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MODERN LEGISLATION OF UKRAINE AND THE EU ON ANIMAL FEED SAFETY

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Abstract. The article analyzes specific legal foundations related to ensuring the safety of feed and feed additives. There is a direct interconnection within the system: the feed used for animal nutrition – the quality and safety of livestock products – the health of consumers (the population). The key criteria of the concept of "feed safety" are described based on the norms of current legislation.

The main legal provisions established in the Regulation of the European Parliament and the Council of the EU, which define the requirements for feed safety, are examined. It is noted that, at the level of the European Union, the circulation or use of feed in animal nutrition is prohibited if such feed is deemed unsafe.

Based on the analysis of regulatory legal acts, the main requirements for ensuring feed safety are formulated. It is concluded that one of the key organizational and legal mechanisms for guaranteeing feed safety is the possession of an operating permit by business entities engaged in the production and/or circulation of feed.

The article also emphasizes the importance of state control as an effective tool for ensuring compliance with legislation on feed safety. The necessity of adhering to biosafety requirements in the process of feed production and circulation is substantiated, in particular through the introduction of mandatory state registration of genetically modified organisms used in the production of feed for farm animals.

Keywords: feed, feed additives, feed safety and hygiene, feed business operators, feed production facilities, operating permit.

Introduction.

According to Article 3 of the Constitution of Ukraine [1], a person, their life and health, honor and dignity, inviolability and security are recognized as the highest social values. Moreover, Article 50 of the Constitution of Ukraine establishes the right of everyone to an environment that is safe for life and health, as well as the right to compensation for harm caused by violations of this right. It also guarantees the right of free access to information about the state of the environment, the quality of food products and consumer goods, as well as the right to disseminate such information. This information cannot be restricted in access or classified.



To ensure the realization of these rights, Article 16 of the Constitution of Ukraine imposes on the state the duty to guarantee environmental safety, maintain ecological balance, and preserve the gene pool of the Ukrainian people. Considering that human health directly depends on the quality and safety of food products of animal origin, particular importance is attached to the control of feed used in livestock farming and aquaculture. Therefore, the issue of ensuring the safety of feed and feed additives is a crucial element of the broader public health protection system.

The sustainable development of the agricultural sector must be based on improving its production and social infrastructure, as well as on enhancing the quality and safety of agricultural products. Achieving this goal is possible by creating organizational and economic conditions that ensure the population's access to high-quality and safe food. An important tool in this process is state support for agricultural production, in particular through economic incentives and systematic monitoring of residual levels of contaminants in feed and animal-origin products.

According to scientific research, more than 70% of all contaminants enter the human body through food products [2]. Therefore, the safety of food products is one of the key prerequisites for ensuring a person's internal environmental security. In this context, the legal regulation of quality, safety, and hygiene requirements for feed should be regarded as an integral part of both environmental and food security in society.

Despite the existence of legal regulation in the area of feed safety, certain aspects of its legal framework require further academic consideration and refinement. This underscores the relevance of comprehensive research into the legal mechanisms involved in the production of agricultural products and their impact on the overall national security system.

Main text.

Livestock farming holds a leading position in the structure of agricultural production, representing a sector primarily focused on the keeping and breeding of farm animals for the purpose of obtaining food products and raw materials for industrial use [3]. The result of such activity is the production of animal-derived goods



- both food and technical - as well as products used for feed or other agricultural purposes.

According to Article 1 of the Law of Ukraine "On the Basic Principles and Requirements for Food Safety and Quality" [4], animal-origin food products include milk, meat, fish, mollusks, crustaceans, eggs, honey, as well as derivatives and other products made from animal parts, organs, or tissues intended for human consumption. These products must be safe, fit for consumption, and pose no risk to human health. This highlights the close interconnection between feed safety, the safety of animal-origin food products, and the protection of human life and health. Therefore, feed safety should be viewed as a critical component of environmental safety in the broader context of food security.

The legal basis for regulating feed safety in Ukraine is established in several legislative acts, in particular the Laws "On Feed Safety and Hygiene" [6], "On State Control over Compliance with Legislation on Food Products, Feed, Animal By-Products, Animal Health and Welfare" [6], among others. According to the Law "On Feed Safety and Hygiene", feed is defined as any substance or product (including feed additives), whether processed, partially processed, or unprocessed, intended for animal consumption.

Feed is considered safe if it does not harm animal health and does not result in the production of food that is unsafe for human consumption. Based on this definition, two main characteristics of feed safety can be identified: (1) no adverse effects on animal health; (2) assurance of the safety of animal-origin food products for the end consumer.

At the EU level, the fundamental principles of feed safety are laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002. This document defines general requirements for food law, establishes the European Food Safety Authority, and sets procedures that directly or indirectly affect the safety of food and feed [7]. Although the Regulation title refers only to food, it also addresses feed safety and regulates the activities of feed business operators. This stems from the EU's "farm to fork" principle, which requires food safety to be ensured throughout the entire production chain, starting with animal feed [8].



Thus, under Article 15 of Regulation (EC) № 178/2002, the placing of unsafe feed on the market or its use for feeding food-producing animals is prohibited. Feed is considered unsafe if it: (a) has adverse effects on human or animal health; (b) renders food derived from such animals unsafe for human consumption. If feed safety is in doubt, the feed business operator must immediately inform the competent authorities and assist in mitigating the risks (Art. 20 of the Regulation).

