

Features and Problematic Aspects of Food Safety in the Integration of Ukraine into the EU

¹Natalia O. Petrova, ¹Valentyna V. Nezhevelo, ¹Alyona M. Klochko,

²Ksenia V. Blyumska-Danko and ³Ruslana I. Cramar

¹Department of Private and Social Law of Sumy,

²Department of Statistics, AEA and Marketing of Sumy, National Agrarian University, Peru, Ukraine

³Department of the Civil-Legal Disciplines, Lviv University of Business and Law, Lviv, Ukraine

Abstract: The study is devoted to current issues in the sphere of development and food safety in the integration of Ukraine into the EU. The features of food safety in Ukraine are compared with the other countries. 'Weak' and 'strong' points of Ukraine in terms of the Global Food Security Index is identified. It is found that the existing problematic aspects of food safety in Ukraine negatively affect the economic and legal areas of the state. Analyzed the necessity to adapt national legislation of Ukraine to the requirements set by international trade organizations and the European Union. Presented the ways of improving national legislation of Ukraine to EU requirements in the sphere of food safety on the basis of studies of international experience. Ukraine has introduced a quality and product safety system HACCP for the identification, measure, analyzing and controlling the risks that is a positive tendency in regulatory quality assurance.

Key words: Ukraine food safety, global food security index, quality, product safety system HACCP, EU legislation, requirement

INTRODUCTION

In the conditions of independence of the state the food safety is the foundation of its existence and functioning. The formation and ensuring the food safety have its own characteristics and problems caused by both positive and negative factors. Solving the problems of ensuring food safety in Ukraine is an urgent and necessary task, especially in terms of strengthening integration links in Ukraine. Particularly, we are talking about membership of Ukraine in the World Trade Organization and signing of Association Agreement between Ukraine and the EU.

The research goal is an identifying and formation of the main directions to ensure food safety in the economic and legal aspects. Development of the regulatory framework is the foundation of the state policy of Ukraine with current focus on integration, strengthening of interstate relations in the area of food safety.

Analysis of legislation of Ukraine in the context of the definition of food safety suggests that the existing concept in this area nontradiacts to reality and conditions which are necessary for international integration. Ukraine aims to be a part of the European society and have an appropriate level of life the progressive development of the economy, so Ukraine should meet appropriate requirements and regulations acting in EU. There is an

urgent need to continue adapting legislation of Ukraine to European standards regarding food products that are sold in domestic and Foreign markets. Non-compliance with the standards of quality, safety and food hygiene, poses a threat to Ukrainian national and economic security, part of which is the food safety.

MATERIALS AND METHODS

Problems of formation and ensuring the food safety of Ukraine were the subject of research of the scholars, economists and lawyers in Ukraine, namely (Grebenyuk, 2010; Dudar, 2015; Sabluk, 2008; Anonymous, 2016; Kulish and Klochko, 2013) and other scientists.

Considering the diversity and depth of conducted studies in the field of food safety is necessary to complement the line of the research. It is necessary to take into account the international developments regarding the level of food safety of Ukraine and conditions of international integration to ground the legislation of Ukraine on the principles of ensuring quality and food safety. Comparatively legal (comparative) method was used when comparing the current legislation of Ukraine which envisages provision of ensuring quality and food safety with the relevant norms of the laws of the other states. Sociological methods were used in studying the dynamics of food safety of Ukraine in 2012-2016. Analysis

of the condition and development of the economy, budget and tax systems of Ukraine, helped to identify drawbacks and gaps in the legislative regulation of this issue.

RESULTS

The term “food safety” was first introduced in 1974 in Rome by UN General Assembly at the World Conference on Food Problems. The Rome Declaration on World Food Security was adopted in 1996. Food and Agriculture Organization of the United Nations (FAO) establishes that food safety exists and all people at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Unfortunately, the problems of economic and legal character in the functioning of food safety exist in Ukraine too. World experience of lawmaking indicates the necessity to adopt some regulatory legal acts which establish the basic concepts of food safety and regulate the social relations in this sphere. For its efficiency and high performance public authorities have to reject straight from the very beginning the use of traditional methods and tools of the command-administrative system (Zapara and Strelnyk, 2016).

