

LEGAL PERSONALITY OFFICERS OF PUBLIC ADMINISTRATION IN QUALITY AND SAFETY OF AGRICULTURAL PRODUCTION

***O.Y. PUSTOVIT, Magister of Law, Postgraduate student of National
University of Life and Environmental Sciences of Ukraine***

This article is devoted to the study of the legal status of foreign authorities to ensure the quality and safety of agricultural products, problems of adaptation of Ukraine to the World Trade Organization and the European Union in the field of quality and safety of agricultural products. These questions regulates a number of international instruments that are valid in the member states of the relevant international organizations.

Quality of agricultural products, agricultural products safety, legal status, the international body, adaptation.

The quality and safety of agricultural products is defined as a set of properties of products that cause its suitability to meet the needs of mankind in accordance with its purpose.

Low quality - is not only an indicator of low efficiency of social production, but also a threat (when it comes to quality of food) to human health. Particular requirements for quality and safety of agricultural subjects relate to entities that produce the bulk of food products and food raw materials.

According to Art 1 of the Law of Ukraine on September 6, 2005 On Amending the Law of Ukraine On quality and safety of food products and raw food quality - the degree of perfection of the properties and characteristics of a food product that can meet the needs (requirements) and the wishes of those who consumes or uses the food product. Food safety is defined as a state of food as a result of production and circulation, which shall be subject to the requirements established by sanitary measures and / or technical regulations, and provides assurance that a food does not cause harm to human health (consumers) if consumed inappropriately.

According to Art 3 of this Law, the State shall ensure the safety and quality of food in order to protect life and health from hazards that may be present in foods by:

- Setting parameters required for food safety;
- Setting minimum quality specifications of food in technical regulations;
- Installation of sanitary measures and veterinary-sanitary requirements for facilities (facilities) and persons engaged in the production, sale (supply), storage (exposure) food;
- Ensuring the safety of new food products for human consumption before their circulation in Ukraine;
- Setting standards for foods for their identification;
- Ensuring the availability of foods for special dietary use, functional foods and dietary supplements claimed special characteristics and their safety for human consumption , including persons with special dietary needs ;
- Informing and raising awareness of manufacturers, sellers (suppliers) and consumers about food safety and good manufacturing practices;
- Establishing requirements for knowledge and skills of those in charge of producers, sellers (suppliers);
- Establishing requirements for health personnel responsible producers, sellers (suppliers);
- Participation in the relevant international organizations to establish sanitary measures and standards of food at regional and global levels;
- State control at the facilities (facilities), which are produced and processed foods that make up a significant risk to the health and life of humans;
- State supervision to verify that manufacturers and sellers (suppliers) objects sanitation requirements of the Act;
- Detection of violations of the law and implementing the necessary measures to bring to justice those who do not fulfill the Law of Ukraine. According to the law, food produced in Ukraine must be safe, suitable for consumption, right bullet and meet sanitary measures and technical regulations.

So, in general, it should accept the understanding of quality and safety of agricultural products as a specific type of guarantee food security at the national and global level.

For the proper functioning of the state data of public relations is an extremely important part in the work of relevant international organizations to establish sanitary measures and standards of food at regional and global levels. Ukraine's participation in international and European activities for standardization and certification contributes primarily to the formation and development of market economy, the expansion of foreign trade, strengthen the scientific, technical, economic and industrial relations with Ukraine international community, improve the quality of domestic products and their competitiveness in the global market.

Important role in the international community played by international organizations, which are divided into governmental. Most fully regulated international legal status of intergovernmental whose members serve the state. International legal organizations is derived from international legal states and their international legal status based on the founding international treaty (the Charter). It states define the purpose, principles, functions, scope of rights and obligations of an intergovernmental organization. If necessary, the state can not only change the international legal status of the organization, but also completely stop their activities. Each intergovernmental organization has its special international legal status as defined by its charter. The international legal personality of international organizations is their inherent property enshrined in the Vienna Convention on the Law of Treaties, with the participation of international organizations.

In general terms, this legal personality with a set of components such as capacity, capability, and deliktiozdatnist law-making ability.

As you can see, these components inherent legal and other subjects of international law, especially states. But unlike them, the international legal personality of international organizations is one important difference - a special personality. Its peculiarity is that it is determined by the specific functions for which the created or that international organization. These functions are determined by the creators of the international organization, and recorded in the Constitutive Act (the

charter position). These functions define the scope of competence of the organization beyond its international legal personality for which the organization has the right to leave.

