services, which are classified into two groups – state registration and issuance of an operating permit [216].

The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Food Products" [156] introduced a new version of the Law of Ukraine "On Food Safety and Quality" entitled "On Basic Principles and Requirements for Food Safety and Quality", as well as amendments to 12 legislative acts of Ukraine are foreseen, including the laws of Ukraine:

- "On State Regulation of the Import of Agricultural Products" regarding the norms on certification and control over the import of imported agricultural products;
- "On the State System of Biosafety in the Creation, Testing, Transportation and Use of Genetically Modified Organisms" – the authority of the Cabinet of Ministers of Ukraine, the authority of the central authorities implementing the state policy in the field of health care, in the field of sanitary and epidemic welfare of the

population, veterinary medicine, food safety, state registration of GMOs and establishment of restrictions on their use;

- "On the Protection of Consumer Rights";
- "On Ensuring Sanitary and Epidemic Well-being of the Population";
- "On Removal from Circulation, Processing, Disposal, Destruction or Further Use of Low-quality and Dangerous Products";
- "On the List of Documents of a Permissive Nature in the Field of Economic Activity";
- "On Veterinary Medicine";
- "On Drinking Water and Drinking Water Supply";
- Code of Ukraine on administrative offenses – articles on administrative responsibility for violations of legislation on state supervision (control) in the field of economic activity; violation of the requirements of the law regarding obtaining documents of a permissive nature, mandatory notification or registration in the field of food safety; violation of food safety requirements, which includes failure to fulfill the obligation to implement at facilities permanent procedures based on the principles of the system of analysis of hazardous factors and control at critical points (HACCP), introduction of incorrectly labeled food products into circulation, violation of requirements for ensuring traceability, circulation of unused food products, etc.;
- The Criminal Code of Ukraine, which provides for criminal liability for putting into circulation food products harmful to health;
- Economic Code of Ukraine;
- Decree of the Cabinet of Ministers of Ukraine "On Standardization and Certification" (expired as of January 1, 2018).

According to the conclusions of the Committee on Agrarian Policy and Land Relations, this Law will contribute to:

- increasing the level of protection of health and interests of consumers;
- improving the system of state control in the field of food safety, taking into account the requirements of EU legislation and minimizing the negative consequences of unjustified state intervention in the sphere of food production and circulation;

– to clearly regulate relations between executive authorities, food market operators and food consumers and determine the procedure for ensuring the safety of food products produced and in circulation, imported to the customs territory of Ukraine and/or exported from it;

– the introduction of effective liability for violations of food safety legislation for both manufacturers and control bodies;

– increasing the consumption of food products by citizens of Ukraine.

In accordance with the scheme of directing and coordinating the activities of central executive bodies by the Cabinet of Ministers of Ukraine directly and through the relevant members of the Cabinet of Ministers of Ukraine (information at the time of drafting the document), the State Service of Ukraine for Food Safety and Consumer Protection is directed and coordinated through the Minister of Agrarian Policy and Food [208].

In particular, at one time, the reform of the State Sanitary and Epidemiological Service of Ukraine led to the transfer of the functions of state supervision over the quality and safety of food products to the State Veterinary and Phytosanitary Service of Ukraine, which belonged to the sphere of influence of the Ministry of Agrarian Policy and Food of Ukraine. The latter caused a lively discussion by all interested parties and concerns from the professional medical community and the public, because in their opinion, the implementation of state supervision of food safety for humans has shifted to non-core ministries and executive authorities.

The system of sanitary-epidemic surveillance of food products, which is a commodity group of agricultural products, is an integral component of ensuring the safety of human life. The ultimate goal of sanitary-epidemic supervision of food products is, first of all, to prevent the occurrence of foodborne diseases. Sanitary-epidemiological surveillance is related to the surveillance of the epidemic situation in the state in general and among certain population groups in particular, surveillance of water supply and food products, pollution of environmental objects, sick people, contact persons and potential carriers of infectious disease agents. The current system of sanitary supervision includes the assessment of not only individual indicators of food safety, but also full epidural monitoring of all stages of its production, storage,

sale and consumption, including the interaction of the components of the diet, assessment of critical points of potential chemical and microbiological safety, assessment of the state of health of employees, working at food enterprises, their living environment, investigation of the occurrence of poisonings and intestinal infections with a food-borne transmission factor. And the most important thing is the analysis of the influence of nutrition as one of the main factors affecting health and the human body [266]. These are the arguments put forward in favor of transferring the powers of sanitary and epidemiological supervision back to the Ministry of Health of Ukraine.

The above-mentioned activity requires an appropriate level of medical education and is, according to A. Ponomarenko, the competence of medical workers only. The basic law (rule) of epidemiology, aimed at preventing the occurrence of mass infectious and non-infectious diseases, provides for the control of three inseparable links of the epidemic process – the causative agent, the transmission factor and the human body. And the elimination of the structures of the Ministry of Health of Ukraine from monitoring food products makes it impossible to control two of these factors – the transmission factor and the circulation of the pathogen in the human environment. A situation may arise that the central body of executive power, whose work is managed by the Minister of Health, who is responsible for disease prevention, sanitary-epidemiological well-being of the population, will be deprived of the mechanisms of influence on the main factors of the emergence of an epidemic situation, on the transmission of infectious diseases [266].

In their activities, public administration bodies must respond flexibly to changes occurring in the industry, change priorities in a timely manner, and consistently implement strategic goals.

In accordance with Part 2 of Art. 17 "On Central Bodies of Executive Power" [238] if most of the functions of the central body of executive power consist of functions for the provision of administrative services – a service is formed (which is the Service for Food Safety and Consumer Protection); functions of managing state-owned objects belonging to the sphere of its management – the central body of executive power is formed as an agency; control and supervisory functions of

compliance by state bodies, local self-government bodies, their officials, legal entities and individuals with acts of legislation – inspection.

However, the analysis of the Law "On Basic Principles and Requirements for the Safety and Quality of Food Products" [216] showed that the only competent body for all food products is the control body, and the latter is entrusted with the organization and implementation of state control in agro-food markets and at the border; development and implementation of a long-term state control plan and an annual report on the state of its implementation; approval of annual state control plans and state monitoring plans; carrying out pre-slaughter and post-slaughter inspection of animals at the relevant facilities, as well as post-slaughter inspection of animals killed on the hunt; implementation of state control over the implementation of permanent procedures based on the principles of the system of analysis of dangerous factors and control at critical points and others [156].

The system of hazard analysis and critical control points (HACCP – Hazard Analysis Critical Control Point) is a scientifically based system that allows creating conditions for the production of safe products at the enterprise by determining (identifying) and controlling dangerous factors. In the legislation of Ukraine, it is customary to use the English-language abbreviation in the name of the concept, but the Cyrillic transliteration of HACCP has gained popularity. The HACCP system is the only food safety management system that has proven its effectiveness and is accepted by international organizations.

The system of hazard analysis and critical control points provides control at all stages of food production, at any point in the production, storage and sale of products where dangerous situations may arise. At the same time, special attention is directed to critical control points, in which all types of risks associated with the use of food products can be prevented, eliminated or reduced to acceptable levels as a result of targeted control measures. To implement the HACCP system, manufacturers are required not only to research their own product and means of production, but also to use this system and its requirements for suppliers of raw materials, auxiliary materials, as well as wholesale and retail trade systems. The HACCP system is not a

risk-free system. It is designed to reduce risks caused by possible problems with food safety.

The main methods of the system are the analysis of risks and dangers, the determination of potential product defects in relation to production factors (critical control points), preventive rather than subsequent (reactive) control.

Implementation of a food safety management system based on the HACCP concept gives the enterprise the opportunity to:

- guarantee the release of safe products due to systematic control at all stages of production;
- properly manage all dangerous factors that may threaten the safety of food products – prevent, eliminate or minimize them;
- to ensure that food products are safe at the time of their consumption;
- ensure proper hygienic production conditions in accordance with international standards;
- demonstrate compliance with applicable legislative and regulatory requirements regarding food safety;
- to strengthen the trust of consumers, customers and supervisory bodies in the manufactured products and improve the image of the enterprise;
- expand the network of product consumers and enter foreign markets;
- increase the responsibility of personnel and ensure that all employees of the enterprise understand the primary importance of aspects of product safety [20].

Currently, the Ukrainian manufacturer has two points of control, this is the inspection of raw materials according to the indicators provided by the state and the inspection of finished products before being sent for sale.

During production, there is no control, and none of the management bodies guarantee the safety of the product in general, because they control only some areas of production, while not providing control over the entire area "from the hen to the table" [28].

During the period of reorganization of the system of executive authorities and the distribution of their powers, there is an unsettled work on coordination in the joint actions of the authorities, in particular, to properly conduct inspections of business

entities, because a permit is required, which slows down the response to inspection requests.

In the activity of state administration bodies, an active position should be followed in matters of harmonizing provisions, laws, rules and decrees with the requirements of the agrarian strategy and agrarian policy, the EU policy on product quality and safety.

The improvement of the legal status and system of state management bodies in the field of quality and safety of agricultural products is currently being considered in inseparable unity with the implementation of the main requirements of the Association Agreement between Ukraine and the EU.

The signing of the Association Agreement between Ukraine and the EU took place in two stages.

On March 21, 2014, during the Ukraine-EU Extraordinary Summit, the political part of the Agreement and the Final Act of the Summit were signed. In particular, the Preamble, Article 1, Sections I "General principles", II "Political dialogue and reforms, political association, cooperation and convergence in the field of foreign and security policy" and VII "Institutional, general and final provisions" of the Agreement were signed. At the Summit, the Ukrainian Party also made a statement that Ukraine's obligations stemming from Article 8 of the Association Agreement regarding the ratification of the Rome Statute of the International Criminal Court of 1998 will be fulfilled after making appropriate changes to the Constitution of Ukraine [265].

On June 27, 2014, during the meeting of the EU Council, the President of Ukraine and the leadership of the European Union and the heads of state and government of 28 EU member states signed the economic part of the Agreement – Sections III "Justice, Freedom and Security", IV "Trade and issues related to trade", V "Economic and sectoral cooperation" and VI "Financial cooperation and anti-fraud provisions", which, together with the rest of the text of the Agreement, constitute a single document.

On September 16, 2014, the Verkhovna Rada of Ukraine and the European Parliament simultaneously ratified the Association Agreement between Ukraine and the EU.

The Association Agreement is the largest international legal document in the entire history of Ukraine and the largest international agreement with a third country ever concluded by the European Union in terms of its volume and thematic coverage. It defines a qualitatively new format of relations between Ukraine and the EU based on the principles of "political association and economic integration" and serves as a strategic reference point for systemic socio-economic reforms in Ukraine. The deepened and comprehensive free trade zone between Ukraine and the EU provided for by the Agreement will determine the legal basis for the free movement of goods, services, capital, partly labor between Ukraine and the EU, as well as regulatory convergence aimed at the gradual entry of the Ukrainian economy into the EU common market [265] .

The agreement serves as a strategic reference point for Ukraine's reforms in the economic sphere, including in the field of agriculture, where the Ukrainian side considers regulations, directives, decisions, recommendations and notifications of the EU as part of legal standards while gradually improving legislation on a specific sector.

The largest number of normative acts in the field of harmonization of Ukrainian legislation with EU norms is provided for in the field of agriculture (44 documents). According to the Appendix of the XXXVIII Agreement to Chapter 17 "Agriculture and Development of Rural Territories" of Chapter V "Economic and Sectoral Cooperation" [69], the following documents are defined in the agricultural product quality policy:

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs;

Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on

the protection of geographical indications and designations of origin for agricultural products and foodstuffs;

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89;

Council Regulation (EC) No. 479/2008 of April 29, 2008 on the common organization of the market in wine, in particular Chapter III "Regulatory measures" and Article 117 on control, as repealed by Resolution 491/2009 of May 25, 2009 and included in the Unified Council Regulation (Regulation on the Common Organization of the Market) (EC) No. 1234/2007 of October 22, 2007;

Commission Regulation (EC) No. 555/2008 dated 27.06.2008, which defines detailed rules for the implementation of Council Regulation (EC) No. 479/2008, on support programs, trade with third countries, production potential and control of the wine industry, in particular Chapter V "Control wine industry";

Council Regulation (EC) No. 509/2006 dated 20.03.2006 on the guaranteed traditional composition and method of production of agricultural products and foodstuffs;

Commission Regulation (EC) No. 1216/2007 dated 18.10.2007, which defines detailed rules for the implementation of Council Regulation (EC) No. 509/2006 on the guaranteed traditional composition and method of production of agricultural products and foodstuffs.

In the matter of ensuring the safety of food products, Ukraine undertook to bring the legislation in line with:

Directives of the European Parliament and the Council of 03.12.2001 on general product safety (No. 2001/95/EC);

Directive of the Council dated 25.06.1987 on the approximation of the laws of the member states, regarding goods that do not correspond to their appearance and which pose a threat to the health and safety of consumers (No. 87/357/EEC).

In general, the requirements of legal standards regarding the quality and safety of products vary significantly depending on specific products, but in general they can

be grouped into technical requirements, environmental requirements, requirements in the field of sanitary and phytosanitary measures.

In addition, marketing standards are established for certain types of products at the EU level, and import restrictions are also applied, which can also be considered as mechanisms for protecting the domestic market from imported goods which quality and safety do not meet the requirements of the European Union [124].

In particular, technical requirements are classified in the sectors of product safety, standardization, packaging and labeling of products.

It is necessary to harmonize the standards of trade in plants, plant seeds, products obtained from plants, fruits and vegetables, and trade in livestock products with the aforementioned Annex XXXVIII.

In the section on environmental conditions, the parties to the Agreement make efforts to promote and encourage the production and trade of ecologically clean products, including agricultural products. In this case, the organic agriculture sector will win, promotion of environmental labeling of products will lead to better awareness of consumers, however, in accordance with the Agreement, the mechanism of civil society control over the implementation of environmental policy comes to the fore, which, in turn, weakens the role of state structures in decision-making question.

A promising direction of organizational and legal support for the application of phytosanitary measures in Ukraine is to ensure the quality, competitiveness and environmental safety of agricultural products of crop production by: developing organic farming, strengthening state control over the use of pesticides and agrochemicals, limiting the use of genetically modified organisms, state support for the production of ecologically clean and safe agricultural products, harmonization of national quality standards of crop production with international ones [111, p. 293].

In accordance with the agreement with the EU, the approach to control the quality and safety of agricultural products should be changed in Ukraine by creating an effective mechanism for arbitration control of the quality and safety of agricultural products. First of all, this is the restoration of state laboratories in the system of the agro-industrial complex, which contribute to healthy competition in the market of

agricultural products. State laboratories should become a kind of arbitration between entities involved in the production, processing and sale of agricultural products.

This state control, first of all, makes it possible to obtain highly accurate research results, to create competition in the market, thanks to which it is possible to regulate the prices of laboratory services and not to overestimate them. Both state and private laboratories work in Europe. At the same time, the former selectively check the results of the analyzes of the latter. In order to avoid a corruption component, the material under inspection has a code, and not the name of the manufacturer or laboratory, so inspectors cannot identify the customer or contractor to demand a certain reward for satisfactory inspection results. At the same time, the responsibility for the unreliability of the data in the act or protocol is high, because the document is signed and sealed.

At the legislative level, the requirements for laboratory control are reflected in the Law of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products".

It should be noted that in the EU countries, the system of state market supervision of products sold on the market operates autonomously and effectively, through anonymous purchase of products and their inspection. The results of inspections, depending on the established values of product quality indicators, are the basis for taking appropriate sanctions against its producers: poor quality – the entire batch is withdrawn from sale and disposed of; for minor remarks, large fines are imposed. Under such circumstances, producers are not interested in promoting low-quality agro-food products to the market.

Taking into account the complexity of the situation and the insufficiently active progress along the path of reforming technical regulation in the field of agro-food products, there is a task to implement a number of priority steps aimed at ensuring the equalization of shifts in various elements of the technical regulation system. These measures are multifaceted in nature and directed at different levels [98, p. 17-18].

