

ON THE LEGAL CONSOLIDATION OF THE ECOLOGIZATION PRINCIPLE OF AGRICULTURE PRODUCTION

**N.V. KRAVETS, *researcher*¹,
National University «Yaroslav the Wise Law Academy of Ukraine»**

This article is devoted to the research of contemporary condition of the legal providing of agrarian production's ecologization as a principle of agrarian law. On the basis of analysis of normatively legal acts and theoretical sources there were formulated some suggestions to improve agrarian legislation currently in force in this sphere.

The principle of ecologization of the agrarian production, environmental requirements, legal consolidation.

The problem of protecting and preserving the environment in the course of business was always serious. One of the areas of management, where production and economic activity directly related to the use of natural resources is agriculture. After all, the primary means of agricultural production are land (agricultural land) and other natural resources (water, forest). This issue is particularly relevant today. In our opinion, this is due such factors as: a) the ongoing environmental crisis on our planet where the environment is undergoing tremendous anthropogenic impact from human activities. As rightly stated in the literature, the global environmental problem has an important place in the general humanity problems and finds its expression in the form of finding the optimal alternative in society's relations with the natural environment in terms of scientific and technological progress. The essence of the modern environmental problems is the human environment's changing, the rapid decline of natural resources, weakening of the recovery processes in nature that threatens the future of human society [1, p. 148] b) widespread usage of various chemicals in the agricultural production (fertilizers, pesticides, agrochemicals in crop production, growth stimulants, hormones, antibiotics in animal husbandry, etc.), that has a negative impact on agricultural land, water and other nature objects. A separate problem is the disposal of thousands of tons of unusable pesticides and agrochemicals, and c) the widespread use of genetically modified organisms in agricultural production, mainly of plant origin (wheat, soybeans, corn, sugar beets, etc.). But still their impact on the environmental safety is not researched

¹ Thesis supervisor– Doctor of Legal sciences, Professor A.M. Stativka

enough. Also, due to the food security needs of our country, which requires provision of population with the necessary quantity of food, provided the good quality of food. Thus, the problem of ecologization of agricultural production is extremely important. This thesis is supported in the literature. Thus, according to the Russian researcher O. Minina, the need for ecologization of agriculture due to the fact that it is an area that: first, depends on the condition of all nature objects and resources - soil fertility, purity of water, the presence of protective and other forests, the radiation background, the climate changes processes; and secondly, is one of the environmental pollutants – especially due to use of pesticides and agrochemicals, as well as through waste from cattle (e.g, the pig breeding complex with a capacity of 108 thousand units emits 1.5 billion microbes, 159 kg of ammonia, 14.5 kg hydrogen sulfide, 29.9 kg of dust every hour [2, p. 214]), and thirdly, it manufactures products that are consumed by man as food and, therefore, the safety and quality of these products are essential components of quality of life and health of population [3, p. 86].

Implementation of agricultural activities not only has an impact on the environment, but is, at the same time, significantly conditioned by it. This is due to such feature as the use of agricultural land as the primary means of production. Agriculture uses powerful natural-resource potential, which includes primarily 41.84 million hectares of farmland. This raises the question of the safety and protection of land and other natural objects used in the implementation of agricultural activities, because there are already significant problems in this area. In particular, plowed farmland reached 72 % avg and in some areas it exceeds 88%. Unproductive land is involved in cultivating [4]. Doses of mineral and organic fertilizers that are applied do not compensate the loss of soil nutrients during the harvests. Further degradation and disposal of agricultural land out of circulation can lead to a complete stagnation of agricultural production. All of this requires the necessary organizational, administrative, legal and economic measures from the government to be taken.

Recently, the government started the implementation of environmental policies in agriculture, some regulations have been adopted. The legal basis for the regulation of relations in the field of agriculture ecologization is the Constitution of Ukraine [5]. Article 3 of the Constitution proclaims the man, his life, health, honor and dignity, inviolability and security as the highest social value. Under Part 2 of Art. 3 rights and freedoms and their guarantees determine the contents and orientation of the state. The state is responsible to the people for their activities. The promotion and protection of rights and freedoms is the main duty of the state. This provision is developed in the art. 16 of the Constitution of Ukraine, which stipulates that environmental safety, maintaining ecological balance in the Ukraine, overcoming the consequences of the Chernobyl catastrophe - a catastrophe of global scale, preserving the gene pool of the Ukrainian people is the duty of our state. Further the indicated provisions

are specified in the rights and responsibilities of citizens declared by the Constitution of Ukraine (Article 50, 66).

