

**SOCIAL PROTECTION OF ECONOMIC AND LEGAL  
RIGHTS OF EMIGRANTS IN THE CONTEXT  
OF REFORMING VETERINARY LEGISLATION OF UKRAINE  
AND PRESERVATION OF HUMAN CAPITAL  
UNDER CONDITIONS OF WAR AND DIGITALIZATION**

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**INTRODUCTION**

The Vice-President of the World Bank, Anna Bjerde, giving an interview to the German press “Die Press”, emphasized that the humanitarian consequences of the Russian-Ukrainian war today are really catastrophic, because by the end of 2022 it was expected that eight million people in Ukraine will live below the poverty line. And this accordingly increases the poverty level from 2% to 25% of the population<sup>1</sup>. So, labor migrants from Ukraine, who were forced to leave their native country during the war, need great support today. Moreover, the duration of the war in Ukraine causes the acceleration of mass migration of labor resources abroad. The inability of large families to survive on social benefits, the desire to help those who remained in Ukraine, ignorance of the legal labor base of the country of migration, the desire to be economically independent from the state, ignorance of the modern digital environment stimulates the vast majority of labor migrants to work outside the legal framework, which is not covered by collective agreements, and accordingly cannot claim the protection of trade unions abroad.

Back in 2016, at the United Nations report, Maina Kiai raised the issue of globalization of the world economy. She noted: “Our world and the globalized economy are changing at the rapid pace. It is therefore vital that the tools we use to protect labor rights change just as quickly. The first step to achieving this goal should be the elimination of outdated and artificial distinctions between them and human rights in general. Labor rights are human rights. And the ability to implement these rights at the workplace is a guarantee that workers will be able to take

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<sup>1</sup> Світовий банк: до кінця 2022 року 8 мільйонів українців житимуть за межею бідності. URL: <https://klymenko-time.com/uk/novosti/vsemirnyj-bank-konczu-2022-goda-8-millionov-ukrainczev-budut-zhit-za-chertoj-bednosti/> (дата звернення: 05.05.2023)

advantage of their many other rights: economic, social, cultural, political and others”<sup>2</sup>. Therefore, it will be urgent for Ukrainian migrants to resolve the issue of the legal field of socio-economic protection abroad in such a way that it meets modern economic conditions and at the same time ensures the rights of Ukrainian labor migrants to the adequate standard of living.

Since the full-scale invasion of Russia into Ukraine, we mean during the war in Ukraine, the authors of this section have represented Ukraine during 2022–2023 years as the part of the Ukrainian delegation at the world veterinary Assemblies and Congresses. In particular, at the General Assembly FVE/UEVP in London (June, 2022), General Assembly FVE/UEVP in Malta (November, 2022), World Veterinary Congress by WVA in Taipei (April, 2023), International Conference of the Visegrad Vet Plus Group in Kolobrzeg (May, 2023), “Lviv Veterinary Weekend” (June, 2023). During every international meeting the world leaders of the veterinary medicine deeply discussed the issue of the Ukrainian veterinary doctors’ employment, who were forced to migrate abroad and look for the job by their specialty.

That is why the issue of the right of a veterinary medicine doctor to work abroad in the context of reforming the existing veterinary legislation of Ukraine today is of the great interest and grounds for scientific and practical research. Within the framework of this section of the monograph proposed by the authors, there is the discussion of the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)” as one of the mechanisms for preserving human capital in the veterinary medicine profession. This aspect is urgent for research under conditions of war and digital environment in the field of staff management. Therefore, the above-mentioned provisions determine the relevance of the topic of our research.

### **1. International economic and legal guarantees of the right to work and social protection of Ukrainian labor emigrants under conditions of war and digitalization**

Both domestic and foreign scientists as well as practitioners devoted their researches to the issue of international protection of the rights of human resources to work, social protection of labor emigrants. In particular,

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<sup>2</sup> Доповідь ООН: Трудові права – це права людини, 24 жовтня 2022. URL: <http://kvpu.org.ua/uk/news/5/1737-dopovidoontrudovipravatsepravaliudyny> (дата звернення: 23.04.2023)

such as: Bakhanov O. Y.<sup>3</sup>, Venediktov S. V.<sup>4</sup>, Hetmantseva N. D.<sup>5</sup>, Klietsova N. V.<sup>6</sup>, Mykhaylova L. I.<sup>7</sup>. However, the question of investigating the right to work of the Ukrainian labor emigrants under conditions of war has not received a deep study today, because this phenomenon was formed only last year.