DISCUSSION

In EU countries, in the USA and in the other countries the definition of food safety is fixed by the separate normative acts. The policy of France in sphere of food safety is based on the domestic Strategy of food safety (hereinafter-the strategy). Pursuant to this strategy the responsibility of ensuring food safety in France relies on the Ministry of Agriculture, Food, Fisheries, Rural and Regional Planning which sphere of activity comprises alternative fuels, food, government support of domestic producers and protection of their interests, social protection and employment including professional training, farming, environment, forestry, fishing and aquaculture, veterinary, plant protection, rural development. There exist also the agencies of development and scientific research centers which carry out scientific research of problematic issues in this sphere (Batyhina *et al.*, 2013). The special Laws “On Food Safety of the “On Improvement of Food Safety” which established the regulatory framework in the sphere of state regulation of food safety were adopted in the USA. Action of norms of the USA Federal Law “On Food Safety” is aimed at the development of grain, dairy products, rice, soy, beans and sugar. State regulation of food safety in the USA is based on the principle of providing the population with quality food, study of international food markets, development of agricultural production (Batyhina *et al.*, 2013).

The state policy in the agricultural sphere of Germany is based on the strategy of food safety according to which the authorities in sphere food safety are divided into the following levels common European (European Commission, European Food Safety Authority the Food and Veterinary Office of the EU), federal (Federal Ministry of food, agriculture and consumer protection, the German Federal Institute for Risk Assessment, the German Federal Office of Consumer Protection and Food Security); local (Federal Research Institutes, Federal Ministry of Lands, federal state governments). The strategy of food safety of Germany united a complex of general approaches in understanding of food safety as well as economic and legal means of its achievement. It promotes to ensure the safety and the quality of food, to guarantee the consumer rights and the compliance of procedures of settlement the conflicts with the consumers (Batyhina *et al.*, 2013).

The basis of the Dutch system of quality assurance (Integrierte Kettenuberwachung-IKB) is also the strict control, tracking and independent system of sanctions. The most important requirements of IKB in particular are: cooperation with producers recognized by IKB with the feed suppliers recognized by GMP (quality manufacturing practice) and with the veterinarians recognized by GVP (quality veterinary practice), full documentation of the actions by a veterinarian in the logbook, medicines only from “the positive list of veterinary medicines for pig farms of IKB”, archiving invoices from suppliers of feed and transport documentation on importation and exportation of pigs, marking of all animals, documented control system of its own (Batyhina *et al.*, 2013).

Countries of the European Union, are focused primarily on the provisions and rules of its directives. Thus, the European Union has identified the food safety as a top priority of its policy. Duties to fulfill an essential component of food safety-the quality and food safety at the European level is entrusted to European Food Safety Authority (Batyhina *et al.*, 2013).

In Ukraine, unfortunately, there is no separate law “On Food Safety”. However, the food safety is a major public and strategic areas that is fixed in Unified Complex Strategy of the Development of Agriculture and Rural Areas for 2015-2020. The provisions of the strategy are important for the development of Ukraine. Taking into account the historical experience into account and availability of natural resources, Ukraine has opportunities for effective implementation of sustainable agriculture” (Kostyuchenko *et al.*, 2015). The concept of food safety is fixed in P. 2.13 Art. 2 of the Law of Ukraine “On State Support to Ukrainian Agriculture”. The Law defines the fundamentals of state policy as regards to stimulation of manufacturing agricultural produce and development of agricultural market as well as ensuring food safety of the population. Food safety is a protection of the vital interests of a person that is expressed in the

state guaranteeing of unimpeded economic access of a person to the food products in order to maintain his normal life activities. In Ukraine is in action the Order of the Cabinet of Ministers of Ukraine No. 1379 adopted on the 5th of December, 2007 (hereinafter-Order). According to the order the method for determining the main indicators of food safety is approved daily energy value of the human diet, ensuring the human diet with the main types of products; the sufficiency of grain of state resources; economic availability of products; differentiation of the costs of food for social groups; market capacity of certain products; food independence for the separate product. Ensuring a sufficient level of each indicator of food safety slows down because of the influence of some negative factors. For example, economic access to food products in Ukraine is complicated by the decline in purchase capacity of population and rising costs of food. This occurs in the absence of growth in real incomes of the population and increased arrears of wages. Reducing the economic availability of products is due to inflation. Consumer price index for food products and non-alcoholic beverages in 2016 total 133.8%. Herewith, over the year, the price for bread grew by 39%, sugar-by 59.8%, fruit-by 30.2%, milk, cheese and eggs-by 30.1%, sunflower oil-by 46.4%, vegetables-by 43.6%, fish and fish products-by 28.5%, meat and meat products-by 20.4%. This tendency has a negative impact on the food safety of the state.

