UDC 34:60

LEGAL RELATIONS IN BIOSAFETY FIELD IN THE CONTEXT OF LEGAL RELATIONS IN BIOTECHNOLOGY SPHERE

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The article contains the analysis of the current semantic content of legal relations on biosafety for example, relationships, which realilising in biotechnology, as well as the author's views on the concept of relationship these relationships and ways of development of legislation in the said area .

Biological Technology, biotechnology, bio-security, government control.

The technologies underlying the weapons of mass destruction : nuclear, biological or chemical - were very powerful , and they have created weapons have terrible force. However, the production of nuclear weapons invariably requires at least now, very rare raw materials and carefully protected information; program to create biological and chemical weapons , in turn , require comparable in scale effort. Technologies of the XXI century - genetics , nanotechnology and robotics - are so powerful that can give rise to a new class of abuse and accidents. But what makes them particularly dangerous - is that they are available to small groups or even single researchers. They do not require access to raw or rare large-scale production. The mere knowledge of technology makes it possible to use them.

Perhaps the most important area of legal regulation in the field of biotechnology is to ensure biosafety , regardless of the industry in which you make the results of research or applied biotechnology.

Cartagena Protocol on Biosafety to the Convention on Biological Diversity in the preamble contains the following crucial provisions : realizing rapid expansion of modern biotechnology and the growing public concern

about its potential harmful effects on biological diversity, taking into account risks to human health , recognizing that modern biotechnology offers tremendous opportunities to improve human well-being if it is developed and used in compliance with the security measures on the environment and human health.

The objects of biosafety , as can be inferred from the provisions of this document are the environment , biodiversity, life and health .

In general , the main objective of the Protocol is regulating the transboundary movements of genetically modified organisms. It is also a major drawback of this document which is conditional (for nature) division of administrative boundaries do not meet the essence of the phenomenon, which is regulated , namely the ability of living organisms to not only be subject to export and import operations, but also to spread itself. Though the record is certain , it is not exact mention of this possibility , in particular , p. 25 regulates liability for illegal transboundary movements , but they are also seen as guilty of one of the Parties to the Protocol , with not even a subject that is made illegal movement , namely the state, in which it was held that the matter meets the general principles of international public law.

Model law on security activities related to genetically modified organisms , adopted at the twenty-seventh plenary session Mizhparalamentskoyi Assembly of the CIS member states. In particular, the law states that the human body can not be the subject of genetic modification .

Among the positive aspects of the Model Law should also be noted norm that establishes the need for publication of each notice of intentional introduction into the environment and placing on the market within 10 days of receipt of the notification by the competent authority . Also, the model law provides for public participation in decision-making regarding the treatment of GMOs.

At present , scientists lawyers generally used in legal -related biotechnology to see one side - biological security and biological diversity.

That 's not entirely true , the position expressed in other units of work, this is scheduled to consider new approaches to the concept of Ukrainian scholars biological safety in the context of the application of biotechnology.

It is no secret also that the threat of biotechnology becomes a painting "foreign threat ." This is reflected in the legislation , and at the Ukrainian domestic outlook . In fact there are some obvious reasons : Ukraine is not among the leaders of the global biotechnology industry and the advanced countries have been slow to share its potential, considering the Ukraine and other countries mainly as a market and recruit prospective staff in his laboratory, where there is far better research base and higher standard of living.

In our opinion, the dangers of GMOs, if any, is not on the field, and not on grocery shelves, as it did not sound loud calls for a system of total control in all areas. The danger to be found and therefore, to learn, to limit legal measures at her so to speak, source: in foreign laboratories, customs offices and departments in the implementation of foreign companies manufacturing such products.

GMO - it's not an epidemic, not a virus, not a disease is primarily a commercial product , the development of which invested a lot of money, labor talented researchers and which has significant effective properties that make someone who grows agricultural products, provided that the product 's superiority. And here, at the source , the root causes of GMOs should be sought first problem, formulate it, and then look for solutions, both administrative and economic. Moreover , preference should be given a second, or even regulations in this area partly to give NGOs and consumers of agricultural products, because everyone knows the inefficiency of the state apparatus, and thus increasing the state, the formation of new structural units, where experts will get 1-2 thousand wages, as in the rest of the state , and therefore will obviously lower qualifications than the developers of the same GMO to be an attempt to catch up with "Ferrari " to " Lanos" , will only lead to more regular corruption clumsy and ineffective supervisory authority

where the vast the work will imply the reporting on the effectiveness and necessity of their own activities.

And the countermeasures that take place so to speak "in the field" , including as agriculture, food processing, wholesale and retail , should be secondary and well oriented : knowing precisely the source of danger , it is easier to localize its manifestations that occurred in an open system , even if that happened , because when you know what and where to look , then these searches much more effective .

In support of this approach can be cited according to experts in the field of environmental law, justifying that the intensive use of natural resources there is a need for their protection from adverse human impacts , leading to negative consequences, including the contamination of the environment. The degree of contamination is determined by the implementation of environmental monitoring, by which you can get the necessary information to detect changes in the environment , the protection of life and health from the threat of environmental pollution caused by it , achieving a harmonious interaction between society and nature, conservation of natural resources/

But perhaps go further and state that the purpose of monitoring is to detect not only the pollution but also of quantitative and qualitative changes of the environment and then " programming" , so to speak , given the parameters of the biological resources that are life on the planet . One of these "parameters " is the observance of biosecurity .