



UDC 349.42

DOI: 10.31548/law/2.2023.33

The features of the legal regulation of state veterinary and sanitary control over the movement of animals

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Article's History:

Received: 30.12.22

Revised: 20.03.23

Accepted: 26.04.23

Abstract

The relevance of the study is driven by the need to elucidate the essence of veterinary and sanitary control over the movement of animals at the national level to facilitate its further correlation with the experiences of European countries. The purpose of the study is to analyse the state of the legal provision in the defined sphere and formulate suggestions for enhancing the legal regulation of state veterinary and sanitary control over the movement of animals. The paper uses a system of general scientific methods of cognition (dialectical, formal-logical, analysis, and synthesis), and a special formal-legal method. The paper analyses the national experience of legal regulation of state veterinary and sanitary control over the movement of animals through the disclosure of its features. The essence of state veterinary and sanitary control during the movement of animals is established and its place in the legal

Suggested Citation:

Krasnova, Yu. & Funta, R. (2023). The features of the legal regulation of state veterinary and sanitary control over the movement of animals. *Law. Human. Environment*, 14(2), 33-51. doi: 10.31548/law/2.2023.33.



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system is determined. The boundaries of the legal regulation of this issue are outlined, legal forms of implementing such control, subjects and objects of such activity, the sequence of procedures required by veterinary-sanitary legislation for animal movement, and the specificities of legal responsibility for violations of veterinary and sanitary requirements during animal transportation are defined. The need to develop normatively established requirements for the safe movement of animals is substantiated, which encompass not only the procedures for protecting animals from epizootics and cruel treatment during their preparation for transportation or during transportation itself but also ensure the population's access to quality and safe food products while guaranteeing the well-being of the animals. The practical importance of the paper lies in a number of proposals for improving Ukrainian legislation in this area

Keywords: biological safety; epizootics; state control; veterinary medicine; inspection; inventory; expert (laboratory) report; accounting

Introduction

It is the duty of modern society to preserve all species of animals that exist on the planet for future generations and safeguard its own species from hunger and various diseases, some of which are also transmitted by animals. Therefore, within the framework of implementing the principle of sustainable development in international and national legislation, a special area has been formed – veterinary legislation. Its purpose is to record various epizootics, define means and methods for animal prevention, diagnosis, and treatment, and determine veterinary and sanitary quality and safety of animals and animal products at different stages of their use, to ensure biological security.

One of the effective legal measures in this field is the implementation of veterinary and sanitary control in animal husbandry, which includes various checks, observations, examinations, inventory, record-keeping, inspection, supervision, expert analysis, etc., performed by specially authorised bodies of state executive power.

State veterinary and sanitary control over the movement of animals is an integral part of state control in animal husbandry, but it has its own specific features, which this paper addresses.

The preparation of this study occurred during a period when considerable changes were made to veterinary legislation due to the Eurointegration processes. In particular, the Law of Ukraine “On Veterinary Medicine” (2021) was adopted in a new edition. However, due to the military aggression by the Russian Federation in 2022, the effective date of the law was postponed to the post-war period. Meanwhile, the state is actively developing bylaws to implement the provisions of the new version of the law and regulations that govern the implementation of state veterinary and sanitary control during the war period. Considering this, when disclosing the specifics of this issue, the paper will analyse all the current legislation on this issue.

Certain aspects of the legal foundations of state control during the movement of animals have been the subject of several studies. In particular, L. Weber and D. Meemken (2018) conducted an analysis of the status quo of current measures related to cleaning and disinfection of transport vehicles used for animal transportation at five different industrial slaughterhouses in Germany. This allowed the authors to draw practical

