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LEGAL REGULATION OF THE PROBLEMS OF ENSURING FOOD SECURITY IN UKRAINE AND EUROPEAN UNION'S COUNTRIES IN THE CONDITIONS OF MODERN CHALLENGES AND DANGERS

ABSTRACT

The purpose of the article is to identify the problems of ensuring the food security of Ukraine and the countries of the European Union in the conditions of modern challenges and dangers in the context of substantiating the peculiarities of their legal regulation. The problems of ensuring food security in Ukraine and in the countries of the European Union became acute during the spread of the COVID-19 pandemic, significantly intensified under the influence of a full-scale war of Russia against Ukraine in 2022 and threatened with the spread of global hunger. It has been established that the essence of food security lies in the creation by the state of favourable opportunities capable of ensuring proper conditions for the production of food products, the opportunity for the population to get food products, and their constant availability and stable supply. The main problems of ensuring food security in Ukraine and the European Union's countries are outlined, in particular: (1) Russia's war against Ukraine; (2) conducting active hostilities in agricultural territories; (3) blockade by the aggressor country of seaports and annexation of significant Ukrainian territories; (4) violation of established food trade mechanisms; (5) unbalancing food products supply chains; (6) growing shortage of food products and their prices on the European and international food market; (7) dependence of the countries of the European Union on the export of products from Ukraine and Russia. The main measures to increase the level of food security are proposed, the most important of which are ending the war in Ukraine; consolidating the international community's efforts to unblock seaports in the Black Sea and ensuring the uninterrupted supply of food to the countries of the European Union; balancing European and international food markets and reducing the rate of spread of hunger.

Keywords: legal regulation, food security, threats, legal relations, global food system, food insecurity, Global Food Security Index, food crisis, the threat of hunger

JEL Classification: H56, Q18

INTRODUCTION

The strengthening of the processes of globalization and the emergence of new modern challenges and dangers, which are connected with geopolitical changes and the full-scale military invasion of the Russian Federation on the territory of independent and sovereign Ukraine, its deployment of active hostilities, the occupation of significant Ukrainian territories and the blocking of seaports, caused the emergence of a threat to the provision of food security, the strengthening of the food crisis and the spread of global hunger, the scale of which has already become critical due to climate change and the negative impact of the COVID-19 pandemic. It is obvious that the armed aggression and the unprovoked war of the Russian Federation against Ukraine further aggravated the serious crisis phenomena not only in Ukraine, but also in the countries of the European Union, as a result of which the existing system of the global food supply has suffered significant destabilizing effects, and the parameters of its functioning are significantly unbalanced by factors of uncertainty, instability and dangers. Since Ukraine and the Russian Federation are the world's largest exporters of agricultural products, the

resolution of the armed conflict between them is gradually transforming into one of the priority tasks of the international community, because the threat of a global food crisis has become even more actualized due to the aggravation of problems of unevenness and frequent interruptions in the supply of products and violations of supply chains. The mentioned trends indicate the problem of a sharp increase in food product prices on a global scale and limited access to them for the population with an average and low-income level, as a result of which the processes of the spread of hunger are deepening. It is obvious that the problems of ensuring food security of Ukraine and the countries of the European Union in the conditions of modern challenges and dangers require an immediate solution, which actualizes the topic of the research and determines the need for its in-depth study.

LITERATURE REVIEW

The problematic aspects of ensuring food security in the conditions of challenges and dangers of modern times have been reflected in the research of leading domestic and foreign scientists for a long period of time and are especially actualized in the context of the military resistance of Ukraine to the armed aggression of the Russian Federation and the aggravation of the problem of the spread of hunger in the countries of the world and the European Union, in particular.

A significant contribution to the search for effective methods of solving food security problems was made by M. Canfield, M.D. Anderson and P. McMichael [1], who established that as a result of the Russian-Ukrainian war, the food markets of the European countries have undergone significant destructive changes, and global food systems are unable to fully ensure their functioning. Moreover, multilateral food security management institutions at the international level are not able to ensure the preservation of existing food supply chains to the countries of the world, as a result of which there are violations of contract terms and non-fulfilment of contracts. It is obvious that under such circumstances, the problem of ensuring food security at the global level turns into one of the most priority areas of international policy, since, as S. Berg, L. Patel and G. Bridgman [2] point out, the threat of hunger is brewing in the world, which is intensifying against the backdrop of a prolonged food crisis and insecurity and, as a result of significant destructive changes in the food system caused by the COVID-19 pandemic.

