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KAPITEL 16 / CHAPTER 16 ²²
**PROTECTION AND CULTURE OF FOOD SAFETY, ENSURING THEIR
AUTHENTICITY, PREVENTING FRAUD, LEGAL LIABILITY OF
MARKET OPERATORS IN UKRAINE AND THE EU**

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Introduction

In today's conditions of globalization of food markets and complexity of supply chains, the formation of a food safety culture as a systemic element of food safety management is of key importance. Unlike classical control tools (*HACCP*, *GMP*, *GHP*), safety culture is focused not only on formal procedures, but also on the values, behavior and responsibility of market operators' personnel [1].

The European Union has for the first time legislated the concept of food safety culture in Regulation (EU) № 2021/382, which amended Regulation (EC) № 852/2004 [2]. According to these provisions, food business operators are required not only to implement safety management systems, but also to demonstrate the active involvement of management in the formation of a safety culture, to ensure staff training and proper risk communication.

Scientific research confirms that the level of safety culture directly affects the effectiveness of preventing food risks and violations of legislation. In particular, leadership, employee motivation and internal responsibility are determining factors in reducing hazards in food production.

In Ukraine, the concept of safety culture is still in its infancy, but the implementation of European approaches is a necessary condition for harmonizing legislation and integrating into the EU internal market [3, 4].

One of the key threats to modern food markets is food fraud, which involves the falsification of the composition, origin, labeling, or quality of food products in order to gain economic gain. Food fraud not only misleads consumers, but also creates direct risks to public health, undermines market confidence, and violates the principles of fair

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competition [5].

In the scientific literature, food authenticity is considered as the ability to confirm the compliance of the product with the declared characteristics, in particular the origin, composition and method of production. Manning and Soon emphasize that effective counteraction to food fraud requires an integrated approach that combines legal, organizational and technological tools [6].

For Ukraine, the problem of food fraud is particularly relevant. Studies by Ukrainian scientists indicate the prevalence of fraud on the domestic market and the insufficient level of preventive control. In this context, the introduction of a Food Fraud Vulnerability Assessment as a mandatory element of safety management systems is of particular importance [7, 8, 9].

16.1 Food safety culture, ensuring their authenticity, preventing fraud as a modern risk management paradigm

Modern food production and circulation systems operate in complex global supply chains, which increases the risks of falsification, violation of hygiene requirements and loss of consumer trust [2, 10].

Ensuring the safety, authenticity and protection of food products are key elements of the state control strategy both in Ukraine and in the countries of the European Union. In the context of increasing requirements for transparency of production processes and responsibility of market operators, the formation of an effective food safety culture focused on preventing violations, timely identification of risks and minimizing opportunities for fraudulent actions is of particular importance.

A key element of a food safety system is the culture of production. Modern standards, recognized by the Global Food Safety Initiative (GFSI), significantly influence the formation of managerial thinking of producers and managers of food industry enterprises, encouraging them to take a more conscious approach to ensuring the production of safe products. Today, almost all standards belonging to the GFSI group include the concept of “food safety culture”, which involves the formation of a



level of responsibility in the enterprise at which employees adhere to safety principles even when there is no control. This approach summarizes the key question: “How do you work when no one is watching?” [5, 11].

The requirements for maintaining a production culture can be effectively implemented only with the conscious participation of the company's management. The director and owner must demonstrate not only an interest in financial results, but also social responsibility to the consumer, ensuring the appropriate level of food safety. Many international retail chains now take this aspect into account when auditing suppliers, providing additional points or favorable terms of cooperation to those manufacturers who can confirm the commitment of top management to the implementation, maintenance and continuous improvement of a food safety management system [12].

The enterprise must maintain an internal culture that promotes compliance with safety requirements at all levels – from employees to management. The behavior of employees should be based on a conscious understanding of the importance of producing safe products.

One of the fundamental aspects of food safety management systems, recognized by the Global Food Safety Initiative (GFSI), is the formation and maintenance of a safety culture. It encompasses a set of interrelated elements that determine the level of awareness of personnel of their role, responsibility and priorities in ensuring the production of safe food products [7, 13].