*The purpose of this chapter* is the scientific and practical study of issues of the international guarantee of the right to work and social protection of Ukrainian labor emigrants under conditions of war and digitalization, their economic and legal interpretation.

In the previous publications<sup>8</sup> we proved and emphasized that the right to work is a basic international standard proclaimed by the Universal Declaration of Human Rights. The very analysis of international legal acts enshrining the right to work allowed us to reveal the meaning of this concept, which includes the right to choose a profession, the right to non-discrimination, the right to professional orientation, training, retraining and

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<sup>3</sup> Баханов О. Ю. Захист соціальних працівників під час пандемії Covid-19. *ВІСНИК НТУУ «КПІ». Політологія. Соціологія. Право*. 2020. Випуск 3 (47). С. 20–28. URL: <http://visnyk-ppsp.kpi.ua/article/view/227028> DOI: [https://doi.org/10.20535/2308-5053.2020.3\(47\).227028](https://doi.org/10.20535/2308-5053.2020.3(47).227028) (дата звернення 06.05.2023)

<sup>4</sup> Венедіктов С. В. Правове регулювання праці у Великобританії: прогресивний досвід і перспективи для України: монографія. Київ: Ніка-Центр, 2017. 174 с.

<sup>5</sup> Гетьманцева Н. Д. Поняття і сутність праці як правової категорії. *Підприємництво, господарство і право*. 2016. № 7 (245). С. 60–65. URL: [http://nbuv.gov.ua/UJRN/Pgip\\_2016\\_7\\_11](http://nbuv.gov.ua/UJRN/Pgip_2016_7_11) (дата звернення 16.05.2023)

<sup>6</sup> Клецова Н. В., Курило О. М., Кравченко Д. В. Міжнародний захист прав людських ресурсів у подоланні бідності в контексті поінформованості суспільства за умов діджиталізації. *Аналітично-порівняльне правознавство*. 2021. № 4. С. 382–386. URL: <http://journal-app.uzhnu.edu.ua/article/view/255550/252618>. DOI: <https://doi.org/10.24144/2788-6018.2021.04.67> (дата звернення: 13.05.2023)

<sup>7</sup> Klietsova N., Mykhailova L. International Experience in Staff Management in the Process of Staff Recruitment for Vacant Positions with the Application of Social Networks in the Conditions of Digitalisation. *Education of Economists and Managers*. 2021. № 59 (1). P. 31–46. URL: [https://econjournals.sgh.waw.pl/EEiM/article/view/2719?fbclid=IwAR3HouF7hVNCL6x1NOJ-XXCr35\\_kIO\\_2L9tY0jrWGsYWGAsR0KWmcUEJqs](https://econjournals.sgh.waw.pl/EEiM/article/view/2719?fbclid=IwAR3HouF7hVNCL6x1NOJ-XXCr35_kIO_2L9tY0jrWGsYWGAsR0KWmcUEJqs) DOI: <https://doi.org/10.33119/EEiM.2021.59.5> (Last accessed: 14.05.2023)

<sup>8</sup> Клецова Н. В., Волченко Н. В., Казбан А. С. Наукове дослідження щодо права на працю: порівняння міжнародного досвіду та актуальна практика ЄСПЛ. *Підприємництво, господарство і право*. 2021. № 6. С. 213. URL: <http://pgp-journal.kiev.ua/archive/2021/6/34.pdf>. DOI: <https://doi.org/10.32849/2663-5313/2021.6.34> (дата звернення: 10.05.2023)

advanced training, the right to support workers, which will guarantee their implementation of basic political and economic freedoms.

It should be admitted that emigration is a forced or voluntary movement of the population (refugees or emigrants) from their permanent place of residence, associated with the crossing of state borders, which has always existed for economic, political or religious reasons. Recently, a special social phenomenon during the war on the territory of Ukraine, among other things, is the movement of citizens to safer places. It is worth to pay attention to several factors. Firstly, to the number of internally displaced persons from February 24<sup>th</sup>, 2022, to the social guarantees of the state for those who remained in Ukraine. Secondly, on the number of refugees – those who crossed the state border of Ukraine, what humanitarian aid was offered by the European countries, the USA, Canada, etc., and whether mass emigration from the beginning of the full-scale war in 2022 can be considered the Ukrainian migration crisis.

