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## The modern state of regulatory and legal support for plant protection and its improvement in the context of legislative activity

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### Abstract

The relevance of the chosen topic lies in the fact that in recent years in Ukraine, there has been a tendency to work on changes to the valid legislation in the field of plant protection, which is due to the need to adapt Ukrainian legislation to the legislation of the European Union. The purpose of the study is to conduct a comprehensive analysis of the modern and prospective state of regulatory and legal support for plant protection in Ukraine. Research methods used in the work include comparative legal, systemic-structural, formal-logical, and doctrinal methods. The system of legislation regulating environmental and economic security in the agricultural sector of Ukraine is based on constitutional and general norms, environmental legislation, international treaties, as well as subordinate acts that ensure their practical implementation. The research results have established that the modern state of regulatory and legal support for plant protection in Ukraine requires revision and updating due to the presence of outdated, imperfect, and Soviet-influenced legal norms in the field of plant protection, as well as Ukraine's European integration prospects. Conclusions have been drawn regarding the need to revise conflicting and overlapping provisions of the draft Law of Ukraine "On State

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Regulation in the Field of Plant Protection” and to make relevant amendments during the preparation of the bill for the second reading. Emphasis is placed on the need to focus specifically on the further implementation of such a bill and the inexpediency of adopting the Draft Law of Ukraine “On Amending Certain Laws of Ukraine to Eliminate Inconsistencies in the Areas of Legislation on Plant Protection and State Control”. The research materials may serve as a theoretical basis for filling gaps in Ukrainian legislation and may also be useful for students and teachers in the process of preparing for disciplines such as “Environmental Law of Ukraine”, “Natural Resource Law of Ukraine”, “Floristic Law of Ukraine”, etc

**Keywords:** plant life; phytosanitary measures; quarantine; pesticides; agrochemicals; regulatory and legal support; plant passport; legislation

### **Introduction**

The chosen topic becomes relevant due to the observed trend starting from the 2000s in Ukraine towards amending the valid legislation in the field of plant protection. This trend arises, in particular, from the need to adapt Ukrainian legislation to the norms of the European Union (EU) legislation. It is anticipated that such adaptation will not only contribute to the approximation to the legislation of EU member states but is also driven by the presence of several outdated legislative provisions regulating the sphere of plant protection. Among such provisions, ineffective legal norms regarding liability for violations of legislation in the field of plant protection, as well as contradictory provisions of legal norms in the fundamental legislative acts, can be mentioned, which quite often conflict with each other.

Plant protection issues are important and sensitive for Ukraine, which is explained by the fact that Ukrainian exports include plant-based products at the level of 11.9%, which is almost four times higher than the world average, as highlighted in the work of I. Burakovskiy *et al.* (2016). That is why the question of ensuring proper and effective protection of plants and plant products in Ukraine is under constant scrutiny. It should be noted that Ukraine, after the adoption of the Act

on the Declaration of Independence and Sovereignty of its territory (Resolution of the Verkhovna Rada of the Ukrainian SSR No. 1427-XII, 1991), actively began to update its legislation, including that related to plant protection. Thus, during the 1990s, several important regulatory legal acts were adopted, such as Law of Ukraine No. 3348-XII (1993), Law of Ukraine No. 86/95-VR (1995), and Law of Ukraine No. 180-XIV (1998).

An important aspect will always be the priority in the constant improvement of outdated and updating already outdated legal norms that may relate to plant protection in Ukraine. In this case, legislative activity in the field of plant protection, considering Ukraine’s European integration direction, can take place through the prism of such processes, which is reflected in the registered Draft Laws of Ukraine. Such draft laws, according to their explanatory notes, have the primary goal of bringing the valid legislation in the field of plant protection into line with the European model of plant protection. However, it is important to consider the need to preserve the mechanisms already acquired and successfully implemented in the field of plant protection.

The analysis of recent research and publications has confirmed the relevance of the chosen

topic, although there are no works directly dedicated to the analysis of legislative activities in plant protection. Therefore, within this study, it is possible to mention general scientific research related to the mentioned topic, in which the scientific community indicates the need to review the valid legislation in the field of plant protection. Thus, in the article by Yu.P. Bosnyuk (2022), it is pointed out that it is necessary not to copy the norms and mechanisms of international aspects of phytosanitary measures, but to gradually approximate and implement them in the national legislation of Ukraine. The study of S.I. Marchenko (2023) identified key changes in the field of sanitary and phytosanitary measures due to the introduction of the martial law regime. Thus, the researcher thoroughly analysed such measures and conditionally divided them into three categories: 1) measures related to creating adequate safe conditions for carrying out phytosanitary procedures under the conditions of the legal regime of martial law; 2) measures related to the uninterrupted functioning of agribusiness; 3) measures related to the implementation of exclusive phytosanitary procedures for exported objects. In turn, according to S.O. Kostenko (2021), in practice, such requirements as informing the population about the place, time, and methods of applying plant protection products are often ignored, which is due to the lack of proper state control and an effective institute of legal responsibility. The scientist also points out that conducting a deep analysis of regulatory acts makes it possible to argue about the presence of problems in the legal regulation of “smart boundaries” used in the application of pesticides and agrochemicals, and therefore the problem is complex. Therefore, it is necessary to update the valid legislation comprehensively rather than selectively.

In the research by N.V. Karpinska (2021), arguments were given for the need to update phytosanitary legislation due to the further development of relations between Ukraine and the World Trade Organisation (WTO). Specifically, the researcher rightly notes that Ukraine has constant obligations regarding the mandatory transformation of Ukrainian legislation. The author also added that there are significant inconsistencies and gaps in the valid legislation that require urgent resolution, such as outdated and ineffective legal norms that do not take into account the modern state of application of relevant plant protection measures. In turn, N. Vdovenko *et al.* (2022), during the legal analysis of plant protection measures, proposed amendments to the Law of Ukraine No. 180-XIV regarding the importance of increasing legal liability in case of the use of counterfeit plant protection products, especially those with chemical compositions that do not meet the requirements established at the level of world legislation.

