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LEGISLATIVE AND LEGAL REGULATION OF FEED AND CIRCULATION OF FEED

ЗАКОНОДАВЧО-ПРАВОВЕ РЕГУЛЮВАННЯ ВИРОБНИЦТВА ТА ОБІГУ КОРМІВ

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Annotation. The issues of legislative regulation and legal basis for the management of feed for productive animals, their safety, in the context of direct interconnection with the safety of animal products for human consumption and direct impact on its health, laid down in the provisions of the legislation of Ukraine and the EU Rules and the EU, are considered. At the stages of production and circulation of feed for productive animals there is a obligation to comply with market operators requirements of legislation in the field of feed management. Based on the analysis of legislative rules, the basic requirements for ensuring the safety of feed for its production and circulation are determined. Organizational and legal guarantees of feed safety for state registration and the mandatory availability of operating capacity permit used in the production and circulation of feed are substantiated. The peculiarities of the formation and maintenance of the State Register of Power for Production and Turning of Feed are analyzed.

Keywords: legislation of Ukraine on feed, legal regulation, production and circulation of feed, safety guarantees, state registration, operational permit.



Problem statement.

According to Art. 3 of the Constitution of Ukraine "Man, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value ..., and the state is responsible to a person for their activities" [1]. The right of everyone to a safe and health of the environment, compensation for violation of this right of harm is enshrined in Art. 50 of the Constitution of Ukraine. Therefore, every citizen is guaranteed the right to free access to information, in particular, on the state of the environment, safety and quality of food, with the right to distribute it [1].

According to domestic and foreign scientists, with the consumed food, about 70 % of all pollutants consumed to the human body. Food safety is an integral condition for ensuring internal environmental safety [2], which determines the level of health and performance. Therefore, one of the components of human food and environmental safety, in particular, and society, in general, is the legal support of safety and quality of feed for productive animals, taking into account that they are a raw material for the production of animal products for human consumption.

The problems of development of feed legislation at the present stage are of scientific interest of scientists. In particular, in the legal literature, the issues of food and food and feed were raised by scientists as V.M. Burylo, S.I. Boero, Yu.P. Yermolenko, TO Kovalenko VS Kaidashov, T.M. Churilova, S.I. Marchenko [3]. At the same time, some issues of legal principles in the field of feed safety for their production and circulation are relevant and require scientific justification.

The purpose of the work is to focus on compliance with the legislative requirements and certain legal principles in the field of feed management (production, circulation, use) to ensure their safety and quality.

The leading industry of agricultural production is animal husbandry related to the activity of keeping and breeding productive animals for the production of foods of animal origin and raw materials for industry [4]. In order to guarantee the safety of animal products, it is necessary to ensure the production of safe feed, which is fed to productive animals, from which food is subsequently received [5]. According to paragraph 95 of Art. 1 of the Law of Ukraine "On Basic Principles and Requirements



for Food Safety and Quality" [6], animal products should be safe, suitable for consumption, and not have a harmful impact on human health. Therefore, the relationship is extremely important: feed safety is the safety of animal products - the safety of human life and health. Therefore, feed safety for productive animals is a guarantee of safety for life and human health [5].

The legislative and legal principles of feed are governed by the Constitution of Ukraine [1], the provisions of the Laws of Ukraine "On Feed Safety and Hygiene" [7], "On Veterinary Medicine" [8], "On state control over the observance [6], "On Consumer Protection" [10], "On a list of permits in the field of economic activity" [11], "On withdrawal from circulation, processing, disposal, destruction, destruction or further use [13], by the order of the Ministry of Agrarian Policy and Food of Ukraine "On Amendments to the List of the maximum permissible levels of unwanted substances in feed and feed raw materials for animals" [14] and other legislative acts.

If under the international treaty of Ukraine, the consent of which is provided by the Verkhovna Rada of Ukraine, other rules are established than those provided for by the legislation of Ukraine on feed, the rules of the concluded international treaty are applied [15, 21].

