

# IMPROVEMENT OF UKRAINE'S LEGISLATION ON FOOD SECURITY IN THE CONTEXT OF EUROPEAN INTEGRATION

An article is prepared in the frames of the project for the young scientists of Ukraine of 2017 (project ID 96737) "Improvement of the legislation of Ukraine as to the provision of the protection of the banking in the conditions of European integration: economic and legal aspect"

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*Food security of the state is a component of national security. Satisfaction of the population with food forms the basis for realization of all further possibilities of state's development. Ukraine, being on the path of active realization of European integration aspirations, should pay particular attention to such issues.*

*Considering the legislation of Ukraine on food security, we find three main stages of its formation and development. Indicative is the fact that neither the first nor the second periods provided a single act on food security. Norms for ensuring food security of the state are implemented in a number of regulatory acts that deal mainly with the agro-industrial complex, not just the food issue. We determine that food security should be consistent with integration through food independence. At the same time it is necessary to take into account the international experience of legal base creation.*

*Key words: food security, integration, agrarian policy, legislation, food security indicators.*

The global transformation processes accompanying the cooperation among international law's subjects in all spheres of international relations, including the integration. Ukraine has defined European integration as strategic goal. So, substantiation of all integration's stages, as well as minimization of risks, becomes especially relevant for Ukraine. At the same time, a person, his basic rights, should always be in the first place. The state should perform its functions with respect to a person, including the provision of person's needs. According to the classification of needs by Abraham Maslow, one can see in the basic (physiological) needs the need for food. Obviously, only providing them, people will be able to perform their functions in society. Thus, food security, as a key of human needs' providing is an important part of the state's functions, inside as well as outside the state.

Globally, 108 million people in 2016 were reported to be facing crisis level food insecurity or worse. This represents a 35 percent increase compared to 2015 when the figure was almost 80 million<sup>1</sup>. This fact confirms the unquestionable relevance of food security

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<sup>1</sup> Global Report on Food Crises (2017, March). Food Security Information Network, Retrieved from: [http://www.fao.org/fileadmin/user\\_upload/newsroom/docs/20170328\\_Full%20Report\\_Global%20Report%20on%20Food%20Crises\\_v1.pdf](http://www.fao.org/fileadmin/user_upload/newsroom/docs/20170328_Full%20Report_Global%20Report%20on%20Food%20Crises_v1.pdf)

improvement.

Ukraine should pay attention to food security carrying out its obligations in the implementation of the European integration process. There are no facts of existing primary problems in physical access to food in the country. At the same time we can see presence of difficulties to comply with the norms of rational consumption. It is possible to solve this problem only if sufficient indicators of economic availability of food are reached. Unfortunately, today the legislative regulation of this issue in Ukraine cannot be called perfect, and this complicates the process of achieving even satisfactory results.

In previous studies, we have noted the fact that the food security issue in Ukraine were begun to receive the necessary attention<sup>2</sup>, in particular, the draft Law of Ukraine “On Food Security of Ukraine” was developed for execution of paragraph 18.7 of the National Action Plan for 2011 on the implementation of the Economic Reforms Program for 2010-2014 “A prosperous society, a competitive economy, an effective state”, approved by the Decree of the President of Ukraine from April 27, 2011, No. 504/2011. However, until now, further work on draft Law is not carried out. And this is completely unacceptable, because the availability of well-defined and scientifically based parameters of food security will facilitate the process of its provision. It is necessary to start with the definition of food security and its essence.