The purpose of the study was to determine the main aspects of legislative activities in the field of plant protection in Ukraine. To achieve this goal, the following tasks were set: 1) to determine the modern state of regulatory and legal support for plant protection in Ukraine; 2) to disclose the prerequisites for reviewing legislation in the field of plant protection; 3) to analyse the main provisions of legislative projects in the field of plant protection registered in the Verkhovna Rada of Ukraine during 2021-2023.

### **Materials and Methods**

The choice of methods used is justified by the specificity of this research, namely the necessity of providing a legal characterisation of legislative activity in the field of plant protection. Throughout the research, a range of general scientific and

specialised legal methods were employed, including systemic-structural, formal-logical, and dogmatic methods, which aided in achieving the set objectives. Among the general scientific methods utilised were: analysis, synthesis, and generalisation. For instance, the analysis method was employed to characterise the works of scholars over the past five years that have a similar or identical subject of scientific research. Utilising the synthesis method, relationships between the main legislative acts regulating the sphere of plant protection were depicted. Through the generalisation method, key prerequisites for reviewing the existing legislation in the field of plant protection in Ukraine were identified. The systemic-structural method was employed to depict the modern state of legislative provision for plant protection, particularly the coherence of legislative, sub-legislative, and international agreements, regulations, and standards. The formal-logical method was used to analyse key provisions of draft laws relating to plant protection. Furthermore, the dogmatic method serves as the immediate methodological basis, allowing for the disclosure of the content of normative provisions in the field of plant protection. Utilising the dogmatic method, conclusions, and suggestions regarding the need for refinement of conflicting provisions of Draft Law of Ukraine No. 8340 (2023) were formulated.

In the process of elucidating the purpose and objectives of the research, a variety of legislative acts in the field of plant protection were utilised: Law of Ukraine No. 3348-XII (1993), Law of Ukraine No. 86/95-VR (1995), Constitution of Ukraine (1996), Law of Ukraine No. 180-XIV (1998), Law of Ukraine No. 591-XIV (1999), Law of Ukraine No. 877-V (2007), Draft Law of Ukraine No. 4600 (2021), Draft Law of Ukraine No. 8340 (2023), Draft Law of Ukraine No. 10314 (2023), as well as sub-legislative

acts (Resolutions of the Cabinet of Ministers of Ukraine and Orders of the Ministry of Agrarian Policy of Ukraine).

## **Results and Discussion**

**The modern state of legal support for plant protection in Ukraine.** Typically, the legal support of a particular sector or institution describes a series of legal norms enshrined in legislative acts that define the basic provisions for regulating such a sector or institution. For example, O.V. Pishchenko (2019) and O. Kartashova (2021), examining the legal support for ecological and economic security in the agricultural sector of Ukraine, noted that the existing system of legislation consists of certain levels of legislative acts that generally maintain an adequate level of eco-economic security in the agricultural sector. The authors identified the following norms: 1) constitutional norms (i.e., norms enshrined in the Constitution of Ukraine); 2) norms of a general nature (i.e., norms enshrined in the main profile act – the Law of Ukraine “On the Foundations of National Security of Ukraine”); 3) norms in the field of environmental legislation; 4) special or separate legal norms defined in areas adjacent to agricultural legislation. Additionally, scholars also pay attention to norms defined at the international legal level and part of Ukrainian legislation, including international treaties, conventions, directives, and regulations of the European Union. An important aspect is also ensuring the implementation of legislative acts after their adoption, which is possible precisely through sub-legal regulatory acts, which also have a corresponding gradation in terms of legal force. Sub-legal regulatory acts include decrees of the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine, various orders of central executive authorities and their subdivisions, decisions of local

authorities, orders of executive bodies of local self-government, local (territorial) acts or orders adopted by specific subjects of the agricultural sector. Additionally, it is worth noting that judicial decisions are also considered sources of legal support.

According to A.S. Yaroshenko (2019), the entire sphere of legal support for plant protection in Ukraine is aimed at regulating social relations related to the protection of individual plants, namely agricultural, including plant-derived products and forest products, shrubs, trees, and closed-ground vegetation, from any external and negative influences, as well as defining the system of rights and obligations of all natural resource users without exception. National legislation and regulatory acts are fundamental for providing a regulatory framework for protecting agricultural, forest, and other plant resources from alien pests or for managing such threats, as noted by R. Eschen *et al.* (2015). Thus, the legal support for plant protection in Ukraine should be considered through the prism of the main legislative acts in this area, among which, it is worth mentioning: Law of Ukraine No. 3348-XII (1993), Law of Ukraine No. 86/95-VR (1995), and Law of Ukraine No. 180-XIV (1998).

As for Law of Ukraine No. 180-XIV (1998), this law regulates legal relations related to the protection of plants for agricultural and other purposes, perennial and forest plantations, trees, shrubs, closed-ground vegetation, plant-derived products from pests, diseases, and weeds. This law also defines the rights and obligations of enterprises, institutions, and organisations of all forms of ownership and citizens, as well as the powers of executive authorities and officials in this area. Unlike Law of Ukraine No. 180-XIV (1998), Law of Ukraine No. 3348-XII (1993) establishes the organisational and legal principles and powers of competent authorities regarding pests and other

organisms that can negatively affect plants and plant products, which are absent in Ukraine.

Therefore, the difference between the first and second legislative acts is determined by the subject of their legal regulation. In the case of Law of Ukraine No. 3348-XII (1993), it is the prevention of the spread and introduction of absent harmful organisms in Ukraine, while in the case of the application of Law of Ukraine No. 180-XIV (1998), it is the definition of legal principles for protecting plants from pests that are already widespread in Ukraine. Another aforementioned legislative act is Law of Ukraine No. 86/95-VR (1995). Analysing this legislative act, it is possible to determine the scope of its application – legal relations related to the use of pesticides and agrochemicals, i.e., chemical substances actively used to combat pests and other harmful organisms. In particular, this legislative act establishes the procedure for the state registration of pesticides and agrochemicals, their transportation, trade, and storage, as well as the rights and obligations of subjects using such substances in this area.

