



*International periodic scientific journal*

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*D.A.Tsenov Academy of Economics - Svishtov (Bulgaria)*

Indexed in  
INDEXCOPERNICUS  
(ICV: 87)  
GOOGLESCHOLAR

# SWorld Journal

**Issue №23**  
**Part 2**  
**January 2024**

*Published by:*  
*SWorld & D.A. Tsenov Academy of Economics, Svishtov, Bulgaria*

UDC 08  
LBC 94

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UDC 08  
LBC 94

**Published by:**  
SWorld &  
D.A. Tsenov Academy of Economics  
Svishtov, Bulgaria  
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УДК 614.9:578. 62:613, 289:613,267.5

**INTERNATIONAL PRINCIPLES OF EFFECTIVE AND EFFICIENT  
SYSTEM OF STATE REGULATION OF FOOD SAFETY  
МІЖНАРОДНІ ПРИНЦИПИ ЕФЕКТИВНОЇ ТА ДІЄВОЇ СИСТЕМИ ДЕРЖАВНОГО  
РЕГУЛЮВАННЯ БЕЗПЕЧНОСТІ ХАРЧОВИХ ПРОДУКТІВ**

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**Abstract.** *Ukraine is rich in natural resources, which creates reliable foundations for the development of the potential of the agricultural sector. However, despite the availability of resources, the production indicators of this industry remain quite low. Currently, the Ukrainian system of state regulation of food safety does not meet the requirements of the WTO, and most countries of the world do not recognize it. The use of outdated regulatory tools significantly undermines Ukraine's export potential, reduces the competitiveness of its agriculture and food industry. The experience of other countries shows that the required level of food safety can be achieved without the use of rigid restrictive administrative processes that negatively affect the competitiveness of the private sector and create costly barriers to trade. The management of food safety, which used to be limited to the control of finished products (now this function is entrusted to the state), now consists in the implementation of a number of precautionary measures at various stages of the supply of food products. EU legislation applies risk analysis to more effectively control the safety of food products, while at the same time taking care of the protection of life, health and interests of consumers (including the use of fair practices in the food trade), health protection and ensuring proper conditions of animal husbandry, plant health and environmental protection. EU members are working on or have already established single bodies or integrated food control systems covering all stages of the production process from farm to fork - from farm to retail. The EU's approach to food safety control is based on risk assessment and involves mainly general "horizontal" legislation regulating common aspects of food, such as food additives, labeling and hygiene, and, where appropriate, partly "vertical" legislation that concerns only certain products, for example, such as milk, meat and poultry products. Under this procedure, requirements are established only to the extent necessary to ensure safety. As a result, greater efficiency in terms of expenses and greater "friendliness" to enterprises.*

**Keywords:** *food products, food additives, labeling, legislation, safety, enterprise*



Agricultural production and food production were and remain a significant and integral part of the Ukrainian economy. Ukraine is rich in natural resources, which creates reliable foundations for the development of the potential of the agricultural sector. However, despite the availability of resources, the production indicators of this industry remain quite low[1, 4, 10].

Currently, the Ukrainian system of state regulation of food safety does not meet the requirements of the WTO, and most countries of the world do not recognize it. The use of outdated regulatory tools significantly undermines Ukraine's export potential, reduces the competitiveness of its agriculture and food industry. Therefore, today Ukraine can export livestock products only to a limited range of countries (mostly CIS and African countries), and the export of dairy products to the EU and other countries with developed economies does not exceed 11.6% of its total exports. The current system of food safety regulation forces enterprises to bear unreasonable costs, but does not guarantee higher indicators of the health of Ukrainian citizens and their safety than anywhere else. The guiding principle globally, as stated in the relevant provisions of the WTO and the Codex Alimentarius Commission, is that "such systems should not restrict trade more than is necessary to achieve the necessary level of protection"[4, 7].