Therefore, despite the recent administrative regulations, structurally the system of state management of the agro-industrial complex remains controversial, as, accordingly, and their scope of powers, taking into account the implementation of the

model of one department in the field of food safety, the system of which will ensure full control over products "from the farm to the table"

Conclusions to Section 3

The chapter presents the international experience of building and distributing the powers of state administration bodies in the field of quality and safety of agricultural products, and the issue of their effective interaction. In view of the signing of the Ukraine-EU Association Agreement, it is relevant to study the experience of regulating the sphere on the example of individual EU member countries (Germany, Belgium, Poland, Great Britain, Estonia).

International documents, approaches, policy of regulation of quality and safety of agricultural products were analyzed. In particular, a key role is played by the difference of European legislation in the approach to the concepts of "safety" and "quality", since the latter is a purely commercial, market term.

In the EU, the most important indicators of the safety of agricultural products and products of processing industries are defined in regulations and directives and are aimed at protecting the health of the population, consumer interests (prevention of falsification and fraud in the sale of food products), protection of animals, plants and the environment. At the same time, the implementation of these standards is carried out by the participating states by organizing the relevant bodies and granting them specific powers, while the specifics of the construction of such a system and the distribution of powers between the bodies, the order of application of responsibility are the internal affairs of national governments.

The system of ensuring the safety of agricultural products has three levels: local, state, and at the EU level. In the case of Ukraine, being a unitary state, we do not have a local link of bodies ensuring product safety, and our regional and district state administrations are not analogues of the governments of, for example, the federal states of Germany, so a two-level system, which includes a national and European level, is optimal for Ukraine.

The effectiveness of the product safety control system of foreign countries often depends on the number of subjects of management decisions – the most

effective is the unification of all control functions in one institution (for example, the Department of Food Products and Veterinary Medicine, subordinate to the Ministry of Agriculture in Estonia, which is responsible for product safety food and agricultural raw materials used for their production).

The experience of other countries in the field of quality and safety of agricultural products also shows that the required level of safety of agricultural products can be achieved without the use of rigid restrictive administrative processes that negatively affect the competitiveness of the agricultural sector. The basis for ensuring the safety of agricultural products is the owners of enterprises involved in the production and circulation of agro-food products. They bear the main responsibility for food safety, regardless of whether it is farming, processing or catering. Employees of food safety control bodies and veterinary supervision conduct selective control of products and quality management systems of enterprises.

A significant incentive in the production of safe agricultural products in countries with an efficient market economy (which can be said about the countries of the European Union) is the protectionist character of the state agricultural policy.

The study of the order of interaction between state administration bodies in the field of ensuring the quality and safety of agricultural products explains the latter as the internal interaction of the constituent links of the system of subjects in the relevant management sphere, the necessity of which is determined by the needs of ensuring high-quality and safe agricultural products. The justified impossibility of autonomous existence of systems, since their connection with other systems of the same order is organic. Therefore, this organized community can be considered as a component of a more general system of state administration.

It was determined that the mechanism of cooperation between state authorities and local self-government bodies allows to increase the effectiveness of state control in the field of quality and safety of agricultural products.

The interaction of public authorities in the field of quality and safety of agricultural products should be understood as the activity of management bodies based on current legislation, coordinated with the goals within their competence, aimed at the unconditional compliance by individuals and legal entities of the

requirements of current legislation regarding quality and safety indicators of agricultural products .

The issue of the need to improve the status of state administration bodies in the field of quality and safety of agricultural products has been studied. Problematic issues that arise or may arise in the event of the liquidation of some food quality and safety control bodies and the creation of others, as well as in the transfer of certain supervisory functions from specialized institutions to a single body for food quality and safety issues, have been identified. When considering the process of harmonization of legislation, it should be taken into account that the possibilities of implementation into the legal system of European legislation remain limited. The reasons for this are that, firstly, the legislation in the field of ensuring the quality and safety of agricultural products cannot and should not be difficult to understand, which limits the possibility of direct borrowing of legal constructions, technical and legal methods of setting out the legal array, etc. The latter can be used only in a sufficiently adapted form.

The need to coordinate the activities of the single state control body – the State Production and Consumer Service with the relevant structures of the Ministry of Health – is proposed and substantiated. In particular, it was determined that the elimination of the structures of the Ministry of Health of Ukraine from the supervision of food products made it impossible to control two important factors of food safety – the transmission factor and the circulation of the causative agent of infectious diseases in the human environment.

The inconsistency of the functions and powers of the created single body of state control – the State Production and Consumer Service with the requirements of the Law of Ukraine "On Central Bodies of Executive Power" was investigated. In particular, the need to create such a body at the level of the inspection, and not the service, is determined, since it is the inspection, in accordance with the above-mentioned law, that is entrusted with the control and supervisory powers, which, according to the logic of the united Central Intelligence Agency, prevail in the activity of the service.

Taking into account the implementation of the model of one department in the field of food safety, the system of which will ensure full control over products "from the farm to the table", the combined functions and tasks of other departments should find a place in the currently unformed sub-legal legal basis for the activity of such a body; it is necessary to delineate the functions of the Ministry of Economic Development, Trade and Agriculture in the researched area in terms of policy formation, participation in regulatory and legal support of the industry, development of standards and regulations; to optimize the system of control powers; to maximally coordinate the organization of the implementation of the powers of the liquidated, transformed and attached Central Food and Drug Administrations regarding the control of food products on the market in accordance with the requirements of current legislation, in particular, regarding the provision of necessary information about the composition of products, the implementation of phytosanitary and veterinary control of specified objects, control over ready-to-consume food products; introduce full control from the production of raw materials to the sale of the finished product.

CONCLUSIONS

1. Ensuring the safety and quality of agricultural products by legislative and executive authorities should be understood as a public service function of the state, which includes two directions. This is, accordingly, the creation of an appropriate regulatory environment for production and consumption, the functioning of a transparent product market with reliable indicators of the quality and safety of a unit, batch, type of product and certain conditions for its manufacturer, as well as a direct organizing influence on the activities of the subject of legal relations, which in as a whole, it is a public administration in the field of quality and safety of agricultural products. This view in general stems from the concept of leaving state administration to the background, reducing it to the relations of the formation of state bodies, their internal organizational structure and personnel support, while the external product of the work of these bodies is nothing more than a service in the form of a corresponding public service the function that the state performs for society.

Public administration means a large number of direct and indirect directions of managerial influence in the field of quality and safety of agricultural products; the variety of legal relationships subject to such influence; the need for constant updating and maintenance at the proper level of a large-scale regulatory field, a wide list of specific requirements and norms, the purpose of which is to ensure product safety. Isolation of a special subsystem of state authorities in the field of quality and safety of agricultural products forms a common target block of administrative and legal status for them.

2. The term "state management bodies in the field of safety and quality of agricultural products" indicates the organizational-structural block of the administrative-legal status of each such body and at the same time connects each such body with system-forming connections with adjacent bodies.

The system of state management bodies in the field of quality and safety of agricultural products is an internally organized set of structural elements that are interconnected and conditioned by the goal of implementing laws and other regulatory acts in the field of quality and safety of agricultural products and performs

the relevant functions of regulation, supervision, and forecasting for its achievement , planning, control, permitting and other types of public service activities.

3. The tasks of state bodies within the scope of ensuring the quality and safety of agricultural products are: formation and implementation of state policy; ensuring regulatory and legal regulation; informing and providing explanations; generalization of the practice of applying legislation and development of proposals for its improvement; protection against falsified, low-quality, dangerous products; preservation and restoration of environmental safety; ensuring food security and sustainable development in the field of quality and safety of agricultural products.

The implementation of tasks as a competence block of administrative and legal status is determined by the system of powers in the form of law-making, contractual administration, and law enforcement.

4. The legislative framework regulating the activities of state administration bodies in the field of quality and safety of agricultural products includes normative documents of various purposes, which can be classified into groups of legislative acts: codified legislative acts; programmatic legislative acts defining tasks and directions of development and transformation in the field of safety and quality of agricultural products, including integration and international cooperation; laws of a general nature, which determine the powers and distribution of spheres of responsibility for state bodies; the national system of technical regulation in the field of quality and safety of agricultural products; legislative acts regulating environmental safety and quality of agricultural products, production of organic agricultural products; laws on certain types of products, features of their production and sale.

As a result, we have the effect of decentralization of powers in numerous legislative acts, the majority of which were adopted in violation of the hierarchical criterion, namely: higher legal force in the form of laws is given to the fragmented issue of the production of certain types of agricultural products, which should be instructions and technical regulations agreed with the industry law "On the basic principles and requirements for the safety and quality of food products" and become an integral part of the national standardization system. All norms regarding the

exercise of management and control powers should in the future be incorporated into the basic legislative act.

5. It is proposed to divide by-law normative regulation according to functional criteria into two groups: norms regulating the intra-organizational activity of management bodies (determine the structure, number, planning, control of work, material and technical support, functional duties of officials of such a system, etc.); norms regulating external public service activities and external powers of bodies and officials, and regulating the rights and obligations of citizens and legal entities.

Modern by-law normative regulation often leads to unwanted duplication of regulatory material, can be aimed at protecting purely departmental interests, enshrining unilateral management decisions, is often characterized by complex language and may contradict new legislation, if the subject of by-law rule-making does not make changes to the formed by-laws, that preceded the newly adopted legislative documents.

The problem is also the instability of by-laws, which is connected with the asynchrony of their adoption. In this regard, an important aspect of improving legislation in the field of food quality and safety is the clear planning of rule-making works, which ensures the adoption of normative legal acts in an agreed time frame. This activity must be singled out and assigned to working groups of experts under the leadership of the state secretary of the relevant ministry.

A significant part of management activities in the field of quality and safety of agricultural products consists in carrying out various kinds of organizational measures, carrying out material and technical actions, the purpose of which is to maintain the management process (carrying out statistical and clerical operations, clarifying legal acts), as well as providing administrative services, of which two most important groups are singled out in the work: implementation of registration actions and issuance of permit documents.

The dominant role of control powers, which collectively form the key function of state management in the field of quality and safety of agricultural products, is noted, which are classified according to the subject criterion: control of products during export-import operations (measures in customs control zones); product control

at facilities where agricultural products are produced; control of agricultural products in circulation, in particular, and in agro-food markets (including such conditions of use as storage, transportation, display for sale and preparation, in case of compliance with which the safety of the product is guaranteed).

6. The legal personality of officials is regulated by the Constitution of Ukraine, the Laws of Ukraine "On Civil Service", "On Prevention of Corruption" and is specified in subordinate legal acts of various levels, statutes and regulations on individual management bodies, typical professional and qualification characteristics, regulations and instructions developed on the basis of typical professional and qualification characteristics of positions and approved by the heads of relevant bodies. The powers of officials comprise three main groups: implementation of organizational work in the field of quality and safety of agricultural products, provision of administrative services and powers to stop offenses.

The Law of Ukraine "On the Basic Principles and Requirements for the Safety and Quality of Food Products" mentions officials with control and supervisory functions in the concept of "state inspectors" and defines their powers fragmentarily, which creates the need for a clear definition of the concept "state inspector in the field of quality and safety of agricultural products". The activity of state inspectors is the implementation of state supervision (control), warns, stops offenses in the field of quality and safety of agricultural products and also has a preventive focus. The result of proper control in the specified area is the protection of the consumer against the purchase and consumption of low-quality products.

7. In the EU, the most important indicators of the safety of agricultural products and products of processing industries are defined in regulations and directives and are aimed at protecting the health of the population, consumer interests (prevention of falsification and fraud in the sale of food products), protection of animals, plants and the environment. At the same time, the implementation of these standards is carried out by the participating states by organizing relevant bodies and granting them specific powers, while the specifics of the construction of such a system and the distribution of powers between bodies, the order of application of responsibility are the internal affairs of national governments. Its effectiveness

depends on the number of subjects of management decisions – the most effective is the unification of all control functions in one institution (for example, the Department of Food Products and Veterinary Medicine, subordinate to the Ministry of Agriculture in Estonia, is simultaneously responsible for the safety of food products and agricultural raw materials used for their production).

The European model is three-level: at the local, state (federal) levels, and at the EU level. In the case of Ukraine, which is a unitary state, we do not have a local link of product safety authorities, and our regional and district state administrations are not analogues of governments, for example, of the federal states of Germany, therefore, a two-level system, which includes a national and a European level, is optimal for Ukraine.

8. The modern model of interaction of state bodies in the field of safety and quality of food products requires a balanced position between two opposite approaches – on the one hand, the creation of a "mono-body" according to the objective criterion, as a result of which, for example, the protection of the rights of consumers of agricultural products has been dragged into the agrarian sphere all types of consumer goods and services, including industrial and household ones, on the other hand, by dispersing functions according to industry criteria, as was the case with the existence of separate plant protection and quarantine inspections. In the same way, the interaction of the systems of veterinary and sanitary medicine on food quality issues ultimately brought them under the same roof of the State Production and Consumer Service, clearly an agri-food body, thereby exposing the anti-epidemic flank of the health care system.

It is obvious that the allowed imbalance must be corrected by coordinating the activities of the State Production and Consumer Service with the relevant structures of the Ministry of Health. Parallel control of the transmission of pathogens of human diseases and diseases common to humans and animals through agricultural food products and raw materials is important.

9. Problematic issues that arise in the liquidation of management and control bodies and the creation of new ones, as well as in the multidirectional pendulum

trends of transfer of supervisory functions to a single body and powers from one to several, are identified.

It was revealed that the consolidation and dissimilation of management powers in the field of safety and quality of agricultural products are pendulum processes, therefore, the subject of scientific research should not be the search for an ideal static structure from one or more bodies, but a universal matrix of legal status, which can fit any configuration of management and control bodies.

When considering the process of harmonization of legislation, it should be taken into account that the possibilities of implementing European legislation into the domestic legal system remain limited. The reasons for this are that the legislation in the field of ensuring the quality and safety of agricultural products cannot and should not be difficult to understand, which limits the possibility of direct borrowing of foreign legal constructions, technical and legal methods of setting out the legal array, etc. The latter can be used only in a sufficiently adapted form.

The inconsistency of the functions and powers of the State Production and Consumer Service with the requirements of the Law of Ukraine "On Central Bodies of Executive Power" was investigated. In particular, the need to create such a body at the level of the inspection, rather than the service, has been identified, since it is the inspection, in accordance with the above-mentioned law, that is entrusted with control and supervisory powers, which, according to the logic of united bodies, prevail in the activities of the service.

Taking into account the implementation of the model of one department in the field of food safety, the system of which will ensure full control of products "from the farm to the table", the combined functions and tasks of other departments should find a place in the currently unformed sub-legal legal basis for the activity of such a body; it is necessary to distinguish the functions of the Ministry of Economic Development, Trade and Agriculture of Ukraine in the researched area in terms of policy formation, participation in regulatory and legal support of the industry, development of standards and regulatory provisions; to optimize the system of control powers; to maximally coordinate the organization of the implementation of the powers of the liquidated, transformed and merged central executive bodies regarding the control of

food products on the market in accordance with the requirements of current legislation, in particular, regarding the provision of necessary information about the composition of products, the implementation of phytosanitary and veterinary control of specified objects under control, monitoring of ready-to-eat food products; introduce chain control from the production of raw materials to the sale of the finished product.

Add item 2 to part 3 of Art. 3 of the Law of Ukraine "On National Security" – "Principles of State Policy in the Fields of National Security and Defense" with the words "ensuring food security, quality and safety of agricultural products".