The main components of a safety culture include:

1. The mission and vision of the enterprise. They determine the strategic direction of the company's activities and its values: whether the enterprise seeks to make a profit at any cost, or puts food safety first. It is the mission and vision that form the basis of corporate responsibility and management decision-making.

2. Human factor. Each employee must be aware of their personal role in creating a safe food product, as well as responsibility for the final result. The formation of such awareness is a key task of the company's internal policy and training programs.

3. Consistency of policy and practice. The declared priorities in the field of food



safety must meet the real requirements imposed on personnel, visitors, technological processes and resources. Only the consistency of strategic goals with practical actions ensures the effective functioning of the safety system.

4. System adaptability. The safety management system must be flexible and able to adapt to changes – both internal (upgrading technologies, changing processes) and external (changing the market, legislation or production conditions).

5. Awareness of hazards and risks. Employees at all levels must have up-to-date information about potential risks in their workplace and understand the consequences of non-compliance with safety requirements. Constant communication and training are the key to effective risk management.

It is the presence and level of development of these elements that auditors check when assessing enterprises. In addition, auditors not only monitor compliance with requirements, but also disseminate best practices, helping all food market operators to become more responsible, efficient and competitive.

This makes it possible to assess the real level of staff awareness and management responsibility of the enterprise. During the audit, questions are asked that reflect the essence of the production culture: will an employee comply with safety requirements when no one is supervising him; how will the staff act if raw materials fall to the floor; will the management be able to maintain quality in the event of economic pressure; will the enterprise respond to even single but critical complaints [8, 14].

It is also important to adhere to standards in difficult conditions. It is indicative that even during martial law, food industry enterprises, in particular those operating in front-line zones, continue to comply with the requirements of international standards and undergo audits. This indicates a high level of awareness among managers and specialists in the industry. By adhering to GFSI requirements, Ukrainian producers not only maintain their reputation as reliable partners in foreign markets, but also contribute to the inflow of foreign exchange earnings into the country, strengthening the national economy [6, 15].

A significant number of enterprises after de-occupation or forced relocation of production facilities sought advice from auditors on the correctness of actions to



resume production, control product safety and communicate with consumers. Such measures allowed confirming that food products remain safe even after stopping or relocating production.

Taking into account modern challenges and the desire of enterprises for sustainable development, compliance with GFSI standards is not only an indicator of compliance, but also evidence of a high level of corporate culture and social responsibility. The implementation of GFSI principles contributes to the transition from formal compliance with procedures to conscious responsibility for product quality and safety at all levels of management [17, 18].

Food safety culture is an integral part of the effective functioning of quality and safety management systems in food industry enterprises and forms behavioral models of personnel that ensure compliance with standards even in the absence of external control.

Enterprises that integrate elements of safety principles into their activities demonstrate higher resilience to risks, strengthen consumer trust and increase their own competitiveness in domestic and international markets.

The rules for the production of safe food products established by the GFSI should become a guideline for all enterprises seeking to strengthen consumer confidence and ensure a stable presence in the international market. Thus, food protection, the formation of a culture of safety in accordance with the GFSI principles, ensuring their authenticity, and preventing fraud are not only a requirement of modern standards, but also a strategic condition for the sustainable development of the food industry of Ukraine [3, 4, 8].

Food defense is essential to minimize the risks of intentional contamination and fraudulent actions in the production and circulation of food products. Cases of intentional spoilage or adulteration of food products pose a serious threat to the safety of the food chain, therefore, it is extremely important to raise awareness of food defense at all stages – from production to sale. Food Defense – a set of measures and procedures aimed at preventing intentional contamination, adulteration or theft of raw materials and finished food products.



Enterprises certified according to the FSSC standard must not only implement the HACCP Plan, but also develop an additional Food Security Plan and a Food Defense Plan. The implementation of these measures helps reduce the likelihood of incidents related to intentional interference with food safety, and also minimizes the risks of financial losses for the market operator [17, 18].