However in order to fulfill their duties and acting within the scope of his personality, international organization can: - To conclude international treaties with other states and international organizations on its competence;

- To participate, albeit peculiar, in recognition of the new state and government: by taking them to the organization (recognition, in terms of international law; it is the prerogative of the states);

- Have some immunity and privileges are determined by special agreements and national laws of States that have entered into an agreement with an international organization;

- Have the right to enforce international law, using tools such as control, prosecution and sanctions;

- Bear international legal responsibility.

In order to effectively carry out its functions of international organizations create organizational and legal mechanism that provides for the permanent organs. In this system is usually included higher bodies, executive bodies, administrations, various committees and commissions. The structure of the most significant organizations have created legal bodies.

As higher authorities act congresses, Assembly Conference. Sometimes they are given a general meaning. The structure of the parent bodies are all members of the international organization and they work possessional (in plenary form). The plenary sessions (sessions) higher authorities decide major issues of the international organization, defining its strategy, as well as the admission of new members, election of the executive, approve the budget and so on.

Under the executive, by custom, refers councils, committees, executive committees, offices and other bodies whose task is to implement decisions taken by higher authorities, operational decision-making on issues that do not involve delays and other current issues. Election of members of executive bodies is usually made on the basis of equitable geographical representation.

At the head of the Secretariat is the Secretary-General (or director) international organization. The task of the Secretariat is the organization of administrative and technical work - from drafting the most important documents to fulfill the organization of solutions to their distribution, filing, entering, recording and monitoring daily activities of the organization and other issues.

Food safety is a matter of public care system in each country. Depends on the performance of the population fighting capacity of the army, the welfare of the ruling circles. In the nineteenth century adopted the first general food law and the first system for monitoring compliance with these laws. In a separate industry began to take shape chemistry of food and its methods were quickly used not only for production but also to establish their purity.

In 1945, FAO established, in terms of care which fall food issues and develop international food standards. In 1948, WHO established, which is also charged with creating standards for foods. In 1950, the start joint expert meeting FAO / WHO on food and related industries , three years later, the World Health Assembly expresses the problem used in the food industry chemicals. In 1961, the Codex Alimentarius Europaeus Council adopts a resolution to transfer management of its activities of FAO and WHO. And then the FAO decides to establish an international program of food standards. In 1962, the Commission was established. A year later, this program will be approved by the World Health Assembly and is approved by the Statutes of the Codex Alimentarius Commission.

Establishment of Codex Alimentarius was important for another reason - the population grew concerned the quality of food. A lively public interest in the STP, the rapid development of chemistry and microbiology led to the fact that people are no longer satisfied the methods of control of physical performance products. Began to form civic associations defending the rights of consumers, whose activity has become a source of contacts for the Code, and then some committees on specific product groups are committees of the Commission. Within the EU the safety and quality of food is regulated by the relevant European directives, which should be introduced in the legislation of Ukraine to build a similar system.

Malnutrition is directly linked to the health and life expectancy increases the risk of serious chronic diseases. Every year on the world market has more than one hundred new foods, information on which to their fullest potential should be brought to the consumer. In European legislation, there are three main principles:

- To inform and protect citizens;
- To increase the free movement of foodstuffs;
- To give consumers a choice.

Provide information on the nature of the product, its storage and preparation required on the label of the manufacturer, and is enshrined in law and is binding.

Directive 2000/13/EC - the main piece of legislation that reconciles the right of Member States to prohibit specified on the labeling of food products and their properties to the treatment of human diseases. The European Union chose a dual approach to harmonization of food law:

1. «Horizontal» legislation - concerns general aspects (additives, labeling, hygiene);

2. «Vertical» legislation for specific products (agricultural products, fish, sugar, flour , etc.) Law of the EU Directive on food aimed at ensuring that the market were only safe for human and animal health products.

The main objectives of the legislation are:

- Consumer protection - prevention of fraud and deception, forgery, providing false information;

- Ensuring customer needs, the availability of complete information about the product that the consumer can choose the right food according to your body.

- Adopt legislation on liability for defective products and general product safety.

- Gradually simplified procedures for assessment of conformity of manufactured goods in accordance with the Technical Regulations (EC Directive) in order to avoid compulsory certification of low risk products and multiple testing.