If comparing the Law of Ukraine No. 86/95-VR (1995) and the Law of Ukraine No. 180-XIV (1998), they are usually considered in terms of their general and specific relationships. However, even such a thesis is not entirely accurate, as noted by N.V. Karpinska (2021) in her work. The scholar also added that the main purpose of the Law of Ukraine “On Plant Protection” is to regulate relations regarding the protection of plants from weeds, diseases, and other harmful substances to plants. It follows that the Law of Ukraine “On Pesticides and Agrochemicals” will be specific, and more detailed regarding specific objects and concerning the Law of Ukraine “On Plant Protection”, as the regulation of activities related to pesticides and pesticides themselves is one of the tools for combating harmful organisms. The author also

added that the Law of Ukraine “On Pesticides and Agrochemicals” does not duplicate the provisions of the legislative act on plant protection, and the purpose of such an act is not to combat pests as a whole but to increase the quantitative and qualitative indicators of crop yield.

In addition to the mentioned legislative acts, it is also necessary to mention several subordinate legislative acts, such as Resolution of the Cabinet of Ministers of Ukraine No. 881-95-p (1995), Order of the Ministry of Agrarian Policy and Food of Ukraine No. z0380-13 (2013), Order of the Ministry of Agrarian Policy and Food of Ukraine No. z1657-13 (2013), Resolution of the Cabinet of Ministers of Ukraine No. 34-2019-p (2019), Order of the Ministry of Agrarian Policy and Food of Ukraine No. z0560-19 (2019), Resolution of the Cabinet of Ministers of Ukraine No. 458-2023-p (2023).

A crucial role in the legal provision of plant protection in Ukraine also belongs to international legal acts. First and foremost, it is necessary to mention the International Convention for the Protection of Plants, to which Ukraine acceded in 2006 (Decree of the President of Ukraine No. 81/2006..., 2006). Based on the basic provisions of the Convention, states that have ratified it are granted sovereign rights to protect their borders and also have the right to independently establish specific requirements for the object of legal regulation. Therefore, members of the World Trade Organisation (WTO) must ensure timely processes of publication of legislative acts adopted in the field of sanitary and phytosanitary measures so that all WTO members have the opportunity to familiarise themselves with them in more detail. An important aspect is also that all WTO members are obliged to comply with reasonable periods or intervals between the official publication of normative documents related to

sanitary or phytosanitary measures and the entry into force of such documents. This requirement is justified by the fact that manufacturers in exporting WTO member countries and developing countries should be able to review and update their production methods and provide goods that would meet the requirements of the importing WTO member (International Plant Protection Convention, 1997).

In conclusion, it is worth noting that this is not an exhaustive list of legislative and subordinate legislative acts that define the peculiarities of plant protection in Ukraine; however, such regulatory sources allow for an overall reflection of the legal institution of plant protection.

**Prerequisites for revising and updating legislation in the field of plant protection.** In June 2022, despite the imposition of martial law, Ukraine was granted official candidate status for membership in the European Union (Ukraine has been granted..., 2022). This status brings new challenges and requirements for Ukraine to adapt its legislation to that of the European Union, paving the way to eventually becoming a full member. This adaptation extends to various areas, including plant protection, necessitating revisions and amendments to valid legislation.

Given that Ukraine recognises itself as a state that is oriented towards recognition as a part of the international community, issues related to the need to take into account international experience when updating Ukrainian legislation and improving regulatory and legal regulation, including environmental and environmental protection legislation, are increasingly arising. In fact, such a definition of issues is extremely important and necessary given the conditions of deepening and increasing processes of legal globalisation. However, it should also be agreed that the modern state of the environment and the low

level of its legal protection provoke a significant deterioration in the conditions that provide for the proper support of human life, as well as help to accelerate the processes and attempts of the state to develop mechanisms for the effective implementation of environmental protection and preventive measures (Boychuk, 2018).

It should be noted that the existing danger provoked by the presence of pests for agricultural plant products and agriculture is becoming the primary reason for Ukraine to study and implement positive international experience, as well as to implement international law in the field of phytosanitary protection and security (Godyak, 2018). Thus, in January 1994, Ukraine joined the European and Mediterranean Plant Protection Organisation, and in 2003, Ukraine joined the Food and Agriculture Organisation of the United Nations (FAO) (Decree of the Cabinet of Ministers of Ukraine No. 38, 1994; Resolution of the Cabinet of Ministers of Ukraine No. 1661-2003-p, 2003). At the beginning of 2006, Ukraine acceded to the International Plant Protection Convention by the Decree of the President of Ukraine, and since 2008, Ukraine is a member of the WTO and has to comply with the Agreement on the Application of Sanitary and Phytosanitary Measures (Decree of the President of Ukraine No. 81/2006, 2006; Law of Ukraine No. 250-VI, 2008).

According to N.O. Bahai (2021), the process of adapting Ukraine's agricultural legislation to EU law aims to gradually align or adapt regulatory acts governing agricultural legal relations with those of the EU, ultimately aimed at furthering agricultural development and rural area development. The key directions concerning the adaptation of Ukraine's agricultural legislation to the "acquis communautaire" requirements are defined in a separate Eurointegration document –

the Association Agreement between Ukraine and the European Union.

It was Chapter 4 (Sanitary and Phytosanitary Measures) of Association No. 984\_011 (2014) that defined the key provisions of the basic standards in accordance with which plant protection should be implemented in Ukraine. After the signing of the Association Agreement, the process of drafting legislation aimed at fully updating the regulatory framework for plant protection began. It is worth agreeing with the position of Yu.P. Bosnyuk (2023), who noted that this process, despite its significant advantages, also has disadvantages. After all, such processes lead to a significant rejection of the Ukrainian, and to some extent the positive legal experience that has been formed over the past thirty years. However, the Association Agreement also stipulates the introduction of an equivalence mechanism for phytosanitary and sanitary measures as a separate principle. This is the provision referred to in Article 5 of the WTO Agreement, namely, that WTO Members must recognise phytosanitary and sanitary measures of other Members that are actively applied by the latter. It should also be agreed that healthy and disease-free plants are important for the economy and society of the European Union, and therefore are regulated at the level of the European Union (Plant Health..., 2024).