According to Art. 1 of the Law of Ukraine «On Environmental Protection» dated June 25, 1991 [6]. The objective of legislation on environmental protection is to regulate relations in the field of protection, use and reproduction of natural resources, providing the environmental safety, preventing and eliminating the negative impact of economic and other activities on the environment, conserving natural resources, wildlife gene pool, landscapes and other natural systems, unique natural areas and objects related to the historical and cultural heritage. In Art. 3 of the Act are enshrined the basic principles of environmental protection. Some of them are directly related to the field of agricultural production: a) the priority of environmental safety requirements, mandatory compliance with environmental standards, regulations and limitations of natural resources in the implementation of economic and other activities, and b) to ensure the ecologically safe environment for human life and health, c) preventive nature of the safety measures to protect the environment, d) ecologization of the production processes based on integrated approaches to the issues of environmental protection, use and reproduction of renewable natural resources, the widespread introduction of new technologies; e) scientifically justified coordination of ecological, economic and social interests of the society through a combination of interdisciplinary knowledge of environmental, social, natural and technical sciences and forecasting of the environment, e) transparency and democracy in making decisions, implementation of which affects the environment, the formation of public environmental philosophy g) scientifically justified regulation of the economic and other activities' influence on the environment, and h) compensating the damage caused by violation of the legislation on environmental protection and so on.

Priorities of Ukraine's national interests in the field of development of agricultural production and ecologization of the agricultural production relations embodied in the Law of Ukraine «On National Security of Ukraine» dated June 19, 2003 [7]. On the basis of Art. 6 of this Act are to include the following: (a) ensure the constitutional rights and freedoms of man and citizen, (b) creating a competitive, social market economy, (c) the preservation of the environment and rational use of natural resources (including in the agricultural production), (d) strengthening the physical health of the nation, creating conditions for the expanded reproduction of the population, (d) the integration of Ukraine into the European political, economic and legal space.

Further development and detailed provisions of the Constitution of Ukraine and laws mentioned above become the Law of Ukraine dated 21 December 2010 «On the Fundamentals (strategy) of the State Environmental Policy of Ukraine for 2020» [8]. This law is universal, hence its scope extends to matters arising in the field of agriculture and

agricultural matters governed by law. According to section 1 of this Act sustainable socio-economic development of any country means a functional agriculture complex, when both meet the growing material and spiritual needs of the population, provide efficient and environmentally safe management and highly sustainable use of natural resources, create favorable conditions for human health, preservation and reproduction of the environment and natural-resource potential of social production. It appears this provision of the law is particularly relevant in respect of such field of our state's economy, as agriculture.

In this regard, in accordance with the provisions of section 1 of this Act, our state has to ensure the integration of environmental policy with sectoral policies (including the State Agricultural Policy), required consideration of the environmental component in the preparation of policies, plans and programs of Ukraine, introduction environmental management in enterprises, greening of business. Under the provisions of section 3 of this Act to the strategic goals and objectives of public policy in agriculture include improved access introduction of environmentally oriented technologies and organic farming practices and achievements in 2020 their use and doubling their space usage. To this end, we propose state support and encourage domestic entities engaged in modernization of production, aimed at reducing the negative impact on the environment. It should be noted that international practice has proven ability ekodestruktyvnoho significant reduction of environmental impact through environmentally sustainable development. As rightly stated in the literature, innovation activity in Ukraine can and should become a key tool in improving the environment, given that the process of creating and using environmental innovation is a form of environmental protection [9, p. 110]. The strategic objectives of national environmental policy in accordance with the provisions of Section 3 of the Law of Ukraine «On Fundamentals (strategy) of the State Environmental Policy of Ukraine for 2020» also include the introduction in 2020 of environmental labeling and food. This is directly related to the agricultural sector of our country, as products that it produces the most part and is a food or raw materials for their production. Turning to the level of specific agro-ecological regulation of agricultural production, it should be noted that the Law of Ukraine «On the Fundamentals of State Agricultural Policy until 2015» [10] declares the priority of agriculture in the national economy, which is due to the exceptional importance and indispensability of agricultural products produced in human life and society. With regard to the strengthening of the legal framework of the principle of ecological agricultural production, said the law in Art. 4 main areas to improve the performance of the agricultural sector entities attributes facilitate the implementation of energy-saving, safe and environmentally friendly technologies for agricultural products and foodstuffs. In addition, Art. 4 of this Act to the ways of the main priorities of the state agricultural policy include: a) in the field of land relations -