REFERENCES

1. About Health Canada. Interagency Program. URL: <http://www.hc-sc.gc.ca/ahc-asc/branch-dirgen/hpfb-dgpsa/fd-da/bfria-braai/interagenc-eng.php>
2. Canadian Food Inspection Agency. URL: <http://www.inspection.gc.ca/eng/1297964599443/1297965645317>
3. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R0848>
4. Die BLE / Про Федеральне управління сільського господарства і продовольства. URL: http://www.ble.de/DE/07_DieBLE/dieble_node.html
5. Pest Control Products Act (Last amended on June 28, 2006). URL: http://laws-lois.justice.gc.ca/PDF/P_9.01.pdf
6. 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 Euro / Регламент №178/2002 Європейського парламенту і Ради ЄС про встановлення загальних принципів і вимог законодавства про харчові продукти, про створення Європейського органу з безпеки харчових продуктів і про встановлення процедури у питаннях, пов'язаних із безпекою харчових продуктів. Official Journal L 031 , 01/02/2002 P. 0001 0024. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2002R0178:20090807:EN:PDF>
7. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules/Регламент (ЄС) № 882/2004 Європейського парламенту та Ради від 29 квітня 2004 року про офіційні заходи контролю, які застосовуються для забезпечення підтвердження відповідності з кормовим та харчовим законодавством, правилами здоров'я та захисту тварин // Journal officiel n L 165 du 30/04/2004 p. 0001 0141. URL: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32004R0882>

8. The Canadian Federation of Agriculture. URL: <http://www.cfa-fca.ca>
9. Авер'янов В. Б. Фактори централізації та децентралізації у структурно функціональній організації апарату державного управління Державне управління в Україні: централізація і децентралізація. Київ, 1997. 367 с.
10. Административное право зарубежных стран : / под. ред. А. Н. Козырина, М. А. Шатиной. Москва, 2003. 464 с.
11. Адміністративна юрисдикція в АПК України: навч. посіб. для студ. вищ. навч. закл. / В.І. Курило, О.Ю. Піддубний, М.Ю.Кравчук. Київ, 2013. 388 с.
12. Адміністративна юстиція України: проблеми теорії і практики. Настільна книга судді / За заг. ред. О.М. Пасенюка. Київ, 2007. 607 с.
13. Адміністративне право України : Підручник / За заг.ред. д.ю.н., проф. Коломоець Т.О. Київ, 2008. 216 с.
14. Адміністративне право України. Академічний курс. В.Б. Авер'янов (голова) та ін. Київ: Юридична думка, 2007. Т. 1 : Загальна частина. 592 с.
15. Адміністративне право України. Академічний курс. Том 2. Особлива частина / Ред. колегія: В.Б. Авер'янов (голова) та ін. Київ: Юридична думка, 2007. 584 с.
16. Адміністративне право України: підручник / за загальною редакцією академіка С.В. Ківалова. Одеса: Юридична література, 2003. 896 с.
17. Адміністративне право України: Підручник. Ю. П. Битяк, В.М. Гарашук, О. В. Дьяченко та ін.; За ред. Ю. П. Битяка. Київ: Юрінком Інтер, 2005. 544 с.
18. Адміністративне право України/ Ю.П. Битяк, В.В. Богуцький, В.М. Гарашук та ін.; за ред. Ю.П. Битяка. Харків: Право, 2001. 520 с.
19. Айгнер И. Стратегии обеспечения безопасности пищевой продукции. URL: <http://selcoop.ru/cooperation/international/strategii-obespecheniya-bezopasnosti/>
20. Актуальність впровадження системи управління якістю харчових продуктів у світлі підписання економічної частини Угоди про асоціацію України з ЄС. URL: <http://www.ses.gov.ua/news/1/103/aktualn-st-vprovadzheniya-sistemi-upravlnnya-yak-styu-harchovih-produkt-v-u-sv-tl-p-dpisannya-ekonom-chno-chastini-ugodi-pro-asots-ats-yu-ukra-ni-z-s/>

21. Акуленко В. Історико-правові аспекти захисту прав інтелектуальної власності. URL: <http://www.justinian.com.ua/article.Ibhp?id=2356/>
22. Александров В. Т. Послуги системи державного управління / В. Т. Александров, В. О. Гусєв // Актуальні проблеми державного управління: Зб. наук. праць. Вип. 3 (18) / Ред. кол.: Г. І. Мостовий, В. Я. Амбросов, О. Ю. Амосов та ін. Харків: ХРІДУ НАДУ «Магістр», 2003. С. 208-213.
23. Алексеев С.С. Общая теория права : в 2х. т. Москва: Юрид.лит, 1982. Т. 2. 361 с.
24. Андрійко О.Ф. Організаційно-правові проблеми державного контролю у сфері виконавчої влади України. автореф. дис. д-ра юрид. наук. 12.00.07. Ін-т держави і права ім. В.М. Корецького НАН України. Київ, 1999. С. 12
25. Андрійчук В.Г. Поняття якості, характеристика її показників і значення для підвищення конкурентоспроможності продукції. URL: <http://studentbooks.com.ua/content/view/755/39/1/2/>
26. Архипов С.И. Суб'єкт права: теоретическое исследование. Санкт-Петербург : Юридический центр Пресс, 2004. 496 с.
27. Барбашова Н.В. Правове забезпечення екологічної безпеки в процесі господарської діяльності. автореф. дис. канд. юрид. наук: спец. 12.00.06. «Земельне право; аграрне право; екологічне право; природоресурсне право» Київ, 1999. С. 15
28. Безпечна їжа. Як це зробити в Україні? (Інфографіка). URL: <http://www.hromadske.tv/economics/bezpechna>
29. Берлач А.І. Фінансове право України Київ: Університет «Україна», 2008. 328 с.
30. Белкін Л.М. Питання законності у діяльності органів адміністративної юрисдикції в агропромисловому комплексі України (за матеріалами адміністративних судів) URL: <http://elibrary.nubip.edu.ua/15780/1/12blm.pdf>
31. Біла Л. Р. Правообмеження у державній службі. Актуальні проблеми політики: Зб. наук. пр. /Голов. ред. С.В.Ківалов. Одеса, 2001. Вип. 10. С.51-56.

32. Блінова Н. С. Удосконалення організаційно економічного механізму державного управління агропромисловим комплексом. Автореф. дис. канд. наук з держ. упр. 25.00.02. Донецьк, 2004. 18 с.
33. Бондар О.Г. Теоретичні проблеми надання адміністративних послуг Держсільгоспінспекцією та її територіальними органами. URL: <http://applaw.knu.ua/index.php/holovna/item/287> teoretychni problemy nadannya administratyvnykh posluh derzhsilhospinspektsiyeyu ta yiyi terytorialnymy orhanamy bondar o h
34. Бочаров Д.О. Правозастосовча діяльність: поняття, функції та форми. Проблемні лекції. Дніпропетровськ: АМСУ, 2006. 73 с.
35. Бояринцева М.А. Адміністративний договір: дискусійні питання правової природи та правосуб'єктності сторін. Вісник Вищої ради юстиції №2 (6) 2011 С. 79
36. Бугера С.І. Використання генетично модифікованих організмів у сільсько-господарському виробництві: інформаційно-правовий аспект. Інформація і право. 2011. № 3 (3). С. 84-92
37. Бугера С.І. Якість сільськогосподарської продукції: правові проблеми раціонального використання природно ресурсного потенціалу Часопис Київського університету права. 2011. № 3. С. 229-232
38. Бугера С.І. Якість сільськогосподарської продукції: проблеми адаптації законодавства до міжнародних вимог URL: <http://www.apdp.in.ua/v62/96.pdf>
39. Виконавча влада і адміністративне право/ за заг. ред. В.Б. Авер'янова. Київ: Видавничий дім «Ін Юре», 2002. 668 с.
40. Висоцький О.Ю., Висоцька О.Є., Шаров Ю.П. Основи державного управління. Частина І. Дніпропетровськ: НМетАУ, 2008. 52 с.
41. Віхляєв М.Ю. Співвідношення понять «суб'єкти адміністративного права» та «суб'єкти адміністративних правовідносин» у контексті розгляду громадських об'єднань як суб'єктів адміністративного права. Право і суспільство. 2012. № 3. С. 50-57.
42. Вовк Д.Л. Сільськогосподарська продукція як об'єкт митного контролю URL: <http://elibrary.nubip.edu.ua/12997/1/11vdl.pdf>

43. Гафурова О.В. Розвиток сільських територій за законодавством ЄС. Науковий вісник Ужгородського національного університету. Серія «Право» 2016. № 40. С. 118-121.
44. Гетьман Є.А. Поняття підзаконного нормативно правового акта та його співвідношення із нормативно правовим та правовим актами. Форум права. 2013. № 3. С. 106-113
45. Гойчук О.І. Курило В.І. Продовольча безпека та необхідність її правового забезпечення. Адвокат. 2006. №3. С. 3-5
46. Горбунова Л.М. Підзаконні нормативно правові акти: організаційно правові питання забезпечення законності. автореф. дис. на здобуття наук. ступ. канд. юрид. наук: спец. 12.00.07. Нац. економ. ун т. Київ, 2005. 21 с.
47. Горбунова О.Ю. Правовий статус працівників ветеринарної міліції з проведення карантинних ветеринарних заходів: автореф. дис.. канд. юрид. наук : 12.00.07 Нац. ун-т біоресурсів і природокористування України. Київ, 2009. 18 с.
48. Господарський кодекс України: Закон України від 16.01.2003 р. № 436 // Відомості Верховної Ради, 2003 р., № 18, № 19 20, № 21 22, ст. 144
49. Государственное управление: основы теории и организации. / под ред. В. А. Козбаненко. Москва : Статут, 2000. 912 с.
50. Григорян Л. А. Советы органы власти и народного самоуправления Москва : Юрид. лит-ра, 1965. 95 с.
51. Грохольський В.Л., Курило В.І. Управління агропромисловим виробництвом. Адміністративне право України. Особлива частина. Академічний курс. за заг. ред. акад. НАПрН України О.М.Бандурки. Харків: Золота миля, 2013. 840 с.
52. Грошовий Ю. М. Актуальні проблеми законодавчого процесу в Україні. Концепція розвитку законодавства України : матеріали науково практичної конференції. Київ, 1996. С. 33-35.
53. Гуменюк Г.Д. Органічне виробництво в світі історія розвитку та сучасний стан. Біоресурси і природокористування. 2010. Т. 2. № 3/4. С. 56-62.

54. Департамент агропромислового розвитку. URL:
<http://www.oda.ck.ua/?lng=ukr&article=158>
55. Державне управління в Україні / За ред. В. Б. Авер'янова. Київ: Знання, 2009. 216 с.
56. Державне управління в Україні. Сутність державного управління. URL:
<http://library.if.ua/book/27/1838.html>
57. Державне управління в Україні: організаційно правові засади. Навчальний посібник . Нижник Н.Р., Дубенко С.Д., Мельниченко В.І. та ін./ За заг. ред. Нижник. Н.Р. Київ: Вид во УАДУ, 2002. 198 с.
58. Державне управління: навч. посіб / А.Ф. Мельник, О. Ю. Оболенський, А.Ю. Васіна, Л.Ю. Гордієнко ; за ред. А. Ф. Мельник. Київ: Знання Прес, 2003. 343 с.
59. Державні санітарні правила і норми «Допустимі дози, концентрації, кількості та рівні вмісту пестицидів у сільськогосподарській сировині, харчових продуктах, повітрі робочої зони, атмосферному повітрі, воді, водойм, ґрунтах»: постанова Головного державного санітарного лікаря України від 20 вересня 2001 року. URL: <http://www.uazakon.com/big/text9/pg1.htm>
60. Дернович А.В. Мировой опыт регулирования качества и безопасности сельскохозяйственной продукции и продуктов питания. URL:
<http://old.agriculture.by/archives/932>
61. Деякі питання державної природоохоронної служби України. Постанова Кабінету Міністрів України від 14 серпня 2019 р. №750. URL:
https://zakon.rada.gov.ua/laws/show/750_2019_p#n65
62. Деякі питання Державної санітарно епідеміологічної служби. Постанова Кабінету Міністрів України від 29 березня 2017 р. №348. URL: www.rada.gov.ua
63. Деякі питання документування управлінської діяльності. Постанова гкабінету Міністрів України від 17 січня 2018 р. № 55. URL:
https://zakon.rada.gov.ua/laws/show/55_2018_p
64. Деякі питання затвердження граничної чисельності працівників апарату та територіальних органів центральних органів виконавчої влади, інших

- державних органів: Постанова Кабінету Міністрів України від 05.04.2014 № 85. Урядовий кур'єр від 09.04.2014. № 85
65. Деякі питання оптимізації системи центральних органів виконавчої влади. Постанова Кабінету Міністрів України від 2 вересня 2019 р. № 829. URL: https://zakon.rada.gov.ua/laws/show/829_2019 п
66. Деякі питання організації роботи міністерств, інших центральних органів виконавчої влади: Указ Президента України від 24.12.2010 № 1199/2010. Офіційний вісник Президента України. 2010 р. № 34 / Спеціальний випуск. стор. 3, стаття 1087
67. Денков Д. Передвиборна оптимізація для контролерів. URL: <http://www.epravda.com.ua/columns/2014/08/28/485745/>
68. Довгань В.І. Механізми державного управління в галузі ветеринарної медицини в Україні: проблеми та перспективи розвитку: автореф. дис. д ра наук з держ. упр. 25.00.02. Класич. приват. ун-т. Запоріжжя, 2013. 36 с.
69. Додаток угоди XXXVIII до глави 17 «Сільське господарство та розвиток сільських територій» розділу V ««Економічне і галузеве співробітництво». URL: http://www.kmu.gov.ua/docs/EA/Annexes_title_V/38_Annex.pdf
70. Додин Е.В. Доказывание и доказательства в правоприменительной деятельности органов советского государственного управления. Одесса: Вища шк., 1967. 127 с.
71. Духневич А. Правове регулювання фітосанітарного контролю в Україні у відповідності до норм СОТ. Юридичний вісник. 2014. № 2. С. 289-294
72. Дятлова В. Ринковий нагляд (зарубіжний досвід та підходи до реформування в Україні). Схід. 2011. №2 (109)
73. Єдинак Т.С., Павлишен О.В. Контроль як функція державного управління: сутність та класифікація. URL: <http://www.irbis.nbuv.gov.ua/>
74. Єдиний веб портал органів виконавчої влади. URL: <http://www.kmu.gov.ua/>
75. Єрмоленко В. Сільськогосподарська продукція як аграрно-правова категорія. Підприємництво, господарство і право. 2006. № 6. С. 58-62

76. Жевакин С.Н. Ведомственные нормативные акты Российской Федерации: краткий аналитический обзор. Государство и право. 1996. № 11. С. 90-101.
77. Житеров М.И. Экономические проблемы качества сельскохозяйственной продукции. Москва: Экономик, 1978. 87 с.
78. Жураковська Л.А. Забезпечення якості та безпечності сільськогосподарської продукції та продуктів харчування в Україні. Вісник Сумського національного аграрного університету. Серія «Фінанси і кредит». 2013. №1
79. Загальна теорія держави і права: / М. В. Цвік, О. В. Петришин, Л. В. Авраменко та ін.; За ред. д-ра юрид. наук, проф., акад. АПрН України О. В. Петришина. Харків: Право, 2009. 340 с.
80. Западнчук О.П. Оптимізація центральних органів виконавчої влади в контексті проведення адміністративної реформи. URL: <http://www.academy.gov.ua/ej/ej13/txts/Zapadynchuk.pdf>
81. Звернення до Президента України П.О.Порошенка т. в. о. Міністра охорони України В.В. Лазоришинця, Президента Національної академії медичних наук України А.М.Сердюка та т. в. о. Голови Державної санітарно епідеміологічної служби України С.В.Протаса (05/11/2014). URL: http://www.oblses.zp.ua/comment.php?n_id=1740
82. Звіт про участь делегації України в роботі 36-ї сесії конференції ООН з питань продовольства та сільського господарства (ФАО). URL: <http://www.minagro.kiev.ua/page/?9271>
83. Земельний кодекс України: Кодекс України, Закон від 25.10.2001 № 2768 III. Відомості Верховної Ради України (ВВР). 2002. № 3 4. ст. 27
84. Иоффе О.С. Избранные труды по гражданскому праву : Из истории цивилистической мысли. Гражданское правоотношение. Критика теории «хозяйственного права». Москва: Статут, 2000. 777 с.
85. Ляшенко В.А. Державне регулювання продовольчого забезпечення регіону. автореф. дис. д-ра наук з держ. управління Запоріжжя, 2008. 40 с. URL: <http://disser.com.ua/content/350597.html>

86. Інтерв'ю Голови Державної інспекції сільського господарства Миколи Поєдинка журналу «Напої. Технології та Інновації». URL: <http://www.kmu.gov.ua/>
87. Коваленко Т. Законодавчі зміни. Агробізнес сьогодні. 2014. №11 (282). URL: http://www.agrobusiness.com.ua/2011_05_11_22_05_40/2273_2014_06_25_12_25_11.html
88. Коваленко Т. Насінництво та розсадництво: новелли правового регулювання. Агробізнес сьогодні. 2013. березень № 5(252). URL: http://www.agrobusiness.com.ua/2011_05_11_22_05_40/1495_2013_04_08_10_54_20.html
89. Коваль Л. В. Административно деликтное отношение. Київ: Вища школа, 1979. 230 с.
90. Кожух М.С. Законодавче визначення якості та безпечності продовольчої продукції. URL: http://bnc.in.ua/nshi_publicatsii/zakonodavche_viznachennya_yakosti_ta_bezpechnosti_prodovolchoi_produktsii/
91. Кожух М.С. Поняття продовольчої безпеки України. URL: http://bnc.in.ua/nshi_publicatsii/ponyattya_prodovolcho_bezpeki_ukra_ni/
92. Колпаков В.К. Орган виконавчої влади як суб'єкт адміністративного права. Державне управління: проблеми адміністративно правової теорії та практики / За заг. ред. В.Б. Авер'янова. Київ: Факт, 2003. С. 113-118.
93. Комісія «Кодекс Аліментаріус». URL: http://www.codexalimentarius.net/web/index_en.jsp
94. Кондратьєва К. Інституційно правова складова забезпечення екологічної безпечності сільськогосподарської продукції в Україні. URL: http://revolution.allbest.ru/cookery/00282746_0.html (дата звернення: 20.10.2019)
95. Конституція України від 28.06.1996. № 254к/96 Відомості Верховної Ради України. 1996. № 30. ст. 141
96. Костів М. В. Адміністративна правосуб'єктність юридичних осіб та особливості її реалізації в адміністративно деліктних відносинах. Дис. канд. юрид. наук. Київ, 2005. 202 с.