Legal and organizational principles of guaranteeing the safety of feed in the process of their production, circulation and use, with the establishment of requirements for hygiene, marking, packing and presentation of feed, regulation of relevant public relations between the market operator and state power determines the Law of Ukraine "On Security and Hygiene of Feed", No. 2264-VIII. In the face of a constant tendency of formation of partial autonomy of basic world influence centers, ensuring their economic and food security, creating regional sustainable networks of value added, Ukraine's accession to the economic space of the European community has additional competitive advantages for our country. Integration into the European economy is more competitive and effective of all possible models of socio-economic development for Ukraine [16]. Therefore, the harmonization of national legislation with European, compliance with domestic and European rules and regulations is extremely important today.



At the European level, legal principles for the production of safe feed are laid down in the provisions of the European Parliament and the Council of the EU No. 178/2002 of 28.01.2002 “On establishing general principles and requirements of food law, the creation of a European body for food safety and the establishment of procedures for foods that are related to foods. and making decisions on food and feed safety, as well as procedures on issues with direct or indirect impact on food and feed safety ”[17].

According to Art. 15 of the EU Regulation 178/2002, feed should not be put into circulation, or used as a dangerous, has a detrimental effect on human or animal health, and foods obtained from slaughtered animals are dangerous to human consumption (Part 2, Article 15). The feed market operator for productive animals urgently informs competent authorities, if it considers or has a reason to assume that the feed it has been put into circulation, does not guarantee its safety, does not interfere with any person, or does not discourage any persons from cooperation with competent authorities, as well as. feed (Part 3 of Article 20 of the EU Regulation 178/2002) [14,17].

The main entities in the field of feed management are the feed market operator, that is, a legal or natural person who produces or circulation of feed and has some competence. Therefore, in this area there are two main points: the first - the production of feed; The second is the stage of feed circulation. In accordance with the provision of the legislation, to ensure the safety of feed at the stage of production, the operator of the market is prohibited: to produce feed on capacity, which does not meet the requirements of the legislation, not registered or without operational permission, for making a decision on temporary termination of production and circulation of feed or cancellation of state registration or cancellation of operating permission, production of non -use. "On Feed Safety and Hygiene") [7].

In addition, in accordance with the provisions of Part 3 of Art. 10 of the Law of Ukraine "On Feed Safety and Hygiene", market operator is prohibited from circulation of feed produced on capacity, which does not meet the requirements of feed legislation; not registered or without operational permit; for temporary cessation of production and/or circulation of feed or cancellation of state registration, for cancellation of



operational permit; made using feed additives not registered in Ukraine; for marking in violation of the requirements of the legislation [7].

The Law of Ukraine "On Veterinary Medicine", as of 16.11. 2006, special requirements for animal feed production were set. According to Section X "Requirements for the production of feed additives, premixes and animal feed", the circulation and use of ready -made feed, feed additives and premixes in Ukraine is allowed only after their state registration [8].

In order to carry out state registration of feed, the applicant submits the relevant application with the relevant accompanying documents. The applicant is responsible for the accuracy of the information provided in the registration file, in accordance with the rules of the legislation of Ukraine. The applicant in the accompanying documents also indicates all the confidential information, in accordance with the "Regulations on State Registration of Veterinary Preparations, Feed Supplements, Premixes and Ready Feed", approved by the Cabinet of Ministers of Ukraine dated 21.11.2007, under No. 1349 [13]. The registration certificate states: the name of the feed (feed additives, premixes and finished feed), information about its manufacturer, a person who has the right of ownership of it, the registration number and the validity of the registration.

Appendices to the registration certificate contain the following information: the purpose of use of feed additives, premixes, finished feeds and, if necessary, indicators of safety and quality; all special conditions or restrictions on the storage and use of feed, monitoring requirements for the manufacturer for negative impact in the process of their circulation and use, categories of animals by species for which feed additives, premixes, ready or medical feed use; all special requirements concerning the marking of the feed required to comply with the established requirements and restrictions; the maximum permissible levels (MDRs) of residual amounts of veterinary medicinal or immunological agents, which are components of feed additives or metabolites of veterinary therapeutic or immunological agents in animal products for industrial or agricultural use, when the need to establish these levels is provided for the legislation of Ukraine.