It is an absolute fact that the problems of ensuring food security existed long before the full-scale invasion of the Russian Federation on the territory of Ukraine, however, they were not as acute as they are today. Parekh N., Ali S., O'Connor J., Tozan Ye., and others [3], claim that Russia's war in Ukraine only deepened the processes of food instability, and the key role in the system of unbalancing the scenarios of combating global hunger was played by the COVID-19 pandemic itself. One cannot but agree with the scientists, because it is worth admitting that it was during the coronavirus crisis that the possibilities of access of a significant part of the European population to food products and a healthy lifestyle were limited. In addition, the population's loss of jobs and the strengthening of unemployment in the European countries caused the problem of meeting priority needs in food products, which, as noted by D. Fang, M.R. Thomsen, R.M. Nayga [4], leads to loss of health and the development of concomitant diseases. In this context, scientists insist that the problems of ensuring food security at the level of each country should be regulated by mechanisms of state and legal influence, in accordance with which an appropriate toolkit of legal regulation of the processes of providing material support to socially vulnerable sections of the population should be developed.

Savary S., Waddington S., Akter S., Connie J., Harris J., and others [5] define food security as the need to ensure access to food products and protect the interests of the population when establishing a price policy for food products, protect producers and distributors, as well as provide all subjects with unimpeded access to food markets.

At the same time, A. Fahy [6] claims that food security is the inalienable right of a person and a citizen to access food products and obtain them in quantities sufficient to maintain life, and he interprets ensuring food security as the creation of favourable conditions for the production of food products, the opportunity to get them, their constant availability and stable supply. In this context, the remarks of J. Junaidi, A. Amril and R. Hernando [7] are valid, which prove that ensuring food security can be considered the moment when the needs of all participants in relations on the food market are met, as a result of which parity is ensured between availability of food products, equality and fairness of their distribution and unhindered consumption.

Some scientists, in particular, Z. Zhyvko, N. Danylenko, and M. Stadnyk [8], as well as V. Hobela, S. Melnyk, and M. Kurliak [9], draw attention to the complexity of mechanisms for assessing the level of food security and claim that an important condition for ensuring optimal parameters of food security in the country should be continuous control of indicators characterizing the food sphere. At the same time, they substantiate the justification and expediency of calculating the level of food security based on the assessment of the Global Food Security Index.

Forman J. [10] considers destructive changes in the population system to be the main problem of reducing the level of food security in the world and claims that the unsettledness of migration processes leads to congestion of the labour and food markets of those countries to which the largest number of migrants are sent. Therefore, as noted by O. Pohorielova [11], ensuring the optimal level of food security requires a balanced approach to the formation of an effective system of the country's food potential, especially in conditions of uncertainty and increased influence of military risks. At the same time, the scientist singles out the most important factors influencing the level of food security, which include: (1) climate change; (2) conflicts and wars; (3) pandemics; (4) economic downturns and (5) the country's food policy. The opinion of scientists is shared by Yu. Shcheglova [12], who came to the conclusion that ensuring the food security of the country requires effective legal regulation of phenomena and processes occurring in the agro-industrial complex and the ability of the state to ensure proper conditions for the protection of the population and its receipt of ecologically clean, useful and healthy food products in sufficient quantity for leading a healthy lifestyle, because, as A. Kyrchenko [13] proves, the russian-Ukrainian war provoked the aggravation of problems of access to basic food products in many European countries, and those food reserves that are currently available and were covered by the export of agricultural products from Ukraine, will not be able to meet the food needs of 440 million people. According to forecasts made by S. Viviani and J. Ray [14], the level of food security in the European countries in 2023 will take on crisis indicators, because it is calculated that already in 2022, 13 million people in the world were undernourished, and in 2023 the indicated rate of malnutrition will reach the mark of 19 million people. Therefore, scientists claim that the rate of spread of hunger on a global scale depends on the resolution of the armed conflict between Ukraine and the russian federation.

The outlined problems are being discussed quite actively at the international level and attempts are being made to find effective ways out of the global food crisis, that most often has a destructive effect on transitory countries with a low level of development, in which the level of food security is much lower. This thesis is confirmed by the published Global Reports on Food Security [15], in which the main emphasis is placed on recording the rapid rate of spread of hunger, the rapid growth of food products prices, and the need to ensure optimal food security indicators by every country in the world. Moreover, in the conditions of severe military confrontation at the international level, it was possible to conclude a multi-lateral agreement between the UN and Ukraine, as well as between the UN and russia, with the mediation of Turkey, on the organization of the export of agricultural products from Ukraine through the so-called "grain corridor".