Thus, according to the United Nations data, as of December 1<sup>st</sup>, 2022, since the beginning of the full-scale war with the Russian Federation, more than 14.5 million citizens of Ukraine have left abroad, of which at least 11.7 million citizens went to the countries of the European Union, while 7.7 million people are registered in Europe as recipients of the temporary protection<sup>9</sup>. For today, 4.7 million internally displaced persons are registered in Ukraine. 90% of those who left Ukraine are women and children. After all, men of conscription age (from 18 to 60 years old) are prohibited from leaving the country during martial law. However, there are exceptions for some categories of men. Thus, during the war, a man between the ages of 18 and 60 can leave Ukraine if: 1) he has a certificate of postponement of conscription and notice of enrollment in a special military register; 2) has a certificate of the military medical commission on unfitness for military service; 3) the husband has three or more dependent children under the age of 18; 4) independently raises a child (children) under the age of 18; 5) the husband has a dependent child with a disability; 6) it's an adoptive parent, guardian; 7) close relatives of the man died or went missing during the anti-terrorist operation.

The Ukrainian edition of Forbes, in its material-retelling of the famous Economist magazine dated March 27<sup>th</sup>, 2022, published information that those countries that were the biggest opponents of refugees today have now become “the main destinations for Ukrainians”. Hungary, whose Prime Minister built a wall against refugees back in 2015, sheltered

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<sup>9</sup> Омбудсмен розповів, скільки українців виїхало за кордон із 24 лютого. *Слово і діло*. 1 грудня, 2022. URL: <https://www.slovoidilo.ua/2022/12/01/novyna/polityka/ombudsmen-rozpoviv-skilky-ukrayincziv-vuyixalo-kordon-24-lyutoho> (дата звернення: 17.05.2023)

340,000 people. And the USA president, Joe Biden, announced on March 24<sup>th</sup> that the USA is ready to accept up to 100,000 of the Ukrainian refugees and provide \$1 billion in financial aid to Europe to cope with the flow of forced emigrants. While Canada, the country with the largest Ukrainian diaspora in the world, emphasized that it will accept as many Ukrainian labor resources and migrants as they want to come<sup>10</sup>. Thus, on December 1<sup>st</sup>, 2022, Poland received the largest number of Ukrainian migrants – 8.121 million of Ukrainians.

For the first time in history, the European Union implemented the Temporary Protection Directive 2001/55/EC<sup>11</sup>, according to which Ukrainian refugees have the right to live, work and receive assistance in 26 of the 27 member states of the European Union. For those who left Ukraine, most countries of the world agreed to help and provide various types of social and humanitarian aid. So, the war is terrible, loud, massive, merciless, but the greatest value even in such conditions remains human life and dignity. Democratic countries support and protect these values by adhering to international pacts and agreements.

The International Covenant on Economic, Social and Cultural Rights of 1966 year by the United Nations in its Article 6 states that everyone has the right to work, which includes the right to the opportunity to earn a living by work, and the state must take measures to fully realize this right<sup>12</sup>. And Article 23 of the United Nations Universal Declaration of Human Rights (1948) declares that everyone has the right to work, to free choice of work, to fair and favorable working conditions and to protection against unemployment; for equal pay for equal work; every working person has the right to fair and satisfactory remuneration, which ensures a dignified existence of a person, himself and his family, and which, if necessary, is supplemented by other means of social security...<sup>13</sup>. Article 25 states

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<sup>10</sup> Теплі обійми можуть охолонути. Як криза українських переселенців змінить Європу. Переказ матеріалу Economist. *Forbes Україна*. 27 березня, 2022 URL: <https://forbes.ua/inside/yak-kriza-ukrainskikh-bizhentsiv-zminit-evropu-26032022-5061> (дата звернення: 22.04.2023)

<sup>11</sup> On minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. *EUR-Lex*. Council Directive № 2001/55/EC, 20<sup>th</sup> of July 2001. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055> (Last accessed: 10.05.2023)

<sup>12</sup> Міжнародний пакт про економічні, соціальні і культурні права. *ВР України. Законодавство України*. 19.10.1973. URL: [https://zakon.rada.gov.ua/laws/show/995\\_042#Text](https://zakon.rada.gov.ua/laws/show/995_042#Text) (дата звернення 20.05.2023)