Therefore, one of the primary reasons for the revision of plant protection legislation was the European integration processes in Ukraine, which began in 2014 and continues to be implemented. In addition to the European integration component of the need to update the plant protection legislation, attention should also be paid to the presence of outdated, imperfect, and Soviet-influenced legal norms. There is also a dispersion and, in some cases, contradiction of certain legal provisions on plant protection in the three basic legal

acts: Law of Ukraine No. 3348-XII (1993), Law of Ukraine No. 86/95-VR (1995) and Law of Ukraine No. 180-XIV (1998).

In this context, it is possible to agree with L.V. Vasylenko (2018), who notes that Ukraine still has a significant number of unsuitable and objectively outdated pesticides that are impossible to use, which may also pose a threat to public health, cause damage to the environment, and generally do not comply with existing phytosanitary and sanitary measures in Ukraine. The process of irreversible accumulation of pesticides and agrochemicals began in the 1970s when several pesticides were banned by law. In addition, constant changes of owners using unsuitable pesticides led to the destruction of documents containing information about such substances and, the destruction of containers and warehouses, which resulted in a significant amount of unsuitable and unknown plant protection chemicals, including a steadily increasing number of mismanaged pesticides.

Foreign scientists have also drawn attention to this problem. According to K. Karstensen *et al.* (2016), the presence of obsolete pesticides and other hazardous chemicals and their inadequate management pose a threat to health and the environment at the local, regional, and global levels. Estimates show that more than 500,000 tonnes of obsolete pesticides have been accumulated worldwide, especially in developing countries. The Food and Agriculture Organisation of the United Nations is addressing this problem and has disposed of approximately 3,000 tonnes of obsolete pesticides in Africa and the Middle East since the early 1990s. This pesticide waste was mainly shipped to Europe for high-temperature incineration in special incinerators, a treatment option that is not usually available in developing countries. However, there remains considerable

uncertainty about the true environmental contamination of such pesticides, their dynamics, and the risks of contamination of the food chain. Organic operators can take certain measures to reduce the risk of pesticide contamination of their products, but a certain degree of pesticide contamination is technically unavoidable, according to M. Schleiffer and B. Speiser (2022).

Most studies argue that agrochemicals and pesticides may not worsen the overall quality of the crop if they are used within the limits of legal and phytosanitary regulations. However, it is worth remembering that further emphasis on the use of outdated substances and preparations may irrevocably lead not only to a decrease in the quantity of agricultural products, but may also negatively affect the quality of life of the population, the environment, animals, plants, etc. At the same time, it is not possible to completely abandon the use of pesticides, and in this case, it is only possible to work towards improving the quality and technological characteristics of the use of harmful substances, revising the mechanism of their doses, as pointed out by L.V. Vasylenko and O.A. Korchynska (2020).

In this context, it is also worth noting that further updating of the valid legislation in the field of plant protection will also be conditioned by the presence of environmental threats and hazards, including those resulting from active hostilities on the territory of Ukraine. It should be agreed that the use of weapons of mass destruction, the explosion of the Kakhovka hydroelectric power plant and other environmental disasters that remain unexplored and unacknowledged can lead to a global environmental crisis and genocide, as noted in their study by O.H. Ruvyn and K.O. Dubova (2024). And this, in turn, certainly requires the introduction of new mechanisms and approaches to regulating the protection of important natural

objects – plants. According to M.M. Sirant (2021), such mechanisms may include the use of persuasive methods, which is due to the formulation of internal conviction and awareness of strict compliance with the law, as well as the implementation of key requirements that will have a new application within the framework of environmental law.

Thus, there are two main prerequisites for the development of draft laws in the field of plant protection, namely the need to update outdated, imperfect, and Soviet-influenced plant protection regulations and Ukraine's European integration prospects, which necessitate the adaptation of Ukrainian legislation to the EU legislation. It is also necessary to take into account the consequences of the ongoing military operations on the territory of Ukraine, which will certainly affect the change of approaches to the legal regulation of plant protection.

**Legal characteristics of the main provisions of draft legislative acts aimed at plant protection.** From 2020 to 2023, a series of legislative acts aimed at consolidating provisions regarding plant protection, contained in three basic legal acts, were actively registered in the Ukrainian parliament. Among such draft laws, it is possible to mention Draft Law of Ukraine No. 4600 (2021), Draft Law of Ukraine No. 8340 (2023), and Draft Law of Ukraine No. 10314 (2023). Regarding Draft Law of Ukraine No. 4600, it should be noted that this draft law was registered back in 2021 and actively worked on within the parliament, including providing proposals and remarks, but was never brought for consideration for adoption, even in the first reading. The draft law was supposed to consolidate the provisions of the Laws of Ukraine "On Plant Protection" and "On Plant Quarantine" within a single document, as well as parts of the provisions of the Law of Ukraine "On Pesticides and Agrochemicals" related to the circulation and

use of plant protection products. Overall, as stated in the Explanatory Note to Draft Law of Ukraine No. 4600 (2021), it was intended to systematically and comprehensively improve the regulatory framework of the plant protection legal relations and to implement Article 64 of Association No. 984\_011 (2014), aimed at further harmonising Ukrainian legislation with the legislation of the European Union, as mentioned earlier.

As for the peculiarities of Draft Law of Ukraine No. 4600 (2021), it is worth highlighting some important aspects that were intended to comprehensively change the existing plant protection system in Ukraine. Firstly, it was proposed to create a model for digitalising the procedure of state registration of plant protection products, which in turn involves launching an electronic registry consisting of four modules. Thus, the first module identified official registrants authorised to export and import plant protection products. The next module defined the procedure for registering laboratories conducting research. The third one involved organising educational events on plant protection, including technical supervision of equipment. The last one concerned the registration of quarantine stations and other designated isolated facilities. Secondly, only those permission documents defined in conformity with international obligations (i.e., phytosanitary certificate and re-export phytosanitary certificate) were to remain, while it was proposed to abolish the quarantine certificate as such, which does not comply with European standards and has not been used in other countries for a long time. Thirdly, the draft law defined a liberal European supervision model – through a plant passport in accordance with European Parliament and Council Regulation (EU) No. 2016/2031 (2016), and the introduction of such a document eliminates the need for obtaining a quarantine certificate.