In the annual Reports on the state of food security and nutrition in the world [16; 17] it is noted that the main measures to overcome hunger under the influence of the war in Ukraine are levelled by the risks and dangers generated by military actions. Moreover, global food security suffers from modern risks and threats, and the food insecurity of countries is deepening and acquiring critical indicators.

The outlined trends prove that the problems of ensuring food security have become particularly acute in modern conditions and require an immediate solution and strengthening of the legal regulation of mechanisms necessary to achieve the desired results both in Ukraine and in the countries of the European Union. In view of the above, the chosen issue is relevant and requires in-depth study and additional research.

AIMS AND OBJECTIVES

The purpose of the article is to identify the problems of ensuring the food security of Ukraine and the countries of the European Union in the conditions of modern challenges and dangers in the context of substantiating the peculiarities of their legal regulation. In order to achieve the set goal, it is necessary to solve the following tasks: define the essence of food security and identify the features of its provision; outline the main aspects of legal regulation of food safety in Ukraine and in the European Union's countries; assess the current state and main trends affecting the change in food safety parameters in the European Union countries and in Ukraine; determine the main directions of strengthening food security in Ukraine and in the countries of the European Union.

METHODS

The methodological base of the research consists of general scientific and special methods of economic analysis, namely: to determine the essence of food security and identify the features of its provision, the method of comparative analysis, synthesis, scientific abstraction and system analysis was used; the study of the main aspects of the legal regulation of food safety in Ukraine and in the countries of the European Union was carried out using the method of observation and the functional-systemic approach; empirical assessments of the state and trends affecting the change in food security parameters in the European Union's countries and in Ukraine, were carried out on the basis of the method of comparison

and statistical analysis; the formation of conclusions and results of the conducted research was performed using the method of generalization and systematization.

RESULTS

Ensuring the food security of Ukraine and European Union countries in the conditions of modern challenges and dangers has turned into one of the most difficult tasks for every country in the world and the entire international community in general. The unconditional existence of significant problems of a global and local nature is proved by the strengthening of the food crisis and the deepening of the risks and threats of global hunger. It is obvious that ensuring the optimal parameters of food security has gradually transformed into one of the priority tasks of the state regulation of the socio-economic interests of each state, the successful implementation of which is impossible without the coordinated interaction of the countries of the world in the field of production and sale of food products, because, due to the excessive influence of geopoliticization factors, the change in climatic conditions, and the diversity of geographical location, not every country is able to achieve optimal parameters of food security. However, it is worth stating that balancing the international food market in conditions of global instability is quite a difficult task, which was significantly complicated by the destabilizing factors of the war of the Russian Federation against Ukraine. Moreover, not only the food markets of the countries participating in the armed conflict but also of the countries bordering them, especially those that are part of the European Union, have suffered a devastating impact.

In this context, we consider it expedient to conduct a study of the state and trends of changes in food security parameters in Ukraine and the countries of the European Union during 2019–2022 by analyzing the Global Food Security Index.

The results of the analysis of the parameters of the Global Food Security Index in Ukraine during 2019–2022 (Figure 1), the calculation of which is based on the assessment of economic and physical accessibility to food products, their environmental friendliness, quality and safety, as well as the stability of supply and constant availability, prove that there is no stable positive trend in ensuring and strengthening food security in the country. In particular, it is worth noting that in the period of 2019–2020, growing trends were observed concerning strengthening food security, as evidenced by the increase in the value of the Global Food Security Index by 5.9 percentage points in 2020 (63 percentage points) compared to the value of 2019 (57.1 percentage points). However, in the following years, a stable trend towards a decrease in food security parameters was formed, the level of which is gradually decreasing from 63 percentage points in 2020 to 62 percentage points in 2021 and to 57.9 percentage points in 2022. It becomes obvious that the starting point of significant destructive changes was precisely the coronavirus crisis of 2020, which certainly increased food instability and the risks of the spread of hunger.