<sup>13</sup> Загальна декларація прав людини. *Резолюція Генеральної Асамблеї ООН*. № 217 від 10.12.1948 р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_015#Text](https://zakon.rada.gov.ua/laws/show/995_015#Text) (дата звернення 02.05.2023)

the following: “Everyone has the right to such a standard of living, including food, clothing, housing, medical care and necessary social services, as is necessary for the maintenance of the health and well-being of himself and his family, and the right to support in the event of unemployment, illness, disability, widowhood, old age or other loss of livelihood due to circumstances beyond her control. Motherhood and childhood give the right to special care and assistance...”. It’s obvious, Ukrainians who left the territory of their country do not receive citizenship of the European Union, but they can count on certain guarantees and protection programs. In order for refugees to be able to return to human living conditions, in particular to have shelter, work, income, food, access to medical care, education, etc., they are offered specially accepted conditions of stay in a certain country. This is what confirms the international guarantee of the right to work, as well as the social protection of Ukrainian labor resources – emigrants.

Thus, for example, the Czech Republic accepted more than 200,000 refugees in the first 4 weeks of the war in Ukraine. After the beginning of the war, the Czech Republic, KACPU centers (Regional Auxiliary Center for Assistance to Ukraine (KACPU, in Czech KACPU)) were established immediately in one day. These centers work according to the “single window” principle. For instance, in one place it is possible to get all the necessary services for refugees: a visa, health insurance, child care, clothing, food, necessary medicines, referral to housing, at which address the person will be registered. This procedure is very mobile, the entire service takes place within 4 hours. In order to avoid the issue of language barriers, each family is provided with an interpreter. One of the key aspects of social protection in the Czech Republic was the provision of proposed housing, the refusal of which could contribute to the “failure to obtain” a visa. Priority in service is given to those families who have already found housing on their own before visiting the center and to families with small children. Ukrainian emigrants are usually accommodated in hostels, sports halls, or “Czech families”<sup>14</sup>. By the December 1<sup>st</sup>, 2022, almost 100,000 Ukrainian labor emigrants are officially employed in the Czech Republic.

In addition, in the Czech Republic, in support of Ukrainian citizens, a law has entered into force, according to which a special visa status called “temporary protection” provides, among other things: 1) free medical insurance for the period of stay; 2) free access to the labor market; 3) free movement exclusively within the EU countries, because when traveling abroad the visa is automatically cancelled; 4) one-time financial assistance in the amount of 5,000 kroner (200 euros) per person. Such monetary

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<sup>14</sup> Українські біженці в Чехії: допомога, житло, робота. *Мінфін*. 25 березня 2022. URL: <https://minfin.com.ua/ua/2022/03/25/82591594/> (дата звернення: 26.05.2023)

assistance is credited exclusively to the refugee's personal Czech bank account. If, after a month of stay in the Czech Republic, the material situation of the displaced person has not improved, such a person has the right to write an application for re-receipt of 5,000 crowns. However, it should be taken into account that such assistance is paid no longer than 5 consecutive months; 5) those citizens of the Czech Republic who agreed to shelter Ukrainians will receive monetary assistance from the country in the amount of 3,000 crowns per person per month, but no more than 9,000 crowns per month<sup>15</sup>. As we can see, the social basis for a dignified existence of Ukrainian labor migrants, during the war in Ukraine, in the Czech Republic is favorable.

Particular attention is focused on Germany, which accepts labor emigrants from Ukraine under a simplified system, like all countries of the European Union<sup>16</sup>. According to this procedure, there is no need for Ukrainians to apply for the shelter, because they receive it automatically. Also, a visa is not required for entry<sup>17</sup>, and emigrants can legally stay in the country for three months with a Ukrainian passport to travel abroad. At first glance, the period of stay in Germany resembles the conditions of a visa-free tourist stay, but "temporary protection" provides for a residence permit in Germany for a period of one year with the possibility of extending it for three years, the right to work and guarantees of social protection for the family. And if the refugee does not have a foreign passport, there are no difficulties in recognizing such a person as a refugee.

It should be noted that persons registered as requiring temporary protection in EU countries have got the following rights: 1) residence permit for the period of temporary protection; 2) access to work; 3) access to education; 4) provision of housing; 5) access to social security; 6) access to medical care; 7) the right to relevant information about temporary protection; 8) the possibility of obtaining refugee status in the future; 9) the possibility to return to the country of citizenship at any time; 10) other rights of a person who applied for temporary protection, in accordance with the legislation of a specific EU country.