implementation and financial support for national programs of land use and protection, including reduction of cultivated land, of protecting them from water and wind erosion, soil fertility and reproduction soils, agroforestry and land reclamation, reclamation, standardization and regulation in the area of land, the introduction of an effective system of soil fertility and the system of monitoring of solid agrochemical certification of agricultural lands, and b) in the efficiency of the agricultural sector entities – Development and implementation of biofuel production, strengthening public support to combat pests and plant diseases, the introduction of reliable early-warning systems, c) in the field of public policy for the development of markets of agricultural products and food - increased consumer protection by improving the quality and state control food security, harmonization of national standards with international standards, including the European Union and others.

The list of environmental requirements, compliance with which is mandatory during the reclamation of agricultural land includes the Law of Ukraine «On land reclamation» on January 14, 2000 [11]. These include: a) the rational management of land, water, forest and mineral resources; b) protection of soil depletion, salinization, waterlogging, saturation of harmful substances, degradation, c) prevention of the negative impact on flora and fauna by reclamation activities, d) protection of surface and groundwater from pollution and depletion, etc.. According to Art. 31, the project documentation for the reclamation of agricultural land should include impact on the environment data and the reference for the environmental effects of the project activity, in accordance with the Laws of Ukraine «On Environmental Protection» and «On Ecological Expertise» on February 9, 1995 . [12].

Environmental requirements for use of certain natural objects in the agricultural production are also contained in the following legislative acts of Ukraine: Land Code of Ukraine [13], the Water Code of Ukraine [14] Code of mineral resources [15], the Law of Ukraine dated 16 October 1992 «On Air Protection» [16] and others. Thus, the responsibility of the owners of agricultural land and land users in accordance with Articles 91, 96 of the Land Code, among others, include: to ensure their use for the intended purpose; to adhere to the requirements of environmental law; to improve soil fertility and preserve other useful properties of land; to preserve geodesic signs, erosion control structures, irrigation and drainage land networks, etc. . Similar obligations stipulated in the regulations of the special agrarian law – the Law of Ukraine on June 19, 2003 «On the farm» [17] (Article 15), the Law of Ukraine on May 15, 2003 «On a personal farm» [18] (Article 7) and others. So, one of the main responsibilities of farmers are rational and efficient use of agricultural land in the agricultural production. Further detailed rules for the protection of agricultural lands in the implementation of the Law of Ukraine received by June 19, 2003 «On Protection of Land» [19] (articles. 35-37).

Thus, we can conclude that the system of legislation on ecologization of agricultural production involves several levels of rules: 1) constitutional rules, 2) the rules of a general nature (eg, the Law of Ukraine «On National Security of Ukraine»), 3) standards of environmental legislation; 4) special level – norms of agricultural legislation. Another way that should be highlighted are international standards of legal nature in this area – international treaties, conventions and regional acts of nature (such as the EC Council Regulation).

It is reckoned that the principle of ecologization of agriculture is to find a clear and unambiguous consolidation in the current agricultural legislation, including the Law of Ukraine «On the Fundamentals of State Agricultural Policy until 2015». Article 2 of this Law should be expanded by another sub-paragraph, highlighting the the ecologizing of the agriculture among the state agricultural policy objectives. This regulation would be logically added in Article 2, as it will be the continuation of the main strategic objectives of the State Agrarian Policy of Ukraine, such as: to guarantee food security and transform the agricultural sector into a highly efficient, competitive part of the state economy. Also, it is necessary to amend to the Art. 3 of the Act by classifying the environmental protection and rational and prudent natural resources usage in the process of agricultural production, to the main priorities of state agricultural policy.

Given the above, it can be argued that today, under the law of Ukraine, an adequate regulatory framework has been formed to ensure the ecologization of agricultural production, it is clear that the new agrarian law principle appeared – the principle of ecologization of tge agricultural production.

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