Ukraine continues to use a food safety regulation system that does not meet WTO requirements and is not recognized by most countries of the world. The use of an outdated food safety regulation system that is not harmonized with modern international practice significantly undermines Ukraine's export potential and reduces the competitiveness of its agriculture and food industry. For example, today Ukraine can import most of its exported livestock products only to a limited range of countries (mainly to the CIS and African countries), and the export of its dairy products to the EU and other countries with developed economies does not exceed 11.6% of the total export of dairy products. Such a food safety system causes unreasonable costs for enterprises, while not guaranteeing the health and safety of citizens. The guiding principle in this regard, as defined in the relevant provisions of the WTO and the Codex Alimentarius Commission, is that "such systems should not restrict trade more than is necessary to achieve the required level of protection"[2, 3, 8].

The system of regulating the safety of food products[5,10], which is currently used in Ukraine, is characterized by the following main features:

- the legislation and regulatory framework are fragmented and contradictory;
- numerous mandatory standards and other requirements are outdated and too detailed (GOSTy and DSTU)8. Their attention is mainly focused on too detailed control of finished products (instead of control of production processes): for example, there are up to 94 mandatory standards for cheese production or 177 standards for ice cream production;
- exchange of information and coordination of actions between state bodies responsible for food safety are extremely insufficient. The result is uncertainty and duplication of functions, an excessive volume of inspections and general ineffectiveness of controls. This negatively affects the competitiveness of food and related industries, which are forced to deal with the State Committee of Ukraine on Technical Regulation and Consumer Policy (Derzhspozhivstandard), the Ministry of Health of Ukraine (in particular, with the State Sanitary and Epidemiological Service),



the Ministry of agrarian policy of Ukraine and the State Committee of Veterinary Medicine, which often control the same issues;

- in order to ensure control and maintenance of food product safety at the appropriate level, product sampling, mandatory certification and on-site inspections are carried out in Ukraine, which are carried out quite often (for example, 94% of enterprises that produce food products have passed, at least, one inspection, instead of implementing an effective and efficient production process control system based on risk analysis (such as HACCP).

- Research laboratories work according to outdated, still Soviet standards and do not meet the requirements in force in the European Union and other developed countries. For example, only a few percent of all laboratories in Ukraine are accredited according to the ISO 17025 standard;

- an effective and comprehensive product tracking system has not been created. As a result of the absence of such a system, it is extremely difficult to recall dangerous products from the market in a timely manner, as well as to identify producers who do not comply with the current requirements and to apply certain enforcement measures to them for food safety violations.

Although Ukraine has enough potential to become one of the leaders in the supply of food products in the world, the average indicator of the dynamics of the volume of its agricultural products during the last fifteen years is minus 3% per year. The main obstacles to the development of the industry are the insufficient efficiency of agricultural product markets, the monopoly of large trading companies, the low quality of raw materials and final products compared to European and international standards, an ineffective system of subsidies, as well as the absence of a land market in combination with a moratorium on the sale of agricultural land[9, 10].

The experience of other countries shows that the required level of food safety can be achieved without the use of rigid restrictive administrative processes that negatively affect the competitiveness of the private sector and create costly barriers to trade. Because of the scandals related to the improper quality of food products and the strengthening of requirements for the safety of such products, as well as for the implementation of the principles of the WTO regarding the transparency of regulatory procedures in this area, many countries have reviewed their systems for regulating the safety of food products and introduced various reforms. Generally accepted international trends in the management of measures to regulate the safety of food products include a number of principles[2, 3,9, 6].

- Food safety management, which used to be limited to the control of finished products (now this function is entrusted to the state), now consists in the implementation of a number of precautionary measures at various stages of food supply. The primary responsibility for compliance with safety regulations now rests with the private sector, while the government performs advisory, supervisory and regulatory functions. It is believed that food market participants can better than anyone else develop a system of supply and assurance of food safety. Therefore, they should be responsible for food safety.