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<sup>15</sup> Information for Ukrainian Citizens – Ministry of the interior of the Czech Republic. *Úvodní strana – Ministerstvo vnitra České republiky*. URL: <https://www.mvcr.cz/mvcren/article/information-for-ukrainian-citizens.aspx> (Last accessed: 11.05.2025)

<sup>16</sup> Жолквер М. Німеччина приймає біженців з України за спрощеною процедурою. *DW*. 03.03.2022. URL: <https://www.dw.com/uk/nimechchna-pryimaie-bizhentsiv-z-ukrainy-za-sproshchenoiu-protseduroiu-a-60997624/a-60997624> (дата звернення: 26.05.2023)

<sup>17</sup> Правлячий бургомістр Берліна – канцелярія Сенату. URL: <https://www.berlin.de/ukraine/uk/pributtja/> (дата звернення: 27.05.2023)

Speaking about the fact that the Temporary Protection Directive applies with the same conditions in the territory of the member states of the European Union, except for Denmark, it is worth realizing that the privileges for Ukrainian refugees – labor emigrants – in the context of assistance are not “unlimited” in time. After all, the Directive, in its essence, practically removes restrictions on the period of stay in the EU. Currently, temporary protection is valid for one year. If the situation does not change for the better, the validity period is automatically extended for another six months, and so on. After that, the EU Council can extend the protection for another year, but not more than three years. However, if the situation in Ukraine improves and it is safe for Ukrainian labor emigrants to return to Ukraine, the European Commission may propose to terminate the Directive.

Great Britain, which is no longer a part of the European Union, created its own program to help Ukrainians “Homes for Ukraine”. The sponsorship program is valid for those who do not have a visa and have relatives in the country, but have found a resident willing to help. At the same time, a resident is considered not only a citizen, but also any person who lives in England legally. The obligation of the sponsor from the program is to provide housing for the Ukrainian for six months. Britain pays £350 per month (and from January 1<sup>st</sup>, 2023 – £500) to those who agreed to help. To search for sponsors, groups were created in social networks and messengers, where Ukrainian labor resources and residents find each other. Before receiving permission to come to England, the sponsor’s home is carefully checked, especially those residents where families with children will move: they are visited by Children’s Services and the Fire Brigade. The UK’s Department of Health and Social Protection said: “As part of the UK’s offer, we have committed to providing full access to a range of public services, including doctors, schools and full support from local authorities, to those Ukrainians coming to the UK”. The Home Secretary, Priti Patel, stated that the measures introduced by Great Britain also cover education, benefits and the right to work<sup>18</sup>. Thus, those emigrants who come to the UK under this program will have rights to social protection, in particular to find a job for themselves and work during the period of validity of this program, and school children will be given the opportunity to enroll in local schools for free.

Canada, the country with the largest Ukrainian diaspora, was not left out either. It was here that the program for Ukrainian emigrants from Ukraine

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<sup>18</sup> Macaskill A. Britons to get 350 pounds a month to open homes to Ukraine refugees. Reuters. 13.03.2022. URL: [https://www.reuters.com/world/uk/brits-get-350-pounds-month-open-homes-ukraine-refugees-2022-03-13/?taid=622d572b5b8c940001e5595f&utm\\_campaign=trueAnthem:+Trending+Content&utm\\_medium=trueAnthem&utm\\_source=twitter](https://www.reuters.com/world/uk/brits-get-350-pounds-month-open-homes-ukraine-refugees-2022-03-13/?taid=622d572b5b8c940001e5595f&utm_campaign=trueAnthem:+Trending+Content&utm_medium=trueAnthem&utm_source=twitter) (Last accessed: 03.05.2023)



started working, which offers separate guarantees for a dignified existence. We are talking about free visa processing, granting the right to employment, free education of children in schools, colleges and universities, obtaining the status of a temporary resident of Canada. At the same time, this program does not provide for any social security, i.e. refugees-emigrants cannot count on receiving free housing, medical care or cash payments, Ukrainians have to earn for their own welfare. To obtain shelter in Canada, it is necessary to submit an electronic application and submit biometric data at the Canadian visa center, which is currently possible only after crossing the Ukrainian border. This is one of the advantages of digitalization of the modern information environment. The process of obtaining a temporary residence permit takes 2 weeks. Ukrainian refugees are also exempt from coronavirus vaccination requirements, but will be subject to testing and quarantine upon arrival. Andriy Bukvych, the temporary attorney of Ukraine in Canada, noted: “If a citizen of Ukraine does not have a foreign passport, he or she can use an internal Ukrainian passport to obtain such a permit. And only then visit the Canadian consulate or a visa center that cooperates with the Canadian Migration Service to obtain a biometric foreign passport”<sup>19</sup>. This confirms that Ukrainian emigrants who left Ukraine during the war have the right to receive documents on a privileged basis.