The main actors in legal relations concerning feed circulation are feed business operators—legal or natural persons engaged in the production and/or distribution of such products. Legislation distinguishes two main stages of feed handling: production and circulation. To ensure feed safety, operators are prohibited from: manufacturing feed at unregistered or non-compliant facilities; using unregistered feed additives; operating when permits are suspended or cancelled (Part 1, Art. 10 of the Law of Ukraine "On Feed Safety and Hygiene").

As for circulation, it is forbidden to sell feed that: was produced in violation of facility requirements; contains unregistered feed additives; is incorrectly labeled, etc. (Part 3, Art. 10 of the Law). Based on this, the key conditions for compliance with feed safety standards are as follows:

1. Availability of an operating permit or state registration of production facilities;
2. Use of only registered feed additives;
3. Proper labeling;
4. Compliance with expiration dates.

One of the main legal tools for ensuring feed safety is the operating permit, issued by the competent authority after an inspection of the facility. This permit confirms the operator's right to carry out feed production and/or distribution (Art. 1 of the Law of Ukraine "On Feed Safety and Hygiene"). The permit issuance procedure is regulated by the Resolution of the Cabinet of Ministers of Ukraine № 978 of 5 November 2008 [9].

The procedure for the formation and maintenance of the State Register of Feed Production and Circulation Facilities is defined by Order № 241 of the Ministry of Agrarian Policy and Food dated 6 May 2019 [10]. This order provides for the electronic



administration of the register, access to data, information storage, and accuracy.

The use of feed additives is permitted only if they are officially registered in Ukraine. The State Register of Feed Additives is maintained by the State Service of Ukraine on Food Safety and Consumer Protection, which also ensures the preservation and accuracy of the documentation supporting the data entered into the register [11].

A feed additive must meet several safety criteria: it must not harm human or animal health or the environment; it must not mislead consumers; and it must not degrade the characteristics of animal-origin food products.

State control is an effective mechanism for ensuring compliance with feed safety legislation. Such control is conducted at all stages of feed production and circulation and is based on a risk-oriented approach, taking into account existing risks, the results of previous inspections, the effectiveness of the operators' internal controls, and other relevant information (Part 5, Art. 18 of the Law [6]).

Particular attention is paid to compliance with biosafety norms when using GMOs in feed production. According to the Law of Ukraine "On the State Biosafety System for the Development, Testing, Transportation and Use of Genetically Modified Organisms" [12], biosafety refers to an environmental condition in which there is no adverse impact on humans or the environment. Due to scientific uncertainty regarding the effects of GMOs on health and the environment, current legislation applies the precautionary principle [3].

Legal measures for ensuring biosafety include the establishment of requirements, restrictions, and procedures for the state registration of GMOs. The law prohibits the release of GMOs into the environment without state registration, which is a prerequisite for their use, including in animal feed. According to Article 14 of the Law [12], GMOs intended as feed sources are also subject to registration.

To enable state oversight in the circulation of GMO-containing feed, the Ministry of Agrarian Policy and Food issued Order № 17 of 16 January 2018 [13], which approved the Procedure for State Veterinary and Sanitary Examination of Feed Containing GMOs. This examination involves the analysis of research data and a risk assessment related to the use of such organisms. This is a crucial component of the feed



safety assurance system.

Conclusions.

Thus, the above allows us to conclude that the legal foundations for feed safety must be implemented within the following framework:

1. Monitoring of residual levels of contaminants in feed;
2. Use of feed additives that are included in the State Register of Feed Additives during feed production;
3. Production of feed only at facilities that are registered and have obtained an operating permit;
4. Proper labelling of feed;
5. Circulation of feed produced exclusively at facilities that are registered and have an operating permit;
6. Compliance with the shelf life of feed for animal consumption;
7. Compliance with biosafety requirements in the field of feed production and circulation, meaning that genetically modified organisms used as feed sources may only be used after being registered in the State Register of Feed Additives.
8. State control over compliance with legislation on feed and feed additives.

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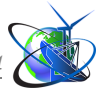
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Анотація. У статті проаналізовано окремі правові основи, що стосуються забезпечення безпечності кормів та кормових добавок. Існує прямий взаємозв'язок в системі: корми, які використовують для годівлі тварин – якість та безпечність продукції тваринництва – стан здоров'я споживачів (населення). Охарактеризовано ключові критерії поняття «безпечність кормів» на основі норм чинного законодавства.

Проаналізовано основні правові положення, закріплені в Регламенті Європейського Парламенту і Ради ЄС, що визначають вимоги до безпечності кормів. Зазначено, що на рівні Європейського Союзу передбачено заборону на обіг кормів або їх використання у годівлі тварин у разі, якщо такі корми визнаються небезпечними.

На основі аналізу нормативно-правових актів сформульовано основні вимоги до забезпечення безпечності кормів. Зроблено висновок, що одним із ключових організаційно-правових механізмів гарантування безпечності кормів є наявність експлуатаційного дозволу для суб'єктів господарювання, які здійснюють виробництво та/або обіг кормів.

У статті також акцентується увага на важливості здійснення державного контролю як ефективного інструменту забезпечення дотримання вимог законодавства щодо безпечності кормів. Обґрунтовано необхідність дотримання вимог біологічної безпеки в процесі виробництва та обігу кормів, зокрема через запровадження обов'язкової державної реєстрації генетично модифікованих організмів, що використовуються у виробництві кормів для сільськогосподарських тварин.

Ключові слова: корми, кормові добавки, безпечність та гігієна кормів, оператори ринку кормів, потужності для виробництва кормів, експлуатаційний дозвіл.

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