The main indicator of the definition of food safety is not only the economic accessibility to the food. It is necessary to consider all the indicators in the complex. To the existing indicators it would be appropriate to add additional an indicator of quality and safety. Characteristics of food safety in the applicable regulations is incomplete, as it provides for only economic availability of food and takes into consideration only quantitative values of food safety rather than qualitative values (Batyhina *et al.*, 2013).

The principle of agrarian law is the food safety related to the quantitative indicators and indicators of quality and safety of agricultural products. Land within the territory of Ukraine is not only a valuable wealth of the state but also the natural resource. Without the land no development is possible neither economic nor social nor vital areas of public life (Tsurkan, 2016).

The concept of quality and food safety differ significantly. Pursuant to the Art. 1 of the Law of Ukraine "On Quality and Safety of Food Products and Food Raw Materials" (On Quality and Safety of Food Products and) safety of food products-an absence of any threat of possible harmful effects that can be produced by food products, food raw materials and accompanying materials on humans. Ukraine has introduced a quality and product safety system HACCP for the identification, measure, analyzing and controlling the risks.

The Law of Ukraine "On Basic Principles and Requirements for Safety and Quality of Food" includes the concept of individual indicators of quality of the food product-indicators of and/or properties of the food used to perform one or more tasks. So, safe food may not always be qualitative (although should be) and meet the wishes and expectations of the consumers. In Ukraine The problem of ensuring the population not only with the safe but with the qualitative products exists in Ukraine. Due to this purpose the food safety is formed.

It is important and necessary for Ukraine and other countries to assign control over food safety and quality not only to any governmental bodies but to the consumers as well. Due to low paying capacity, large number of Ukrainian consumers cannot actively demand quality products from the manufacturers. For the government it is important to carry out monitoring and supervision of food safety and quality. Therefore, it is important to include food safety and quality to the Ukrainian method of food safety identification based on the established indicators.

Study of Ukrainian and EU legislation revealed that Ukrainian range of indicators for national food safety identification differs greatly from the international one. We suggest expanding the list of indicators and bringing it in line with the international requirements. In 2012, the international experts from the Economic Research Institute initiated calculations of the Global Food Safety Index which included 33 indicators (as of 2016) divided into three groups: affordability, physical availability (presence), quality and safety. Based on the calculation outcomes, Ukraine was ranked 63rd in 2016 and received 55.2 points in the Global Food Safety Index which analyzes values of 113 countries.

The achievement of the reforms are the indicators Higher than 75%. The results are the following: proportion of population under global poverty line 0.08% (World average indicator 25.5%); food safety 96.8% (39.5% more than the world average indicator); food loss 92.2% (Ukraine obtained 3, 2.4 point more in comparison with the world average indicator); agricultural import tariffs-86.4%; sufficiency of supply 77.4% (20.1% more than the average indicator in the world); presence of food safety net programmes 75% (3 point from the possible 4). "Weaknesses" of Ukraine is an indicator of global food security index which value does not exceed 25%: public expenditure on agricultural R&D-0% corruption-0% gross domestic product per capita (US\$ PPP) 5%political stability risk 22.2%.

These indicators are the gaps on the way to high Global Food Safety Index and sustainable development of the national economy in general. Tendencies of Ukrainian food safety over 2012-2016 established by the Economic Research Institute are displayed on Fig. 1.