Thus, we proved that the right to work, which is a basic international standard proclaimed by the Universal Declaration of Human Rights, in the countries of the European Union, Great Britain and Canada, is one of the priority provisions for Ukrainian emigrants under conditions of war today. In order the United Nations research won't be forecasted as the reality and the Ukrainians' migration policy wouldn't become “the biggest refugee crisis in Europe of this century” some preventive measures should be implemented now. So, we believe that the preventive measures of this phenomenon are: 1) Firstly, even the visa-free regime limits the period of free stay of Ukrainian labor emigrants abroad – exactly 90 days, further actions – either return home or get a visa. It was this tool that made it possible to reduce the level of outflow of personnel abroad. 2) Secondly, the programs proposed by the European Union are also limited in time and can be extended exactly for the period of time, as long as there is a war in Ukraine. 3) Thirdly, the social standard of living of forced Ukrainian emigrant labor resources, in the vast majority, does not provide a stable standard of living that existed in Ukraine. In particular, we are talking about the vast majority who receive shelter in

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<sup>19</sup> Canada launches new temporary residence pathway to welcome those fleeing the war in Ukraine. *Government of Canada*. URL: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2022/03/canada-launches-new-temporary-residence-pathway-to-welcome-those-fleeing-the-war-in-ukraine.html> (Last accessed: 13.05.2023)

gyms, hostels, are accommodated in shared rooms, and the work that becomes available does not always correspond to the professional direction of emigrants<sup>20</sup>.

Our further research will be devoted to the right to work of Ukrainian veterinary doctors who had experience of working in Ukraine as a practicing doctor, had a business license before the full-scale invasion of Russia into Ukraine, but cannot carry out veterinary activities on the territory of the European Union and other countries of the world, except for Ukraine, when they emigrated abroad.

It should be emphasized that the Terrestrial Animal Health Code of the OIE<sup>21</sup> is a key part of the WTO international trade legal framework. Countries wishing to become full members of the WTO must bring their legislation into line with OIE standards, according to which a doctor of veterinary medicine is a person with appropriate education, licensed by an independent self-governing veterinary body of a certain country. Until the creation of a self-governing body in Ukraine, doctors of veterinary medicine in the sense of international definitions will not be recognized in the European Union. That is why, for today, the adoption of the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)” will ensure the harmonization of the functioning of Ukrainian veterinary medicine in accordance with the legislative acts of the European Union, WTO guidelines and the fulfillment of the conditions necessary for permanent membership of the self-governing body in the European Federation of Veterinary Doctors (FVE). Therefore, the topic of the second section proposed by us is relevant and requires detailed research in the context of reforming the veterinary legislation of Ukraine and preserving human capital in the profession of a doctor of veterinary medicine.

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<sup>20</sup> Клецова Н., В., Шишлевський Р. М., Шишлевська П. Р. Міжнародні економіко-правові гарантії права на працю і соціальний захист українських трудових емігрантів в умовах війни та діджиталізації. *Юридична Україна*. 2022. № 10. С. 45–46. URL: <https://yu.yurincom.com/mizhnarodni-ekonomiko-pravovi-garantiyi-prava-na-praczyu-i-soczialnyj-zahyst-ukrayinskyh-trudovyh-emigrantiv-v-umovah-vijny-ta-didzhytalizacziyi>. DOI: 10.37749/2308-9636-2022-10(238)-6 (дата звернення: 27.05.2023)

<sup>21</sup> Terrestrial Animal Health Code (2022) OIE. <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/?id=169&L=1> (Last accessed: 10.05.2023)

## **2. Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)” as the key for preservation of DVM’s human capital under conditions of war and digitalization**