However, the Draft Law of Ukraine No. 4600 triggered many discussions and objections regarding the establishment of additional mechanisms for state supervision and control, which in turn could negatively affect Ukrainian enterprises. In particular, this concerns the presence in Draft Law of Ukraine No. 4600 of defined physical and documentary inspections with a certain frequency, which takes into account a risk-oriented approach. This approach, in general, should correspond to the European experience, as control rules will be formed through the prism of the volumes and quantity of recorded violations already at the border. However, the specific cases established by the legislation in the project are not specified. It is quite logical that this refers to Article 5 of the Law of Ukraine “On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity” (On the Basic Principles). The absence of mention of this legislative act and the inconsistency of certain provisions of the draft law with the Law of Ukraine “On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity” could, according to some experts’ opinions, have led to the fact that the draft law was not adopted (FAU insists on taking..., 2021).

In Draft Law of Ukraine No. 4600 (2021), unlike Law of Ukraine No. 877-V (2007), such important provisions as norms regarding the delegation of powers to competent authorities; norms regarding the responsibility of officials; the absence of mention of the main measures of state control, including the absence of a list of measures that could refute or confirm violations or excesses of authority by the competent authority during the inspection process, are absent. Despite the attempts of the legislator to harmonise Ukrainian legislation on plant protection with the legislation of the European Union in the form of

Draft Law of Ukraine No. 4600, this draft law had several shortcomings and legal collisions, which in turn did not allow parliamentarians to adopt such a Eurointegration document.

Already in February 2023, Draft Law of Ukraine No. 8340 (2023) was registered, and in July 2023, it was adopted as the basis for the first reading. This draft law, like the previous Draft Law of Ukraine No. 4600 (2021), aims to consolidate the provisions of the Law of Ukraine “On Plant Protection”, the Law of Ukraine “On Plant Quarantine”, and part of the Law of Ukraine “On Pesticides and Agrochemicals” concerning state control over plant protection products into a single regulatory document, which also entails the repeal of the Laws of Ukraine “On Plant Protection” and “On Plant Quarantine”. According to the provisions of the Explanatory Note to Draft Law of Ukraine No. 8340 (2023), the main goal is to regulate the processes of carrying out phytosanitary procedures that comply with European Regulations, namely European Parliament and Council Regulation (EU) No. 2016/2031 (2016). A progressive aspect is that instead of two almost identical or very similar procedures of inspection and surveillance, only surveillance remains, although, during this procedure, sampling will be carried out. Another innovation that significantly distinguishes Draft Law of Ukraine No. 8340 from Draft Law of Ukraine No. 4600 is the possibility of using drones (unmanned aerial vehicles) for the application of plant protection products. Additionally, requirements for mandatory periodic technical equipment used for the application of plant protection products are introduced in the draft law. Moreover, the draft law extensively reflects the requirement for mandatory notification of the application of plant protection products within the specified period, namely no less than forty-eight hours before such work.

In the Draft Law of Ukraine No. 8340 (2023), as in the previous Draft Law of Ukraine No. 4600 (2021), the concept of a “plant passport” is introduced. With the plant passport, there will be no need for an additional quarantine certificate. Additionally, certain functions of the state in the field of plant protection will be delegated to private individuals who will be authorised to carry out such activities. Another new document will be a permit for the importation of certain regulated harmful objects (organisms) onto the customs territory of Ukraine, including plant species or plant products. These objects will be used solely for testing purposes or educational or scientific purposes. It should be noted that the main shortcomings of Draft Law of Ukraine No. 4600, namely its inconsistency with the provisions of Law of Ukraine No. 877-V (2007), have been addressed in Draft Law of Ukraine No. 8340. In particular, Part 3 of Article 83 of Draft Law of Ukraine No. 8340 specifies that any unplanned measures may be taken in cases provided for by Ukrainian legislation on control in the field of economic activity.

The unresolved issues are that the Law of Ukraine No. 180-XIV (1998) reflects in detail the issues of plant protection against weeds and diseases, and the legal and social protection of plant protection specialists. In addition, the measures envisaged in Law of Ukraine No. 3348-XII (1993), but absent from Draft Law of Ukraine No. 8340 (2023), namely the publication and implementation of phytosanitary measures and notification of such measures, are also not taken into account. Article 40 of the draft law, which defines exceptional cases for the import of pests, is characterised by a rather arbitrary interpretation, namely: “importation (shipment) to the customs territory of Ukraine or movement within its borders of regulated non-quarantine pests and seed and/or planting material infected with them”, in

particular, for state testing, scientific or educational purposes, varietal selection or reproduction (clause 1 of this part). It is not entirely clear what the importation of such organisms for the purpose of their “reproduction” and further use means, which may pose risks to the biological and environmental safety of the territory of Ukraine. Another significant drawback of the Draft Law of Ukraine No. 8340 is that the measures introduced to establish liability for market operators for violations of plant protection legislation are not consistent with the provisions of the Code of Ukraine on Administrative Offences (1984). This may lead to cases of arbitrary interpretation of legislative norms and ultimately create acceptable conditions for avoiding administrative liability for those guilty of violating the valid plant protection legislation. This is not an exhaustive list of comments and shortcomings of the Draft Law of Ukraine No. 8340, but these are important aspects that need to be improved in the course of preparing the draft law for the second reading.

