

OBJECT RELATIONSHIP WITH CULTIVATION AND SALE OF MEDICINAL PLANTS OF AGRICULTURAL PRODUCERS

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The main peculiarities of the legal relations that are taken place in the process of medical plants' cultivation by the agricultural manufacturers are studied in this article. The object as the principal element of the legal relations are characterized. The author proposes the amendments to the current legislation to definite the term "medical plants" as the object of the legal relations on the cultivation of the medical plants.

Medical plants, agricultural manufacturer, legal relations, object of the legal relations, subjects of the legal relations, scope of the legal relations.

The medical plants are the wild and crop plants or their parts (seeds, buds, flowers, fruits, stems, roots), which are used for the drugs production. Nowadays medical plants are used in the production of more than half of all the pharmaceuticals in the pharmaceutical industry. At the same time the most part of the medical plants is imported into Ukraine. The gathering of the wild medical plants is very popular in our country; but the cultivation of the medical plants approximately is not done.

The cultivation of the medical plants is the kind of activity of the agricultural manufacturers. In the process of such activity a special group of the legal relations is arisen, changed and passed off – the legal relations in the sphere of the medical plants' cultivation and realization.

Despite the importance of the legal institute of the medical plants' cultivation and realization, the peculiarities of legal coverage of this sphere of legal relations are not studied by the specialists of the agrarian law.

So the article is devoted to the analyzing of the peculiarities of the object of the legal relations that are arisen in the process of the medical plants' cultivation and realization by the agricultural manufacturers.

The legal relations that are arisen in the process of the medical plants cultivation are the kind of the agrarian legal relations. The agrarian legal relations are the kind of the social relations that are regulated with the rules of agrarian and other related branches of law, that are arisen in the process of the agricultural activity.

The most widespread agricultural plants that are cultivated in Ukraine are the grain crops (wheat, corn, barley, rye, oats, buckwheat), sugar and common beet, legumes, line, hop, sunflower, potato, gourds etc. The medical plants are not listed as the general agricultural plants. But according to the State Classifier of services and goods SC 016:2010 the medical plants are related to the agricultural products.

So the legal relations of cultivation and realization of the medical plants by the agricultural manufacturers are the kind of the agrarian legal relations. These relations are characterized as the complex of organizational and administrative, property, land, labor and other public relations that are regulated with the rules of agrarian and other related branches of law and are taken place in the process of the activity of medical plants' cultivation and realization.

It is very important to identify the object of the legal relations of the medical plants' cultivation and realization.

The Law of Ukraine "On the Seeds and Planting Material" dated 26.12.2002 № 411-IV has the definition of the medical plants. They are the wild and crop plants or their parts (seeds, buds, flowers, fruits, stems, roots) which are used in the medical industry for the drugs production. There is no the definite list of the medical plants that could be used for the production of the pharmaceuticals. At the same time not all of the plants, which are used in the process of the

pharmaceuticals' production, could be related to the medical plant in the meaning of the object of the legal relations of the medical plants' cultivation and realization by the agricultural manufacturers. For example, narcotic plants are used in the medical industry, but the legal relations that are arisen in the process of their cultivation and realization are regulated with special rules of law.

Thus, the definition of medical plants, given in the Law of Ukraine "On the Seeds and Planting Material" dated 26.12.2002 № 411-IV should be as set out below:

"Medical plants – are wild and crop plants or their parts (seeds, buds, flowers, fruits, stems, roots), which are used in medicine for drugs production and classified as such by the central executive authority on health care, except the narcotic plants or their equivalent, in accordance with the current legislation of Ukraine".