The term "food security" means a set of actions aimed at preventing the falsification or intentional contamination of food products with biological, chemical, physical or radiological agents that can be used to harm consumers or the reputation of the enterprise.

The concept of food security also considers a number of related aspects of security, including physical, personnel and operational. Food security is one of the four key categories used in the food risk assessment matrix.

Food security concerns the analysis and management of risks arising from both intentional and unintentional actions or circumstances that may affect the safety of food. Such risks include: environmental contamination that can cause harm to people or products; food fraud, which is based on deliberate deception for economic gain; and actions by individuals motivated by profit without direct intent to cause harm, but which may adversely affect the quality or safety of food products [10, 19].

Deliberate harm can be initiated by a disgruntled employee, a sophisticated insider or a competitor with a specific goal, which may involve affecting the brand reputation, the company's operations, public opinion or the psychosocial stability of certain groups of the population. The deliberate contamination of food products by a disgruntled employee, insider or competitor with the aim of damaging the company, its brand or reputation is industrial sabotage. Such actions can cause significant financial losses, for example, through the need for a mass food recall or production shutdown, although their purpose is not always to spread disease or cause harm to society.

Example of industrial sabotage: At one of the enterprises, an employee, dissatisfied with the level of wages and benefits provided, deliberately contaminated frozen products with the pesticide malathion. As a result, the company was forced to recall about 6.4 million units of potentially contaminated products. The incident



resulted in about 1,800 injured people and a significant drop in consumer confidence in the quality of the enterprise's products [3, 19].

Example of a terrorist act: One of the most famous and first cases of food terrorism is considered to be the bioterrorist attack of the Rajneesh sect, which occurred in the United States in 1984. Then members of the religious group deliberately contaminated salad bars with salmonella in restaurants in the city of The Dalles (Oregon). As a result, 751 people were injured. The purpose of the attack was to influence the results of local elections in Wasco County by temporarily incapacitating voters through food poisoning.

The term “economically motivated adulteration (EMA)” or Food Fraud refers to the deliberate fraud that involves the substitution or addition of foreign substances to a food product in order to reduce the cost or increase the apparent value of the product for economic gain. For example, in 2016, a restaurant owner was convicted of involuntary manslaughter after a customer died from an allergic reaction caused by using cheaper ground peanuts (which contain an allergen) instead of almond powder in a curry. Three weeks later, another customer at the same restaurant also suffered a severe allergic reaction that required medical intervention [10, 12].

In addition to ensuring food safety, food security also encompasses a set of actions aimed at preventing, protecting, responding to, mitigating, and recovering from intentional cases of product adulteration or contamination.

To increase the level of enterprise security and minimize the risks of adulteration, it is advisable to implement a number of preventive measures, namely:

1. Physical security measures: ensuring access control to the territory of the enterprise and its production facilities, using access systems for personnel and vehicles entering the territory of the plant or parking lot, installing alarm systems, video surveillance and sufficient lighting in key areas, clearly marking areas with limited access and allowing only authorized employees to enter them, limiting the movement of personnel through non-production areas, controlled access to packaging materials and storage facilities.



2. Internal company policy: implementing a personnel identification system in accordance with job duties, checking the biographical data and reliability of employees and contractors involved in work in critical production areas, conducting briefings and training on food security issues, including recognizing suspicious behavior and responding to possible threats.

3. Management measures: organization of a documentation system that provides the ability to quickly track the origin of raw materials, materials and finished products, implementation of an effective inventory management system to control the movement of raw materials, semi-finished products and finished food products.

Within the framework of the Food Defense concept, one of the key elements of the safety system is the development and implementation of a Food Defense Plan. Such a plan defines the procedure for actions aimed at preventing intentional contamination or falsification of products, and also establishes mechanisms for monitoring, response and recovery [14, 16]..

The plan should include the following main sections:

1. Information about the enterprise – general information about the facility, its activities, location, contact details of responsible persons.

2. Description of the product and production process – characteristics of the main products, raw materials, technological stages and material movement routes.