97. Костюк В. Л. Проблеми визначення правосуб'єктності у загальній теорії права. Держава і право. 2009. Вип. 44. С. 14.
98. Крисанов Д.Ф. Агропродовольча продукція в координатах якості та безпеки. Економіка АПК. 2011. № 1. С. 13-19
99. Курило В. І. Адміністративні правочини у сільському господарстві України: сучасна парадигма. Монографія. Київ: Магістр ХХІ сторіччя, 2007. 312 с.
100. Лушпаєв С.О. Деякі аспекти поняття продовольчої безпеки України. Часопис Київського університету права. 2011. № 2. С. 211-214
101. Лушпаєв С.О. Про принципи правового регулювання продовольчої безпеки України. Часопис Київського університету права. 2012. № 1. С. 268-273
102. Малиновський В.Я. Державне управління. Вид. 2 ге, доп. та перероб. Київ: Атіка, 2003. 576 с.
103. Мамалига Н.Р. Адміністративні договори у діяльності суб'єктів аграрного права. Порівняльно-аналітичне правою 2014. №5. URL: http://pap.in.ua/5_2014/80.pdf
104. Мандичев Д.В. Державні інспекції в Україні: адміністративно правовий статус. URL: http://papers.univ.kiev.ua/jurydychni_nauky/articles/Concept_and_structure_administratively_legal_status_of_custom_organs_19566.pdf
105. Маренич М. М. Аранчій С. В., Марюха Н. С. Контроль якості і безпека продуктів харчування в ЄС. Міжнародне законодавство в галузі харчового ланцюжка і потенціал України відповідності даним стандартам Полтава, 2009. 42 с.
106. Мацелик Т.О. Адміністративна правосуб'єктність як онтологічна здатність особи бути суб'єктом адміністративного права. Науковий вісник Чернівецького університету. 2011. Випуск 597. Правознавство. С. 90-94
107. Медико біологічні вимоги і санітарні норми якості продовольчої сировини і продуктів харчування: наказ заступника Міністра охорони здоров'я СРСР від 01.08.89 №5061 89. URL: <http://zakon4.rada.gov.ua/laws/show/v5061400>

108. Мельтюхова Н. М. Комплексний підхід до підвищення результативності і якості роботи місцевих державних адміністрацій. Вісник НАДУ при Президентіві України. Київ : НАДУ, 2005. № 1. С. 282-288.
109. Мироненко М.Ю. Державне регулювання розвитку агропромислового комплексу // URL: http://www.rusnauka.com/30_NNM_2010/Gosupravlenie/72979.doc.htm
110. Міжнародний агробізнес: Навч. посібн. / За ред. І. Ю. Сіваченка, О. В. Захарченка. Київ: Центр учбової літератури, 2008. С. 181.
111. Можливості державної підтримки для розвитку органічного сільського господарства // URL: <http://www.ukraine.fibl.org/fileadmin/documents/ukraine/PossibilitiesOfStateSupport.pdf>
112. Мороз Я. Тлумачення поняття посадова особа // Вісник податкової служби України. № 38 (417). 2006. С. 29
113. Мурза В. Сутність і значення самоврядного нагляду в державі. Публічне право. №4 (8). 2012. С. 65-69
114. Мурза В. Форми та методи державної контрольно наглядової діяльності// Публічне право. 2013. № 2 (10). С. 110-116
115. Набока Л.В. Підходи до визначення поняття «Реалізація державно управлінських відносин». URL: http://www.kbuara.kharkov.ua/ebook/db/2012_1/doc/1/09.pdf
116. Науково-практичний коментар до Кодексу адміністративного судочинства України. В 2 х томах. Том 1 / За заг. ред. В.К. Матвійчука. Київ: КНТ, 2007. 786 с.
117. Національна комісія України Кодекс Аліментаріус. Проблеми харчування. 2010. № 1 2. с. 59-62
118. Нижник Н.Р. Государственно управленческие отношения в демократическом обществе Киев: Ин-т гос-ва и права им. В.М. Корецкого, 1995. 207 с.
119. Овсянко Д.М. Административное право: Москва: Юристъ, 1995. 303 с.
120. Окончательный отчет о проведении Россельхознадзором инспекции предприятий Канады по производству продукции животного происхождения на соответствие ветеринарно санитарным требованиям и нормам Тамо-

- женного союза и Российской Федерации. URL: http://www.fsvps.ru/fsvps/docs/ru/importExport/canada/files/inspection_20130718_final.pdf
121. Організаційно правові засади надання адміністративних послуг у сільському господарстві України : монографія / І.В. Арістова, В.І. Курило, Я. І. Скоромний. за заг. ред. Арістової І.В. Київ: Видавничий центр НУБіП України, 2015. 156 с.
122. Основи адміністративного судочинства та адміністративного права. Навч. посібник / За заг. ред. Куйбіди Р.О., Шишкіна В.І. Київ: Старий світ, 2006. 575 с.
123. Основи економічної теорії / за ред. Ю. В. Ніколенка. Київ: Либідь, 1998. 272 с.
124. Основні вимоги законодавства ЄС до безпеки та якості товарів URL: <http://ukraineeu.mfa.gov.ua/ua/Ukraine++EU+export+import+helpdesk+/Non+tariff+regulation>
125. Пархоменко В.М. Нормативно правове регулювання відносин у сфері забезпечення якості продукції. URL: <http://eztuir.ztu.edu.ua/1868/1/28.pdf>
126. Пасічник А.В. Поняття адміністративної правосуб'єктності юридичних осіб. Підприємництво, господарство і право. 2007. №9. С. 142-145 URL: <http://dspace.uabs.edu.ua/jspui/bitstream/123456789/8157/3/Pasichnyk%20A.V.%20Pravosubektnist.pdf>
127. Перевалова Л.В., Киян М.Ш., Разіна О.І. Проблеми вдосконалення правового статусу державних службовців. Вісник НТУ «ХП». 2013. №69 (1042). С. 24-31
128. Петрина В.Н. Организационно правовые вопросы обеспечения качества сельскохозяйственной продукции: автореф. дис. канд. юрид. наук. АН УССР. Ин-т государства и права им. В. М. Корецкого. Киев, 1990. 16 с.
129. Пилипишин В.П. Поняття та основні риси державного управління // Юридична наука. 2011. № 2. С. 10-14
130. Питання Міністерства розвитку економіки, торгівлі та сільського господарства. Постанова Кабінету Міністрів України від 11 вересня 2019 р. №838 // URL: https://zakon.rada.gov.ua/laws/show/838_2019%D0%BF#Text

131. Питання Національної комісії з Кодексу Аліментаріус. Постанова Кабінету Міністрів України від 2 липня 2006 р. №903 URL:https://zakon.rada.gov.ua/laws/show/903_2006 п
132. Питання реалізації Концепції реформування системи державного нагляду (контролю) у сфері охорони навколишнього природного середовища: Постанова Кабінету Міністрів України від 21 лютого 2018 р. №102 // URL: https://zakon.rada.gov.ua/laws/show/102_2018-п
133. Питання функціонування територіальних органів Державного агентства рибного господарства: Постанова Кабінету Міністрів України від 30.09.2015 №894. URL: https://zakon.rada.gov.ua/laws/show/894_2015 п
134. Піддубний О.Ю. Правове становище сільськогосподарських інспекцій. автореф. дис. канд. юрид. наук. 12.00.07. Національний ун-т держ. податкової служби України. Ірпінь, 2007. 21 с.
135. Погрібний О.О. Форми та методи регулятивної діяльності державних органів у сільському господарстві. URL: http://uristinfo.net/agropravo/480opogribnij_agrarne_pravo_ukrayini/868_rozdil_7_derzhavne_reguljuvannja_silskogo_gospodarstva.html?start=1
136. Погріщук Б.В. Моделі впровадження системи контролю якості продукції олієжирового підкомплексу. Інноваційна економіка. 2013. № 7 (45). С. 137-141
137. Поліводський О. Велику конкурентну перевагу мають ті юристи, які знаються на європейському законодавстві. Юридична газета. 2013 р. № 46-47 С. 16-19
138. Положення про Департамент аграрної політики та сільського господарства Міністерства аграрної політики та продовольства України: Наказ Міністерства аграрної політики та продовольства України від 28.02.2018 р. № 116. URL: https://minagro.gov.ua/ua/npa/nakaz_minagropolitiki_pro_zatverdzhennya_polozhennya_pro_department_agrarnoi_politiki_ta_silskogo_gospodarstva_ministerstva_agrarnoi_politiki_ta_prodovolstva_ukraini
139. Положення про Департамент міжнародного співробітництва Міністерства аграрної політики та продовольства України: Наказ Міністерства аграрної

- політики та продовольства України від 22.11.2018 № 570. URL: <https://minagro.gov.ua/ua/pro nas/strukturni pidrozdili/departament mizhnarodnogo spivrobotnictva/polozhennya pro departament>
140. Положення про Департамент продовольства Міністерства аграрної політики та продовольства України: Наказ Міністерства аграрної політики та продовольства України від 28.02.2018 № 108. URL: <https://minagro.gov.ua/ua/npa/nakaz minagropolitiki pro zatverdzhennya polozhennya pro departament prodovolstva ministerstva agrarnoi politiki ta prodovolstva ukraini 1>
141. Положення про Директорат безпечності та якості харчової продукції Міністерства аграрної політики та продовольства України: Наказ Міністерства аграрної політики та продовольства України 15.02.2019 р. № 61. URL: <https://minagro.gov.ua/ua/npa/pro zatverdzhennya polozhennya pro direktorat bezpechnosti ta yakosti harchovoyi produkciyi ministerstva agrarnoyi politiki ta prodovolstva ukrayini>
142. Правові форми реалізації державної виконавчої влади. URL: <https://sites.google.com/site/igroupteamsite/administrativne pravo ukraieni/pravovi formi realizaciie derzavnoie vikonavcoie vladi>
143. Приймаченко Д. Форми адміністративної діяльності митних органів України: питання класифікації. URL: http://law.lnu.edu.ua/uploads/media/Conference_2006.pdf
144. Притула Н.М. Роль держави в регулюванні якості та безпеки сільськогосподарської продукції. Держава та регіони. Серія «Державне управління». 2013. №4 (44). с. 48-53
145. Про адміністративні послуги: Закон України від від 06.09.2012 № 5203 VI. Відомості Верховної Ради України (ВВР), 2013, № 32, ст. 409
146. Про бджільництво: Закон України від 22.02.2000 № 1492 III. Відомості Верховної Ради України (ВВР), 2000, № 21, ст. 157
147. Про безпечність та гігієну кормів. Закон України. Відомості Верховної Ради (ВВР), 2018, № 10, ст.53. URL:<https://zakon.rada.gov.ua/laws/show/2264> 19

148. Про ветеринарну медицину: Закон України від 25.06.1992 № 2498 XII.
URL: <https://zakon.rada.gov.ua/laws/show>
149. Про взаєморозуміння стосовно Програми двостороннього співробітництва в сільському господарстві між Міністерством аграрної політики та продовольства України та Державним секретаріатом Швейцарії з економічних питань: Меморандум, Міжнародний документ від 09.09.2011.
Офіційний вісник України. 2012 р. № 14. стор. 194. ст. 531
150. Про визнання такими, що втратили чинність, деяких указів Президента України. Указ Президента України від 20 червня 2019 року № 419/2019.
URL: <https://zakon.rada.gov.ua/laws/show/419/2019#n131>
151. Про визначення сфер діяльності, в яких центральні органи виконавчої влади здійснюють функції технічного регулювання: Постанова Кабінету Міністрів України від 16 грудня 2015 р. №1057 URL:
<https://zakon.rada.gov.ua/laws/show/1057-2015-п#n14>
152. Про вилучення з обігу, переробку, утилізацію, знищення або подальше використання неякісної та небезпечної продукції: Закон України від 14 січня 2000 року №1393 IV. Відомості Верховної Ради України (ВВР), 2000, № 12, Ст. 95
153. Про виноград та виноградне вино: Закон України від від 16.06.2005 р. № 2662 IV. URL: <https://zakon.rada.gov.ua/laws/show>
154. Про виробництво та обіг органічної сільськогосподарської продукції та сировини: Закон України від 03.09.2013 р. № 425 VII. URL:
<https://zakon.rada.gov.ua/laws/show>
155. Про внесення змін до деяких законодавчих актів України щодо скорочення кількості документів дозвільного характеру: Закон від 09.04.2014 № 1193 VII. Відомості Верховної Ради (ВВР), 2014, № 23, ст. 873
156. Про внесення змін до деяких законодавчих актів України щодо харчових продуктів: Закон України від 22.07.2014 № 1602 VII. Відомості Верховної Ради (ВВР), 2014, № 41 42, ст. 2024
157. Про внесення змін до деяких постанов Кабінету Міністрів України з питань діяльності Державної ветеринарної та фітосанітарної служби:

- Постанова Кабінету Міністрів України від 10.08.2011 № 853. Офіційний вісник України. 2011 р. № 61. С. 38. стаття 2439, код акту 57957/2011
158. Про внесення змін до Закону України "Про державну систему біобезпеки при створенні, випробуванні, транспортуванні та використанні генетично модифікованих організмів»: Закон України від 23.02.2012 № 4441 VI. Відомості Верховної Ради України (ВВР), 2012. № 42. Ст. 529
159. Про внесення змін та визнання такими, що втратили чинність, деяких актів Кабінету Міністрів України. Постанова Кабінету Міністрів України URL: <https://zakon.rada.gov.ua/laws/show/692> 2015 п
160. Про Державне агентство рибного господарства України: Указ Президента України від 16.04.2011 № 484/2011 Офіційний вісник Президента України. 2011 р. № 31. С. 5. Ст. 1324
161. Про державне регулювання виробництва і обігу спирту етилового, коньячного і плодового, алкогольних напоїв та тютюнових виробів: Закон України від 19.12.1995 № 481/95 ВР. Відомості Верховної Ради України (ВВР), 1995. № 46. Ст. 345
162. Про державне регулювання виробництва і реалізації цукру: Закон України від 17.06.1999 р. № 758 XIV. Відомості Верховної Ради України (ВВР).1999. № 32. Ст. 268
163. Про державне регулювання імпорту сільськогосподарської продукції: Закон України від 17.07.1997 р. № 468/97 ВР. Відомості Верховної Ради України (ВВР). 1997, № 44, ст. 281
164. Про державний контроль за використанням та охороною земель: Закон України від 19.06.2003 № 963 I. Відомості Верховної Ради України (ВВР). 2003. № 39. Ст. 350
165. Про державний контроль за дотриманням законодавства про харчові продукти, корми, побічні продукти тваринного походження, здоров'я та благополуччя тварин. Закон України від 18 травня 2017 року № 2042 VIII. Відомості Верховної Ради (ВВР), 2017. № 31. Ст. 343
166. Про державну підтримку сільського господарства України: Закон України від 24 червня 2004 р. Відомості Верховної Ради України, 2004. № 49. Ст. 527