conclusions about the effectiveness of veterinary legislation concerning this issue. A. van Soom *et al.* (2007) elucidate the features of moving embryos of cattle due to major risks of pathogen contamination originating from donor animals and the surrounding natural environment. N. Bachelard (2022) conducted a legal analysis of the practical application of EU directives and regulations regarding the protection of animals during transportation, highlighting the frequent non-compliance with the requirements outlined in these documents, resulting in animal deaths. He attributes this to ineffective veterinary and sanitary control conducted before and during animal transportation, and the absence of legislative definitions for maximum travel durations for animals. The author supports legislative novelties in New Zealand and the United Kingdom prohibiting the export of animals for slaughter. Meanwhile, M.S. Herskin and T. Duffield (2020) explored the global experience of legal provisions ensuring the well-being of animals during their transportation for slaughter. A. Tateo *et al.* (2022) devoted their paper to the analysis of scientific literature on compliance with the requirements for the well-being of dogs and cats during their transportation in Europe. S.S. Nielsen *et al.* (2022) investigated the specific features of legal regulation of the welfare of cattle during transportation and the practice of its implementation. An interdisciplinary analysis of the damage caused by legal and illegal sales of wild animals is conducted by T. Wyatt *et al.* (2022), who provide examples of animal mistreatment during their preparation for transportation for the purpose of subsequent sales. They propose introducing the principle of “species justice” into international and national legislation, a principle also endorsed by the authors of this study.

In Ukrainian legal science, individual aspects of this type of control have been the subject

of study. I.V. Luchko (2021) examined the concept of veterinary and sanitary control and supervision, although not providing her own scientific definition, she established a correlation between the concepts of “supervision” and “control”. A.I. Hodiak (2018) analysed Ukrainian legislation regulating the procedures for state veterinary and sanitary control in export-import operations, assessing its effectiveness and the need for improvement. A.H. Bondar (2015) and M.Yu. Kravchuk (2011) formed the general theoretical foundations of such control and supervision, including specific aspects of state control and supervision during animal transportation, in their dissertations focusing on the legal nature of control and supervision activities in Ukrainian agriculture.

The specific features of veterinary and sanitary control have been the subject of studies by experts from various fields. For example, the features of veterinary radiological control are presented in the joint work of T.O. Prokopenko *et al.* (2009). The impact of epizootics on the country’s biological security and the main principles of overcoming them are discussed by M.V. Velichko (2021).

However, a comprehensive examination of the legal aspects of state veterinary and sanitary control over the movement of animals has not yet been addressed, making the relevance of this study evident.

The purpose of the study is to characterise the state of legal provisions concerning state veterinary and sanitary control over the movement of animals and provide suggestions for its improvement.

Materials and Methods

Among the general scientific methods used, dialectical, formal-logical, analysis and synthesis

methods were primarily applied, and the formal-legal method was used from the special legal methods. The dialectical method was used to identify methodological approaches to examining the legal foundations of state veterinary and sanitary control over the movement of animals. The formal-logical method facilitated the characterisation of the content of the categorical framework of the study. The analysis method was employed in describing the legislation in the field of state veterinary and sanitary control over the movement of animals. The synthesis method helped determine the place of regulations governing relations in the sphere of state veterinary and sanitary control over the movement of animals in Ukrainian legislation. The formal-legal method aided in investigating the content of legal norms in the relevant legislation and outlining prospects for its development.

The main provisions and results of the study are formulated based on an analysis of the norms of international and national legislation. In particular, the following provisions were used in the study: United Nations Convention on the Carriage of Goods by Sea (1978), Convention on the International Road Carriage of Passengers and Luggage (1997), Agreement on International Passenger Traffic by Rail (1951), Laws of Ukraine "On Veterinary Medicine" (1992; 2021), "On State Control over Compliance with the Legislation on Food Products, Feed, By-Products of Animal Origin, Animal Health and Welfare" (2017), "On By-Products of Animal Origin, not Intended for Human Consumption" (2015), "On Feed Safety and Hygiene" (2017), "On Identification and Registration of Animals" (2009), "On the Protection of Personal Data" (2010), "On the Protection of Animals from Cruelty" (2006), code of Ukraine on administrative offences (1984), Criminal Code of Ukraine (2001), and a considerable number of bylaws.