3. Vulnerability assessment – analysis of potential risks of intentional contamination or adulteration at all stages of production.

4. Risk mitigation strategy – description of measures aimed at reducing the identified threats.

Procedures: food security monitoring – establishing methods and frequency of monitoring the implementation of preventive actions; corrective actions – the procedure for responding in case of violations or suspicion of intentional interference; verification of protection effectiveness – regular assessment of system operation, conducting audits and testing of security measures. Supporting documentation – inspection logs, monitoring reports, training protocols and records of security system inspections [14].



Example of a checklist for verifying the implementation of the Food Security Plan:

1. What physical security measures are in place outside the building (fences, gates, security, locks, access control systems)?
2. Does the facility have effective means of preventing unauthorized entry (fenced area, security system, vehicle entry and exit control)?
3. Is an emergency alert system installed and regularly checked on the premises?
4. Is access restricted to areas associated with production or storage of products by visitors, suppliers, contractors and truck drivers without the assistance of an authorized person?

With regard to risks associated with food packaging, packaging manufacturers are required to apply a comprehensive approach to assessing the risks associated with their activities. Such an analysis should take into account not only potential hazards during the production of the packaging, but also an assessment of suppliers and risks that may arise during the supply, transportation and storage stages.

Potential hazards in the packaging sector include: contamination of packaging materials (primary or secondary) during transportation or storage; intentional interference or intentional contamination of packaging materials by third parties; falsification of packaging materials, which can lead to the migration of toxic compounds into food products; entry of hazardous reagents or chemicals into packaging materials, which can cause contamination of food products; improper or inaccurate labeling, including the absence of allergen labeling, even if this was unintentional [18].

To minimize these risks, the manufacturer must develop and implement a system for controlling suppliers, monitoring transportation conditions, checking the integrity of packaging materials and correct labeling.

One of the key preventive measures aimed at preventing the occurrence of food hazards is personnel training. To achieve the effectiveness of the training process, it is important to: involve qualified food safety instructors or trainers; ensure regular updating of personnel knowledge in accordance with the requirements of standards and



internal procedures; conduct an assessment of the effectiveness of training, in particular, checking the understanding of employees of the principles of food protection and their practical application [13, 15].

When choosing an instructor to conduct personnel training and evaluate food safety training, the following criteria must be observed:

1. Instructor Qualifications – Does the candidate have the appropriate education and certification in the field of food safety?
2. Professional Experience – Has the instructor worked in the food industry and has practical experience in implementing product safety systems?
3. Food Safety / Food Defense Training – Has the candidate completed specialized courses or training related to food safety?

Only an instructor who meets the requirements for qualifications, experience and continuous improvement of competencies is able to provide effective training for personnel.

To achieve maximum benefit from training, it is necessary to: ensure a practical focus of training so that knowledge can be immediately applied in the workplace; conduct an evaluation of training results, which allows you to identify the strengths and weaknesses of the program; determine specific performance indicators – criteria and expected results that the company seeks to achieve in the process of training personnel.

Regular analysis and improvement of training programs allows you to increase the level of knowledge of employees and reduce the risks associated with food safety and food protection [16, 17].

Personnel training is carried out according to a specific procedure, which includes several consecutive stages and takes into account the specifics of training in the field of food safety.

Stage 1. Determining training and education needs. The HR department analyzes the training needs of personnel based on: mandatory corporate programs; requirements for special training; data obtained during personnel selection; results of employee certification.



Stage 2. Analyzing needs and forming a preliminary plan. Based on the identified needs, the HR department collects and analyzes the requirements for the training program. The result of this stage is the creation of a preliminary training and education plan.

Stage 3. Setting priorities and forming a budget. The preliminary training plan is sent for approval to senior management, which determines priorities and ensures the allocation of resources within the budget for personnel training.

Stage 4. Development and approval of the training plan. After approving the budget, the HR department forms the final training plan and publishes it for the relevant structural units.

Stage 5. Implementation of the training plan. Training activities are carried out in accordance with the approved plan, taking into account the specifics of the company's activities and the role of the personnel.