167. Про державну систему біобезпеки при створенні, випробуванні, транспортуванні та використанні генетично модифікованих організмів: Закон України від 31.05.2007 № 1103 V// Відомості Верховної Ради України (ВВР). 2007. № 35. ст. 484
168. Про державну службу: Закон України від 10 грудня 2015 р. № 889-VIII. URL:https://zakon.rada.gov.ua/laws/show/889_19
169. Про дозвільну систему у сфері господарської діяльності: Закон України від 06.09.2005 № 2806 IV // Відомості Верховної Ради України (ВВР), 2005. № 48. Ст. 483
170. Про забезпечення санітарного та епідемічного благополуччя населення: Закон України від 24.02.1994 р. № 4004 XII // Відомості Верховної Ради України (ВВР). 1994. № 27. Ст. 218
171. Про запобігання корупції. Закон України від 14 жовтня 2014 року № 700 VII URL: https://zakon.rada.gov.ua/laws/show/1700_18/print
172. Про затвердження Інструкції з організації взаємодії між Державною службою України з надзвичайних ситуацій і Державною службою України з питань безпечності харчових продуктів та захисту споживачів при виникненні надзвичайних ситуацій техногенного та природного характеру Міністерство внутрішніх справ України. Міністерство аграрної політики та продовольства України. Наказ від 23.03.2018 р. №227/153. URL: https://zakon.rada.gov.ua/laws/show/z0466_18
173. Про затвердження положення про Державне агентство рибного господарства України Постанова Кабінету Міністрів України від 30 вересня 2015 р. №895 URL: <https://zakon.rada.gov.ua/laws/show/895-2015-п>
174. Про затвердження Положення про державний санітарно епідеміологічний нагляд в Україні: Постанова Кабінету Міністрів України від 22 червня 1999 р. N 1109. URL: <https://zakon.rada.gov.ua/laws/show/895-2015-п>
175. Про затвердження положення Про Державну екологічну інспекцію України: Постанова Кабінету Міністрів України від 19.04.2017 р. № 275. URL: <https://zakon.rada.gov.ua/laws/show/275>

176. Про затвердження Положення про державну інспекцію сільського господарства в Автономній Республіці Крим, областях, містах Києві та Севастополі: Наказ Міністерства аграрної політики та продовольства України від 23.12.2011 № 770. URL: <http://zakon2.rada.gov.ua/laws/show/z0034> 12
177. Про затвердження положення про Державну службу України з питань безпечності харчових продуктів та захисту споживачів Постанова Кабінету Міністрів України від 2 вересня 2015 р. №667. URL: <https://zakon.rada.gov.ua/laws/show/667> 2015 п
178. Про затвердження Положення про Міністерство внутрішніх справ України: Постанова Кабінету Міністрів України від 28 жовтня 2015 р. № 878. URL: <https://zakon.rada.gov.ua/laws/show/878>
179. Про затвердження положення про Міністерство екології та природних ресурсів України. Постанова Кабінету Міністрів України від 21 січня 2015 р. № 32. URL: <https://zakon.rada.gov.ua/laws/show/32>
180. Про затвердження Положення Про Міністерство охорони здоров'я України: Постанова Кабінету Міністрів України від 25 березня 2015 р. №267 URL:<https://zakon.rada.gov.ua/laws/show/267>
181. Про затвердження Положення про підрозділи ветеринарної міліції з проведення карантинних ветеринарних заходів: Постанова Кабінету Міністрів України від 29.03.2002 № 395. URL: <https://zakon.rada.gov.ua/laws/show>
182. Про затвердження положень про територіальні органи Державної ветеринарної та фітосанітарної служби України: Наказ Міністерства аграрної політики та продовольства України від 04.05.2012 № 257. URL: <https://zakon.rada.gov.ua/laws/show>
183. Про затвердження Порядку відбору зразків продукції для визначення її якісних показників та форми акта відбору зразків продукції: Постанова Кабінету Міністрів України від 31.10.2007 № 1280. URL: <https://zakon.rada.gov.ua/laws/show>
184. Про затвердження Порядку відбору зразків продукції тваринного, рослинного і біотехнологічного походження для проведення досліджень: Поста-

- нова Кабінету Міністрів України від 14.06.2002 № 833. URL: <https://zakon.rada.gov.ua/laws/show>
185. Про затвердження Порядку відшкодування суб'єктом господарювання витрат, пов'язаних з проведенням експертизи (випробування) зразків продукції: Постанова Кабінету Міністрів України від 31.10.2007 № 1279. URL: <https://zakon.rada.gov.ua/laws/show>
186. Про затвердження порядку Порядку взаємодії Міністерства аграрної політики та продовольства України з центральними органами виконавчої влади, діяльність яких спрямовується та координується Кабінетом Міністрів України через Міністра аграрної політики та продовольства України: Наказ Міністерства аграрної політики та продовольства України 27.02.2012 № 86 URL: <https://zakon.rada.gov.ua/laws/show>
187. Про затвердження порядку провадження торговельної діяльності та правил торговельного обслуговування на ринку споживчих товарів: Постанова Кабінету Міністрів України від 15.06.2006 № 833 URL: <https://zakon.rada.gov.ua/laws/show>
188. Про затвердження Правил роздрібної торгівлі картоплею та плодоовочевою продукцією: Наказ Міністерства зовнішніх економічних зв'язків і торгівлі України від 08.07.1997 № 344 URL: <https://zakon.rada.gov.ua/laws/show>
189. Про затвердження Правил роздрібної торгівлі продовольчими товарами: Наказ Міністерства економіки та з питань європейської інтеграції України від 11.07.2003 № 185 URL: <https://zakon.rada.gov.ua/laws/show>
190. Про затвердження Регламенту Кабінету Міністрів України. Постанова Кабінету Міністрів України від 18 липня 2007 р. № 950 URL: <https://zakon3.rada.gov.ua/laws/show/950>
191. Про затвердження Регламенту Кабінету Міністрів України: Постанова Кабінету Міністрів України від 18.07.2007 № 950442 // URL: <http://zakon2.rada.gov.ua/laws/show/950>
192. Про затвердження типових правил роботи оптових ринків сільськогосподарської продукції: Наказ Міністерства аграрної політики України від 19.02.2010 № 73 URL: <https://zakon.rada.gov.ua/laws/show>

193. Про затвердження Фітосанітарних правил ввезення з за кордону, перевезення в межах країни, транзиту, експорту, порядку переробки та реалізації підкарантинних матеріалів: Наказ Міністерства аграрної політики України від 23.08.2005 №414, зареєстровано в Міністерстві юстиції України 29 вересня 2005 за №1121/11401. URL: <https://zakon.rada.gov.ua/laws/show>
194. Про захист населення від інфекційних хвороб: Закон України від 06.04.2000 № 1645 III URL: <https://zakon.rada.gov.ua/laws/show>
195. Про захист прав споживачів : Закон України від 1 грудня 2005 року №3161 IV (12.05.1991 р. № 1023 XII) URL: <https://zakon.rada.gov.ua/laws/show>
196. Про захист рослин: Закон України від 14.10.1998 № 180 XIV. URL: <https://zakon.rada.gov.ua/laws/show>
197. Про заходи щодо вдосконалення координації діяльності органів виконавчої влади у сфері зовнішніх зносин: Указ Президента України від 18.09.1996 № 841/96. URL: <http://zakon4.rada.gov.ua/laws/show/841/96>
198. Про здійснення екологічного контролю в пунктах пропуску через державний кордон: Постанова Кабінету Міністрів України від 20.03.1995 № 198. URL: <http://zakon1.rada.gov.ua/laws/show/198%D0%BF>
199. Про зерно та ринок зерна в Україні: закон України від 04.07.2002 № 37 IV. URL: <https://zakon.rada.gov.ua/laws/show>
200. Про Кабінет Міністрів України: Закон України від 27.02.2014 № 794 VII. URL: <https://zakon.rada.gov.ua/laws/show>
201. Про карантин рослин: закон України від 30.06.1993 № 3348 XII URL: <https://zakon.rada.gov.ua/laws/show>
202. Про меліорацію земель: Закон України від 14.01.2000 № 1389 XIV URL: <https://zakon.rada.gov.ua/laws/show>
203. Про митний тариф України. Закон України від 19 вересня 2013 року № 584 VII URL: www.rada.gov.ua
204. Про місцеві державні адміністрації: Закон України від 09.04.1999 № 586 XIV URL: <https://zakon.rada.gov.ua/laws/show>

205. Про молоко та молочні продукти: закон України від 24.06.2004 № 1870 IV
URL: <https://zakon.rada.gov.ua/laws/show>
206. Про насіння і садивний матеріал: закон України від від 26.12.2002 № 411
IV URL: <https://zakon.rada.gov.ua/laws/show>
207. Про національну безпеку України. Закон України. URL:
https://zakon.rada.gov.ua/laws/show/2469_19
208. Про оптимізацію системи центральних органів виконавчої влади:
Постанова Кабінету Міністрів України, від 10.09.2014 № 442. URL:
http://zakon3.rada.gov.ua/laws/show/442_2014_p
209. Про оптимізацію системи центральних органів виконавчої влади: Указ
Президента України від 09.12.2010 № 1085/2010 URL:
<https://zakon.rada.gov.ua/laws/show>
210. Про оптові ринки сільськогосподарської продукції: Закон України від
25.06.2009 № 1561 VI URL: <https://zakon.rada.gov.ua/laws/show>
211. Про основи національної безпеки: Закон України від 19.06.2003 № 964 IV
URL: <https://zakon.rada.gov.ua/laws/show>
212. Про основні засади (стратегію) державної екологічної політики України на
період до 2020 року: Закон України, Стратегія від 21.12.2010 № 2818 VI.
URL: <https://zakon.rada.gov.ua/laws/show>
213. Про основні засади державного нагляду (контролю) у сфері господарської
діяльності : Закон України від 05.04.2007 № 877 V URL:
<https://zakon.rada.gov.ua/laws/show>
214. Про основні засади державної аграрної політики на період до 2015 року:
Закон України № 2982 IV від 18.10.2005 URL:
<https://zakon.rada.gov.ua/laws/show>
215. Про основні засади державної аграрної політики та державної політики
сільського туризму. Проект Закону URL:
http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=9162&skl=9
216. Про основні принципи та вимоги до безпечності та якості харчових
продуктів: Закон України від 23.12.1997 № 771/97 ВР. URL:
www.rada.gov.ua

217. Про основні принципи та вимоги до органічного виробництва, обігу та маркування органічної продукції. Закон України від 10 липня 2018 року № 2496 VIII. URL: https://zakon.rada.gov.ua/laws/show/2496_19
218. Про особисте селянське господарство. Закон України від 15 травня 2003 року №742. URL: https://zakon.rada.gov.ua/laws/show/742_15/print
219. Про охорону земель: Закон України від 19.06.2003 № 962 IV URL: <https://zakon.rada.gov.ua/laws/show>
220. Про охорону навколишнього природного середовища. Закон України від 25 червня 1991 року №1264. URL: https://zakon.rada.gov.ua/laws/show/1264_12/print
221. Про передачу функцій центральних галузевих дегустаційних комісій спеціалізованим дегустаційним комісіям підприємств виробників, їх об'єднань: Наказ Міністерства аграрної політики та продовольства України 28.10.2013 № 638. URL: http://zakon3.rada.gov.ua/laws/show/z1847_13
222. Про пестициди і агрохімікати: Закон України від 02.03.1995 № 86/95 ВР. URL: <https://zakon.rada.gov.ua/laws/show>
223. Про питну воду та питне водопостачання: закон України від 10.01.2002 № 2918 III URL: <https://zakon.rada.gov.ua/laws/show>
224. Про порядок ввезення (пересилання) в Україну, митного оформлення й оподаткування особистих речей, товарів та транспортних засобів, що ввозяться (пересилаються) громадянами на митну територію України: Закон України від 13 вересня 2001 р. URL: <https://zakon.rada.gov.ua/laws/show>
225. Про порядок участі центральних органів виконавчої влади в діяльності міжнародних організацій, членом яких є Україна. Постанова Кабінету Міністрів України від 13 вересня 2002 р. №1371 URL:<https://zakon.rada.gov.ua/laws/show/1371>
226. Про Раду міністрів Автономної Республіки Крим: Закон України від 16.06.2011 № 3530 VI. URL: <https://zakon.rada.gov.ua/laws/show>
227. Про рибу, інші водні живі ресурси та харчову продукцію з них: закон України від 06.02.2003 № 486 IV. URL: <https://zakon.rada.gov.ua/laws/show>

228. Про систему інженерно технічного забезпечення агропромислового комплексу України: Закон України від 05.10.2006 р. № 229 V. URL: <https://zakon.rada.gov.ua/laws/show>
229. Про співробітництво в галузі сільського господарства між Міністерством аграрної політики України та Міністерством зовнішньої торгівлі та економічних відносин Боснії та Герцоговини: Угода, Міжнародний документ від 12.10.2012 URL: <https://zakon.rada.gov.ua/laws/show>
230. Про співробітництво в галузі сільського господарства між Міністерством аграрної політики України та Міністерством сільського господарства Китайської Народної Республіки: Угода, Міжнародний документ від 12.04.2007. URL: <https://zakon.rada.gov.ua/laws/show>
231. Про співробітництво в галузі тваринництва між Міністерством аграрної політики України та Міністерством сільського господарства і рибальства Французької Республіки: Угода, Міжнародний документ від 11.05.2009. URL: http://zakon4.rada.gov.ua/laws/show/250_071/card6#Public
232. Про стандартизацію: Закон України від 05.06.2014 № 1315 VII URL: <https://zakon.rada.gov.ua/laws/show>
233. Про схвалення Концепції реформування місцевого самоврядування та територіальної організації влади в Україні: Розпорядження Кабінету Міністрів України, Концепція від 01.04.2014 № 333 р. URL: <http://zakon4.rada.gov.ua/laws/show/333>
234. Про схвалення Концепції розвитку системи надання адміністративних послуг органами виконавчої влади: Розпорядження, Концепція Кабінету Міністрів України від 15.02.2006 № 90 р. URL: <http://zakon4.rada.gov.ua/laws/show/90>
235. Про технічні регламенти та оцінку відповідності: Закон України від 15.01.2015 р. № 124 VIII. URL: <https://zakon.rada.gov.ua/laws/show/12419/print>
236. Про упорядкування структури апарату центральних органів виконавчої влади, їх територіальних підрозділів та місцевих державних адміністрацій:

- Постанова Кабінету Міністрів України від 12.03.2005 № 179. URL: <https://zakon.rada.gov.ua/laws/show>
237. Про утворення територіальних органів Державної служби з питань безпеки харчових продуктів та захисту споживачів: Постанова Кабінету Міністрів України від 16 грудня 2015 р. №1092. URL: https://zakon.rada.gov.ua/laws/show/1092_2015 п
238. Про центральні органи виконавчої влади: Закон України від 17.03.2011 № 3166 VI URL: <https://zakon.rada.gov.ua/laws/show>
239. Прокопенко В.В., Крущук О.С. Заходи нетарифного регулювання щодо переміщення продуктів харчування через митний кордон України. Митна справа. 2011. №3 (75). С. 58-68
240. Пундор Ю.О. Про визначення змісту категорії «правосуб'єктності» у теорії права та галузевих теоріях цивільного та господарського права (порівняльно правовий аспект). Часопис Київського університету права. 2013. № 1. С. 60-63
241. Пушкар М.В. Організаційно правові засади охорони прав на сорти рослин в Україні : Автореф. дис. канд. юрид. наук. Ін-т законодавства ВР України. Київ, 2006. 17 с.
242. Пушкар О. Роль органів державного управління у забезпеченні конституційних прав і свобод громадян у контексті Європейських традицій публічного управління. URL: <http://www.dridu.dp.ua>
243. Романко С.М. Поняття та ознаки екологічної безпеки сільськогосподарської продукції. URL: nbuv.gov.ua
244. Сидоренко О. Продовольча безпека України неможлива без державного регулювання АПК. URL: <http://ua.ekonomist.com/216-prodovolcha-bezpeka-ukrayini-nemozhliva-bez-derzhavnogo-regulyuvannya-apk.html>
245. Система аналізу небезпек і критичних точок контролю. URL: http://vet.in.ua/menu/articles.php?id_article=22
246. Система управління безпекою харчових продуктів (ХАСПП) по ДСТУ 4161 URL: <http://www.certsystems.kiev.ua/dstu22000/sistemi-upravleniya-bezopasnostyu.html>