Regarding the latest analysed within this study, Draft Law of Ukraine No. 10314 (2023), it should be noted that this bill was registered in December 2023, after the actual adoption in the first reading of Draft Law of Ukraine No. 8340 (2023). Analysing the provisions of Draft Law of Ukraine No. 10314, the bill proposes solutions to the following issues: 1) harmonise legislation in the field of plant protection (namely the Laws of Ukraine “On Plant Protection” and “On Plant Quarantine”) with the provisions of Law of Ukraine No. 2073-IX (2022), which in turn will enable the proper provision of administrative services to economic entities related to plant protection; 2) determination of the Ministry of Agrarian Policy of Ukraine as the authorised body (subject) responsible for approving the procedure for forecasts of the development and

possible spread of harmful organisms; 3) authorisation of the Chief State Phytosanitary Inspector and the chief state phytosanitary inspectors to conduct and organise training for individuals wishing to engage in activities related to pesticides and other harmful substances, etc.

Overall, analysing Draft Law of Ukraine No. 10314 (2023), it is necessary to point out that its provisions somewhat contradict Draft Law of Ukraine No. 8340 (2023), as indicated in the Conclusion on the Draft Law of Ukraine No. 10314 (2023). Its adoption in the future seems entirely illogical. Hence, it is more pertinent to refine certain provisions of Draft Law of Ukraine No. 8340 during its preparation for the second reading and adoption as a whole.

Thus, the legal framework for plant protection in Ukraine is based on a complex of laws and bylaws, including constitutional principles, general norms, environmental legislation, and special provisions for the agricultural sector. International law plays an important role through treaties that become part of national legislation. Judicial decisions are also an important source of legal support. Ukraine, as a candidate country for the European Union, requires a review and update of legislation in this area to adapt to European standards and ensure compliance with international norms.

### **Conclusions**

Adapting valid Ukrainian legislation to European Union law is a mandatory factor in the gradual and proper implementation of Ukraine's priority goals and tasks aimed at gaining European recognition in the form of EU membership. Understanding the significance of this process, and constructive interaction among all branches of government, business groups, civil society organisations, and relevant authorities in this field is

essential, and all of this will yield positive results. Therefore, when generating ideas for changing and improving valid legislation in the field of plant protection, including developing progressive and new approaches to regulating such a sphere, it is necessary to first consolidate the proposals of all interested parties without exception.

The analysis of Draft Law of Ukraine No. 4600 and Draft Law of Ukraine No. 8340 confirms Ukraine's efforts to align national legislation with international standards in the field of plant protection. However, successful mechanisms developed over the years of independence regarding such protection should not be overlooked. Quite often, Ukraine chooses the wrong path by literally quoting all provisions of international treaties, regulations, and standards by mentioning them in its legislative acts. Although, considering the subject of research – the field of plant protection – international treaties envisage the necessity of preserving sovereign rights to protect one's territory from the introduction of quarantine organisms by establishing specific requirements for regulating a particular object.

In this regard, emphasis should be placed on the need to refine conflicting provisions of Draft Law of Ukraine No. 8340 and make corresponding amendments during the preparation process of the bill for the second reading. In particular, this concerns: 1) disregarding the provisions of the valid Law of Ukraine No. 180-XIV regarding plant protection from harmful organisms (weeds, diseases) and the uncertainty of legal and social protection for plant protection specialists, which is not reflected in Draft Law of Ukraine No. 8340; 2) disregarding some measures reflected in Law of Ukraine No. 3348-XII, namely: the necessity of timely notification of phytosanitary measures and its subsequent publication; 3) the need to harmonise the specified measures of legal liability in

Draft Law of Ukraine No. 8340 with the Code of Ukraine on Administrative Offences. Prospects for further research may include a legal analysis of Draft Law of Ukraine No. 8340, which will be prepared for the second reading.

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None.

### **Conflict of Interest**

None.

### **References**

- [1] Association No. 984\_011 "On Agreement Between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and Their Member States, on the Other Hand". (2014, September). Retrieved from [https://zakon.rada.gov.ua/laws/show/984\\_011#Text](https://zakon.rada.gov.ua/laws/show/984_011#Text).
- [2] Bahai, N.O. (2021). *Theoretical and methodological foundations of the development of agrarian legislation of Ukraine in the conditions of European integration*. (Doctoral thesis, Vasyl Stefanyk Precarpathian National University, Ivano-Frankivsk, Ukraine).
- [3] Bosnyuk, Yu.P. (2022). Legislative provision of phytosanitary measures of a biotechnological nature. *International Scientific Journal "Internauka". Series: "Juridical Sciences"*, 10, 29-38. doi: 10.25313/2520-2308-2022-10-8355.
- [4] Bosnyuk, Yu.P. (2023). *Legal regulation of the application of phytosanitary measures in the agriculture of Ukraine*. (Doctoral dissertation, National University "Odesa Law Academy", Odesa, Ukraine).
- [5] Boychuk, A.Yu. (2018). *International experience of regulation of norms of legal responsibility for offenses in the field of environmental protection*. *Actual Problems of Politics*, 61, 137-155.
- [6] Burakovskiy, I., Movchan, V., Kozyakov, O., Krasovska, O., Zaitseva, S., Butin, A., Kravchuk, V., ... Pylypenko, A. (2016). *White book. How to realize the export potential of Ukraine under the conditions of globalization: Policy proposals for promoting Ukrainian exports*. Kyiv: Institute for Economic Research.
- [7] Code of Ukraine on Administrative Offences. (1984, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/80731-10#Text>.
- [8] Conclusion on the Draft Law of Ukraine No. 10314 "On Amendments to Some Laws of Ukraine on Eliminating Inconsistencies in the Fields of Legislation on Plant Protection and State Control". (2023, December). Retrieved from <https://itd.rada.gov.ua/billInfo/Bills/pubFile/2151174>.
- [9] Decree of the Cabinet of Ministers of Ukraine No. 38 "On the Accession of Ukraine to the Convention Establishing the European and Mediterranean Plant Protection Organisation". (1994, January). Retrieved from [https://ips.ligazakon.net/document/view/kp940038?ed=1994\\_01\\_27](https://ips.ligazakon.net/document/view/kp940038?ed=1994_01_27).
- [10] Decree of the President of Ukraine No. 81/2006 "On the Accession of Ukraine to the International Plant Protection Convention". (2006, January). Retrieved from [https://ips.ligazakon.net/document/U081\\_06?an=12](https://ips.ligazakon.net/document/U081_06?an=12).
- [11] Draft Law of Ukraine No. 10314 "On Amendments to Some Laws of Ukraine Regarding the Elimination of Inconsistencies in the Areas of Plant Protection Legislation and State Control". (2023, May). Retrieved from <https://itd.rada.gov.ua/billInfo/Bills/Card/43331>.
- [12] Draft Law of Ukraine No. 4600 "On Plant Protection". (2021, January). Retrieved from [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=70832](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70832).