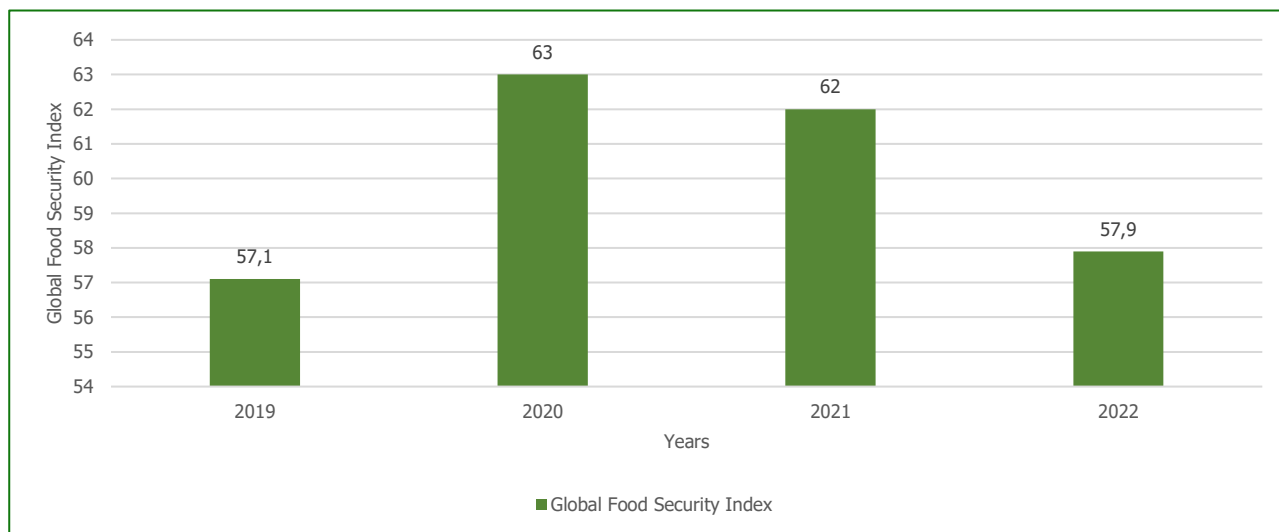


Figure 1. State and dynamics of changes in the Global Food Security Index in Ukraine in 2019–2022. (Source: calculated on the basis of: [18–22])

The next most critical period is the period of active hostilities on the territory of Ukraine in 2022, the food security indicators of which decreased by 4.1 percentage points from 62 percentage points in 2021 to 57.9 percentage points in 2022. It is obvious that it was the war in Ukraine that created a number of unprecedented factors destabilizing the situation in the

food market of Ukraine and the European Union's countries because, in the pre-war period, Ukraine itself was positioned as the second largest supplier of grain to the countries of the European Union, the export indicators of which were estimated in about 14% of the total volumes of grain imports by the countries of the European Union. However, in 2022, due to the negative impact of the humanitarian crisis caused by the Russian Federation, Ukraine was unable to fully realize its agro-industrial potential, as a result of which the sown areas were not used as intended, and the limited fuel reserves significantly destabilized the harvesting processes and the sowing campaign.

Another extremely important factor in the weakening of Ukraine's position on the world food market and the decrease in its food security indicators is the occupation by the aggressor country of seaports, a significant number of which have ceased their activities (Odesa, Bilhorod-Dnistrovskyi, Kherson, Skadovsk, Mykolayiv, Berdyansk, Olviia, Mariupol, Chornomorsk and Pivdennyi) due to the excessive threat of shelling and the impossibility of sea transportation, as a result of which Ukraine, having significant agricultural potential, the largest areas of fertile chernozems and a geographical location favourable for agriculture, lost free access to international food markets. It is obvious that the presence of such significant advantages in Ukraine became one of the reasons for the armed aggression of the Russian Federation because it was precisely the developed port infrastructure that allowed Ukraine to use the Black Sea in the supply of food products to the European Union's countries and other countries of the world, which was an obstacle for Russia to establish itself as a monopoly on the world market of grain products.

This is confirmed by studies of indicators of the volume and value of grain and oil crops exported from Ukraine, which were estimated at billions of USD only in 2022 (Figure 2). In particular, wheat (21.9 million tons), corn (9.6 million tons) and sunflower oil (3.9 million tons) accounted for the largest share of food exports from Ukraine. At the same time, the value indicators of product exports indicate that wheat was exported in the amount of USD 5.3 billion, corn – USD 2.3 billion, sunflower oil – USD 5 billion, rapeseed – USD 1.4 billion and meal from vegetable fats and oil – USD 0.67 billion.