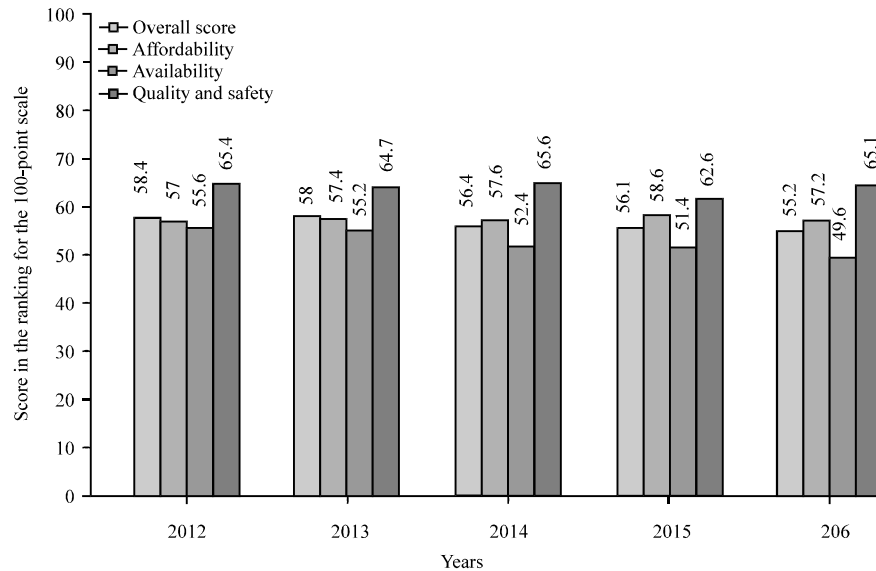


Fig. 1: The dynamics of condition of food security of Ukraine in 2012-2016; GFSI (2016)

In 2016, as compared to 2015, the values of the following groups of indicators declined, e.g., physical availability by 1.8 point, affordability by 1.8 points. Such negative tendency was stipulated with inadequate financial access for agricultural producers in particular farmers, low paying capacity of the population, unstable political situation, counter-terroristic actions in the Eastern Ukraine and corruption.

High level of corruption in Ukraine in the fields of politics, economy and social sphere creates the conditions for active transition of enterprises in the shadow sector of the economy that is a key obstacle to the development of Ukraine and its cooperation with the Member States of the European Union. Positive changes include growth of quality and safety indicators by 2.5 points, though general index of food safety in 2016 decreased by 0.9 point as compared to 2015 and by 3.2 point as compared to 2012. Positive changes include growth of quality and safety indicators by 2.5 point, though general index of food safety in 2016 decreased by 0.9 point as compared to 2015 and by 3.2 point as compared to 2012. Based on the research findings, it should be noted that relative stability of good quality and safety of food is observed in Ukraine which was ensured with legislative leverage. Thus, the relevant amendments were made to the Ukrainian law in order to adapt it to the European law such as the Law of Ukraine 'On Major Principles and Requirements to Food Safety and Quality'. Since, September 20, 2016, the study VII titled 'General Hygiene Requirements to Food Handling' of the mentioned law took effect.

Pursuant to this study, food market players must ensure healthiness and purity of animals and plants, as

they affect people's health. Such approach is underpinned with HACCP system principles, according to which any business entity should at all times have accurate information available on the food origin and the destination place of the shipped, realized products. For non-compliance with the law on safety and certain indicators of food quality, substantial penalties are imposed.

In accordance with the final and transitional provisions of the Law of Ukraine 'On Amendments to Some Legal Acts of Ukraine on Food', the transitional period is provided for: it. 2. P. 2. Art. 20, Art. 21 and it. 4. P.1 Art. 64 of the Law of Ukraine 'On Major Principles and Requirements to Food Safety and Quality' on mandatory introduction of HACCP principles into production and liability for non-compliance there with. On September 20, 2019 the part 1 of the study 36 of the above mentioned Law will take effect and pursuant thereto home-made food on agri-food markets may be sold only subject to confirmation of its suitability based on the test results of accredited laboratory, state inspector operating on the market. Such, gradual transitional period is stipulated with the time needs and significant expense related to HACCP system introduction. It is worth noting that products manufactured at an enterprise with HACCP or other quality management system introduced, are more expensive, therefore the domestic consumers with low paying capacity will not always be able to purchase expensive but high-quality products.

Hence, there some obstacles to comprehensive provision of food safety due to decline of such indicator as affordability for Ukrainian consumers. On the other hand, the enterprises oriented to the domestic market will

have to seek for ways of cost-cutting for the product manufacture and improving the product quality and safety under the conditions of competition with the Foreign enterprises which offer high-quality and affordable products. M.P. Sychevskyi notes on the necessity and importance of a range of measures targeted at improving food quality at the government-controlled enterprises as safety of food products and stock refers to the major factors that determine health of the nation and gene pool preservation. Such measures should include: introduction of HACCP system at all enterprises; establishment of independent expertise agencies which will allow for the goods identification whenever a consumer has doubts as for its assortment independence and quality; reinforcement of sanctions for food falsification; annulment of license issued to falsifiers in case of return to crime. Such measures should be provided for and set forth in the relevant regulations on social relations in the field of food safety (Petrova, 2010).