- [13] Draft Law of Ukraine No. 8340 "On State Regulation of the Field of Plant Protection". (2023, January). Retrieved from <https://ips.ligazakon.net/document/view/1108588A?an=2&q=%D0%A3%D0%9A%D0%A2%20%D0%97%D0%95%D0%94>.
- [14] Eschen, R., Britton, K., Brockerhoff, E., Burgess, T., Dalley, V., Epanchin-Niell, R.S., Gupta, K., ... Theyse, M. (2015). International variation in phytosanitary legislation and regulations governing importation of plants for planting. *Environmental Science & Policy*, 51, 228-237. doi: 10.1016/j.envsci.2015.04.021.
- [15] European Parliament and Council Regulation (EU) No. 2016/2031 "On Protective Measures Against Plant Pests, Amending Regulations (EU) No. 228/2013, (EU) No. 652/2014 and (EU) No. 1143/2014 of the European Parliament and of the Council and Repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EEC, 2000/29/EC, 2006/91/EC and 2007/33/EC". (2016, October). Retrieved from [https://zakon.rada.gov.ua/laws/show/984\\_030-16?lang=en#Text](https://zakon.rada.gov.ua/laws/show/984_030-16?lang=en#Text).
- [16] Explanatory Note to the Draft Law of Ukraine No. 4600 "On Plant Protection". (2021, January). Retrieved from [https://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=70832](https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70832).
- [17] Explanatory Note to the Draft Law of Ukraine No. 8340 "On State Regulation of Plant Protection". (2023, January). Retrieved from <https://itd.rada.gov.ua/billInfo/Bills/Card/41128>.
- [18] FAU insists on taking into account the positions of business when finalising the Draft Law "On Plant Protection". (2021). Retrieved from <http://surl.li/skjdl>.
- [19] Godyak, A.I. (2018). [Problems of applying administrative responsibility for violation of phytosanitary legislation](#). *Uzhhorod National University Herald. Series: Law*, 2(49), 24-28.
- [20] International Plant Protection Convention. (1997, November). Retrieved from <https://www.fao.org/documents/card/en/c/cd0175en>.
- [21] Karpinska, N.V. (2021). [Conceptual and legal principles of application of sanitary and phytosanitary measures in the agriculture of Ukraine in the context of WTO and EU requirements](#). (Doctoral thesis, National University "Odesa Law Academy", Odesa, Ukraine).
- [22] Karstensen, K., Kinh, N., Thang, L., Viet, Ph., Tuan, Ng., Toi, D., Hung, N.H., ... Thang, D. (2016). Environmentally sound destruction of obsolete pesticides in developing countries using cement kilns. *Environmental Science & Policy*, 9(6), 577-586. doi: 10.1016/j.envsci.2006.05.005.
- [23] Kartashova, O. (2021). Ensuring environmental safety in the agricultural sector. *Visnyk of Kherson National Technical University*, 77(2), 137-142. doi: 10.35546/kntu2078-4481.2021.2.17.
- [24] Kostenko, S.O. (2021). Pesticides and agrochemicals as innovations in the agricultural sector: Towards the issue of legal regulation of "Reasonable limits" of use. In *International scientific and practical conference "On guard of the land system: On the 20<sup>th</sup> anniversary of the Land Code of Ukraine"* (pp. 92-98). Kyiv: National University of Life and Environmental Sciences of Ukraine.
- [25] Law of Ukraine No. 180-XIV "On Plant Protection". (1998, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/180-14?lang=en>.
- [26] Law of Ukraine No. 2073-IX "On Administrative Procedure". (2022, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2073-20?lang=en#Text>.
- [27] Law of Ukraine No. 250-VI "On the Ratification of the Protocol on the Accession of Ukraine to the World Trade Organisation". (2008, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/250-17?lang=en#Text>.

- [28] Law of Ukraine No. 3348-XII “On Plant Quarantine”. (1993, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/3348-12?lang=en>.
- [29] Law of Ukraine No. 591-XIV “On Flora”. (1999, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/591-14?lang=en#Text>.
- [30] Law of Ukraine No. 86/95-VR “On Pesticides and Agrochemicals”. (1995, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/86/95-%D0%B2%D1%80?lang=en#Text>.
- [31] Law of Ukraine No. 877-V “On the Main Principles of State Supervision (Oversight) in the Area of Commercial Activity”. (2007, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/877-16?lang=en#Text>.
- [32] Marchenko, S.I. (2023). Legal bases of the state agrarian policy of Ukraine regarding sanitary and phytosanitary measures under martial law. *Uzhhorod National University Herald. Series: Law*, 76(2), 24-28. doi: 10.24144/2307-3322.2022.76.2.3.
- [33] Order of the Ministry of Agrarian Policy and Food of Ukraine No. z0380-13 “On the Approval of Fees for Services in Matters of Veterinary Medicine, Plant Protection, Protection of Rights to Plant Varieties, which are Provided by Bodies and Institutions Included in the Sphere of Management of the State Veterinary and Phytosanitary Service of Ukraine”. (2013, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0380-13?lang=en#Text>.
- [34] Order of the Ministry of Agrarian Policy and Food of Ukraine No. z1657-13 “On the Approval of the Procedure for Processing Materials on Administrative Offences by the Chief State Phytosanitary Inspector of Ukraine, the Chief State Phytosanitary Inspectors of the Autonomous Republic of Crimea, the City of Kyiv, Regions, Their Deputies and State Phytosanitary Inspectors”. (2013, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1657-13?lang=en#Text>.
- [35] Order of the Ministry of Agrarian Policy and Food of Ukraine No. z0560-19 “On the Approval of Unified Forms of Acts Drawn up Based on the Results of Planned (Unplanned) Measures of State Supervision (Control) Regarding Compliance by the Economic Entity with the Requirements of Legislation in the Areas of Quarantine and Plant Protection”. (2019, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0560-19?lang=en#Text>.
- [36] Pishchenko, O.V. (2019). Normative and legal provision of regulation of environmental and economic security of the agricultural sector in Ukraine. *Bulletin of the Khmelnytskyi National University. Series: “Economic Sciences”*, 3, 267-272. doi: 10.31891/2307-5740-2019-270-3-267-272.
- [37] Plant Health: Revision of Regulation (EU) 2016/2031 on protective measures against plant pests. (2024, January). Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/753189/EPRS\\_BRI\(2024\)753189\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/753189/EPRS_BRI(2024)753189_EN.pdf).
- [38] Resolution of the Cabinet of Ministers of Ukraine No. 1661-2003-p “On Measures for Ukraine’s Accession to the Food and Agriculture Organisation of the United Nations (FAO)”. (2003, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1661-2003-%D0%BF?lang=en#Text>.
- [39] Resolution of the Cabinet of Ministers of Ukraine No. 34-2019-p “On the Approval of the Criteria by which the Degree of Risk from the Implementation of Economic Activities in the Field of Plant Protection is Assessed and the Periodicity of Planned Measures of State Supervision (Control) by the State Service for Food Safety and Consumer Protection is determined”. (2019, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/34-2019-%D0%BF#Text>.

