

ON THE ISSUE OF LEGAL REGULATION OF INSURANCE PEDIGREE ANIMALS

I.V. GORISLAVSKA, *PhD (Law), associate professor,*

N.Yu. POLISHCHUK, *third-year student Law Faculty,*

National University of Life and Environmental Sciences of Ukraine

In the scientific article authors research on the basis of analysis of normative-legal acts which regulates carry out insurance of pedigree animals. Research problems and propose ways of improvement of the legal regulation this form of insurance.

Insurance, pedigree animals, insurance of pedigree animals.

Livestock insurance is a type of insurance that is characteristic of subjects of agrarian law [1, p. 465], improvement of legal regulation of which will increase the efficiency of agricultural production. While the issue of insurance as a form of civil contract was covered by many researchers, including: A. Alexandrov, V. Bazylevych, K. Bazylevych, D. Bilenchuk, P. Bilenchuk, M. Klimenko, E. Belousov, R. Sabodash, P. Zahvatyhata, whose works did not concern insurance in agriculture, not enough scientific papers are dedicated to the legal regulation of insurance pedigree animals.

The theoretical basis of our study are the works of famous domestic scientists and legal scholars in the field of agricultural law, such as N. Rich, V. Ermolenko, V. Zhushman, I. Karakash, Taras Kovalchuk, V. Muntean, V. Semchyk, A. Stativka, V. Urkevych, N. Titova, Y. Shemshuchenko, V. Yanchuk and others.

The purpose of this article is to study the impacts of legal regulation pedigree animals' insurance

According to the Law of Ukraine «On Insurance» [2] insurance is compulsory and voluntary form. According to art. 7 of the Act mandatory type of insurance includes – insurance of animals (other than those used in agricultural production purposes) in the event of death, destruction, forced slaughter, disease, natural disasters and accidents in the cases and according to the list of animals set by Cabinet of Ministers of Ukraine. This list and the rules of insurance provided by the Cabinet of Ministers of Ukraine «On Approval of the Procedure and the rules of compulsory insurance of animals in case of death, destruction, forced slaughter, disease, natural disasters and accidents» [3] (hereinafter – the Regulation). Thus the mandatory form is a type of insurance as insurance pedigree animals.

According to the Law of Ukraine «On the livestock pedigree business» (the Act) [4], pedigree is a complex of zootechnical, selectional, organizational and economic measures aimed at improving the pedigree and productive qualities of animals. Pedigree business is developed to ensure all conditions of highly productive animals' pedigree and to reduce the possibility of adverse effects in pedigree the legislation provides insurance of pedigree animals. According to the resolution, the object of insurance is the property interests that do not contradict the legislation relating to the death, destruction, forced slaughter of animals belonging to the state, municipal or private property to the insurer, due to disease, natural disasters and accidents.

The entities of the case on the side of the insurer include: the owners of pedigree (genetic) resources; enterprises, institutions and organizations regardless of ownership and individuals – entrepreneurs who are involved in the production, storage, usage, creation, determining the pedigree value of (genetic) resources, trade, and provide services related to pedigree

livestock, owners of the non-pedigree animals – consumers pedigree (genetic) resources and services to customers in animal pedigree (Article 5 of the Act).

Ministry of Agriculture determines appropriate status for pedigree entities that operate within the adopted national programs in animal pedigree, depending on the direction of their work and the quality of pedigree (genetic) resources. The procedure for obtaining this status is determined by the joint order of the Ministry of Agriculture and the Ukrainian Academy of Agrarian Sciences «On approval of the assignment of the respective status of the pedigree livestock and provisions on compliance subjects pedigree livestock pedigree status of plant, pedigree reproducer and pedigree poultry reproducer» [5].

On the side of the insurer in this type of compulsory insurance under the Regulation insurers that have received a license in the prescribed manner to carry out compulsory insurance.

Clean breed farm animals are protected by law through requirements for pedigree (genetic) resources and this implies the need for insurance. Pecularity of pedigree (genetic) value is the ability to bequeath certain animals breed quality signs for them is to ensure continued high performance breeds [6]. For insurance business of pedigree animals this is the main reason for the implementation of insurance. Pedigree animals that are currently fairly covered by the risk of various diseases may suffer from disasters, various accidents, emergency slaughter, and some may even be on the edge of extinction because they not only have to be insured on a mandatory basis, there must be the identification of animals that gathers the most important information about each animal: individual numbering, photographing, giving them nicknames, which will allow to know the characteristics of each animal separately to ensure the avoidance of frequent occurrence of diseases and other physical features risk. Also, to ensure the collection of all necessary information, pedigree animals must

be registered in the documents of pedigree business, information about them must be submitted into official accounting documents that are issued by state controllers and supported by relevant organizations that examine quality indicators of obtained products.

Insurance for pedigree animals is subject of appraisal procedure, namely: comprehensive assessment of pedigree and controlled animals for pedigree and productive qualities and type of animals (Article 1 of the Law). Grading system carried out according to the instructions of the appraisal of individual species: Instruction appraisal of poultry [7], Instruction appraisal of cattle meat species [8], Instruction appraisal pigs [9], Instructions on appraisal pedigree horses [10].

Instructions for appraisal include forms of exercise pedigree records, such as: form 1-mol «Pedigree bull card», form 2-mol «Pedigree cow card», form 1-sv «Pedigree boar card» form 2-sv «Pedigree sow card» form 1-k «Pedigree stallion card» form 2-k «Pedigree mare card», but information about insurance of such animals it is not contained. We propose to amend the forms of animal pedigree records, as well as identification documents: horse's passport and passport of donkey/ mule / hinnies, which form was provided by the Ministry of Agrarian Policy of Ukraine «On Introduction of identification and registration of horses» on December 31, 2004; large cattle passport, the form of which was provided by the Ministry of Agrarian Policy of Ukraine «On the cattle passport» on September 17, 2003 number 342; registration of pigs, which form was provided by the Ministry of Agrarian Policy of Ukraine «On Introduction of identification and registration of pigs» on December 31, 2004 number 497; registration certificate of sheep / goat, the form of which is provided by the Ministry of Agrarian Policy of Ukraine «On Introduction of identification and registration of sheep and goats» of 31 December 2004 № 498.

In summary, the following **conclusions**: insurance of pedigree animals is quite a hot topic today, because pedigree animals are the base

and foundation of agriculture, which directly determines its development, as proposed amendments to the regulations in the pedigree animals' insurance will lead to harmonization in relevant legislation and provide adequate amounts of information on pedigree animals for regulatory authorities in the field of pedigree, and for potential buyers and prospective insurers.

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