The concept of “food security” arose in the mid-1970s, when an active discussion of the problem of hunger began as a consequence of the global food crisis. Initially, the main points that were given attention were the availability of food and the stability of prices for it on the world and national markets, that is, the system of food supply. In the World Food Summit in 1974, it was declared that food security is the availability of adequate world food supplies to support the constant growth of food consumption and the ability to compensate fluctuations in production and prices.<sup>3</sup>

Further changes in the definition of food security experienced when potentially vulnerable categories of citizens were identified as one of the hazards component. Correction of the definition of food security occurred by adding the need for a balance between supply and demand. Researchers have added physical and economic access to basic foodstuffs in time and space to the definition of food safety. The third, and one of the most important factors in food security, is the obvious fact that the technical success of the Green Revolution cannot automatically lead to a significant reduction in poverty and malnutrition, which arises

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<sup>2</sup> Volchenko N. V. (2014) Food Security: Theoretical Issues and Present Realities Systema natsional'noho menedzhmentu v konteksti intehratsiynoho vymiru: monohrafiya (The system of National Management in the Context of Integration Measurement: a monograph) (pp. 38-57), Sumy. (in Ukr.).

<sup>3</sup> Trade Reforms and Food Security : Conceptualizing the Linkages (2003). Commodity Policy and Projections Service, Commodities and Trade Division Food and Agriculture organization of the United Nations (315 p.), Rome

as a result of the lack of effective demand.

In the mid-1990s, the problem of food security began to relate with protein-energy deficiencies of food products that were consumed, as well as their safety, reflecting their composition and nutritional adequacy to provide an active and healthy lifestyle. So, in 1996, the World Food Summit proposed a more complete definition: “Food security at the individual level, level of economy, state, region or world is achieved in situation when all people at any time have physical and economic access to sufficient quantities of safe and nutritious foods to meet their food needs and preferences, to lead an active and healthy lifestyle”<sup>4</sup>. This definition was clarified in 2001, indicating the need for social access, except physical and economic.

Today, the World Trade Organization determines that food security is based on three basic principles: food sufficiency, food access and food usage, which means that there is a sufficient quantity of food on a regular basis, resources for their receipt, which will ensure the right diet, as well as water supply and sanitation.<sup>5</sup>

The draft Law of Ukraine “On Food Security of Ukraine” contains the following definition of food security, which envisages such a socio-economic and ecological state in a country in which all its citizens are stable and guaranteed are provided with food in the required quantity, range and quality.<sup>6</sup> At the same time, the current Law of Ukraine “On the Fundamentals of National Security of Ukraine” determines the food security belonging to the sphere of economic security of the state. Economic security is defined in it as one of the main state policy directions of Ukraine’s national security.<sup>7</sup>

The draft law of Ukraine “On Food Security of Ukraine” provides a definition of food security with the indication “state”, that is, it refers to the socio-economic and ecological state in the country<sup>8</sup>. At the same time, the definition of food security criteria indicates the marginal value of the indicator, which is the limit beyond which the food situation in the country and in the region is considered dangerous. Accordingly, achieving the optimal values of food security indicators will be provided directly at the regional level.

In the formation of the legal framework governing food security in Ukraine, some

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<sup>4</sup> Trade Reforms and Food Security : Conceptualizing the Linkages (2003). Commodity Policy and Projections Service, Commodities and Trade Division Food and Agriculture organization of the United Nations (315 p.), Rome

<sup>5</sup> Food Security: Agriculture Issues. World Trade Organization official web-site. Retrieved from: [https://www.wto.org/english/tratop\\_e/agric\\_e/food\\_security\\_e.htm](https://www.wto.org/english/tratop_e/agric_e/food_security_e.htm)

<sup>6</sup> Legislation of Ukraine (2011, April 28). On Food Security of Ukraine (draft Law of Ukraine), Retrieved from: [http://search.ligazakon.ua/l\\_doc2.nsf/link1/JF6GI01I.html](http://search.ligazakon.ua/l_doc2.nsf/link1/JF6GI01I.html) (in Ukr.).

<sup>7</sup> Legislation of Ukraine (2003, June 19). On the Fundamentals of National Security of Ukraine (Law of Ukraine), Retrieved from: <http://zakon2.rada.gov.ua/laws/show/964-15> (in Ukr.).