- [40] Resolution of the Cabinet of Ministers of Ukraine No. 458-2023-p “On the Approval of the Procedure for Obtaining a Certificate of the Right to Work with Pesticides”. (2023, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/458-2023-%D0%BF#Text>.
- [41] Resolution of the Cabinet of Ministers of Ukraine No. 881-95-p “On the Approval of the Procedure for State Accounting of the Availability and Use of Pesticides and Agrochemicals”. (1995, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/881-95-%D0%BF?lang=en#Text>.
- [42] Resolution of the Verkhovna Rada of the Ukrainian SSR No. 1427-XII “On Declaration of Independence of Ukraine”. (1991, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/1427-12?lang=en#Text>.
- [43] Ruvyn, O.H., & Dubova, K.O. (2024). Ensuring environmental security of the state in today’s conditions: Administrative and legal characteristics. *Legal Scientific Electronic Journal*, 1, 300-303. doi: 10.32782/2524-0374/2024-1/66.
- [44] Schleiffer, M., & Speiser, B. (2022). Presence of pesticides in the environment, transition into organic food, and implications for quality assurance along the European organic food chain. *Environmental Pollution*, 313, article number 120116. doi: 10.1016/j.envpol.2022.120116.
- [45] Sirant, M.M. (2021). *Administrative and legal characteristics of the activities of public authorities regarding the provision of environmental safety in the face of globalization challenges*. (Doctoral dissertation, Lviv Polytechnic National University, Lviv, Ukraine).
- [46] Ukraine has been granted the EU candidate status. (2022). Retrieved from <https://visitukraine.today/blog/539/ukraine-has-been-granted-the-eu-candidate-status>.
- [47] Vasylenko, L.V. (2018). *Improvement of state policy in the field of pesticide circulation*. *The Economic Discourse*, 2, 25-32.
- [48] Vasylenko, L.V., & Korchyńska, O.A. (2020). *Plant protection chemicals market*. Kyiv: Academy of Labour, Social Relations and Tourism.
- [49] Vdovenko, N., Tomilin, O., Kovalenko, L., Gechbaia, B., & Konchakovskiy, E. (2022). Global trends and development prospects of the market of plant protection products. *Agricultural and Resource Economics: International Scientific E-Journal*, 8(2), 179-205. doi: 10.51599/are.2022.08.02.10.
- [50] Yaroshenko, A.S. (2019). *Environmental law: The legislation of Ukraine in the field of plant protection. Collection of regulatory legal acts*. Dnipro: PE K.O. Bila.

## Сучасний стан нормативно-правового забезпечення захисту рослин та його удосконалення у контексті законопроектної діяльності

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### Анотація

Актуальність обраної тематики полягає в тому, що протягом останніх років в Україні спостерігається тенденція напрацювання змін до чинного законодавства у сфері захисту рослин, що, в тому числі обумовлено необхідністю адаптації українського законодавства до законодавства Європейського Союзу. Метою дослідження виступає комплексний аналіз сучасного та перспективного стану нормативно-правового забезпечення захисту рослин в Україні. Методи дослідження, що були використані в роботі: порівняльно-правовий, системно-структурний, формально-логічний та догматичний методи. Система законодавства, що регулює екологічну та економічну безпеку в аграрному секторі України, ґрунтується на конституційних та загальних нормах, екологічному законодавстві, міжнародних договорах, а також підзаконних актах, які забезпечують їхню практичну реалізацію. Результатами дослідження встановлено, що сучасний стан нормативно-правового забезпечення захисту рослин в Україні потребує перегляду та оновлення у зв'язку з наявністю застарілих, недосконалих та сформованих під радянським впливом правових норм у сфері захисту рослин, а також євроінтеграційними перспективами України. Зроблено висновки щодо необхідності доопрацювання суперечливих та колізійних положень проекту Закону України «Про державне регулювання сфери захисту рослин» та внесення відповідних правок у процесі підготовки законопроекту до другого читання. Наголошено на необхідності зосередження уваги саме на подальшому впровадженні такого законопроекту та недоцільності прийняття проекту Закону України «Про внесення змін до деяких законів України щодо усунення неузгодженостей у сферах законодавства про захист рослин та державний контроль». Матеріали дослідження можуть стати теоретичним підґрунтям для усунення прогалин в українському законодавстві, а також можуть бути корисними для студентів, викладачів у процесі підготовки до таких дисциплін як: «Екологічне право України», «Природоресурсне право України», «Флористичне право України» тощо

**Ключові слова:** рослинний світ; фітосанітарні заходи; карантин; пестициди; агрохімікати; нормативно-правове забезпечення; паспорт рослин; законотворчість

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