The feed that is in circulation in Ukraine must meet the requirements for marking,



contain clearly outlined information in Ukrainian, in a form that attracts attention and is not erased. The information should include: the specific name received during registration; The name or name and address or registered location of the activity of the owner of the registration certificate (for changes in the name or name, that is, for changes in the type of joint -stock company or in connection with the transformation of a joint -stock company into another, such an owner has the right, without making changes to the current registration certificate and annexes. feed components; registration of feed additives, premixes, finished or medical feed in Ukraine; for scientific purposes, etc. It is forbidden to produce feed not registered for circulation in Ukraine, in the absence of an operational permit or a license for their production.

Persons who produce feed should keep detailed records of suppliers, date of receipt of components or ingredients, materials for appropriate production, including feed of animal and vegetable origin, which is used in a particular production, as well as record data on all feed (feed additives, premixes). The introduction of feed by the manufacturer or supplier (seller) is accompanied by the declaration of their safety and compliance with other mandatory requirements established by the terms of registration and the relevant technical regulations. The procedure veterinary preparations, feed additives, premixes and finished feeds, approved by the Cabinet of Ministers of Ukraine of 03.03. 2020, No. 210 [13].

For the implementation of state registration of feed additives, the market operator (applicant) or the person authorized by him submit three samples of feed additives to the reference laboratory, and to the national institution with veterinary preparations and feed additives-a statement, according to the approved form and relevant documents, specified in Article 18. The National Institution conducts a scientific evaluation (examination) of a feed additive within a period not exceeding 180 days from the date of receipt of the application and other necessary documents. The reference laboratory conducts the necessary tests and provides the National Institution within a period not exceeding 90 days from the date of receipt of the relevant application[7].

After receiving the Reference Laboratory Report, the National Institution conducts a scientific examination of the feed additive, prepares an expert opinion,



according to paragraphs. 11-14 Regulations on state registration of feed additives. veterinary preparations, feed additives, premixes and finished feed [13]. Following the adoption by the State Service of Ukraine on Food Safety (State Consumer Service) the decision on state registration of the feed additive, information on such feed additives is entered in the register within five working days.

The organizational and legal guarantee of feed safety is the availability of an operating permit for capacity for production and circulation of feed, which is a document of a permitting nature and issued by the territorial body of the competent authority of the market operator, according to the results of inspection of capacity for compliance with the requirements of the legislation on feed and the power. Feed »). The procedure for issuing the operational permit was approved by the Cabinet of Ministers of Ukraine database of 05.11. 2008, No. 978 [18] and for the issuance of an operational permit, the State Consumer Service assigns capacity (object) to identify the inspection number, submits to the State Register of Power Powers and Transfields, the procedure of formation and maintenance of which is approved by the order of the Ministry of Agrarian Policy and Food of Ukraine. [19].

The State Register of Feed Supplements is carried out by the State Service of Ukraine for Food Safety and Consumer Protection (State Consumer Service), including a set of measures aimed at creating an electronic database with information about feed additives, development of software for its maintenance, providing access to this information. The territorial body of the State Consumer Service of Ukraine revokes an operational permit with one of the following grounds: appeal of the market operator with a statement on cancellation of operational permit; liquidation of market operator - legal entity; termination of business activity of the market operator-individual entrepreneur.

The territorial body appeals to the Administrative Court with a claim for the application of the response measure in the form of cancellation of the operational permit in the presence of at least one of the grounds: establishing the fact of availability in the application or other documents submitted for obtaining an operational permit, false information; the end of one year after the discrepancy of the capacity of the



requirements of feed legislation, if during this term the operator did not eliminate the specified discrepancy; Adoption within a year of three or more decisions (decisions) on temporary termination of production and circulation of feed at a certain capacity, unless they are declared illegal in accordance with the procedure established by law.