Results

Scientific approaches to defining the concept of state veterinary and sanitary control over the movement of animals

In modern conditions, the function of state veterinary and sanitary control over the movement of animals is becoming increasingly significant. It is believed to have been initiated in the early 1990s, particularly with the adoption of Council Directive 91/628/EEC on the Protection of Animals During Transport (1991) within all EU member states, which was later amended by Council Regulation (EC) No. 1/2005 on the Protection of Animals During Transport and Related Operations (2004) (Corson & Anderson, 2008; Cussen, 2008).

This Regulation establishes a set of requirements for animal transport, including: the fitness of animals for transport; the availability of necessary means for transportation, loading, and unloading of animals; properly trained personnel for handling animals; adequate vehicle movement and proper care for animals (space, food, and water); a list of animals eligible for transportation; types of transportation, and more. All of these requirements are subject to mandatory veterinary and sanitary control and supervision by specially authorised entities. The main goal of this Regulation is to prevent injuries or undue suffering of animals during their transport, to minimize long journeys for animals, and to protect the welfare and health of animals before, during, or after their transport, which are now quite common in practice (Padalino *et al.*, 2018; Boada-Saña *et al.*, 2021).

As part of the European integration processes in Ukraine, measures related to the adaptation of Ukrainian legislation to EU requirements in various areas of society, including veterinary and sanitary control over the movement of animals, are of immense importance (Order of the Cabinet of Ministers of Ukraine No. 228-r..., 2016).

The Ukrainian Law “On Identification and Registration of Animals” (2009) elaborates on this process, the result of which is a change in the ownership or keeper of an animal, or a change in the animal’s place of residence. Moreover, it is important to differentiate the procedure of “animal movement” from the process of “animal migration” (from Latin “migration” – migration, movement) (Lanovenko & Ostapishyna, 2013). Animal movement is an external influence by humans on animal liberty, whereas animal migration occurs in accordance with their natural instincts and is not subject to legal regulation, only legal protection.

This distinction is crucial for this study since state veterinary and sanitary control applies to both domestic and wild animals. According to Article 1 and Article 15 of the current Law of Ukraine “On Veterinary Medicine” (1992), the term “animals” includes mammals, domestic birds, birds, bees, insects, fish, crustaceans, molluscs, frogs, amphibians, and reptiles.

However, Article 45 of the Law of Ukraine “On Veterinary Medicine” (2021) in its revised version narrows down the list of animals to which requirements for their movement apply. This study exclusively pertains to domestic animals. This might be because the handling of wild animals that are in captivity or semi-captive conditions is extensively regulated by nature conservation legislation. Nonetheless, veterinary and sanitary control is also obligatory for such animals (Order of the Ministry of Environmental Protection of Ukraine No. 429..., 2010). Thus, the scope of state veterinary and sanitary control encompasses both domestic and wild animals.

Article 45, Part 2 of the Law of Ukraine “On Veterinary Medicine” (2021) in its revised version establishes specific requirements for the movement of domestic terrestrial animals. According to these requirements, an animal can be moved

only if it originates from an approved and registered animal facility, is identified and registered in special registries, and possesses relevant veterinary and identification documents.

To understand the veterinary and sanitary requirements imposed on the movement of domestic and wild animals at each stage, a detailed legal analysis is necessary.

Features of state veterinary and sanitary control at the stage of approval and registration of animal facilities

Veterinary legislation provides the definition of “animal facility”, which encompasses any territory, fixed objects, equipment, or vehicles, intended for breeding, rearing, keeping, quarantine, movement, training, competitions, exhibitions, contests, capture, slaughter, or circulation of animals, their biological products, reproductive material, veterinary drugs, medicinal feeds, and handling of by-products of animal origin.

Such animal facilities are subject to mandatory state approval and registration, which confirms their veterinary and sanitary compliance for conducting animal husbandry. Currently, only those animal facilities that pose significant risks of disease outbreaks and spread are subject to state approval (Resolution of the Cabinet of Ministers of Ukraine No. 478..., 2022). The approval of such facilities is an essential element of their subsequent operation. Without such approval, the operation of the facilities is prohibited.

