

**ЕКОНОМІКА ТА УПРАВЛІННЯ НАЦІОНАЛЬНИМ ГОСПОДАРСТВОМ**

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**ECONOMIC END LEGAL ASPECTS  
OF ENSURING FOOD SECURITY****ЕКОНОМІКО-ПРАВОВІ АСПЕКТИ  
ЗАБЕЗПЕЧЕННЯ ПРОДОВОЛЬЧОЇ БЕЗПЕКИ**

**Urgency of the research.** *Guaranteeing unhindered economic access to high-quality and safe food products is one of the main goals of the state agricultural policy of Ukraine. Therefore, it is particularly important to ascertain the status of social relations in this area.*

**Target setting.** *Legal regulation is the most effective instrument of state influence on any type of social relations, including agrarian ones. Accordingly, it is necessary to pay attention to the issues of the legal mediation of relations that arise, change and cease in the food security field.*

**Actual scientific researches and issues analysis.** *Such well-known domestic economists as O. G. Bilorus, V. I. Vlasov, O. I. Goychuk, B. Y. Paskhaver, P. T. Sabluk, O. M. Schpichak and others put sufficient attention to the various aspects of the formation of an economic mechanism for ensuring food security.*

**Uninvestigated parts of general matters defining.** *At the same time, all legal scholarly works are devoted exclusively to the legal issues of food security, without taking into account the economic directions of its provision.*

**The research objective.** *Clarification of the current state of the legal support of food security in Ukraine taking into account the economic indicators of its formation.*

**The statement of basic materials.** *The article examines the legal status of food security in Ukraine. The relations in the sphere of ensuring food self-sufficiency, economic availability, food quality and safety have been analyzed.*

**Conclusions.** *It is necessary: to completely prohibit any import and use of palm oil for the food; to specify the annual state support for the production and circulation of organic products. It is worth adopting the Law of Ukraine «On Food Security», the content of which should take into account as far as possible the achievements of the agrarian and law doctrine.*

**Keywords:** *Food security; food independence; indicators of food security; quality and safety of food.*

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**Актуальність теми дослідження.** *Гарантування безперешкодного економічного доступу людини до якісних і безпечних продуктів харчування є однією з основних цілей державної аграрної політики України. Тому, особливо важливим є з'ясування стану суспільних відносин у зазначеній сфері.*

**Постановка проблеми.** *Правове регулювання є найефективнішим інструментом державного впливу на будь-який тип суспільних відносин, включаючи й аграрні. Відповідно, слід звернути увагу на питання юридичного опосередкування відносин, які виникають, змінюються і припиняються у сфері забезпечення продовольчої безпеки.*

**Аналіз останніх досліджень і публікацій.** *Різним аспектам формування економічного механізму забезпечення продовольчої безпеки приділено достатньо уваги з боку таких відомих вітчизняних вчених-економістів як О. Г. Білорус, В. І. Власов, О. І. Гойчук, Б. Й. Пасхаєв, П. Т. Саблук, О. М. Шпичак та ін.*

**Виділення недосліджених частин загальної проблеми.** *Водночас всі юридичні наукові праці присвячені виключно правовим питанням продовольчої безпеки без врахування економічних напрямів її забезпечення.*

**Постановка завдання.** *З'ясування сучасного стану правового забезпечення продовольчої безпеки в Україні з врахуванням економічних показників її формування.*

**Виклад основного матеріалу.** *У статті розглянуто стан правового забезпечення продовольчої безпеки в Україні. Проаналізовано відносини у сфері забезпечення продовольчої незалежності, економічної доступності та якості й безпечності продуктів харчування.*

**Висновки.** *Необхідно: повністю заборонити будь-яке ввезення і використання для харчування пальмової олії; конкретизувати щорічну державну підтримку виробництва та обігу органічної продукції. Варто прийняти Закон України «Про продовольчу безпеку», зміст якого має максимально врахувати досягнення аграрно-правової доктрини.*