Feed, while in circulation, is subjected to periodic selective control for compliance with the relevant technical regulation and registration conditions. It is forbidden to circulate feed (feed additives, premixes and finished feeds) that do not comply with the relevant technical regulations and/or the conditions of their registration. The circulation of unusable feed, including premixes and feed additives, is also prohibited. Feed additives, premixes, finished feed are unsuitable if the actual content of the components does not correspond to the marking; contain pathogenic microorganisms in quantities that can harm animal health, pollutants in an amount exceeding the maximum permissible levels (MDRs), prohibited for use of veterinary drugs and substances; The expiration date has expired [14, 20].

Requirements for ensuring the safety of feed at the stages of production and circulation are based on: availability of operational permit or state registration of capacity, for production and/or circulation of feed; use in the production of feed additives registered in Ukraine; the availability of proper marking of feed (the assignment of certain words, signs for goods and services, commercial (corporate) name, graphic image, or symbol by placing this information on any carrier that accompanies feed, in particular, instructions, packaging, label, etc.; ruminants.

All feed in circulation in Ukraine is subject to control in accordance with the monitoring and observation plan, developed and operated on the basis of risk assessment and is carried out by the State Veterinary Medicine Service for monitoring of suitability and compliance with the relevant technical regulation. The results of the study of feed samples, feed additives and premix within ten working days, from the date of notification of the results of the laboratory study, may be appealed by the owner of the test feed from which the samples were selected, demanding an arbitration study [15, 18],



According to Art. 79 of the Law of Ukraine "On Veterinary Medicine" [8], market operators that carry out animal feed, are subject to state registration and are obliged to keep records on the acquisition and sale of animal feed over the last three years, to track the circulation of this feed, at the request of the State Inspector of Veterinary Medicine. Market operators that contain feed containing ruminant protein must have separate capacities for their production and storage, separate vehicles for its transportation. The effective guarantee of ensuring the safety requirements of feed should be considered to be the implementation of compliance with the legislation on feed, which is carried out in order to verify the compliance of market operators with the requirements of the legislation on feed, by -products of animal origin, veterinary medicine and the well -being of animals, as well as elimination of the consequences of inconsistency.

According to Part 5 of Art. 18 of the Law of Ukraine "On State Control of Compliance with Food, Feeds, Advanced by Animal Health, and Animal Welfare" [9], feed control is carried out at any stage of their production and circulation. The frequency of power control measures is determined on the basis of a risk-oriented approach and takes into account: identified risks related to feed, market operator, feed, process, process, materials, substances, activities, activities or operations that adversely affect the safety of feed, health and well-being of the animal; results of preliminary measures of state control; efficiency of procedures performed by the operator to comply with feed legislation; information that indicates a discrepancy[9, 22].

Conclusions.

Given the above, state control over compliance with the legislation on feed safety should be carried out within the limits established by law, in a timely manner, objectively, comprehensively and transparently. For violation of the requirements of feed legislation, market operators are liable on the basis and in accordance with the procedure established by the Law of Ukraine "On State Control of Compliance with the Legislation on Food, Feeds, Advancement»



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Анотація. Розглянуті питання щодо законодавчого врегулювання та правових засад у сфері поводження з кормами для продуктивних тварин, їх безпечності, в контексті безпосереднього взаємозв'язку із безпечністю продуктів тваринного походження для споживання людиною та прямого впливу на її здоров'я, що закладені в положеннях Законодавства України та Регламенту Європейського Парламенту і Ради ЄС. На стадіях виробництва та обігу кормів для продуктивних тварин встановлена обов'язковість дотримання операторами ринку вимог законодавства у сфері поводження з кормами. На підставі аналізу законодавчо-правничих норм, визначені базові вимоги стосовно забезпечення безпечності корму за його виробництва і обігу. Обґрунтовано організаційно-правові гарантії безпечності корму за державної реєстрації та обов'язкової наявності експлуатаційного дозволу на потужності, що використовується у виробництві та обігу корму. Проаналізовано особливості формування і ведення Державного реєстру потужності з виробництва й обігу кормів.

Ключові слова: законодавство України про корми, правове регулювання, виробництво та обіг кормів, гарантії безпечності, державна реєстрація, експлуатаційний дозвіл.