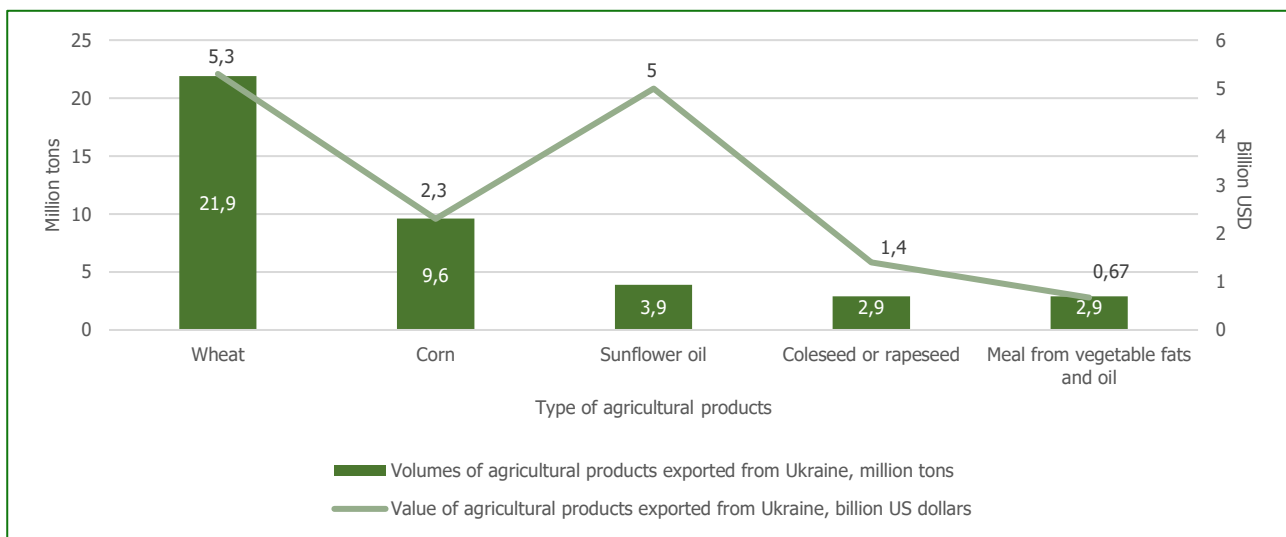


Figure 2. Volumes and value of grain and oil crops exported from Ukraine in 2022, million tons, USD billion. (Source: calculated on the basis of: [23; 24])

The assessments of the level of food security in the countries of the European Union for the same period of 2019–2022 (Figure 3) give grounds for asserting that in this group of countries, the problems of ensuring food security exist throughout the analyzed period and became particularly acute in 2022. In addition, a significant share of the European Union countries did not calculate the Global Food Security Index until 2022, namely: the Baltic States (Estonia, Latvia, Lithuania), Cyprus, Malta, Luxembourg, Croatia and Slovenia. In other countries, the parameters of food security are characterized by quite different values. In particular, there are countries with high food security indicators, which include Austria, Ireland, the Netherlands, Finland, Belgium, Denmark, France, Sweden and Germany, where the needs of the population in food products are met to the fullest extent, stably and without obstacles, and their quality is evaluated by the highest indicators and meets European and international standards.