It is important to note that the legislation also defines specific requirements for animal collection centres (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 323..., 2022). According to these requirements, during inspections, veterinary inspectors should focus on compliance with isolation and biosecurity requirements for the premises, structures, equipment of such cen-

tres, and personnel. One of the methods of state veterinary and sanitary control at this stage is the inspection of livestock facilities for the purposes of their approval. Such inspections are a mandatory component of the process of approving animal facilities, conducted by the territorial authority of the state consumer service, during which the compliance of these facilities with the requirements of the current legislation is confirmed.

During such inspections, state veterinary inspectors conduct special sampling (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 131..., 2012; Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine No. 689..., 2020; Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine No. 224..., 2021) for further laboratory analysis. During the sampling process, state veterinary inspectors fill out a special form of an act (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 490..., 2018).

Based on the results of the conducted laboratory analysis, a decision is made to approve the animal facility, and a registration number is assigned, which should be entered into the State Register of Animal Facilities and Market Operators.

It is considered that from this moment, the procedure of state registration of such facilities begins (Resolution of the Cabinet of Ministers of Ukraine No. 461..., 2022), which is performed by the State Consumer Service based on the operator's application and may include direct registration of the facility, and registration of animals, anti-epizootic measures, or even the results of state control. In addition, both individual animal facilities and their groups are subject to state registration (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 511..., 2022).

The procedure for registering such animal facilities involves entering relevant data into the

State Register of Animal Facilities (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 211..., 2022). However, it should be noted that this procedure only started in Ukraine on March 21, 2023, indicating the absence of prior legal regulation of such relationships and consequently the lack of implementation practice.

The next important step for the unhindered movement of pets is to bring such facilities in line with the requirements of the legislation on animal identification and registration.

According to Article 4 of the Law of Ukraine "On Identification and Registration of Animals" (2009), the object of identification and registration is farm animals: cattle, horses, pigs, sheep, goats. Each animal is assigned an individual identification number, which makes it easier to identify the animal during various procedures (veterinary checks on facility premises, movement, sale, slaughter of animals, etc.) and determine its health status. This identification number is mandatory and is entered into the Unified State Register of Animals (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 578..., 2012). The process of animal identification and registration is conducted by the State Enterprise "Animal Identification and Registration Agency" (Order of the Ministry of Agrarian Policy of Ukraine No. 213..., 2002). After identification and registration, the animal owner is provided with identification documents of a prescribed format (Resolution of the Cabinet of Ministers of Ukraine No. 857..., 2013; Order of the Ministry of Agrarian Policy and Food of Ukraine No. 288 ..., 2014).

It should also be noted that besides data about the identified animal, information about its owner and farm is entered into the Animal Register. The collection, accumulation, and processing of data about animal owners are performed in accordance with the requirements of the Law

of Ukraine “On the Protection of Personal Data” (2010). Furthermore, legislation defines special requirements for the identification and registration of specific types of animals (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 642..., 2017; Order of the Ministry of Agrarian Policy of Ukraine No. 496..., 2004; Order of the Ministry of Agrarian Policy and Food of Ukraine No. 639..., 2017; Order of the Ministry of Agrarian Policy and Food of Ukraine No. 20..., 2018).

The specificity of state veterinary and sanitary control during the identification and registration of domestic animals is determined by legislation on animal protection from cruelty. For example, according to the Decision of the Kyiv City Council No. 1079/3912 (2007), such identification within the territory of Kyiv is performed by the municipal enterprise “Animal Identification Center”, which issues a registration certificate and an individual identification mark (token) for the animal. In addition, state veterinary medicine inspectors acquaint the animal owner with veterinary-sanitary requirements for its keeping, especially during movement.

Special requirements for registration are also established for wild animals (Order of the Ministry of Environmental Protection and Natural Resources of Ukraine No. 206..., 2020). These requirements concern animals that have been removed from their natural habitat for the purpose of providing assistance to regional rescue and rehabilitation centres and information about which is recorded in the Journal of Registration of Influx of Wild Animals. The identification of such animals is performed through microchipping and/or visual identification methods (clipping, banding, etc.).