Stage 6. Monitoring and evaluation of the training process. Monitoring includes: tracking the development of the quality of personnel knowledge; checking the compliance of actual results with planned goals; analysis of the reasons for deviations from expected results.

Stage 7. Verification of training effectiveness. The HR department assesses the effectiveness of the courses conducted at the level of: individual employees; structural units; the enterprise as a whole. If insufficient effectiveness is detected, the training plan is subject to revision and improvement, taking into account the measures taken.

Stage 8. Publication of training results. The results of the training plan implementation are published by the HR department and brought to the attention of all interested parties. This allows decisions to be made regarding current and future training based on reliable information.

Training can be conducted by the enterprise itself, if it ensures the proper level of personnel training.

Thus, the implementation and compliance with the FSSC 22000 standards create a comprehensive system for protecting products from counterfeiting, based on the requirements of ISO 22000 and recognized by the GFSI (Global Food Safety



Initiative). The main provisions provide for the implementation of a food safety management system that includes the analysis of potential hazards, the identification of critical control points to minimize risks, as well as control of the supply chain and product labeling to prevent fraud. In recent years, food incidents have highlighted the issue of food authenticity, putting it at the forefront of modern research in the field of food safety [17].

Therefore, the issues of detecting food counterfeiting and fraud, as well as ensuring their authenticity, are gaining particular importance. Given the growing economic pressure on food producers and suppliers, the risk and motivation to commit manipulations and falsifications in the processes of production, supply and use of raw materials are naturally increasing.

Food fraud, which encompasses intentional actions for economic gain by misrepresenting the composition, origin or characteristics of food products, poses a significant threat to consumer health and the economic stability of the market. The EU has already established a comprehensive regulatory system aimed at preventing such violations, including traceability requirements, operator liability and official control mechanisms. Ukraine is actively approximating its legislation to European standards, which requires a scientific analysis of the effectiveness of existing mechanisms and identifying areas for their improvement.

Effective counteraction to food fraud requires systematic control, transparency of supply chains, increased responsibility of producers and awareness of consumers. Higher standards contribute to increasing the effectiveness of control over the production of safe food products at the enterprises of the industry. Nowadays, retail chains and large manufacturers increasingly initiate additional assessment of their suppliers by accredited certification bodies in order to verify compliance with the requirements of standards recognized by the Global Food Safety Initiative (GFSI), as well as to confirm the ability of the enterprise to produce safe food products. According to the requirements of the GFSI, the basis of the activities of any food industry enterprise should be the implementation of a systematic approach to product safety management. The rules established by GFSI cover a set of principles aimed at



preventing, identifying and eliminating risks at all stages of food production [20]. The main ones include:

1. Responsibility of top management. The management of the enterprise bears full responsibility for the development, implementation and continuous improvement of the food safety management system. It must provide adequate resources, staff training and the formation of a safety culture.

2. Systematic approach to risk management. The enterprise is obliged to carry out continuous hazard analysis and risk assessment at all stages of the technological process. For this, recognized international methods such as HACCP, TACCP, VACCP or FMEA are used.

3. Consistency and traceability. All stages of the supply chain - from raw materials to finished products – must be documented and traceable. This provides the opportunity to identify the source of the problem in the event of safety incidents.

4. Communication and transparency. GFSI emphasizes the importance of open interaction between producers, suppliers, consumers and regulatory authorities. Information about risks and implemented corrective actions should be timely and reliable.

5. Training and competence of personnel. Each employee involved in the production process must be trained in the requirements of the food safety system and understand their role in ensuring it. Regular professional development is a mandatory element of the system.

6. Control of suppliers and raw materials. The enterprise must evaluate suppliers according to the criteria of quality, safety and compliance with international standards. The use of non-compliant or falsified raw materials is unacceptable.

7. Internal audits and continuous improvement. The safety system should be regularly reviewed through internal audits. Based on the results of the audits, corrective actions are developed to improve the effectiveness of the system.