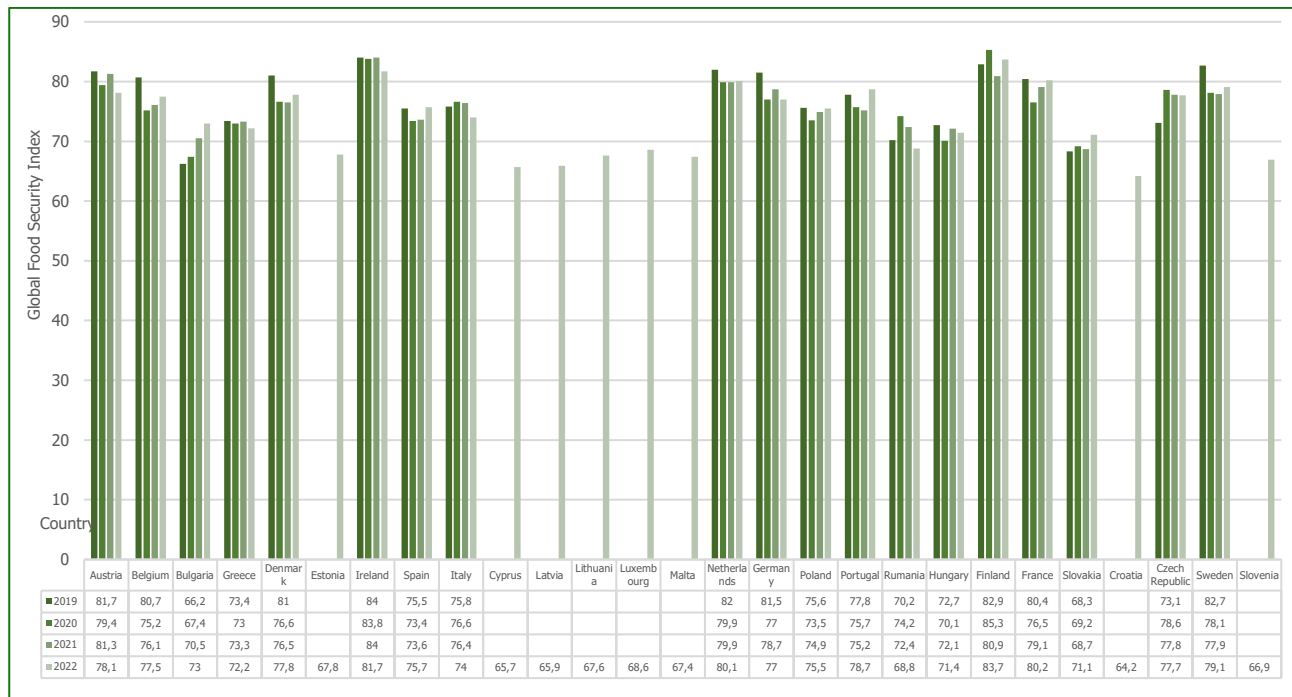


Figure 3. State and dynamics of changes in the Global Food Security Index in the countries of the European Union in 2019–2022.
(Source: calculated on the basis of: [18–22])

Countries such as Spain, Italy, Greece, Poland, Bulgaria, the Czech Republic and Portugal are characterized by somewhat lower values of the Global Food Security Index, in which the level of food security is sufficiently high, however, there is a certain dependence on other countries for the supply of certain types of food and raw materials. For example, under the influence of the Russian-Ukrainian war in Spain in 2022, significant problems arose in providing the population with sunflower oil, the shortage of which became too noticeable, and prices for this type of product rose sharply.

The lowest food security parameters are recorded in Estonia, Latvia, Lithuania, Cyprus, Malta, Luxembourg, Croatia and Slovenia, most of which have recently completed the process of their transformational reconstruction and experience significant challenges in ensuring the security of national food systems and significant imbalances in domestic food markets.

It becomes obvious that the problems of ensuring food security are present not only in Ukraine but also in the countries of the European Union [25]. It turns out to be an absolute fact that in 2022 the parameters of food security in all the countries selected for the analysis weakened significantly. The specified trends allow us to state the deepening of the global food crisis and determine the need to find effective ways out of it and methods of strengthening food security both at the international and national levels.

DISCUSSION

The conducted studies of the peculiarities and problems of ensuring food security in Ukraine and the countries of the European Union in the conditions of modern challenges and dangers in the context of substantiating the peculiarities of their legal regulation give grounds for asserting that the food crisis has deepened in Ukraine and the European Union's countries, which has acquired a qualitatively new look under the influence of full-scale war of the Russian Federation against Ukraine. On the basis of the obtained results, it is possible to single out the most important problems of ensuring food safety and its legal regulation, which include:

- growing shortage of global food reserves of grain crops and sunflower oil;
- a sharp rise in food products prices;
- a decrease in the level of productivity of Ukraine's land resources due to active hostilities in significant Ukrainian agricultural territories;
- restriction of access to the waters of the Black Sea, blocking and termination of activity of a significant number of seaports, which makes free access to European and world food markets impossible;

- increased competition in European food markets and attempts to displace Ukraine from them;
- violation of international mechanisms of trade in products of the agro-industrial complex and significant imbalance of food supply chains;
- significant raw material dependence of the countries of the European Union on the export of Ukraine and Russia, which are in a state of military conflict.

