

AGRARIAN LAW

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LEGAL PROBLEMS OF ORGANIC PRODUCTION IN UKRAINE

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Authors had made the analysis of regulatory support organic production in Ukraine. They analyze the quality of the recently adopted Law of Ukraine «On the production and circulation of organic agricultural products and raw materials». It was specified on the bottlenecks that may arise during its implementation by them. Finally, they pointed the main item that needs some work.

Organic agriculture, organic farming area, the register of organic producers, transitional, traditional products.

Parliament of Ukraine on September 3, 2013 adopted the Law of Ukraine «On the production and circulation of organic agricultural products and raw materials» (hereinafter – the Law) that January 1, 2014 came into force.

The law consists of a preamble, 11 chapters and 38 articles. It outlines the main aspects of public policy in the organic sector. Separately determined by the requirements for the production, storage, transportation, marketing of organic products and raw materials. Also, the law specifies the requirements for soils and for determining the areas of organic production certification system such production. Attention is paid to the state of scientific and support international cooperation.

In fact enacted – is only the first uncertain step towards an effective system of public regulation of the organic sector. Paragraph 3 demanding from CMU for three months: to develop and submit to the Verkhovna Rada of Ukraine draft laws on amendments to the laws of Ukraine in connection with the entry into force of the law passed; develop and adopt regulations necessary to implement this Act; revise acts of ministries and other central bodies of executive power; ensure the establishment of organic production zones.

There are no of these items are completed by the moment. It should also take into account the fact that paragraph 2 of the Act requires producers of organic products, mark it accordingly bring their activities into compliance with the Act within 6 months (from 1 June 2014). Left very little time until the occurrence of a serious legal problem when manufacturers will be forced to bring their activities into compliance with one big legal loophole. As of today, there was no by-law adopted legal act required by law. All we estimate to be taken about 20 legal acts at the level of the Cabinet of Ministers of Ukraine and the Ministry of Agriculture and Food Policy. Of these, only 10 (at the time of publication) published for public comment, and is only in respect of other preparatory work. The law requires the State to do some of the operations of a technical nature, which also have not been met, namely, to build an effective system of certification of organic products; create a Registry of organic producers; Register a designated conformity assessment bodies for organic production (raw materials); determine the area of organic production.

Such inefficient government actions carry significant risks for potential, and especially existing organic producers. For example, paragraph 4 of Article 13 of the Act contains a provision that prohibits individuals or legal entities not listed in the Register of organic products (raw materials) to make the production of organic products and raw materials. In situations where hitherto neither the Regulation «On the

Registry of organic products (raw materials)», neither established itself Register emerging pressure on existing producers malpractices like.

It can be concluded that at present formally adopted legislation exists, but cannot implement it because it does not provide a proper basis for the formation of a legal mechanism occupation organic production – and this is the main legal problem. Do not cause optimism and dynamic actions of the executive authorities, which are very slow perform its duties, such situations can be no excuse, because lawmaking in the field of organic production has been occurring for several years and have relevant developments would have to take place.

Never mind, we still believe, that state will make everything possible to be ready in time (to construct effective system of public regulation of organic farming).