Since 2012, Ukraine has introduced a mandatory requirement at the legislative level for each food enterprise to implement a food safety management system based on the HACCP principles. At the initial stage, enterprises faced difficulties in



implementing the system, in particular, in understanding its essence, requirements and procedures for avoiding penalties ranging from 30 to 70 minimum wages, depending on the level of non-compliance and the potential risk of producing unsafe food products [18, 20].

At the same time, in a number of regions and sectors of the food industry, the introduction of this requirement contributed to the emergence of unscrupulous consultants, certification bodies and inspectors who provided certificates of conformity to enterprises that in fact did not have a fully functioning food safety system.

In order to avoid cases of fictitious certification, conscious customers, retail chains and large companies practice additional independent assessment of suppliers, which is carried out by competent certification bodies. Such checks are usually carried out on the basis of specially developed checklists built in accordance with the requirements of the GFSI group standards. Today, recognized GFSI standards include, in particular, BRCGS, GlobalG.A.P., FSSC 22000 and others, which are also used at Ukrainian food enterprises.

Food scandals in recent years have highlighted the importance of food authenticity. Full traceability and food authenticity verification play a crucial role in detecting and preventing cases of manipulation and adulteration in the food industry. It is becoming increasingly clear that standards recognized by the Global Food Safety Initiative will in the future include expanded requirements for the implementation of procedures to prevent counterfeiting and ensure the authenticity of raw materials, finished products and packaging materials. Such requirements are designed to effectively counter the growth of adulteration through the application of appropriate control and management tools [8, 20].

There are a number of different methodologies and approaches to structured and systematic hazard analysis that form the basis of any food safety system. Each of these procedures has its own advantages and disadvantages and may be more or less suitable for a particular enterprise, depending on its organizational structure, production processes and level of risk. In general, almost any methodology for risk analysis and assessment can be used to assess threats.



The CARVER+Shock methodology, developed by the US government, has shown limited practical effectiveness in real-world conditions. This is confirmed by the fact that the US authorities have subsequently approved the Food Defense Plan Builder (FDPB) tool as a more practical and user-friendly tool available for public use.

The TACCP methodology in practical application often faces difficulties due to excessive similarity to the HACCP concept, which leads to insufficient distinction between aspects of hygiene and food safety. At the same time, the use of FMEA (Failure Mode and Effects Analysis) – a tool that helps to assess potential risks and possible errors in a process or product before they occur - can only yield positive results if it is carried out by specialists who have a deep understanding of the specifics of this tool and have a comprehensive understanding of the safety management system [13, 15].

High efficiency and ease of use have been demonstrated by methods for constructing diagrams and matrices based on pre-structured work stages and checklists. For this purpose, checklists developed by the German Federal Institute for Risk Assessment (BfR) or recommendations and instructions from the FDA (Food and Drug Administration) can be used, which can serve as a methodological basis for risk assessment.

Regardless of the approach chosen, the effectiveness of a food safety system is determined by its structure, completeness and complexity. An access control or locking system can be an important element of protection, but cannot be considered as a self-sufficient food safety system.

16.2 Legal liability of food business operators for acts of food fraud

The legal liability of food business operators is a fundamental tool for ensuring the safety and authenticity of products. European Union law is based on the principle that the primary responsibility for food safety lies with the market operator, not with the control authorities.



Regulation (EC) № 178/2002 lays down the general principles of EU food law, including liability, traceability and the obligation to withdraw unsafe products from circulation. Failure to comply with these requirements may result in administrative, civil or criminal liability, as well as economic sanctions [19].

In Ukraine, food safety legislation is largely harmonized with EU law. At the same time, in practice, problems remain with the effective application of sanctions and the formation of preventive liability of market operators. As Ukrainian researchers note, the emphasis should be shifted from a punitive approach to a risk-based liability model that meets [20].

European standards. Legal liability of market operators plays an important role in ensuring the proper level of safety and authenticity of food products. It is a tool for preventing unfair practices, an incentive for the implementation of safety management systems, and an element of state policy in the field of food protection. A comparative study of the approaches of Ukraine and the EU makes it possible to identify differences in legal regulation, identify effective control models, and suggest ways to adapt best practices [21].

