

CERTAIN PROBLEMS OF LEGAL REGULATION OF TANDARDIZATION OF MEAT AND MEAT PRODUCTS

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This abstract presents the analysis of the legal regulation of the standardization of agricultural products, in particular meat and meat products. Particular attention is paid to the order of application of regulations to the specified products.

Standardization, agricultural products, regulations, standards, specifications, safety and quality of meat and meat products.

The current level of nutritional science suggests that food is one of the main factors determining the health status of the population. According to the experts of FAO / WHO, depending on the national – regional characteristics, health by 50–70 % depending on the lifestyle, the most important addition of which is food [1, p. 34]. Therefore, the requirements for quality and safety of meat as one of the main types of food should be clearly defined by the law. The modern approach to the meat safety involves implementation of management systems through the introduction of standard system at enterprises, that produce and sell meat.

Safety of the meat and meat products – is a very important food problem for humanity. It belongs to a long and complex problem not only in Ukraine, but also in the global economy. The realization of the genetic potential of the population, harmonious development of physical strength and spiritual abilities depend on the solution of this problem.

The aim of this abstract is the study of normative and legal regulation of standardization of agricultural products, in particular meat and meat products.

Among the scientific researches that devoted the legal regulation of the quality and safety of agricultural products in Ukraine, it is necessary to select the works of scholars in the field of agricultural law, such as Bogdan

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A.I., Ermolenko V.M., Stativka A.M., Piddubny O.U., Hrebenyuk M.V. and others.

Satisfaction of the physiological needs of people by the high quality and safe food products composes the material base of biological, political, social, and spiritual existence of the individual, family, state, society and humanity in general. Integration of Ukraine into the world and the European community actualizes the problem of food security, in the means of protection of vital interests of the people, that is expressed in the guarantee of direct economic access to food products in order to maintain people's normal life activities (paragraph 2.13 art. 2 of the Law of Ukraine of 16 June 2005 «On state Support of Agriculture of Ukraine»). However, the government can pursue an independent policy only in the condition of food supply of population. Unfortunately, under the terms of Ukraine's accession into the World Trade Organization and also the crisis in the agricultural sector, the share of import of food products has been increased, that are probably not of the best quality, therefore it threatens food sovereignty of the country [2, p. 160].

From the constitutional definition of Ukraine as a social state, the policy of which is aimed on creating conditions to ensure a decent level of people's life and from the provisions of Article 48 of the Constitution of Ukraine, that relate to setting the foundations of public policy, in particular food, as well as from the government programs on social development, follows that the state as a social service should settle a number of obligations before society. Firstly, it has to defend citizen's right for good nutrition [3, p. 29–32]. Ensuring the protection of this right, the state should find means to eliminate food dependence on foreign countries, in particular by reducing food imports. The state aims not only to establish a social order, to create a fair policy of food security, but also to enhance the level of calories of daily diet of the population.

The experience of countries with developed economies shows that an effective quality control of agricultural products is possible only by using a complex of measures. In each country these activities are coordinated by national program that has to be consistent with international instruments. Thus, the European Union adopted a number of regulations in the area of food safety, including animal products. Nowadays, activity that connected to food security has engaged 35 international organizations in the following areas: production, import, and food aid and supply food availability to the population. The leading organization in this area is the Food and Agriculture Organization (FAO). The objective of this organization is the monitoring in the sphere of food; food security prediction based on natural

resources and scientific knowledge; institutional and legal mechanisms; ensuring sustainable growth and increase the availability of food; adaptation of technology to create conditions for intensification of production and ensuring sufficient food supply [4, p. 13–15, 5, p. 64–69, 6, p. 123–124].

Legal regulation of standardization of agricultural products in Ukraine is implementing on the basis of the law of Ukraine «On the safety and quality of food production» of 6 September 2005, «On Standardization» of 17 May 2001, «On conformity assessment» of 17 May 2001, «On Standards, technical regulations and conformity assessment procedures» of 1 December 2005, the Decree of the Cabinet of Ministers of Ukraine of 10 May 1993 № 46-93 «On Standardization and Certification» and other regulations.

What is a reliable source of information about indexes of food quality and safety, and how the state regulation and control is provided in this area? Law of Ukraine «On Standardization» determined that standardization – is an activity that establish provisions for general and multiuse about existing or potential tasks in order to achieve an optimal level of regulation in a particular area, the results of which is to increase a degree of accordance of products, processes and services to their functionality, eliminating barriers in trade and to promote scientific and technological cooperation (Article 1). The purpose of standardization is to achieve optimum degree of order in a given area, to inform the consumers about quality of products, to eliminate the barriers for exchange of goods and the promotion of scientific – technological development (Article 5 of the above Act). The main tasks specify the object of standardization and are designed to ensure: the safety of agricultural products to human life and health, animals, plants; protection and preservation of agricultural products; the quality of agricultural products according to the level of science, technology and human needs [7, p. 304].