<sup>8</sup> Legislation of Ukraine (2011, April 28). On Food Security of Ukraine (draft Law of Ukraine), Retrieved from: [http://search.ligazakon.ua/l\\_doc2.nsf/link1/JF6GI01I.html](http://search.ligazakon.ua/l_doc2.nsf/link1/JF6GI01I.html) (in Ukr.).

researchers distinguish two major phases: the Soviet and modern. In our point, it is correct to provide three stages. In particular, the Soviet stage, the stage of independence, and the current – the adaptation stage. It means, in this case, that we are going to adapt Ukrainian legislature to the norms and rules of the European Union. After all, the ratification and coming into force the agreement on a Deep and Comprehensive Free Trade Area between the EU and Ukraine is the first step towards associate membership. The creation of a free trade area in modern science is determined as the first stage of integration. Therefore, adaptation of the law should take place. Given the fact that previously not done enough, the current work should be based on the principles of food security of the EU member states.

Indicative is the fact that neither the first nor the second period provided a single act on food security. As in Soviet times, today, the norms for ensuring food security of the state are implemented in a number of regulatory acts that deal mainly with the agro-industrial complex, not just the food issue. The adoption of the Law of Ukraine “On Food Security of Ukraine” is an important step in ensuring food security, because it should determine the legal, economic, social, environmental and organizational principles of the state policy in the field of food security and enable the calculation of the food balance for the domestic needs of the country, as well as for the exporting abroad.

In order to talk about food security regulation, it is necessary to begin with how to evaluate its current state. In our opinion, there are certain problems here. Thus, the existing methodology does not take into account the indicators proposed by the United Nations Food and Agriculture Organization (FAO). That would make national and global forecasts more equitable. This is due to the fact that food security is not only a national issue, but also a global one. FAO has set up a system of indicators in 2011. It has become the result of many experts’ work. The first group comprises key factors or determinants that characterize the structural conditions of food security. For example, the deterioration of food security is possible due to the lack of adequate policies for the implementation of emergency measures. The second group contains indicators that have implications that provoke food security threats due to inadequate consumption of products or human anthropometric defects. The third group consists of indicators that present information on the degree of vulnerability of food security in accordance with observations of past events and their consequences for the state of food security.

The National Methodology, approved by the Cabinet of Ministers of Ukraine from December 5, 2007, No.1379 “Some issues of food security”, defines seven indicators (FAO proposes twenty-six indicators). Among them: 1) the daily energy value of the human diet; 2) ensuring the human diet by main types of products; 3) the sufficiency of grain stocks in

state resources; 4) economic availability of products; 5) the differentiation of the cost of food by social groups, which is monitored in the dynamics; 6) the capacity of the internal market of individual products; 7) food independence for a particular product.<sup>9</sup>

Based on the European Union countries' experience in the field of food security, it is necessary to take into account the specifics of ensuring food security at the interstate level. Within the EU's framework there is freedom of goods' movement (including foodstuffs). It is important to make harmonization of national concepts, principles and procedures for ensuring food security. Food security can be considered as one of the reasons of EU's Common Agricultural Policy (CAP) emergence. Today, the main direction of this policy is the provision of food security not only in the internal but also in the external space. that is, the CAP EU is trying to solve the global food supply problem. So, CAP of EU is trying to solve the global food supply problem. Special attention is paid to the demand for food products inside the integration group. In principle, this demand can be satisfied by the food industry without external intervention. But in this case the market will not always be able to guarantee elements such as food security during the crisis, stable food prices, and healthy food at affordable prices, food diversity, and affordable products nutrition for the poor, especially during the crisis.<sup>10</sup>

In our opinion, it is expedient to add to the general list of problems the need for balanced development of rural areas. It is evident that such development will be in line with the requirements of the EU CAP period until 2020. Priority will be given to rural development through policy orientation: socio-economic development of communities; efficient usage of local resources for ecosystem conservation and prevention of negative climate change risks; introduction of innovations in the rural economy; increasing the competitiveness of farmers and their inclusion in the value added chains. Secondly, it is important to stimulate the development of partnerships of agricultural producers with processing enterprises and guarantee, protection their rights through the development of professional and non-governmental organizations. Thirdly, promotion of employment's diversification in rural areas (agrarian and non-agrarian), which will ensure the growth of the rural economy.<sup>11</sup>

The basis of food supply of the population according to rational standards of nutrition

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<sup>9</sup> Legislation of Ukraine (2007, December 5). Some Issues of Food Security (Resolution of the Cabinet of Ministers of Ukraine), Retrieved from: <http://zakon2.rada.gov.ua/laws/show/1379-2007-%D0%BF> (in Ukr.).