247. Сікорський О.П. Адміністративно правовий статус Державного департаменту у справах громадянства, іміграції та реєстрації фізичних осіб МВС України. Автореф. дис. на здобуття наук. ступеня канд. юрид. наук: спец. 12.00.07. Харків, 2011. 20 с.
248. Скакун О.Ф. Теорія держави та права: підручник. Харків: Консум, 2001. 656 с.
249. Слободкін В.І. Концептуальні положення Кодекс Аліментаріус та їх реалізація в національному законодавстві України. Проблеми харчування. 2008. №3 4. с. 13-22
250. Слободкін В.І. Світові системи забезпечення якості і безпечності харчових продуктів та здійснення державного санітарно епідеміологічного нагляду за умов їх розвитку: посібник Київ: НМАПО імені П.Л. Шупика і Центральна СЕС МОЗ України, 2007. 55 с.
251. Солодкий В. Радіологічний контроль лісопродукції: прозора, компетентно. URL: <http://www.lesovod.org.ua/node/23579>
252. Сосіменко Ю.П. Коломоєць Т.О. Гулевська Г.Ю. Яким бути нотаріату України. Влада. Людина. Закон. 2002. № 1. С. 159-161.
253. Стасишен М.С. Висока якість продукції основа економіко екологічного розвитку рибного господарства. URL: <http://dspace.nbuv.gov.ua/bitstream/handle/123456789/11111/27Stasushen.pdf>
254. Стефанюк І.Б. Мета і завдання державного фінансового контролю підприємницької діяльності. Фінанси та України. 2002. №4. С. 133-134
255. Стрельниченко О. Г. Природа надання адміністративних послуг. Наука і правоохорона. 2011. № 2. С. 171-176.
256. Суб'єкти та об'єкти державного управління. URL: <http://radnuk.info/pidrychnuku/derjypr/492malinovski/9679223.html>
257. Сучасна правова енциклопедія / О.В. Зайчук, О.Л. Копиленко, Н.М. Оніщенко; за заг. ред. О.М. Зайчук. Київ: Юрінком Інтер, 2010. 384 с.
258. Тихомиров М.Ю. Акты центральных органов управления в условиях перестройки. Правоведение. 1990. № 1. С. 48-53.

259. Ткаченко А.О. Поняття компетенції державного органу. Часопис Київського університету права. 2009. № 4. с. 192-197
260. Третьякова В. Про правові основи функціонування системи біобезпеки під час здійснення генетично-інженерної діяльності та обігу ГМО в контексті застосування міжнародних біоетичних стандартів. URL: <http://veche.kiev.ua/journal/3580/>
261. Тригубенко С.М. Основні принципи діяльності Міністерства аграрної політики та продовольства України як центрального органу виконавчої влади // [Електронне науково фахове видання] Форум права. 2012. № 3. URL: <file:///C:/Documents%20and%20Settings/>
262. Угода між Міністерством аграрної політики та продовольства України та Міністерством сільського, лісового та водного господарства Республіки Сербія про співробітництво в галузі сільського господарства: Міжнародний документ від 20.01.2011 URL: <https://zakon.rada.gov.ua/laws/show>
263. Угода між Міністерством аграрної політики України і Міністерством продовольства і сільського господарства Монголії в галузі ветеринарії: Міжнародний документ від 13.04.2005 URL: <https://zakon.rada.gov.ua/laws/show>
264. Угода між Міністерством аграрної політики України та Федеральним міністерством з питань захисту прав споживачів, продовольства та сільського господарства Федеративної Республіки Німеччина про співробітництво в галузі ветеринарії: Міжнародний документ від 20.02.2004 URL: <https://zakon.rada.gov.ua/laws/show>
265. Угода про асоціацію між Україною та Європейським союзом / Єдиний веб портал органів виконавчої влади України. URL: <http://www.kmu.gov.ua>
266. Устінов О.В. Харчові продукти або корми для людей? Можливі наслідки реформування Держсанепідемслужби // URL: <http://www.umj.com.ua/article/28999/>
267. Ходов А. Экономические интересы и государственное регулирование экономики: прямая и обратная связь. Российский экономический журнал. 1995. №1. С. 57-64.

268. Хропанюк В.Н. Теория государства и права. Москва, 1995. 375 с.
269. Чудний О.В. Практичний зміст управлінської діяльності щодо органів нотаріату в Україні. Південноукраїнський правничий часопис. 2014. № 4. с. 91-94
270. Школенко О.Б. Організаційно-економічні механізми реалізації стратегії захисту інтересів вітчизняних виробників. Вісник Донецького національного університету. Економіка і право. Вип. 1. 2015. URL: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=2ahUKEwi1ttT0gtPjAhULlosKHcZ3AsUQFjAGegQICRAC&url=http%3A%2F%2Fjvestnik>
271. Якименко О.О. Державне регулювання і державне управління: співвідношення понять у контексті трансформації вищої освіти України. URL: <http://lib.chdu.edu.ua/pdf/naukpraci/govermgmt/2012/186>
272. Ямпольская Ц.А. Общественные организации в СССР. Москва, 1972. 216 с.
273. Ярмиш Н.М. Про співвідношення юридичних понять «Службова особа» та «Посадова особа» URL: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2a>
274. Ярмоленко Ю.В. Організаційно-правові засади діяльності підрозділів ветеринарної міліції з проведення карантинних ветеринарних заходів. Автореф. дис. канд.юр. наук. Київ, 2007. 20 с.

The materials are taken from
the information portal

OrganicInfo

<https://organicinfo.ua/news/new-organic-regulation-in-force/>

New Organic EU Regulations An introduction for stakeholders from Ukraine, Albania and Serbia



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Confederation

Federal Department of Economic Affairs,
Education and Research EAER

State Secretariat for Economic Affairs SECO



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HELVETAS
Swiss Intercooperation



YOUR COMPANY

Introduction (Topic)

Co-existing systems:

- National organic rules
- EU Regulations:
 - Equivalent standards
 - Compliance with EU Regulation

Equivalence of CB Standard

Equivalence for
production rules and
control measures
compared to
requirements in
834/2007

Compliance of CB

Compliance with
Objectives and
principles
Production rules
And Labelling rules

Control rules => Reg 2021/1698



Compliance with
Objectives and
principles
Production rules
And Labelling rules



Relevant EU Regulations for third countries:

-2018/848 + amendments by

2020/1794

2020/715

2021/1691

2021/1697

+2020/464 (not referred to in the slides)

+2021/279

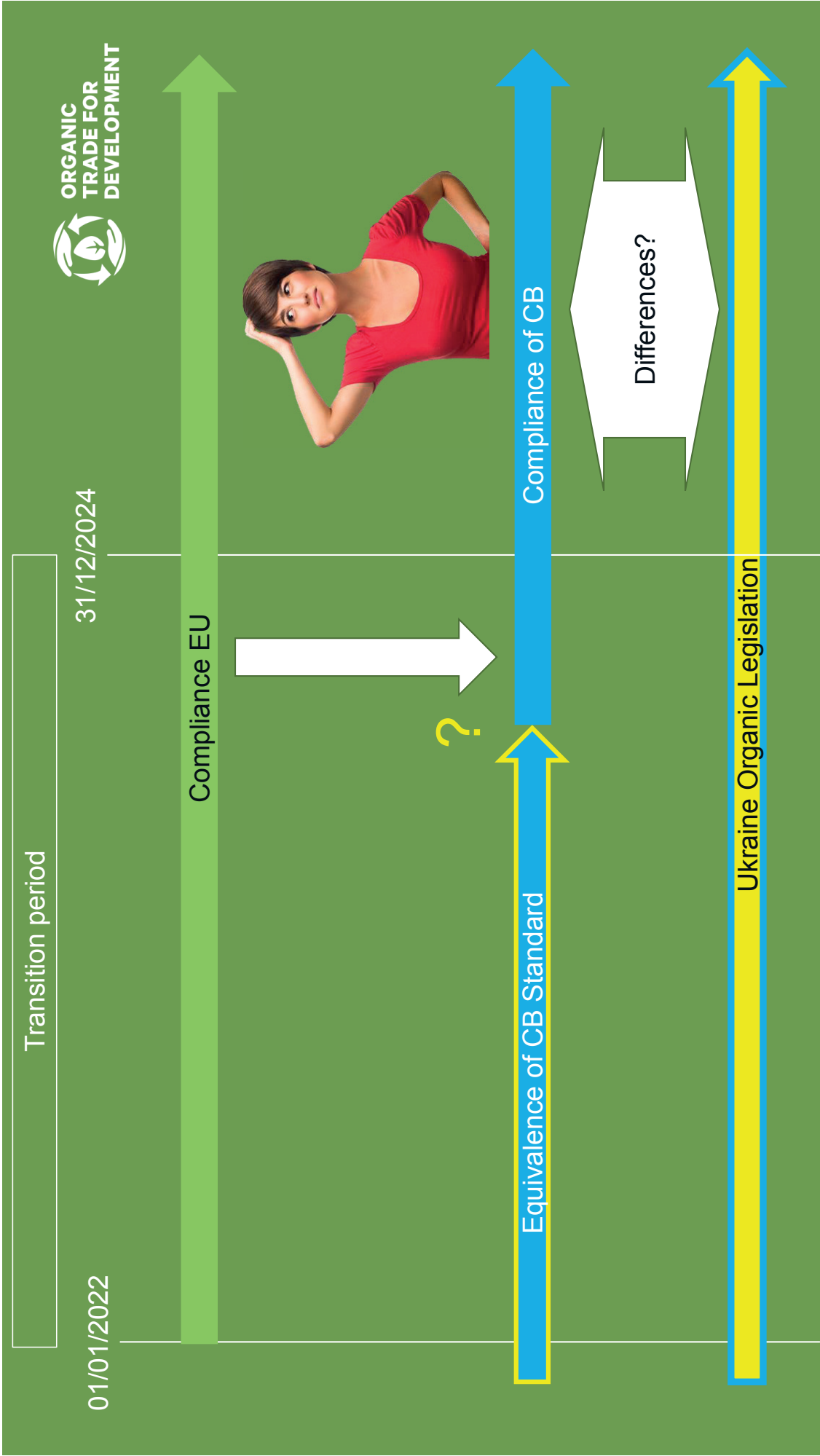
+2021/771

+2021/1165

+2021/1342

+2021/1378

+2021/1698



Transition period

01/01/2022

31/12/2024



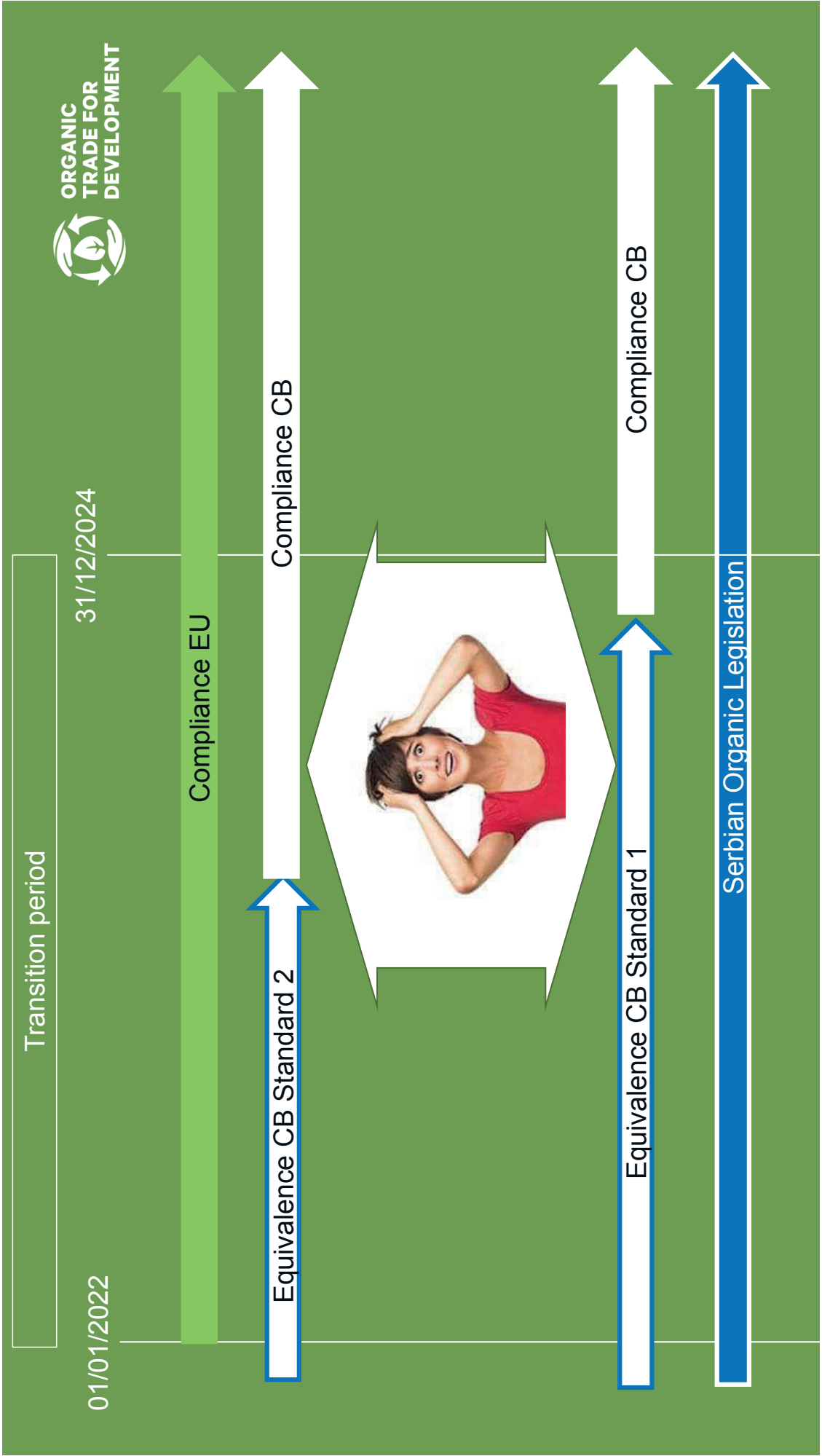
Compliance EU

Equivalence of CB Standard

Compliance of CB

Ukraine Organic Legislation

Differences?