The professional activity of the doctor of veterinary medicine in the European Union belongs to the few professions from the category of “public professions and professions of public trust”. Doctors of veterinary medicine are obliged to create a self-governing body that implements its activities for the benefit of society, based on the provisions of the Terrestrial Animal Health Code of the OIE, which is a key part of the WTO international trade legal framework. The thorough study on the regulation of the professional activity of doctors of veterinary medicine in different countries of the world and the analysis of the main principles of the functioning of the European Federation of Veterinary Doctors, confirm that in each member state of the European Union there is an independent self-governing veterinary body that unites practicing doctors of veterinary medicine, researchers, educators and employees of the veterinary inspection with the qualification level of education: doctor of veterinary medicine (master’s degree and specialist)<sup>22</sup>. The structure of this body is different in different countries. So, for example, in Germany there are two self-governing bodies of practicing doctors and inspectors, which are subordinate to the joint National Council of Veterinary Doctors. In Poland, the “Izba” unites all doctors of veterinary medicine who have a diploma of higher education.

Veterinary self-government in the countries of the European Union is an effective system that regulates the implementation of professional activities, protection of the rights and interests of doctors of veterinary medicine on the one hand, and a high level of responsibility for professional activity or inaction on the other one. The veterinary self-governing body (Veterinary Parliament) is a state-independent structure that unites veterinary medicine doctors with a diploma of higher education (master’s degree, specialist). The self-governing body is provided with levers of influence by the state, and the state imposes on the body the duty to resolve all issues of professional activity. The body defends the interests of doctors of veterinary medicine in dialogue with the state (competent body) and in conflicts with third parties, develops effective methods/mechanisms of self-control. Every

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<sup>22</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 27. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

doctor of veterinary medicine is a part of the Self-Governing Body and his or her active position affects the decisions of the Body.

According to the Terrestrial Animal Health Code of the World Organization for Animal Health, only the self-governing body bears legal responsibility and, acting on the basis of legislative acts, carries out the registration and licensing of doctors of veterinary medicine to perform specific activities related to veterinary medicine or animal health; establishes the minimum standards of training necessary for registration or licensing of a veterinarian, professional conduct and responsibility of registered veterinarians, in accordance with international standards; consideration of complaints and application of disciplinary measures; represents the interests of all doctors of veterinary medicine in Ukraine in government, international and world organizations: FAO, WHO, WOA (OIE), WVA; influences legislative processes in the European Parliament and the European Commission through FVE in various areas. Ukraine's entry into the European Union presupposes, first of all, the harmonization of the Ukrainian legislation with the European legislation, and therefore the creation of a self-governing veterinary body, the functioning of which should be based on the Law of Ukraine "On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)"<sup>23</sup>.

*The purpose of this chapter of the research* is to create the practical basis for the urgent adoption of the Law on the creation of an independent self-governing veterinary body, taking into account international experience. To achieve the goal, the authors of this research developed the Draft Law of Ukraine "On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)"<sup>24</sup>.

Today, articles of domestic veterinary doctors, scientists and educators do not reflect scientific research on the feasibility of creating an independent self-governing veterinary body in Ukraine. Over the past eight years, this issue has been actively discussed at international meetings among veterinary doctors as a prerequisite for the future reform of the veterinary legislation of Ukraine, but it has not yet reached the stage of radical reforms and significant steps. The European community recognized that Ukraine is Europe, and the consequence of this is bilateral relations between Ukraine and the European Union in the field of international economy, politics, education, science,

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<sup>23</sup> Клєцов А. М., Винярьська А. В., Клєцова Н. В. Про зміни, на які очікують лікарі ветеринарної медицини зі вступом України у Європейський Союз. *VETTOPic*. № 4 (8). 2022. 86.

<sup>24</sup> Projekt Zakonu «Pro veterynarnu praktyku ta veterynarnyi statutnyi orhan» (2022). URL: <https://www.facebook.com/100002215997591/posts/pfbid0SkveQMXEFpDNjLdF2DPJoKdGDrRfBBDK8zgUXnSpmQxCl1aMLmtdabaRRYLrMWsASI/?app=fbl> (Last accessed: 22.05.2023)

culture, etc. (on June 23, 2022, Ukraine became a candidate for EU membership<sup>25</sup>. Taking into account the prerequisites of the European development vector of Ukraine, the authors of this research worked out the legislative acts of various countries of the world regarding the regulation of the professional activity of veterinary medicine doctors and the activity of the self-governing body. Implementing the international experience of Poland (Fig. 1, Fig. 2, Fig. 3), Ireland (Fig. 4), Italy (Fig. 5), Great Britain (Fig. 5), Austria we have adapted only those democratic provisions that outline the public interest, because the purpose of the proposed draft law is to create an independent self-governing veterinary body that will work for the benefit of society. Thus, empirical, systematic and theoretical methods of research allowed us to implement the information obtained regarding the creation of a statutory veterinary body into a draft law.