<sup>10</sup> Melneken R. (2011, September). EU Food Security Policy: Development and Prospects. Razvytye APK v kontekste obespechenyya prodovol'stvennoy bezopasnosty : materyal VIII Mezhdunarodnoy nauchno-praktycheskoy konferentsyy (Development of Agroindustrial Complex in the Context of Ensuring Food security: materials of the VIII International scientific and practical conference, (pp. 160-165). Minsk: Institute for System Studies (in Rus.)

<sup>11</sup> The Main Priorities of the Common Agricultural Policy (CAP) of the EU Countries. The Institute of Agrarian Markets Development News. Retrieved from: <http://www.amdi.org.ua/home/amdi-news/21-news/300-the-main-priorities-of-the-common-agricultural-policy-cap-of-the-eu.html> (in Ukr.).

forms the effective development of the agro-industrial complex. Therefore, in our opinion, the component of regulation of food security in the framework of adaptation to the norms and rules of the European Union should become the system of the agrarian policy of the state, in order to increase the level of food security. Fig. 1 shows a schematic picture of the harmonization of Ukrainian agrarian policy with the European norms of the CAP in order to increase the level of food security.

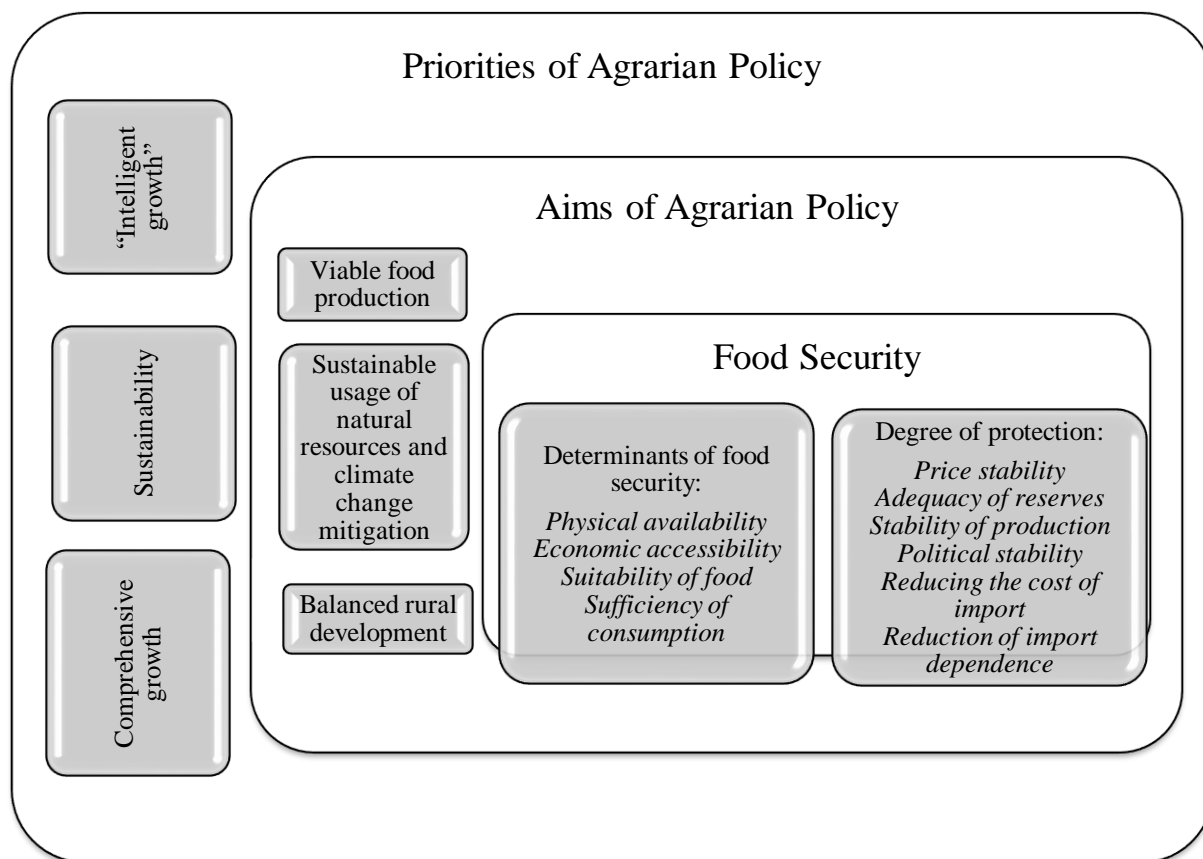


Fig. 1. Harmonization of state's agrarian policy with the European norms of the CAP in order to increase the level of food security <sup>12</sup>

Based on the "reasonable and comprehensive growth" and sustainable development, the country's agrarian policy should ensure the achievement of the objectives of agrarian policy. That fact will increase the level of food security.

All points of harmonization should be registered in the Ukrainian legislation. The Ministry of Agrarian Policy and Food of Ukraine in the past year identified the concrete steps

<sup>12</sup> Volchenko N. V. (2015, November). Harmonization of the State's Agrarian Policy with European Norms in Order to Increase the Level of Food Security. *Ahrarna nauka, osvita, vyrobnytstvo: yevropeys'kyi dosvid dlya Ukrainy: materials of the international scientific and practical conference (Agrarian Science, Education, Production: European Experience for Ukraine: materials of the international scientific and practical conference, (pp. 487-490). Zhytomyr: ZhNAEU (in Ukr.).*