- Risk analysis and cost-benefit assessment is the cornerstone of food safety policy, which includes risk assessment, information sharing and risk management. EU





legislation applies risk analysis to more effectively control the safety of food products, while at the same time taking care of the protection of life, health and interests of consumers (including the use of fair practices in the food trade), health protection and ensuring proper conditions of animal husbandry, plant health and environmental protection.

- A holistic approach to food safety control "from the farm to the table". For example, EU members are working on or have already established single bodies or integrated food control systems covering all stages of the production process from farm to fork, from farm to retail.

- The EU's approach to food safety control is based on risk assessment and involves mainly general "horizontal" legislation regulating common aspects of food, such as food additives, labeling and hygiene, and, where appropriate, partly "vertical" legislation that only applies to certain products, such as milk, meat and poultry products. Under this procedure, requirements are established only to the extent necessary to ensure safety. As a result, greater efficiency in terms of expenses and greater "friendliness" to enterprises.

- Regulatory impact analysis, i.e. the assessment of costs and benefits of new legislation, which makes it possible to implement policies and control the safety of food and agricultural activities. Beneficial for three main parties — participants in the process: consumers, market operators and the state.

- According to the experience widely used in OECD and EU countries, food products do not require certification at all<sup>20</sup>. Certification is used almost exclusively within export-import operations (moreover, only when it is required by the importing country). In general, there is no ideal system that would be absolutely acceptable for all countries. Each country must implement institutional reforms that fit its unique political and historical context. For example, over the past few years, a significant number of EU countries have reformed their national food safety control bodies. They have differences in functions and purposes, which depend on the specifics of a particular country. What they all have in common (see below) is that the reform has made it possible to achieve a higher level of safety at a lower cost and to introduce effective and efficient controls[3, 8, 10].

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***Анотація.** Україна багата на природні ресурси, що створює надійні засади для розвитку потенціалу аграрного сектора. Проте, попри наявність ресурсів, виробничі показники цієї галузі залишаються доволі низькими. Українська система державного регулювання безпечності харчових продуктів нині не відповідає вимогам СОТ, і більшість країн світу її не визнають. Застосування застарілих інструментів регулювання помітно підриває експортний потенціал України, знижує конкурентоспроможність її сільського господарства та харчової галузі. Досвід інших країн свідчить, що необхідного рівня безпечності харчових продуктів можна досягти без застосування жорстких обмежувальних адміністративних процесів, які негативно впливають на конкурентоспроможність приватного сектора та створюють високовитратні перешкоди торгівлі. Управління безпечністю продуктів харчування, яке раніше зводилося до контролю готової продукції (зараз ця функція покладена на державу), тепер полягає у здійсненні низки запобіжних заходів на різних етапах постачання харчових продуктів. Законодавство ЄС застосовує аналіз ризиків для більш ефективного контролю безпечності харчових продуктів, одночасно дбаючи про захист життя, здоров'я та інтересів споживачів (в тому числі про використання чесних прийомів у торгівлі харчовими продуктами), захист здоров'я та забезпечення належних умов утримання тварин, здоров'я рослин та охорону довкілля. Члени ЄС працюють над створенням або вже створили єдині органи чи інтегровані системи контролю харчових продуктів, що охоплюють усі етапи процесу виробництва відповідно до принципу «від лану до столу» — починаючи з поля й закінчуючи роздрібною торгівлею. Підхід ЄС до контролю безпечності харчових продуктів базується на оцінці ризиків і залучає переважно загальне «горизонтальне» законодавство, що регулює спільні аспекти харчових продуктів, такі як харчові добавки, маркування та гігієну, а також, за необхідності, частково «вертикальне» законодавство, яке стосується лише певних продуктів, наприклад, таких як молоко, м'ясо та продукція птахівництва. За такого порядку вимоги встановлюються лише тією мірою, якою це потрібно для гарантування безпечності. Як наслідок — більша ефективність стосовно видатків та більша «дружність» до підприємств.*



**Ключові слова:** харчові продукти, харчові добавки, маркування, законодавство, безпеність, підприємство.