It is worth noting that due to the introduction of martial law in Ukraine, which led to the inability to import or produce two-component ear tags for the identification of farm animals, a decision

was made to perform the identification of pigs, cattle, sheep, and goats using one-component ear tags produced in Ukraine until the end of martial law and one year after its conclusion (Order of the Ministry of Agrarian Policy and Food of Ukraine No. 264..., 2022). The situation with microchipping wild animals during the state of emergency remains unknown, but mass injuries and fatalities of such animals due to combat actions in Ukraine are already a fact (Andreikovets, 2022).

Current legislation clearly prohibits the movement of animals in the absence of confirming documents for their identification and permits issued by the Chief State Veterinary Medicine Inspector (Part 5 and Part 6 of Article 15 of the Law of Ukraine “On Veterinary Medicine”, 1992).

Therefore, the next crucial step for animal movement is the preparation of accompanying documentation.

Features of state veterinary-sanitary control during the preparation of accompanying documentation for animal movement

Depending on the type of animal movement, the legislation specifies the necessity to present the following documents to the carrier of animals and the veterinary inspector: 1) an international veterinary certificate; 2) a veterinary certificate (within Ukraine); or 3) a veterinary reference (within a district) (Resolution of the Cabinet of Ministers of Ukraine No. 857..., 2013). These documents are issued by specialised subjects of veterinary medicine (state veterinary medicine inspectors, authorised veterinary doctors: heads of the State Service of Ukraine for Food Safety and Consumer Protection in regions and Kyiv city, state veterinary medicine institutions, regional services of state veterinary-sanitary control and supervision at state borders and transportation, or licensed veterinary doctors).

As for wild animals, Ukrainian legislation defines a separate procedure for issuing accompanying documents for their transportation (Resolution of the Cabinet of Ministers of Ukraine No. 953..., 2007). According to this regulation, permits for the import and export of samples, and certificates for mobile exhibitions, re-export, and introduction of marine samples, are issued by the Ministry of Environmental Protection and Natural Resources of Ukraine and the State Agency for Land Reclamation and Fisheries of Ukraine for sturgeon fish and products made from them. However, for these animals, the issuance of accompanying veterinary documents, specifically veterinary-sanitary passports or veterinary certificates, is also required (Resolution of the Cabinet of Ministers of Ukraine No. 1402..., 2011). The relevant requirements also apply to pets. According to the provisions of the current Law of Ukraine "On Veterinary Medicine" (1992) and Order of the Ministry of Environmental Protection of Ukraine No. 429 (2010), the list of such documents is more comprehensive. It includes an international veterinary certificate, a veterinary certificate, a veterinary card, and a veterinary and sanitary passport for an animal.

This situation raises the question of the need to harmonise various regulations in terms of defining a unified list of veterinary documents issued to animals for their subsequent movement. Therefore, at the moment of moving the animals described in this section, their owner (carrier) is obliged to have the following documents:

- ✓ certificate of registration of livestock facilities and market operators in the relevant state register for pets;
- ✓ certificate of assignment of an identification number to an animal in the Unified State Register of Animals;

- ✓ veterinary certificate / card / reference / veterinary and sanitary passport for the animal.

Features of state veterinary-sanitary control during the transportation stage of animals

The rules for animal transportation are defined by Article 15, Paragraph 4 of the Law of Ukraine "On Veterinary Medicine" (1992), Article 11 of the Law of Ukraine "On the Protection of Animals from Cruelty" (2006), the Rules for the Transportation of Animals (Resolution of the Cabinet of Ministers of Ukraine No. 1402..., 2011), and the Rules for the Transportation of Animals, Birds, and Other Goods Subject to State Veterinary-Sanitary Control (Order of the Ministry of Transport of Ukraine No. 873..., 2002).

These regulations prohibit the export of animals from a region or herd where, due to suspicion of an epizootic or its manifestations, restrictions on cattle movement have been imposed. From the herd, only clinically healthy animals that are identified and registered in the appropriate manner are allowed to be exported.