that will be taken to reform the industry. They are based on comprehensive strategic plan, called “3 + 5”. In the field of food security, the issue concerns, first of all, the safety and quality of food products, which is defined by one of the five main areas of development of the sphere. A year before, the Concept of the State Target Program for the Development of the Agrarian Sector of the Economy for the period up to 2020 with the provision of four months for the development of the relevant program was adopted. The concept contains points on the need for approximation of Ukrainian legislation to the EU legislation in the field of agriculture, including food safety requirements, promotion of the wide implementation of permanent procedures based on the principles of Hazard Analysis and Critical Control Points (HACCP), at the facilities of food processing industries.<sup>13</sup>

In the program, which has already been developed by the Ministry and submitted for approval by the Government, concrete actions have been prescribed, in particular the implementation of the healthy nutrition program for children (can be considered as an attempt to establish a balanced diet), the introduction of targeted food aid for the most vulnerable groups of population.<sup>14</sup> The last paragraph provides targeted food aid for low-income groups. However, the absence of a specific approved methodology for identifying such groups in the field of food security remains a problem. In addition, it is planned to develop and implement food security monitoring systems in the country on a regular basis. Previously, we noted that monitoring should be based on the indicators proposed by FAO. The institutional provision of the food security control and regulation process will rely on the newly established Council for Food Security State under the Ministry of Agrarian Policy and Food of Ukraine.

Food assistance programs will enable low-income groups of the population to gain access to the most essential food for their livelihoods at the expense of state and local budgets, as well as other funds. This will increase the consumption of certain categories of consumers, especially people with different diseases and physical disabilities, who need a special diet. For the effective implementation of the program it must be approved by the relevant regulatory acts. It is obvious that today the procedure is quite imperfect and prolonged in time.

The significant difference between food security regulation in Ukraine and in the EU is that, unfortunately, the national question focuses on the economic availability of food. This is due to the lack of financial opportunity to obtain certain product groups and a significant

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<sup>13</sup> Concept of the State Target Program for Agrarian Sector Development for the period up to 2020. Ministry of Agrarian Policy and Food of Ukraine. Retrieved from: <http://minagro.gov.ua/apk?nid=16822> (in Ukr.).