Modern standardization is based on the following principles such as availability of standards and information about it for users, openness and transparency of procedures for the development and adoption of standards counting the interests of all stakeholders, improving the competitiveness of domestic producers; accordance of standards to legislation; adaptation to modern achievements in science and technics counting the condition of the national economy (Article 5 of the Law of Ukraine «on Standardization»).

Standardization involves a set of actions, choice or development of optimal solution, its legalization and registration by established rules. It is

closely related to technical regulation as it appears as an instrument of its practical implementation. The standards are divided into national standards, rules of practice and qualifiers. The standards should be set in the way so it cannot be used to mislead consumers of the product. The procedure of establishment of national regulations, requirements for its content and amending is regulated in detail by the state standard SSS 1.5:2003 «Rules of construction, averment, execution and content requirements of regulations», approved by State Consumer Standard of Ukraine of 16 May 2003 № 85.

Two types of regulations are developed for the agricultural products, including meat and meat products such as standards and specifications. Let's dwell more detail on its characteristics. Generally, there are about 100 national standards (SSS) and 150 technical specifications in Ukraine which are not standard (TS) for identifying microcell, nitrates and other harmful substances in meat [8, p. 113]. State standards function on different types of meat, in particular: SSS 6030:2008 «Meat. Beef and veal in carcasses, half-carcasses and quarters. Specifications», approved by State Consumers Standard of Ukraine of 22 December 2008 № 485, SSS 4426:2005 «Meat of beef in cuts. Specifications», approved by State Consumers Standard of Ukraine of 30 June 2005 № 157.

However, it should be noted that till now the Standards of former Soviet Union, which is now called interstate standards is effective for the vast majority of agricultural products. The Standards of former Soviet Union mostly developed in the 1960-1980-ies and almost has not been updated, and its revision reduced to extension. Therefore, the requirements for indexes of quality that laid down in these standards are old and do not meet modern achievements of agricultural science and technology. Most state standards do not require standards for product safety.

As to specifications, it is a document that establishes the technical requirements to be met by products, processes or services. Technical specifications can be a standard, part of the standard or a separate document (Article 1 of the Law of Ukraine «On Standardization»).

Unfortunately, the use of TS does not facilitate the quality supply of agricultural products. It began to be developed and implemented in the early 90-ies of XX century in Ukraine. Today in addition to standards there are also applicable tens of TS. The ownership of the TS belongs to entities, which are spending money for its creation or to whom this right is handed according to the legislation of Ukraine. As a rule the ownership of the TS has to be applied to foods that are produced with a use of innovative

technologies and original recipes. However, most of TS developed for products that cannot withstand the standards; therefore it produced with degraded indexes of quality and security. In addition, discrepancy TS to standards and regulations also appears because owners of TS do not monitor changes, that occurred in the legislation of Ukraine. That is, at the time of registration TS comply with regulations, but after a certain period of time, after amending law and standards, the owner fails to make timely changes to it. As rightly noted by Professor V. Ermolenko, the level of standards of legal documents should not impair the quality and safety of agricultural products in comparing with national documents [7, p. 305]. Therefore, in our view, it is necessary to provide more strict state supervision and control of the registration of TS in accordance with applicable law.

It is impossible to solve the problem of food security without the application of new technologies. But in the process of such application, producers do not always respect the law of the quality and safety of agricultural products. Thus, it is necessary to harmonize the legislation of Ukraine in accordance with legislation of EU, especially in the sphere of control of these parameters. In addition, it is important to ensure tighter state control over TS registration and its accordance to existing law and standards.

References:

1. Хомічак Л. Сучасний стан питання якості та безпечності м'яса та м'ясопродуктів / Л.М. Хомічак, Г.Д. Гуменюк, Л.В. Баль-Прилипка та ін. // Мясное дело. – 2010. – № 5. – С. 34–36.
2. Гафурова О.В. Правові засади державного регулювання сільського господарства / О.В. Гафурова // Аграрне право України : підруч. / за заг. ред. В.М. Єрмоленка. – К. : Юрінком Інтер, 2010. – 608 с.
3. Статівка А. Державне регулювання продовольчого ринку України в сучасних умовах / А. Статівка // Право України. – 2001. – № 10. – С. 29–32.
4. Григорьева Е. Деятельность международных организаций по проблеме продовольственной безопасности / Е. Григорьева // Международный сельскохозяйственный журнал. – 1997. – № 6. – С. 13–15.
5. Система продовольственной безопасности: закономерности формирования и факторы развития / З.М. Ильина и др. под. ред. З.М. Ильиной. – Минск : Ин-т экономики НАН Беларуси. – 2007. – 69 с.

6. Ильина З.М. Научные основы продовольственной безопасности / З.М. Ильина. – Минск : ООО «Мисанта», 2001. – 228 с.

7. Єрмоленко В.М. Правове регулювання якості та безпечності сільськогосподарської продукції // Аграрне право України: підруч. / за заг. ред. В.М. Єрмоленка. – К. : Юрінком Інтер, 2010. – 608 с.

8. Каталог нормативних документів 2011. – К. : ДП «Укр НДНЦ», 2011. – Т. 1. – Кн. 2. – 289 с.