**Ключові слова:** *продовольча безпека; продовольча незалежність; індикатори продовольчої безпеки; якість і безпечність продуктів харчування.*

**Urgency of the research.** *Ukraine, despite its favorable geoclimatic location, has not overcome the food security problems, primarily in terms of food independence, economic accessibility, and the quality and safety of food. This causes a need for clarification of the state of this area of public relations.*

**Target setting.** *Food security is an important part of the formation of the national security of our country. Moreover, in addition to its organizational and economic factors, which are disclosed through the introduction of effective technologies for the production of food products, the issue of the legal me-*

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diation of these relations becomes more and more important. Indeed, legal regulation is the most effective instrument of state influence on any type of social relations, including agrarian ones.

**Actual scientific researches and issues analysis.** Such well-known domestic economists as O. G. Bilorus, V. I. Vlasov, O. I. Goychuk, B.Y. Paskhaver, P. T. Sabluk, O. M. Schpichak and others put sufficient attention to the various aspects of the formation of an economic mechanism for ensuring food security.

**Uninvestigated parts of general matters defining.** At the same time, only a few publications of V. M. Yermolenko, T. V. Kurman, A. M. Stativka, V. Y. Urkevych are devoted to the legal problem of ensuring food security. At 2014 S. O. Lushpayev has defended his Ph.D. thesis «Legal principles of food safety of Ukraine» [1]. Unfortunately, all legal scholarly works are devoted exclusively to the legal issues of food security, **without taking into account the economic directions of its provision.**

**The research objective.** Clarification of the current state of the legal support of food security in Ukraine taking into account the economic indicators of its formation.

**The statement of basic materials.** The economic basis for the calculation of food security was made up on the basis of the main indicators, the method of determination of which is fixed by the Decision of the CMU as of December 5, 2007, No. 1379. The first indicator is the daily energy value of the human diet, which should be 2,500 kcal per day, with 55 percent of the daily ration should be provided for account of consumption of products of animal origin. In 2016, the nutritional value of the daily ration of Ukrainian was 2742 kcal, of which 790 kcal (28.8%) of animal origin [2, p. 220-221]. In the presence an excess of the general threshold level of nutrition by 9.7% against the background of almost double (28.8% vs. 55%) of under-consumption of animal products exists. Therefore, domestic economists have offered a realistic picture of the real food situation in the country through comparison of the existing level of consumption with the upper levels of consumption. For this purpose, they have developed a classification of levels of food supply of the population, built on the principle of compliance of food supply with the tasks of increasing fertility, maintaining health, active life of a person and achieving the maximum possible in modern conditions, average life expectancy. According to this classification, there are seven levels of food supply of the population in the countries: catastrophic, critical, minimal, sufficient, rational (normative), optimal and perspective [3, p. 147]. Accordingly, the average daily diet of a Ukrainian is just at the upper limit of minimal consumption, which makes it impossible to starve. At the same time, no human development is said.

The next is the indicator of human food security by main types of products. The analysis of statistical indicators of consumption of basic food products makes it possible to conclude that the diet of the average resident of our country is equal to or exceeds the scientifically substantiated standards of nutrition for such products: potatoes - 112,7%, vegetables and melons - 101,6%, cereal products - 100,0%. At the same time, the indicator of under-consumption of rational norms should be a cause for concern: fish and fish products - 48.0%, milk and dairy products - 55.1%, fruits - 55.4%, meat and meat products - 62,2%, sugar - 87.6%, oil - 89.9%, eggs - 92.1%. In essence, these indicators are either at the lower limit of the physiological minimum consumption, or even do not «reach out» to them. This indicates that the overwhelming majority of Ukraine's population is on the brink of hunger.