<sup>14</sup> State Target Program for Agrarian Sector Development up to 2020. Agrarian Union of Ukraine. Retrieved from: <http://www.aau.org.ua/uk/publications/web/226/> (in Ukr.).

differentiation in the consumption of the main product groups among different sectors of the population.

The draft Law of Ukraine “On Food Security” separates the concept of physical and economic availability of vital food products. Alongside with this, social accessibility in the draft law is not separately fixed, although according to the WTO, there should be three components: physical, economic and social accessibility. It is evident that the provision of high-quality food directly depends on solvency.

The issue of food products quality and safety regulations is carried out in accordance with the following laws of Ukraine: “On the Safety and Quality of Food Products”, “On Children’s Nutrition”, “On Veterinary Medicine”, “On Ensuring the Sanitary and Epidemiological Well-being of the Population”, “On Protecting the Population From Infectious Diseases”, “On State Regulation of Agricultural Products’ Imports”, “On Foreign Economic Activity”, “On Consumer Rights Protection” etc. At the same time, in EU countries, similar issues are regulated by the Directives.

The main principles of the Directives are to ensure the highest (possible) level of safety for peoples’ life and health; to define of food security requirements covering the chain from manufacturer to consumer; to define the requirements of food safety, based on scientific achievements; to give each member state the opportunity to choose measures of basic requirements of food security’s fulfillment.<sup>15</sup>

The aforementioned laws of Ukraine and other normative and legal acts in the field of food security contain a large number of non-conformities. Obviously, even without considering the issue of food security, but only by appealing to the possibilities of selling Ukrainian products on the EU’s markets within the framework of the free trade area, these acts need to be adapted. In particular, a significant number of specifications; technical requirements and control methods for certain products; sanitary rules and norms; the procedures for assigning products to one or another category; substance registers must comply with specific EU’s Directives.

In addition, in modern conditions, food security must be consistent with the concept of food redundancy, which is the percentage of food that is not used for eating, but which has already been purchased. In our opinion, we need to track this indicator in order to understand the losses that could be used to create “food banks”. This practice has already been introduced in the EU. As a result, one could reduce the percentage of under-nutrition: increase physical and economic affordability.

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<sup>15</sup> Hrebenyuk M. and others. (2012). Regulation of Food Security in the Legislation of the European Union and Ukraine, (301 p.). Kiev: Publishing House of the Ministry of Justice of Ukraine (in Ukr.)



Today, three main approaches to ensuring food security are distinguished: export-oriented, protectionist and intermediate.<sup>16</sup> Consequently, this factor should be taken into account during formation of legislation in the field of food security regulation. Approach, which is taken by the state for ensuring food security, depends on agrarian policy and market's direction (external or internal), amount of state support for agriculture. Following the protectionist approach, the country provides a certain level of agricultural sector's development through a fairly high level of producers' subsidization, regulation of the domestic food market by means of price policy, regulation and control of imports. Therefore there is a need for additional regulation of these measures. Of course, the intermediate approach combining protectionist and export-oriented features is the most widespread. The usage of it depends on ever-changing circumstances, among which can be defined changes in yields by years, adverse weather and climatic conditions, changes in the state of the internal and external markets, etc.

The constant growth of Ukrainian food exports, state regulation and control of the agro-industrial complex makes it clear that Ukraine is pursuing an intermediate approach to food security, like most European countries. Although, volumes of manufactured agricultural products' export have increased in recent years.

Numerous factors influence the level of national food security, including the power and ability of the national agro-industrial complex to respond adequately to the food market situation; the reliability of resource supply and cooperative ties of the agro-industrial complex, the availability of the necessary volumes of transitional stocks; solvency of the population and availability of food for all citizens; the degree of protection of domestic food products' producers from import interventions, etc.

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<sup>16</sup> Plugov A. G. World Experience of Ensuring Food Security and its Usage in Russia: thesis for a Candidate Degree in Economics: 08.00.14 (218 p.). Moscow (in Rus.).

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