According to point 23 of the Rules for the Transportation of Animals (Resolution of the Cabinet of Ministers of Ukraine No. 1402..., 2011), transportation of animals is allowed only after the carrier receives veterinary documents for the animals to be transported from the sender. These documents must be attached to the transportation document. Additionally, according to point 24 of the mentioned Rules, the conditions of animal transportation are verified by a specialist in the field of veterinary medicine. When importing into Ukraine or exporting beyond its borders, objects of the animal world are subjected to both veterinary-sanitary and ecological control, which includes monitoring compliance with animal protection from cruelty requirements (Resolution of the Cabinet of Ministers of Ukraine No. 275...,

2017). Such transportation can be conducted by road, rail, sea, and air transport, each of which has its own characteristics.

In addition to the above-mentioned rules for the transportation of animals, the specifics of such types of animal transportation are regulated by a considerable list of regulatory documents: United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules) (1978); Convention on the International Road Carriage of Passengers and Baggage (1997); Agreement on International Passenger Traffic by Rail (SMPS) (1951) with updates; Order of the Ministry of Transport and Communications of Ukraine No. 1196 "On the Approval of the Rules for the Transportation of Passengers, Baggage, Cargo and Mail by Railway Transport of Ukraine" (2006); Order of the State Aviation Service of Ukraine No. 1239 "On the Approval of the Aviation Rules of Ukraine "Rules of Air Transportation and Passenger and Baggage Service" (2018); Order of the Ministry of Agrarian Policy and of Food of Ukraine No. 553 "On the Approval of the Requirements for Importing (Forwarding) into the Customs Territory of Ukraine Live Animals and Their Reproductive Material, Food Products of Animal Origin, Fodder, Hay, Straw, as well as by-Products of Animal Origin and Products of Their Processing" (2018), etc.

According to Article 15, Paragraph 4 of the Law of Ukraine "On Veterinary Medicine" (1992), "loading, unloading, or transshipment of animals onto a transport vehicle is allowed only in places that have facilities that comply with veterinary-sanitary measures." Article 11 of the Law of Ukraine No. 3447-IV "On the Protection of Animals from Cruelty" (2006) requires adherence to animal welfare rules during their transportation (providing for their food, water, protection from harmful external influences, preventing injury or death, etc.).

The Rules for the Transportation of Animals establish specific requirements for the transportation of domestic animals (points 40-44), live-stock (points 45-54), and wild animals (points 55-64). Special requirements for transportation are also established for species of wild fauna that are under threat of extinction (Resolution of the Cabinet of Ministers of Ukraine No. 953..., 2007).

For example, when transporting animals by rail, veterinary-sanitary control is conducted by veterinary inspectors both at the sending station and at the destination station. Veterinary inspection at the sending station is conducted before and during loading onto the wagon, and at the destination station – during unloading. In this process, the veterinary inspector examines the accompanying documentation, and if it corresponds, special markings regarding the inspection of animals are placed on the veterinary certificate / document.

In the case of transporting animals by multiple modes of transportation, the inspection of goods with animals can be conducted both during transportation and at transfer points to other modes of transportation.

Specific features of implementing state veterinary-sanitary control over the transportation of animals during the period of martial law in Ukraine are also outlined in the Resolution of the Cabinet of Ministers of Ukraine No. 537 "Some Issues of State Control over Compliance with the Legislation on Food Products, Feed, By-Products of Animal Origin, Animal Health and Welfare, State Veterinary and Sanitary Control and the Import of Goods into the Customs Territory of Ukraine during Martial Law" (2022).

Therefore, the legislation defines various procedures for animal transportation, which depend on the type of animal, its population, the type of transport used, transportation conditions, and more.

Discussion

Even at the European level, researchers (Dinu *et al.*, 2018) and government officials (Council of the European Union, 2021) acknowledge that it is still impossible to obtain complete and reliable information about compliance with even minimal animal welfare requirements during their transportation, despite numerous efforts to improve legislation in this field.