The lack of consumption of most of the main products can be explained solely by the economic inaccessibility of food products, which is the essence of the next indicator. The economic availability of food for the population is the ability of the population to safely satisfy their rational needs in food products at the expense of their own income. For economic availability of products, the marginal criterion is considered to be its 60% level degree. The Law of Ukraine of December 7, 2017 «On the State Budget of Ukraine for 2018» from the 1 January 2018 sets the living minimum of 1770 UAH, and the minimum wage is 3723 UAH, which does not ensure the economic availability of the population to food products. The study of the content of the minimum consumer basket proposed by the government in 2017, established on the basis of the minimum wage of 3200 UAH, indicates an intensification of the process of economic inaccessibility of the population to the main food products. For example, according to the Decree of the CMU of October 11, 2016, No. 780 «On Approval of Suites of Foods, Sets of Non-Food Products and Sets of Services for Major Social and Demographic Groups», the annual rate of consumption of meat and meat products is set for the working population - 53 kg, milk and dairy

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products - 143.5 kg, fish and fish products - 13 kg, eggs - 220 units. The physiological minimum is for: meat and meat products - 52 kg, milk and dairy products - 341 kg, fish and fish products - 12 kg, eggs - 231 units. The simple comparison of the above indicators shows that consumption of meat, fish and eggs is a consumer basket formed on the basis of physiological (i.e. minimum) norms, and in dairy products, even this rate is reduced by 2.5 times. Thus, for the type of Ukrainian food, the nature of the diet of Ukrainians will continue to be not the ration of development, as in the diet of survival.

Finally, the last of the main indicators is the food independence of a single product that is available if its import does not exceed 30 percent, although the international indicator of food independence is set at 20% [4, p. 90]. Balance analysis and consumption of basic food products allowed us to obtain a conclusion on the share of critical imports of fruits (30.7%) [2, p. 211-216], as well as fish and fishery products (78.3%) [5, p. 5].

The solution is to balance agricultural policy with identified gaps with the focus on these areas of financial resources of state support, issued (as an option) in the form of corresponding national programs with the condition of their effectiveness, and not declarativeness. In support of this, two consistently adopted state programs should be mentioned: «National Program for the Development of the Fisheries of Ukraine for the Period until 2010», approved by the Law of Ukraine of February 19, 2004 and the State Target Economic Program for the Development of the Fisheries for 2012-2016, approved by the Resolution of the Cabinet of Ministers of Ukraine of November 23, 2011 No. 1245, which did not yield any tangible result despite the spent public finances. Instead, if to analyze as for a worthy example in the field of fisheries, then it is undoubtedly the Kingdom of Norway, one of the leaders in exporting fish and fish products in the world, supplying products to more than 130 countries. Fisheries provide about 0.7% of its GDP [6].

The essential component of food security is the quality and safety of food. Despite the fact that the said field of food security has fallen out of its indicators set by the government, it is, as a doctrinal criterion, an extremely important indicator. First of all, it should be pointed out that the legislation is fairly extensive, the study of which should be based on the concept that poor quality and unsafe food products are not, because it does not serve the purpose of maintaining the health of our citizens. This concept, without any exclusions and tolerances, should be the basis of any regulatory act in the field under study. Instead, such a law instead of the strict imperative of its provisions, along with a considerable amount of discretion, contains a lot of artificially created gaps and collisions, which in general alleviates the mechanism of legal regulation introduced by it. This leads to a situation where the law exists on its own in the context of the absolutely autonomous existence of social relations, which it is called to organize. For example, it should be noted that the basic Law of Ukraine of July 22, 2014 «On Basic Principles and Requirements for Food Safety and Quality» was widely advertised at the legislative stage, did not meet the expectations expected from him. By its content - this is an act of technological (veterinary and sanitary) nature with an extended version of the state control unit (control) and a separate legal responsibility unit, which by its nature is purely administrative. But the realities of today confirm the absolute helplessness of administrative and legal responsibility in any sphere of social relations. And state control in the field of quality and safety of food stuffs in general has lost its value due to the actively implemented deregulation of business conditions.

