

HISTORICAL AND LEGAL ASPECTS IN CULTIVATION OF MEDICINAL PLANTS BY AGRICULTURAL PRODUCERS IN UKRAINE

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In the article it is described the historical perspective of medical plants cultivation on the territory of modern Ukraine. It is also shortly described the foundation stage of this sphere of agriculture in the pre-independent period of Ukrainian history. Besides this it is analyzed the state policy in the sphere of the arranged medical plants cultivation at the modern period of Ukrainian history.

Medical plants, agricultural manufacturers, Ukrphytoterapiya.

The pharmaceutical industry is one of the most stable types of production, not only in Ukraine, but worldwide [1, p. 254]. An integral part of manufacturing of pharmaceutical products are medicinal plants, the need for which in recent years has increased by more than 25% [2]. In Ukraine today, this requirement is compensated by wild medicinal plants harvested by population and sold to pharmaceutical manufacturers. The organized cultivation of medicinal plants by agricultural producers is not currently a popular variety of agricultural activities. But it was not always that way. In previous historical periods, cultivation of medicinal plants was an organized process in Ukraine.

And in order to understand the reasons for the lack of proper cultivation of medicinal plants by agricultural producers at this stage of development of the Ukrainian state, it is necessary to analyze the history of the subject. Since analyzing the positive and negative experiences of the past we can most effectively solve the problem today, in this paper, the historical aspect of growing herbs by agricultural producers is the main issue.

Features of cultivation of medicinal plants in agricultural commodity have not been studied by specialists in agrarian law in Ukraine, although some questions about this were in the works of Y. Hayetska-Kolotylo, V.

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Despite the lack of organized cultivation of medicinal plants in modern Ukraine, this issue has quite a long history. The primary concentration of the organized cultivation of medicinal plants were so-called apothecary gardens, which later were reorganized into the form of botanical gardens, the first of which in Ukraine was established in Lubny in 1721 [3, p. 10].

In the period of Ukraine in the Soviet Union organized cultivation of medicinal plants by agricultural producers gained the highest level of development. In particular, the cultivation of medicinal plants was carried out by specialized state farms that belonged to the «Soyuzlikrosprom» uniting all businesses in growing, harvesting and processing of medicinal plants [4]. According to the legislation of that period, collective and state farms are also allowed to grow some herbs.

In addition to this, in the Ukrainian SSR for the rational use and reproduction of resources of medicinal plants and the wider introduction into medical practice of treating population of medicines was established Ukrainian state-equity consortium for growing and processing of the medicinal plants «Ukrphytoterapiya». Resolution of the Council of Ministers of the Ukrainian SSR, March 28, 1990 № 129-r of this consortium has established benefits for economic activities, in particular, was allowed to increase to 30 per cent of retail prices of goods produced by him, the price of which is below the wholesale and procurement. Also consortium was relieved from tax for the first two years [5].

After the declaration of independence the resolution was adopted by the Cabinet of Ministers of Ukraine dated 28 December 1991 № 380 «On increasing the production of medicinal plants and products thereof», which included the transfer of specialized farms for growing medicinal plants, Zhytomyr processing plant MPM Ukrainian and Crimean zonal research stations of state-Ukrainian joint-stock consortium «Ukrphytoterapiya» [6]. However, the Cabinet of Ministers of Ukraine dated July 21, 1992 № 466-p envisaged that specialized farms for growing herbs for the joint-stock consortium «Ukrphytoterapiya» within the agriculture of the Republic of preserving functions and rights under their charter [7].

However, the Cabinet of Ministers of Ukraine dated March 12, 2008 № 182 «On liquidation of Ukrainian state consortium» Ukrphytoterapiya «made a decision to liquidate the mentioned consortium. Moreover, by this decision, there was a duty on the State Property Fund to control the use of the integral property complex farm «Raduga»(Rainbow) leased to the

limited liability company «Phytosovhoz» Raduga» [8]. This farm, which was part of the consortium "Ukrphytoterapiya" was created back in 1944, and today his successor – Limited Liability Company «Phytosovhoz» Raduga» – operates with the cultivation of medicinal plants in Simferopol region of Crimea [9].

Other farms that were part of the consortium «Ukrfitoterapiya» developed in a slightly different direction. In particular, the order of the Ministry of Agrarian Policy of Ukraine on December 6, 2007 № 868 «On the renaming of companies that manufacture medicinal plant» number of specialized farms engaged in the cultivation of medicinal plants was renamed the State-owned enterprises [10]. In total, the consortium «Ukrphytoterapiya» included 14 farms [4]. According to the State Enterprise «Information Resource Centre», most of these state enterprises either ceased their business activities, or are in a state of suspension [11]. Currently working as normal are the state enterprise «Monastyrsk» (Ternopil region) and the State Enterprise «Liktravy» (Lviv region) [11]. Thus, we can conclude that other agricultural producers that were part of the consortium «Ukrphytoterapiya» were liquidated or reorganized as legal entities of private ownership.

Today, besides farms, formerly part of the consortium, there are other producers involved in the cultivation of medicinal plants, such as Joint-Stock Company «Liktravy» (Zhytomyr region) [12]. However, the absence of any government support, increase of the variety of agricultural producers in cultivation of medicinal plants is not popular. Thus, there is no independent legal institution regulating relations in the sphere of cultivation of medicinal plants by agricultural producers, although crop seed has legal institutions and the protection of rights to plant varieties, plant protection, regulation of cultivation of narcotic plants, flax and hemp cultivation, horticulture, viticulture and hop, soybean [13, p. 256].

Thus, cultivation of medicinal plants is disorganized, that is not up to the mark. Due to the lack of state support of this variety of agricultural activities, agricultural producers (agricultural cooperatives, corporate type businesses, farms) are not interested in growing herbs, because the selection of the priority field of agricultural production is carried out by an agricultural enterprise, taking into account the climatic and economic conditions, the activities of private entities not being based on any guidelines state authorities, but the right of free choice [14 , p. 246].

Due to the lack of incentives on the side of the state, such as the establishment of tax incentives and «vacation», favorable loan programs,

simplifying the use of land, obtaining special permits, certificates, licenses, etc., cultivation of medicinal plants by agricultural producers is not massive. The legislative strengthening measures to promote the implementation of scientific and technological achievements in agricultural production are also important [15, p. 345], and are especially important in the cultivation of medicinal plants. However, this practice is absent in Ukrainian law.

Thus, in order to support domestic agricultural producers, reduce imports of medicinal plants into Ukraine, it is necessary to conduct a coherent policy aimed at supporting the organized cultivation of medicinal plants.

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