For instance, some researchers argue that the notion of “animal adaptability to transportation” does not exist a priori (Herskin *et al.*, 2020), which means that the established list of cases in which animals are not subject to transportation (such as when injured, physiologically weak, or experiencing pathological processes) is questionable (Dahl-Pedersen *et al.*, 2018). Researchers demonstrate that even the usual treatment of animals, the quality and safety of the premises, the size of the group in which the animal is kept before transportation (Šímová *et al.*, 2016), and introducing the animal into a new environment and mixing it with unfamiliar individuals, can cause extreme stress in the animal, possibly leading to death (Broom, 2019; Hubbard *et al.*, 2021). Furthermore, there are currently no official statistics on animal mortality during transportation, which affects the determination of the effectiveness of the established legislative requirements (Dinu *et al.*, 2018). Official data on animal transportation is also limited (Padalino *et al.*, 2018) and not sufficiently reliable (European Court of Auditors, 2018), indicating potential issues with the quality of veterinary-sanitary control during animal transportation.

Therefore, in 2020-2021, both the European Commission (2020) and the European Farmers' Organization (Animal transport: The revision..., 2021) raised the issue of the necessity for a further review and improvement of legislation

regarding animal transportation. Furthermore, the European Commission has established a special Platform for Animal Welfare to bring together governments from different countries, scientists, businesses, and non-governmental organisations to exchange advanced experiences in the field of animal protection (EU Platform on Animal Welfare, n.d.), allowing Ukrainian representatives to join discussions related to further enhancing legislation in this area.

Key legal measures to enhance the effectiveness of legislation in this field should include the establishment of proper information institutions and legal accountability mechanisms concerning animal transportation.

Such responsibility can be based on both the ordinary prohibition of animal transportation without mandatory accompanying documents or with falsified documents and their return to the sender (Order of the Chief State Inspector of Veterinary Medicine of Ukraine No. 49..., 1999), as well as on retrospective liability. These types of liability should apply to both individuals and legal entities involved in animal transportation, and to officials responsible for veterinary-sanitary control.

In Ukraine, retrospective liability is currently defined within the general norms related to violations of animal registration and identification requirements, veterinary standards, and norms regarding animal protection from cruelty, including: Article 89 of the Code of Ukraine on Administrative Offenses (1984) (hereafter – the Code) (responsibility for animal cruelty); Article 107 of the Code (violation of animal quarantine rules and other veterinary-sanitary requirements); Article 107-2 of the Code (violation of legislation on animal identification and registration); Article 188-22 (failure to comply with lawful requirements of officials of the state sanitary-epidemiological service and the state veterinary medicine service);

Article 251 of the Criminal Code of Ukraine (2001) (hereafter – CCU) (violation of veterinary rules leading to an epizootic outbreak); Article 299 of the CCU (responsibility for animal cruelty), etc.

It is also important to note the legal norms outlined in the Law of Ukraine “On State Control over Compliance with the Legislation on Food Products, Feed, by-Products of Animal Origin, Animal Health and Welfare” (2017), particularly the provisions of Articles 65 and 66 of this law that define the specifics of legal responsibility for violations within the designated sphere, and the procedure for conducting investigations in such cases. However, due to the absence of criteria for animal welfare in Ukrainian legislation, the application of legal measures for violations of such laws during animal transportation is quite problematic. In addition, in Ukraine and at the European level, it is challenging to find statistical information regarding the quantity and reasons for violations of veterinary-sanitary legislation during animal transportation, which underscores the necessity for the development of an informational policy in this field.