Meanwhile, one of the most probable threats to the health of our population is the widespread use in the food industry of the so-called «palm oil», which annually imports into Ukraine more than 40 thousand tons, that is, an average of about 1 kg per inhabitant, including babies. This substance can be conventionally as oil, because any oil is a product of processing of the corresponding plant material. And the process of extraction of palm oil reminds faster of the process of pine resin in our forests. And in its consistency - it is more likely a resin, the original purpose of which was to lubricate metal rolling mills. Now this «grease» is actively consumed by our population in a variety of products, even in baby food.

The direct threat of palm oil lies in the fact that it, once hit, is no longer derived from the human body, settling on the internal organs, mainly in the vessels. After all, it has a solid fraction (stearoptene) with a melting point of 44-56°C, which can not be achieved by the human body, since after 42°C the protein is completely coagulated. Of course, most of raw palm oil is subject to rectification, bleaching, and deodorization, and then becomes suitable for nutritional purposes [7], but it is a significant additional cost, which

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results in a loss of ultra-high economic benefits, and therefore the meaning of its use.

For comparison in Russia for the needs of the food industry allowed the use of exclusively refined, deodorized oil, guaranteed by the state standard of the Russian Federation [8]. In general, palm oil, which has not undergone previous rectification, is prohibited from being used for food purposes in all countries. In this form it serves as raw material for the production of soap, cosmetics, candles, and others. In Ukraine, the state standard DSTU 4306: 2004 «Palm Oil» [9], which allows for the use of food products along with rectified and crude (cheese) palm oil, operates. Of course, the production of «palm» food products is one of the most serious crimes against the health and life of the population of Ukraine, which should be subject to severe criminal responsibility of all those involved, starting with the import of palm oil, to the commodity producers and sellers of products that it contains. Of course, at first it is necessary to prohibit at the legislative level any, even minimal and under any reason, the import of this poison into the territory of our state. And the sooner it is done, the less the threat to food security in general.

One of the outcomes of the negative situation of food consumption of poor safety and quality is the global trend of returning to the production of organic products. Ukraine is no exception to this, although organic production processes have lagged behind the world for several decades. Nevertheless, the sphere of organic production is regulated by the special Law of Ukraine «On the Production and Circulation of Organic Agricultural Products and Raw Materials» of September 3, 2013, which in general has systemic essence. At the same time, the mechanism of simulation of organic production in it is absent at all. Moreover, it should be emphasized that the Law of Ukraine of December 7, 2017 «On the State Budget of Ukraine for 2018» provides for state support for agriculture in the following positions: 1) development of hop harvesting, laying of young gardens, vineyards and berries, and supervision over them; 2) livestock sector; 3) financial support of agricultural producers. But there is no mention of encouraging organic production. In other words, its financing is given away by the Ministry of Agrarian Policy and Food of Ukraine, which will divide the total amount of state support on its own conviction. Therefore, it is worth noting the need to specify the amount of annual state support for production and circulation of organic products (for example, at a solid interest rate from the total amount of state support for agricultural production).

**Conclusions.** The daily diet of a Ukrainian is a diet of survival at the limit of minimal consumption, which makes it impossible to starve. An absolute majority of indices of consumption of basic foodstuffs is either at the lower limit of the physiological minimum consumption, or even does not «catch up» with them. The mismanagement of most of the main products can only be explained by their economic inaccessibility. The food insecurity indicator for a single product is also unsatisfactory due to the share of critical imports of fruits (30.7%) and fish and fishery products (78.3%). In the area of quality and safety of food products, it is necessary to completely prohibit any import and use of palm oil for the food. It is also necessary to specify the annual state support for the production and circulation of organic products (for example, at a solid interest rate from the total amount of state support for agricultural production). It is worth adopting the Law of Ukraine «On Food Security», the content of which should take into account as far as possible the achievements of the doctrine in this area of public relations.

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