In order to get out of the global food crisis and ensure optimal indicators of food security in Ukraine and in the European Union's countries, we consider it necessary to consolidate the main efforts of the international community to end the military confrontation between Ukraine and the Russian Federation, which will allow:

- to increase the effectiveness of agricultural land use for the purpose of food production;
- to unblock the seaports in the Black Sea and ensure the uninterrupted supply of food to the countries of the European Union and to other countries of the world;
- to balance the European and international food markets and cover the population's needs for high-quality and vital food products;
- to reduce the rate of spread of hunger.

The proposed measures should be implemented not only at the level of one or several countries since food security and the fight against hunger have transformed into global problems of humanity, the solution of which requires coordinated interaction at various levels of international legal relations.

CONCLUSIONS

Thus, based on the results of the conducted study of the peculiarities and problems of ensuring food security in Ukraine and the European Union's countries in the conditions of modern challenges and dangers in the context of substantiating the peculiarities of their legal regulation, it can be concluded that the crisis conditions of modern times have provoked the deepening of the processes of food instability in the world and threaten with the spread of hunger in a significant number of countries of the world. The article states that ensuring food security involves the creation by the state of appropriate conditions favourable for the production of food products, an opportunity for the population to get them, their constant availability and stable supply. It has been proved that the level of food security in Ukraine and the countries of the European Union has significantly decreased under the influence of the factors and dangers of the full-scale invasion of the Russian Federation on the territory of independent Ukraine. Significant problems in ensuring optimal indicators of food security in Ukraine and in the European Union's countries were identified, including Russia's war against Ukraine and its deployment of active hostilities, the blocking of seaports by the aggressor country and the annexation of significant Ukrainian territories; violation of international food products trade mechanisms and imbalance of food supply chains; growing shortage of food products and their prices, as well as the significant dependence of the countries of the European Union on the export of raw materials from Ukraine and Russia. It was found that the solution to the mentioned problems requires the consolidation of the efforts of the international community and the formation of a complex of effective measures to ensure food security at the national and international levels.

ADDITIONAL INFORMATION

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ПРАВОВЕ РЕГУЛЮВАННЯ ПРОБЛЕМ ЗАБЕЗПЕЧЕННЯ ПРОДОВОЛЬНОЇ БЕЗПЕКИ УКРАЇНИ ТА КРАЇН ЄВРОПЕЙСЬКОГО СОЮЗУ В УМОВАХ ВИКЛИКІВ І НЕБЕЗПЕК СУЧАСНОСТІ

Мета дослідження полягає у виявленні проблем забезпечення продовольчої безпеки України та країн Європейського Союзу в умовах викликів і небезпек сучасності в контексті обґрунтування особливостей їх правового регулювання. Проблеми забезпечення продовольчої безпеки в Україні та в країнах Європейського Союзу загострилися в період поширення пандемії COVID-19, істотно посилюються під впливом повномасштабної війни росії проти України у 2022–2023 рр. і загрожують поширенням глобального голоду. Установлено, що сутність продовольчої безпеки полягає у створенні державою сприятливих можливостей, спроможних забезпечити належні для виробництва продуктів харчування умови, доступність отримання населенням продовольчих товарів, постійну їх наявність та стабільне постачання. Окреслено основні проблеми забезпечення продовольчої безпеки в Україні та в країнах Європейського Союзу, зокрема: (1) війна росії проти України; (2) ведення активних бойових дій на територіях сільськогосподарського призначення; (3) блокування країною-агресором морських портів та анексія значних українських територій; (4) порушення усталених механізмів торгівлі продовольством; (5) розбалансування ланцюгів постачання продовольчих товарів; (6) зростання дефіциту продовольчих товарів, цін на них на європейському та міжнародному продовольчому ринку; (7) залежність країн Європейського Союзу від експорту продукції з України та росії. Запропоновано основні заходи підвищення рівня продовольчої безпеки, найбільш вагомими з яких є припинення війни в Україні; консолідація зусиль міжнародної спільноти щодо розблокування морських портів в акваторії Чорного моря та забезпечення безперебійного постачання продовольства в країні Європейського Союзу; збалансування європейських і міжнародних продовольчих ринків та зниження темпів поширення голоду.

Ключові слова: правове регулювання, продовольча безпека, загрози, правові відносини, глобальна продовольча система, продовольча незахищеність, Глобальний індекс продовольчої безпеки, продовольча криза, загроза голоду

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