In this context, a comprehensive analysis of interrelated aspects is relevant - safety culture, prevention of food fraud, maintaining product authenticity and legal liability of market operators, which determine the level of consumer protection and competitiveness of the food industry in Ukraine and the European Union.

Legal liability for fraudulent actions in the field of food products (food fraud) is established by both the norms of national legislation of Ukraine and the provisions of European law enforcement practice.

The legal basis is the Laws of Ukraine "On Basic Principles and Requirements for the Safety and Quality of Food Products" (2017, № 771/97-VR), "On State Control over Compliance with Food Legislation" (2017, № 2042-VIII), "On Consumer Rights Protection" and by-laws of the State Service of Ukraine for Food Safety and Consumer Protection (State Service of Ukraine for Food Safety and Consumer Protection) on the procedure for inspections and recall of dangerous products.



Deliberately misleading the consumer in order to obtain an unfair advantage, which may relate to the composition, origin, labeling or quality of food products, is classified as fraud and includes the following actions: intentional use of cheaper ingredients (for example, vegetable oil in dairy products); forging a label (organic, non-GMO, origin, etc.); replacing the expiration date; false quality certificate; falsification of food products (substitutes, unknown origin); incorrect declaration of the country of origin (to increase the price of the product).

In Ukraine, such activities are subject to criminal, administrative and civil liability, depending on the consequences and scale of the offense [22, 23].

Food fraud can be classified under several articles of the Criminal Code of Ukraine (CCU), depending on the circumstances: Article 190 (fraud - taking someone else's property or the right to property by deception or abuse of trust (for example, falsifying the composition of the product, false labeling); Article 227 (release or sale of poor-quality products – release for sale or other introduction into circulation of products that do not meet the standard, norm, technical conditions or are dangerous); Article 325 (violation of sanitary rules – if the fraud created a threat to the health or life of people: use of a toxic substance, expired component, etc.).

For officials, Articles 364, 365-2, 367 of the Criminal Code of Ukraine may also be applied – abuse of power, official negligence, falsification of documents relating to food products [23].

Administrative offenses related to the manufacture or sale of dangerous or incorrectly labeled products are provided for by the following articles of the Code of Ukraine on Administrative Offenses: Article 168 – violation of the rules of trade, manufacture or sale of food products; Article 188-33 – failure to comply with the legislative requirements of regulatory authorities in the field of food safety.

Administrative liability under the Code of Ukraine on Administrative Offenses (CUaAP) provides for the following [22]:



Article of the Code of Administrative Offenses	The essence of the offense	Sanction
Article 168-1	Performing work and providing services to consumer citizens that do not meet the requirements of standards, norms and rules	Fine from 17 to 306 UAH
Article 168-2	Release of products for sale in violation of requirements regarding medical warnings for tobacco consumers	Fine from 510 to 1700 UAH
Article 188-22	Failure to comply or untimely compliance with legal requirements (instructions) of officials of the central executive body implementing state policy in the field of safety and certain quality indicators of food products and in the field of veterinary medicine, its territorial bodies regarding the elimination of violations of legislation on food products, feed, animal by-products, veterinary medicine and animal welfare, failure to provide them with information necessary to perform their duties, or providing false information, creating other obstacles to the performance of their duties	Fine from 850 to 1700 UAH for citizens, from 1700 to 3400 UAH for officials

The Criminal Code of Ukraine provides [23]:

Norm of the Criminal Code of Ukraine	Content of the offense	Expected sanctions
Article 190 – Fraud	Taking someone else's property or the right to property by deception or abuse of trust. The main consequence of the offense is taking someone else's property. By falsifying the composition or labeling, a person does not unlawfully receive someone else's property. This may be very rare in individual cases, but in general, for the violation - administrative liability.	Fine, correctional labor, community service, probationary supervision, restriction of up to 3 years (depending on the amount of damage, organization - there may be greater sanctions)
Article 227 – Intentional placing on the market of Ukraine (release on the market of Ukraine) of dangerous products	Intentional introduction into circulation (release on the Ukrainian market) of dangerous products, i.e. products that do not meet the safety requirements established by regulatory legal acts, if such actions are committed on a large scale	Fine up to 144,500 UAH, with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years Note. The introduction into circulation (release on the Ukrainian market) of dangerous products committed in large quantities should be considered the introduction into circulation of products whose total value exceeds 8,500 UAH.