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Part 1: From equivalence to compliance: the main challenges for operators and control bodies

Part 1: From equivalence to compliance: the main challenges for operators and control bodies



- a) Certificate
- b) Non compliances and measures
- c) Traceability
- d) Mass balance
- e) Subcontractors
- f) Precautionary measures
- g) Products and substances
- h) Records

Part 1: main challenges

- a) Certificate (Reg 2021/1378)
 - 1. Mandatory model
 - 2. Issued in TRACES
 - 3. List with CBs authorized to issue certificates for compliance



Part 1: main challenges



- a) Certificate
 - 1. Mandatory model (1378.I)
 - i. Product categories – product names and CN codes
 - ii. No date of control(s) and no maximum validity
 - iii. List with names of members of a group of operators
 - iv. General information on organic / in-conversion / non-organic

Part 1: main challenges



- a) Certificate
- 3. List with CBs authorized to issue certificates for compliance (1378.II)
 - i. Name and code number
 - ii. Product categories (a – g)
 - iii. Third countries (not covered by agreement on trade or equivalence recognition 834/2007)
 - iv. For organic and “in-conversion” products

Part 1: main challenges



b) Non compliances (NC) and measures:

1. examples from the new rules:

- i. A new conversion period in the case of treatment with a product/substance not authorized for use in organic production (848.II.I.1.7.3§1)
- ii. A new conversion period in the case of treatment of livestock more often than allowed per year/lifecycle (848.II.II.1.5.2.4)
- iii. A conversion period of 12 months in case of treatment of beehives with chemically synthesized allopathic products (848.II.II.1.9.6.3f)
- iv. Mandatory withdrawal of the certificate for the whole group where deficiencies in the set-up or functioning of the ICS affect integrity of products (848.36.2)
- v. A new conversion period for the land after use of treated seeds (848.II.I.1.8.5.3§2)

Part 1: main challenges



- b) Non compliances (NC) and measures:
- 2. Requirements for CBs: (1698)
 - i. Catalogue of measures as requirement for recognition (1.2h)
 - ii. Mandatory information on NC and measures in the database (18)
 - iii. Mandatory exchange of information on any suspicion of NC that affects integrity of products (21.2)
 - iv. Mandatory investigation and blocking in the event of suspicion of NC (22)

Part 1: main challenges



- b) Non compliances (NC) and measures:
- 3. Catalogue of measures for CBs (1698.22.3 & Ann IV)
 - i. List of NC with reference to specific rules of 2018/848
 - ii. Mandatory NCs
 - iii. Classification of NC as minor, major and critical based on 4 criteria (application of PCM, impact on integrity of products, traceability of affected products and operator's response to previous NC
 - iv. Measure(s) to be applied for each NC

Part 1: main challenges

b) Non compliances (NC) and measures:

4. Measures in the event of NC affecting the integrity (1698.23)

- i. E.g. as result of the use of unauthorized substances, products or techniques, or commingling
- ii. No reference to organic production
- iii. Where the NC is established, determine origin and extend of the NC and establish responsibilities of the operator/GG and take measures to ensure that the operator/GG remedies NC and prevents further occurrences of such NC
- iv. Apply the catalogue of measures and increase frequencies of controls
- v. In the event of serious/repetitive/continued NC, suspend or withdraw the certificate

Part 1: main challenges

- b) Non compliances (NC) and measures:
- 5. Three types of NC (characterized by one or more of the following): (1698.IV)



	minor	Major	Critical
PCM in place, proportionate and appropriate and operator's own controls are efficient?	Yes	No	No
NC affects the integrity of products?	No	Yes	Yes
Did operator correct minor NC in a timely manner?	-	No	No
Products can be traced and prevented from being imported?	Yes	Yes	No

Part 1: main challenges

- b) Non compliances (NC) and measures:
- 6. Measures related to each type of NC (2021/1698.IV)



	minor	Major	Critical
Submission of action plan (incl deadline to correct)	X		
No reference to organic production on products		X	X
Prohibition of import		X	X
New conversion period		X	X
Limitation of certificate's scope		X	X
Improvement of PCM		X	
Suspension of the certificate			X
Withdrawal of the certificate			X

Part 1: main challenges

b) Non compliances (NC) and measures:

7. Minimum content of the catalogue of measures (2021/1698.IV)



	Major	Critical
Significant deviation between input and output calculation (mass balance)	X	
Absence of records and financial records showing the compliance with Regulation (EU) 2018/848		X
Intentional omission of information leading to incomplete records		X
Falsification of documents connected with the certification of organic products		X
Intentional re-labelling of downgraded products as organic		X
Intentional mixing organic with in-conversion or non-organic products		X
Intentional use of non-authorized substances or products within the scope of the Regulation (EU) 2018/848		X
Intentional use of GMOs		X
The operator refuses the control authority or the control body access to premises subject to controls, or to its book keepings, including financial records, or refuses to allow the control authority or control body to take sample		X

Part 1: main challenges



c) Traceability

- =: ability to trace and follow products through all stages of production, preparation and distribution (848.3.48)
- operators in third countries are able at any time to provide information ensuring traceability (848.45.1c)
- detailed requirements for traceability records for groups (279.5g)
- traceability checks by the Commission (Supervision) (1698.6)
- mandatory method/technique for controls (1698.11)
- mandatory documentary check in verification of consignment (1698.16)
- cfr catalog of measures
- mandatory part of witness audit report (1698.II.A.2.2f)

Part 1: main challenges

d) Mass balance

- =: balance between incoming and outgoing products
- Mandatory part of annual controls (1698.11.2)
- Selection of operators/GG shall be based on a risk assessment (1698.11.3)
- Taking into account delivered products, products in storage, products that have left the unit, yield (N-1 and N), losses and amounts sold as non-organic (1698.11.5)
- Included in documentary check during verification of consignment (1698.16.3)
- Subject to witness audit report (1698.II.A.2.2f)
- Catalogue of measures ! (1698.IV)

Part 1: main challenges

- e) Subcontracting and subcontractors (1698)
 - To be included in CB risk assessment (Art 9.2)
 - To be included in contract (exchange of information) (Art 10.1d)
 - Transfer of responsibilities – subject to controls (Art 10.2)
 - To be included in the CB database (Art 18e)



Part 1: main challenges



- f) Precautionary measures (PCM) (848.28 + 29)
to avoid the presence of non authorized products and substances
- i. Identify risks of contamination, put in place measures to avoid risks of contamination of organic production and products and regularly review and adjust
 - ii. Substantiate, block products and inform CB in case of suspicion of non-compliance because of presence of certain products/substances
 - iii. CB shall start official investigation while products remain blocked. Products cannot remain organic in case of
 - i. Use of unauthorized substances
 - ii. Absence of PCM
 - iii. Insufficient response to previous NC

Part 1: main challenges

- g) Products and substances
 - Products and substances for EU based operators also apply in third countries (compliance) (related to 848.24)
 - In addition: lists with products/subs for third countries (2021/1165.10 + VI)
 - List with products/subs for cleaning/disinfection for all organic activities (NEW) (2021/1165.5 and 1165.IV)



Part 1: main challenges

- h) Records (2021/1691)
 - Activity specific requirements
 - Demonstrate compliance via records of PCM, derogations, external inputs used, movement (in/storage/out), cleaning



OPERATORS' main challenges	Plant production	Processing	Storage	Groups	CONTROLS
Seeds	X				X
Non organic ingredients		X			X
Natural flavouring s/p		X			
Soil management	X				X
Preparation	X	X			X
Products and substances	X	X	X		X
Records	X	X	X		X
Traceability	X	X	X	X	X
Mass balance	X	X	X	X	X
Precautionary measures	X	X	X		X
Subcontractors	X	X	X	X	
Composition & size				X	X
Established and legal personality				X	
Joint marketing system				X	
Adjust ICS				X	X
Non-compliances and measures	X	X	X	X	X
Certificate	X	X	X	X	X



Part 2: The new production rules: the main challenges for operators

- 2.1 For a certified producer of organic cereals
- 2.2 For a certified processor
- 2.3 For a certified operator involved in storage
- 2.4 For a certified group of operators

Part 2: From equivalence to compliance: the main challenges for operators

2.1 For a certified producer of organic cereals

- a) Seeds
- b) Soil management
- c) Preparation operations other than processing on the plants
- d) Products and substances
- e) Records
- f) Traceability
- g) Mass balance
- h) Precautionary measures to avoid presence of non-authorized products and substances

Part 2: From equivalence to compliance: the main challenges

2.1 For a certified producer of organic cereals

- a) Seeds
 - i. “Organic heterogeneous material” in the EU (848.3.18, 13 and II.I.1.10.1)
 - ii. “Organic Varieties suitable for organic production” in the EU (848.II.I.1.8.4)
 - iii. Authorised use of own in-conversion and organic seed (848.II.I.1.8.5.2 §2)
 - iv. Authorised use of in-conversion seed without derogation (848.II.I.1.8.5.2§1)
 - v. Use of treated seeds results in a new conversion period of the land (848.II.I.1.8.5.3§2)
 - vi. Production of organic seeds and “in-conversion” seeds (848.II.I.1.8.2 & 848.10.4)

Part 2: From equivalence to compliance: the main challenges

2.1 For a certified producer of organic cereals

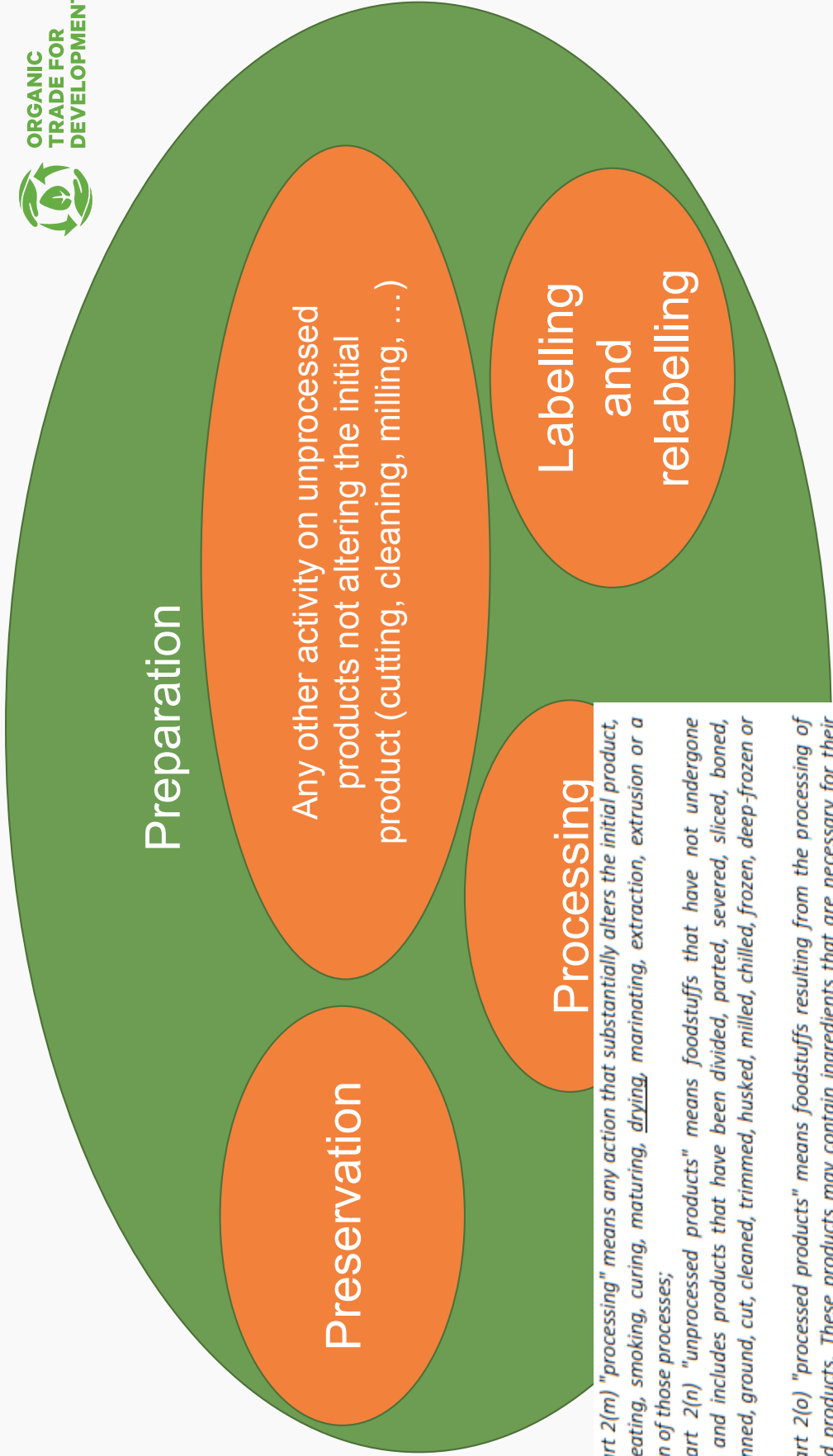
b) Soil management

- i. Tillage and cultivation practices (848.II.I.1.9.1)
- ii. Fertility of the soil shall be maintained and increased by the use of multiannual crop rotation including mandatory leguminous crops as the main or cover crop for rotating crops and other green manure crops and by the application of livestock manure or organic matter, both preferably composted, from organic production (848.II.I.1.9.2)

Part 2: From equivalence to compliance: the main challenges

2.1 For a certified producer of organic cereals

- c) Preparation operations other than processing: “cleaning”, sorting, (drying is a processing activity)
- i. Requirements for processing of food apply (848.II.1.1.13)
 - Identification of critical steps
 - Take precautionary measures and keep records of those measures
 - Guarantee separation
 - Only use authorized products/substances for the purpose of cleaning and disinfection



852/2004 art 2(m) "processing" means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes;

852/2004 art 2(n) "unprocessed products" means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed;

852/2004 art 2(o) "processed products" means foodstuffs resulting from the processing of unprocessed products. These products may contain ingredients that are necessary for their manufacture or to give them specific characteristics.

Part 2: From equivalence to compliance: the main challenges



- 2.1 For a certified producer of organic cereals
- d) Products and substances
- i. A new conversion period in the case of treatment with a product/substance not authorized for use in organic
 - ii. An extension of the conversion period in the case of contamination of the land or one or more parcels
 - iii. Fertilizers, soil amendments and nutrients: (2021/1165.II + VI: 16/07/2022: new limits for contaminants in EU: 2019/1009)
 - iv. Plant protection products: 2021/1165.I + VI (new category of products: basic substances and new conditions for ethylene)
 - v. Products/substances for the purpose of cleaning and disinfection: 2021/1165.IV + VI

Part 2: From equivalence to compliance: the main challenges

2.1 For a certified producer of organic cereals

e) Records

- i. Any external input used on each parcel (farmyard manure from factory farming = forbidden) (1165.II)
- ii. Detailed records on the amount of the harvest (per parcel) (848.1.12§1)
- iii. Documentary evidence on any derogation (NONT seeds) (848.1.12§1)
- iv. Detailed records on the use of fertilizers and soil conditioners (848.1.12§1)
- v. Detailed records on the use of plant protection products (848.1.12§1)
- vi. Products used for cleaning and disinfection (848.1.11)



Part 2: From equivalence to compliance: the main challenges

2.1 For a certified producer of organic cereals

- f) Traceability**
 - i. The buyers**
 - ii. The quantities in stock and their location**

Part 2: From equivalence to compliance: the main challenges

2.1 For a certified producer of organic cereals

g) Mass balance

- i. Records to allow the mass balance check shall cover at least the following elements: products delivered, in storage, products that left, yields (N-1 & N), losses, and the sales as non-organic
- ii. Mass balance (estimation) can also be a “N” balance of 1 parcel over a period of 3 years.
- iii. Mass balance can be comparison of kg of seeds purchased and compared against kg of harvest for one field.