As noted by T.H. Dudar, 'use of possibilities for harmonization of the national product standards with the world and European ones is a necessary way for Ukrainian farming and intensive build-up of the agricultural enterprises potential' which will contribute to achievement of certain competitiveness of both farmers and the country in general which in its turn has positive effect on food safety. Changes in legislation on food quality and safety system have positive effect on the national economy and as a result, stable good position in the Global Food Security Index rating.

CONCLUSION

The analysis of food safety and legal relations in this field allowed for identification of 'weak' and 'strong' points of Ukraine according to the Global Food Security Index. Thus, the weak points all over the studied period from 2012-2016 include: corruption, low budget investment into research in the sphere of agriculture, low per capita gross domestic product, low political stability which adversely affects general food safety in the country. The directions for strengthening of the country's position are development of a range of measures targeted at elimination of 'gaps' according to the Global Food Security Index and fortification of 'strong' positions. It is also worth to direct the efforts to formation and provision of food product quality and safety as an important indicator of food safety which will contribute to solution of problems related to economic development of the country in this field. At the same time, it is necessary to proceed with adaptation and harmonization of the Ukrainian law with the EU legislation on food safety, to adopt a separate Law of Ukraine 'On Food Safety' which will enable, on the way to coping with the current economic problem, to produce safe and high-quality food

for the Ukrainian and foreign consumers and will ensure competitiveness of the enterprises both on the domestic and foreign markets.

REFERENCES

- Anonymous, 2016. Consumer price indices for goods and services in 2016 to the corresponding period of the previous year. State Statistics Service of Ukraine, Ukraine, Europe.
- Batyhina, O.M., V.M. Zhushman, V.M. Kornienko, V.Y. Urkevych and M.V. Shulga, 2013. Actual problems of ensuring food security of Ukraine. Monography Publisher, Kharkiv, Ukraine, Pages: 326.
- Dudar, T.G., 2015. Problems of quality and safety of Ukrainian agro products at EU requirements. Proceedings of the Materials of the International Scientific Conference and 15th Annual Meeting on Modern Problems and Prospects of International Integration of the Agricultural Sector of Ukraine, May 14, 2015, Agricultural Economics of Ukrainian Academy, Kyiv, Ukraine, pp: 110-114.
- GFSI., 2016. The path to food security begins by exploring the challenges, then developing solutions. Global Food Security Index, Argentina, South America. <http://foodsecurityindex.eiu.com/>.
- Grebenyuk, M., 2010. Legal mechanism of guaranteeing the food security in the modern conditions. Law Ukrain, 12: 244-251.
- Kostyuchenko, N., Y. Petrushenko, D. Smolennikov and Y. Danko, 2015. Community-based approach to local development as a basis for sustainable agriculture: Experience from Ukraine. Intl. J. Agric. Resour. Governance Ecol., 11: 178-189.
- Kulish, A.N. and A.N. Klochko, 2013. Some aspects of criminological security of financial institutions. Criminology J. Baikal National University Econ. Law, 4: 129-129.
- Petrova, N.?, 2010. Formation of competitiveness of products of agricultural enterprises through the introduction of HACCP as a quality management system. Sci. Economy Sci. Theor. J. Khmelnytsky Univ. Econ., 1: 164-170.
- Sabluk, P.T., 2008. Globalization and Food. Monograph Publishing, St. Louis, Missouri, Pages: 632.
- Tsurkan, V.V., 2016. The need for regulation of modern dynamic changes of land fund Ukraine. Proceedings of the International Scientific Conference on Legal Life: Current State and Development Prospects Collection of Materials, May 27-28, 2016, Public Organization Zaporozhye, Zaporizhzhya, Ukraine, pp: 107-109.
- Zapara, S.I. and V.V. Strelnyk, 2016. Environmental management system: Mining company case study. Actual Prob. Econ., 12: 222-229.