Article 325 – Violation of sanitary rules and regulations for the prevention of infectious diseases and mass poisoning	Violation of rules and regulations established for the purpose of preventing and combating epidemic and other infectious diseases, as well as mass non-infectious diseases (poisoning), if such actions caused or could knowingly have caused the spread of these diseases	A fine, or probationary supervision for a term of up to three years, or restriction of liberty for a term of up to three years, or imprisonment for the same term.
Article 366 – Official Forgery	Preparation, issuance by an official of knowingly false official documents, entering knowingly false information into official documents, other forgery of official documents	Fine, restriction of liberty for a term of up to three years, with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

European practice, which Ukraine is guided by, provides for severe punishment for food fraud – large fines, prohibition of activity, and sometimes imprisonment. The EU has a principle of "zero tolerance to food fraud". The main regulatory acts are Regulation (EC) № 178/2002 (General Food Law) – establishes general principles of food safety and Regulation (EU) 2017/625 – control of official food inspection; Food Fraud Network (FFN) – coordinates fraud investigations between EU member states [4]. The punishment is determined by the national laws of the EU countries, but usually includes: a significant fine (up to several million euros); imprisonment (up to 10 years); banning the company from operating or revoking the license [21, 24, 25, 26, 27].

Conclusions.

1. The formation of a culture of food safety, ensuring their authenticity and effective legal responsibility of market operators are interrelated elements of the modern food safety system, key factors in the stability of the food market and consumer confidence both in Ukraine and in the countries of the European Union.

2. The formation of a safety culture is the foundation for the effective functioning of risk management systems, since it is the behavior of personnel, corporate values and the level of responsibility of market operators that determine the ability of production systems to prevent and eliminate threats.

3. The EU experience demonstrates that preventing food fraud requires a combination of preventive mechanisms, official control tools, transparency of supply



chains and high standards of traceability of food products, and only an integrated approach allows minimizing risks to consumer health and ensuring the stability of food markets.

4. For Ukraine, further approximation to European standards is relevant, taking into account national specifics of law enforcement. In Ukraine, legislation is actively approaching the European model, however, ensuring the practical effectiveness of existing norms requires improving institutional mechanisms, strengthening interdepartmental cooperation and raising awareness of market operators about the risks of fraud.

5. The authenticity of food products is an important component of their safety, quality and competitiveness. Violation of this requirement creates not only economic risks, but also potential threats to consumer health. Therefore, the integration of modern analytical control technologies, digital traceability solutions and proper documentation is a necessary prerequisite for minimizing cases of falsification.

6. Legal liability of market operators in Ukraine and the EU performs preventive, regulatory and disciplinary functions. Comparative analysis has shown that the European system is characterized by greater detailing of legal norms, their practical orientation and effectiveness of application. For Ukraine, it is important to further improve law enforcement practice, increase the capacity of regulatory authorities and introduce risk-based approaches.

7. Comparative analysis of the approaches of Ukraine and the EU shows that the European Union considers food safety in close connection with the culture of safety, authenticity and responsibility of market operators. In Ukraine, these elements often function fragmentarily, without proper integration into a single risk management system. Implementation of European approaches requires: regulatory consolidation of the concept of food safety culture; strengthening the responsibility of market operators for food fraud; development of traceability and product authentication tools.

8. A comprehensive approach to food protection, maintaining a safety culture, preventing fraudulent activities and ensuring effective legal liability is a necessary condition for improving the level of food safety. The use of EU best practices, adapted



to the Ukrainian context, will contribute to the formation of a modern, transparent and accountable control system that will ensure consumer protection and the sustainable functioning of the food industry.