Part 2: From equivalence to compliance: the main challenges



- 2.1 For a certified producer of organic cereals
- h) Precautionary measures to avoid the presence of non authorized products and substances
 - i. Identify risks: fungi attacks, insects, harvesting conditions, post harvest contamination and commingling (silo, cleaning, transport, ...)
 - ii. PCM: soil analysis, crop rotation, legumes, associations, organic matter input, separate inputs for non-organic PU from in-conversion & organic PU (848.III.7.2)
 - iii. In case of suspicion of non-compliance because of presence of certain products/substances
 - 1. Isolate; 2. Substantiate (check inputs used / storage unit's history / transport means / subcontractor's PCM); 3. Block and inform CB; 4. Cooperate

Part 2: From equivalence to compliance: the main challenges

2.2 For a certified processor of organic products

- a) Precautionary measures and records**
- b) Non organic ingredients and records**
- c) Products and substances**
- d) Records of any input used**
- e) Recipe**
- f) Subcontractors**
- g) Natural flavouring substances & - preparations**

Part 2: From equivalence to compliance: the main challenges

2.2 For a certified processor of organic products

- a) Precautionary measures and records
- b) Non organic ingredients and records
- c) **Products and substances**
- d) Records of any input used
- e) **Recipe**
- f) Subcontractors
- g) **Natural flavouring substances & - preparations** (= agric ingredients)

Part 2: From equivalence to compliance: the main challenges

2.2 For a certified processor of organic products

c) Products and substances

1. Food additives: no more separation “plant / animal origin” & minor changes (e.g. conditions for use of E 903 - carnauba wax) (1165.V.A1)
2. Processing aids: status quo (1165.V.A2)
3. Authorised non-organic ingredients
(EU level): strongly reduced and 2 new (1165.V.B)
4. TC - CB level: Procedure via Comm and MS (1165.10 & VI)

Part 2: From equivalence to compliance: the main challenges

2.2 For a certified processor of organic products

e) Recipe (848.II.IV.2.3)

- Mono-ingredient products (ex honey, wild garlic, raspberries, ...)
 - # kg of sub-batches which may vary per batch of end product)
- Multi-ingredient products (ex jam:
 - 50 kg fruits + 50 kg sugar + ...
 - 75 kg jam

Part 2: From equivalence to compliance: the main challenges

2.2 For a certified processor of organic products

g) Flavouring substances and – preparations

-889.27.2b: “shall not be calculated as ingredients of agricultural origin” covering also flavourings changed into “shall not be calculated as ingredients of agricultural origin” no longer referring to flavourings (848.II.IV.2.2.4)

-All of the flavouring components and carriers of flavouring components in the flavouring concerned are organic (848.30.5c(iii))

Part 2: From equivalence to compliance: the main challenges

- 2.3 For a certified operation involved in storage (848.III.5 & 7)
- a) Precautionary measures and records (reception, identification, coherence of information, separation, registration of movement, ...)
 - b) Products and substances for cleaning and disinfection (2021/1665.IV)
 - c) Records (848.III.7.4c)

Part 2: From equivalence to compliance: the main challenges

2.4 For a certified group of operators

- a) Composition and size (848.36.1 and 279.4 + 10)
- b) Established and legal personality
- c) Joint marketing system
- d) Adjust ICS to the new requirements (848.36.1, 279.5+6)
- e) Internal traceability (279.5g)
- f) Be aware of “deficiencies of the ICS”

Part 2: From equivalence to compliance: the main challenges



2.4 For a certified group of operators

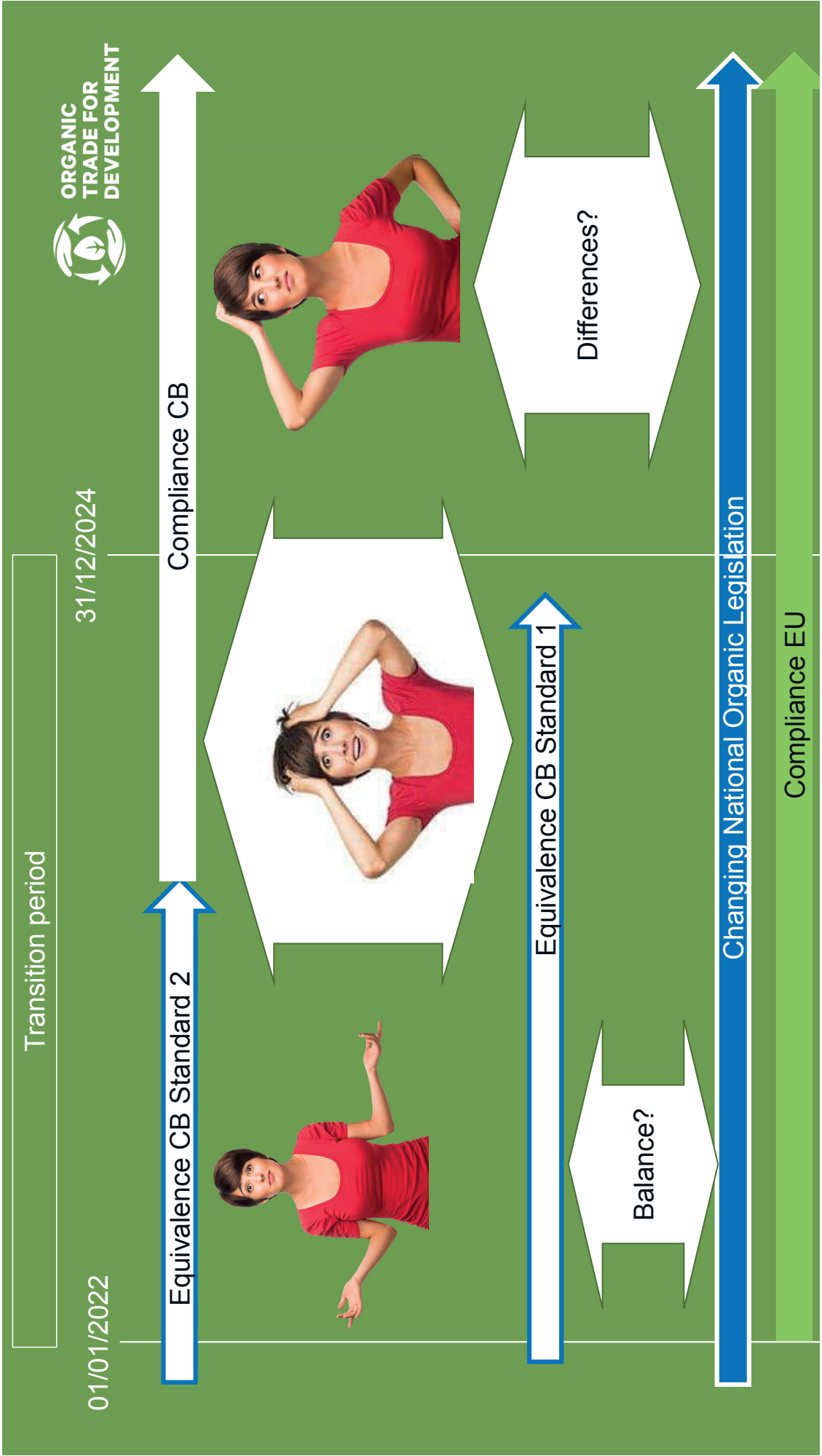
f) Be aware of “deficiencies of the ICS”

Suspend/withdraw the certificate in case of deficiencies of ICS affecting integrity of products (848.36.2)

- a) Producing, preparing or selling products from suspended/withdrawn members or production units
- b) Selling products for which the ICS manager has decided to sell them as conventional
- c) Adding new members/PU without prior approval of the ICS manager
- d) Not carrying out annual physical on-the-spot inspection of a member in a given year
- e) Failing to indicate the members which have been suspended/withdrawn
- f) Serious deviations in findings between ICS inspections and CB inspections
- g) Serious deviations in imposing measures and carrying out the follow up
- h) Inadequate number of ICS inspectors or inadequate competences of ICS inspectors



Part 3: Introduction to the new requirements for control bodies



Part 3: Introduction to the new requirements for control bodies

1. Continue under the equivalence regime
2. Introduce request for recognition for the compliance regime
3. Switch from equivalence to compliance in practice
4. Controls
5. Other Actions

Part 3: Introduction to the new requirements for control bodies

1. Continue under the equivalence regime
2. Introduce request for recognition for the compliance regime
3. Switch from equivalence to compliance in practice
4. Controls under the compliance regime
5. Other actions under the compliance regime

Part 3: Introduction to the new requirements for control bodies



1. Continue under the equivalence regime (2021/1342.2)
 - Under (risk based) supervision of the Commission (based on the annual reports and other information received)
 - by 28/3 each year, send the annual report (update of the Technical Dossier) containing at least:
 - a) Overview of activities (# op/GG sorted by categories and grouped by tariff codes)
 - b) Updates on the production standards (incl assessment of equivalence)
 - c) Updates of the control measures applied (incl assessment of equivalence)
 - d) Description of controls carried out and the results (NC – corrective actions)
 - e) Other updates of information
 - f) Copy of the latest assessment report
 - g) Internet website (list of operators)
 - h) Any other information

Part 3: Introduction to the new requirements for control bodies



1. Continue under the equivalence regime (2021/1342.4)

- Commission may amend specifications
- Commission may suspend (based on info received or where CB has not supplied sufficient info where required or has not agreed to on-site inspection)
- Commission shall suspend (based on failure to take time remedial action)
- Commission shall withdraw based on
 - not sending Annual report in time
 - send incomplete Annual report
 - CB does not keep available or does not communicate (TD or investigations)
 - failure to take corrective measures
 - not agree with on-the-spot inspection
 - when there is a risk for the consumer to be misled about true nature of products



Part 3: Introduction to the new requirements for control bodies

1. Continue under the equivalence regime
2. Introduce request for recognition for the compliance regime
3. Switch from equivalence to compliance in practice
4. Controls under the compliance regime
5. Other actions under the compliance regime

Part 3: Introduction to the new requirements for control bodies

2. Introduce request for recognition for the compliance regime

- A) Prepare the technical dossier referred to in 848.46.4 (2021/1698.1.2) containing among others:
 - e) Translations of production rules and control measures
 - g) **Procedures** describing in detail the controls
 - h) Catalog of measures
 - j) Proof of notification of authorities of third countries
 - k) Website address (list of operators)

Part 3: Introduction to the new requirements for control bodies

2. Introduce request for recognition for the compliance regime

- A) Prepare the technical dossier :
- g) **Procedures** describing in detail the controls (2021/1698.13)
 - c) sampling strategy, procedures and methodology, control methods and techniques, including lab analysis, testing and interpretation and evaluation of results and consequent decisions
 - e) a procedure for assessing the risk linked to operators/GG for carrying out the inspections and sampling
 - f) verification of the appropriateness of methods (sampling & testing)
 - h) for groups, effectiveness of ICS

Part 3: Introduction to the new requirements for control bodies

2. Introduce request for recognition for the compliance regime

B) Prepare the assessment (Minimum content of Assessment report:
2021/1698.I)

1. Document and record review report
2. On-site assessment report
 1. Office assessment report
 2. Witness audit report

Part 3: Introduction to the new requirements for control bodies

2. Introduce request for recognition for the compliance regime

- C) Complete the Technical Dossier by inclusion of
- copy of accreditation certificate (2021/1698.1.2f)
 - copy of the most recent assessment report (carried out within two years preceding the request) (2021/1698.1.2i)



Part 3: Introduction to the new requirements for control bodies

1. Continue under the equivalence regime
2. Introduce request for recognition for the compliance regime
3. Switch from equivalence to compliance in practice
4. Controls under the compliance regime
5. Other actions under the compliance regime

Part 3: Introduction to the new requirements for control bodies

3. Switch from equivalence to compliance in practice

Organise simulations according to the new rules

- checklists
- derogations
- database (linked with website – list of operators) (1698.II.2)
- letters of NC
- certificate
- catalog of measures
- inspection of groups of operators

And switch all on 1 day in agreement with AB.



Part 3: Introduction to the new requirements for control bodies

1. Continue under the equivalence regime
2. Introduce request for recognition for the compliance regime
3. Switch from equivalence to compliance in practice
4. **Controls under the compliance regime**
5. Other actions under the compliance regime

Part 3: Introduction to the new requirements for control bodies

4. **Controls** (2021/1698 Art 9 – 16)

- (9) General provisions
- (10) Checks for the certification of operators or groups of operators
- (11) Methods and techniques for controls
- (12) Sampling, methods used for sampling and selection of laboratories for sample analysis
- (13) Documented control procedures
- (14) Written records of controls
- (16) Verification of consignments intended for import into the Union

Part 3: Introduction to the new requirements for control bodies

4. Controls (2021/1698 Art 9 – 16)

(9) General provisions

1. Mandatory elements to control (PCM and separation)
2. Determination of likelihood of NC taking into account 14 parameters
3. Official controls of groups (2021/771.2)
4. 1 Verification of compliance for all operators/GG each year, including a physical on-the-spot inspection
5. At least 10 % additional controls. At least 10% of all physical on-the-spot inspections shall be unannounced. 5% of members of GG
9. All units (incl those used for non-organic products) shall be subject to annual controls

Part 3: Introduction to the new requirements for control bodies



4. Controls (2021/1698 Art 9 – 16)

(10) Checks for the certification of operators or groups of operators

1. Requirements related to accepting to control an operator/GG
 - a) Description of the Production Units + activities
 - c) Confirmation by the members that they have not been certified on individual basis
2. Requirements related to certifying an operator/GG
 - a) Compliance with Ch II, III and IV of 2018/848 + Art 36
 - b) Subcontractors under control
4. Not certify operators that have been withdrawn by previous CB in the last two years



Part 3: Introduction to the new requirements for control bodies

4. Controls (2021/1698 Art 9 – 16)

(11) Methods and techniques for controls

1. Control methods and techniques (check maps, inspection, ...)
2. Traceability (T) check and mass balance (MB)
3. Risk based selection of products and period for T and MB
4. Elements to be included for T
5. Elements to be included for MB

Part 3: Introduction to the new requirements for control bodies



4. Controls (2021/1698 Art 9 – 16)

(12) Sampling, methods used for sampling and selection of laboratories for sample analysis

1. Purposes of sampling (use, production techniques and contamination)
2. At least 5% (2% of members of each group)
3. Risk based selection of operators/GG
4. Mandatory sampling when “use” is suspected
6. Requirements for the labs
7. Delegation of sampling to other recognised bodies or to ISO 17025 accredited bodies

Part 3: Introduction to the new requirements for control bodies

4. **Controls** (2021/1698 Art 9 – 16)

- (13) Documented control procedures
1. Documented procedures
 - b) Tasks, responsibilities and duties of staff
 - c) Sampling strategy, procedures, methodology, control methods including lab analysis, testing and interpretation and evaluation of results and consequent decisions
 - d) Procedure for assessing risk
 - ...
 2. Obligation to correct and update the procedures

Part 3: Introduction to the new requirements for control bodies

4. Controls (2021/1698 Art 9 – 16)

(14) Written records of controls

1. Mandatory written records of each control. On paper or in electronic form. Keep for 5 years. Minimum content.
2. Countersigned by the operator or the inspected member of the GG as confirmation of receipt.

Part 3: Introduction to the new requirements for control bodies

4. Controls (2021/1698 Art 9 – 16)

(16) Verification of consignments intended for import into the Union

1. Systematic documentary check and, according to a risk (cfr 4) assessment, a physical check before the consignment leaves
2. By CB of producer or processor or CB of operator who did the last operation for the purpose of preparation.
3. Aim of documentary checks (traceability, mass balance, transport and equivalence or conformity of ingredients if processed product)
5. Travel plan for bulk products
7. In case of suspicion, MS may request list of all operator/GG of which the consignment is part and their CBs

Part 3: Introduction to the new requirements for control bodies

1. Continue under the equivalence regime
2. Introduce request for recognition for the compliance regime
3. Switch from equivalence to compliance in practice
4. Controls
5. Other actions under the compliance regime

Part 3: Introduction to the new requirements for control bodies

5. Other actions (2021/1698 Art 17 - 29)

- (17) List of operators and groups
- (18) Database
- (22) Actions in case of NC
- (23) Measures in case of NC affecting integrity of products
- (24) Checks for the purpose of retroactive recognition of a previous period
- (25) Authorisations for the use of non-organic PRM

Part 3: Introduction to the new requirements for control bodies

5. Other actions (2021/1698 Art 17 - 29)

(22) Actions in case of NC

1. CB suspects or receives substantiated information
 - a) Investigate with a view to verifying compliance
 - b) Prohibit import
2. In the event that the result of the investigation do not show any non-compliance affecting integrity, those products shall be allowed to be used and labelled as organic/in-conversion

Part 3: Introduction to the new requirements for control bodies

5. Other actions (2021/1698 Art 17 - 29)

(23) Measures in case of NC affecting integrity of products

1. NC affecting integrity => “downgrading”
2. CB shall take any action necessary to determine origin and extent of the NC to establish responsibilities AND take measures to ensure that operator/GG remedies the NC and prevents further occurrences
3. Apply catalog of measures
4. Suspend or withdraw the certificate

Part 3: Introduction to the new requirements for control bodies

5. Other actions (2021/1698 Art 17 - 29)

- (24) Checks for the purpose of retroactive recognition of a previous period
1. Operator submits a 'dossier'
 2. CB shall carry out detailed risk analysis, shall take samples and shall draw up an inspection report
 4. CB informs immediately AB and Comm

Part 3: Introduction to the new requirements for control bodies

5. Other actions (2021/1698 Art 17 - 29)

(25) Authorisations for the use of non-organic PRM

1. Elements to be verified
2. Inclusion of derogations granted in the annual report

Part 3: Introduction to the new requirements for control bodies



6. High risk products: special approach (2021/1698)

- Comm may identify high-risk products (IA not published yet)
- at least two physical on-the-spot inspections per year and one shall be without prior notice (9.8)
- 1 field sample/year taken at the most appropriate moment to detect potential use of non-authorized substances. (post harvest operations involved: 1 sample of incoming products) (12.5)
- During verification of consignment: systematical physical check + at least 1 representative sample of each consignment + complete documentation of traceability (16.6)
- special chapter on high risk products in the annual report (II.6)
- need for additional witness audit every 2nd year (- AR) (3.4c(i))

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MONOGRAPH

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AND SAFETY OF AGRICULTURAL PRODUCTS
IN UKRAINE**

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