Conclusions

Based on the conducted study, the following observations can be made. State veterinary-sanitary control during animal transportation represents a type of state veterinary-sanitary control, which forms the basis for state oversight in animal husbandry and the veterinary sector. It encompasses the enforcement of control and supervisory functions by specially authorised bodies of state executive authority during the movement of animals, involving changes in ownership or custodianship. Such movement can occur within a single animal husbandry facility or between several facilities, including intraregional, intranational, and international movements. This control is realised through various forms such as inspec-

tion, approval, inventory, expert (laboratory) assessments, record-keeping, verification, observation, and examination. Entities responsible for the control and supervisory functions in this area may include the Ministry of Agrarian Policy and Food of Ukraine, the State Enterprise “Animal Identification and Registration Agency”, the State Service of Ukraine on Food Safety and Consumer Protection, the Ministry of Environmental Protection and Natural Resources of Ukraine, the State Environmental Inspection, state veterinary inspectors, and veterinarians. The objects of state veterinary-sanitary control during animal transportation are domestic and wild animals.

For unobstructed animal transportation, not only accompanying veterinary and identification documents for the animals are required (veterinary certificate, certificate of assignment of identification number to the animal), but also documents proving origin from approved or registered animal husbandry facilities (certificate of state registration of the animal husbandry facility). In case of violation of legislation on state veterinary-sanitary control during animal transportation, responsible individuals are subject to legal liability according to the general norms of violating animal registration and identification requirements, veterinary standards, and norms for animal protection from cruelty, which are provided for in administrative and criminal legislation.

The provisions of the Law of Ukraine “On Veterinary Medicine” need to be aligned with existing legislation in terms of expanding the list of animals subject to state veterinary-sanitary control. It is proposed to maintain the current version of the Law of Ukraine “On Veterinary Medicine”, in which it is stated that the scope of the law applies to all animals (mammals, domestic birds, birds, bees, insects, fish, crustaceans, molluscs, frogs, amphibians, and reptiles).

Moreover, there is a need for harmonisation in the regulations defining a unified list of veterinary documents issued for animals for their subsequent movement.

The Ukrainian legislation on ensuring animal welfare also requires refinement in terms of defining the criteria for such welfare, which would enable more effective implementation of state veterinary-sanitary control in this regard.

Ultimately, the enhancement of the information policy in the field of veterinary-sanitary control over animal transportation is necessary

since the current policy inadequately reflects the quantity and reasons for violations in this sphere.

The identification of gaps in current legislation and the formulation of proposals for its improvement offer prospects for investigating pressing issues related to state veterinary-sanitary control.

Acknowledgements

None.

Conflict of Interest

None.

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Особливості правового регулювання державного ветеринарно-санітарного контролю за переміщенням тварин

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Анотація

Актуальність роботи зумовлено потребою розкрити сутність ветеринарно-санітарного контролю за переміщенням тварин на національному рівні для можливості його подальшого співвідношення з досвідом європейських країн. Мета дослідження – проаналізувати стан правового забезпечення окресленої сфери та сформулювати авторські пропозиції щодо удосконалення правового регулювання державного ветеринарно-санітарного контролю за переміщенням тварин. У роботі використано систему загальнонаукових методів пізнання (діалектичний метод, формально-логічний метод, метод аналізу та синтезу), а також спеціальний формально-юридичний метод. Проаналізовано національний досвід правового регулювання державного ветеринарно-санітарного контролю за переміщенням тварин через розкриття його особливостей. Розкрито сутність державного ветеринарно-санітарного контролю під час переміщення тварин та визначено його місце в системі права, окреслено межі правового регулювання цього питання, правові форми здійснення такого контролю, суб'єкти та об'єкти такої діяльності, послідовність процедур, які вимагаються ветеринарно-санітарним законодавством для переміщення тварин, особливості юридичної відповідальності за порушення ветеринарно-санітарних вимог під час переміщення тварин. Обґрунтовано потребу розробити нормативно встановлені вимоги щодо безпечного переміщення тварин, які містять не лише порядок захисту тварин від епізоотій та жорстокого поводження під час їх підготовки до переміщення або самого переміщення, а й забезпечують населення якісною та безпечною харчовою продукцією та гарантують благополуччя тваринам. Практичне значення статті полягає в низці пропозицій щодо удосконалення українського законодавства в окресленій сфері

Ключові слова: біологічна безпека; епізоотія; державний контроль; ветеринарія; інспектування; інвентаризація; експертний (лабораторний) висновок; облік