- Based on the best practices of EU member states to strengthen and develop the capacity of Ukrainian institutions in the area of market surveillance. In order to better achieve the objectives , and based on the requirements of the TBT Agreement should strengthen Ukraine's participation in the work of governing and technical bodies of

international and regional organizations , in particular, the Technical Secretariat in the development of international and regional standards based on national interests standardization.

Participation in the development of international and interstate standards solves two major problems: the technical coordination of the national policy of Ukraine with technical policies, which are its trading partners, and taking into account its interests in the development of international standards in order to overcome technical barriers to trade , and the use of international standards to improve the technical level of the national economy, improve the quality and competitiveness of domestic production of consumer protection. In passing, we note that Ukraine as a member of ISO, IEC, Interstate Council may use all accepted standards of these organizations.

The priority of Ukraine's cooperation with the international community such as the World Trade Organization , the European Union and its individual member states , and hence the relevance of the topic chosen, due to the fact that these organizations will determine the direction of economic progress and political stability in the region in the long run. But the integration of Ukraine into the international community needs to improve its national legislation, including the quality and safety of agricultural products.

Approximation of legislation as part of the improvement of legal regulation - is a process of harmonization of laws and regulations in accordance with recognized among. The problem of adaptation of Ukraine in the field of safety and quality of agricultural products to the EU and WTO rules arose because of the emergence of new economic, political and social realities, showing a clear trend towards the integration of the States. Low levels of study of this problem prevents the deepening of market relations in agricultural production, reducing regulatory role of law in establishing and shaping the market high quality and safe agricultural products.

Analysis of the problems associated with bringing certain areas of agricultural legislation of Ukraine to the international community, including the EU and the WTO, have devoted their labor scholars such as T. Kovalchuk, M. Inshyn, V. Novoselov, A. Stativka, S. Romankiv, A. Yatsenko et al. The purpose of this article is to analyze the current legislation of Ukraine on the safety and quality of

agricultural production in the integration of our country into the international community in the field of quality and safety of agricultural products, analysis of relevant regulations and legal literature and formulation of proposals for the improvement of legal regulation in this field.

The adaptation of Ukraine's WTO and the EU, including in the field of safety and quality of agricultural products, dedicated to such regulations, as the program is the integration of Ukraine into the European Union , approved by the Decree of the President of Ukraine of 14.09.2000, Law Ukraine «On the National program for Adaptation of Ukraine to the European Union» of 18.03.2004 Action Plan «Ukraine – EU», approved by the Cabinet of Ministers of Ukraine.

However, despite the availability of a sufficient number of laws, regulations and scientific works in the field of quality and safety of food, today there is the presence of many non-compliance of the provisions of national regulations with European legislation, which leads to difficulties in Ukrainian exports of agricultural products, hinders the integration processes, fl linked to the European choice of Ukraine. This issue is becoming increasingly important due to the need to improve the competitiveness of domestic agricultural products to the European and global agricultural markets, and in the context of agricultural production and support for national agricultural producers.

To processes of adaptation of agriculture of Ukraine to open market agricultural economy were effective, it is necessary, given the national (political, economic, legal) tradition, to create an effective mechanism for regulation of agriculture, some of its branches .

In order to overcome the negative processes in the agricultural sector of the state, the stability of its development and ensure food security at the legislative level, taking into account the current economic, social and legal situation in Ukraine made arrangements for the development, implementation and improvement of harmonized international standards requirements for agricultural products for increasing export potential and improve the quality of food on the domestic market.

The problem of quality products and services to domestic producers plays a primary role in determining the standard of living in the country, its competitiveness

in the international market, currency stability, a factor of national security. Implementation of Quality Management Systems encourages the organization to learn , meet and anticipate customer needs , disciplined work «strictly according to regulations» clearly allocates responsibility and authority, that eliminates duplication and associated costs , has preemptive effect, eliminate the causes of nonconformities (and not only the discrepancy), which increases efficiency and so on.

Management systems of any business or organization can not function effectively in isolation from higher order systems, such as systems of ministries, regional authorities, in the social and political systems of the country in general.

The competitiveness of enterprises depends on the quality of power. Developed countries are constantly improving management authorities. Current understanding of competitiveness often associated with the knowledge of staff and corporate knowledge of words, perfection backlog of state-level governance in Ukraine from, say, a European counterparts is one of the major negative impacts on the competitiveness of the country.

A well designed and organized system can and should provide high quality and food safety conditions for increasing mutual trust and create a civilized market in Ukraine.