**Fig. 1. Round table at the Committee on Agrarian and Land Policy on the topic: “Current issues of cooperation between Ukraine and Poland in the field of veterinary medicine” (July, 2022)**

*Source: authors' own research*

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<sup>25</sup> Мельник С. Європарламент підтримав надати Україні статус кандидата в члени ЄС. *Українська правда*, червень 2022. URL: <https://www.epravda.com.ua/news/2022/06/23/688479/> (дата звернення: 12.05.2023)

Everything has started with cooperation in the framework of free humanitarian aid to doctors of veterinary medicine in Ukraine under conditions of the war. The visit to the General Assembly UEVP in London (June, 2022), communications and consultations with foreign colleagues gave the initiative group the understanding of what the independent self-governing veterinary body is and gave the push to work on its creation actively. 22<sup>nd</sup> of July 2022 our initiative group (including Andrii Klietsov, Alla Vyniarska, Nataliia Klietsova etc.) together with the representatives of the Chamber of Veterinary Medicine of Poland initiated the round table “Actual issues of cooperation between Ukraine and Poland in the sphere of veterinary medicine” at the Verkhovna Rada Committee on Agrarian and Land Policy<sup>26</sup>. It should be noted that this event was organized with the participation of representatives of the State Service of Ukraine on Food Safety and Consumer Protection, Ministry of Agricultural Policy and Food of Ukraine, deputies of the Verkhovna Rada of Ukraine, public organizations that representing the interests of practitioners of veterinary medicine, representatives of the veterinary pharmaceutical business, and animal protection organizations.

Consultations of experts from different countries of the world were very important for us, because for today there are no statutory bodies in Ukraine that work on the basis of the law or the so called statute. We studied new terminology, which we do not have in Ukraine, with the involvement of Nataliia Klietsova as the specialist and researcher in international law. As we’ve got a long-term cooperation with our Polish colleagues, we asked them for an interpretation of specific terminology. Thus, during 70 hours, we passed and completed training on the creation of an independent self-governing veterinary body under the leadership of the Vice-President of the Warmian-Masurian Chamber of Veterinary Doctors of Poland, Doctor Zbigniew Wroblewski<sup>27</sup>. Moreover, we received consultations from the President of the West Pomeranian Chamber of Veterinarians, representative of the Polish National Veterinary Chamber in the Federation of Veterinarians of Europe, Marek Kubica, regarding the activities of the self-governing body at the international level.

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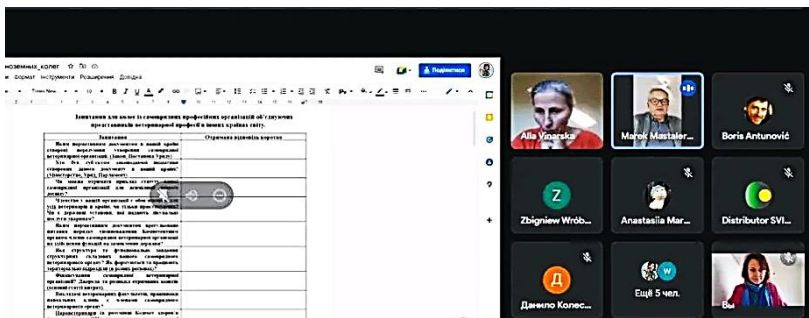
<sup>26</sup> Комітет з питань аграрної та земельної політики провів круглий стіл на тему: «Актуальні питання співпраці України та Польщі в галузі ветеринарії». 22 липня, 2022. URL: <https://www.rada.gov.ua/news/razom/225887.html> (дата звернення: 12.05.2023)

<sup>27</sup> Expert work with Polish representatives of the Independent self-governing veterinary body (2022). <https://www.facebook.com/100002215997591/posts/pfbid0SkveQMXEFpDNjLdF2DPJoKdGDrRfBBDK8zgUXnSpmQxClamLmtdabaRRYLrMWsASI/?app=fbl> (Last accessed: 17.05.2023)



**Fig. 2. Meeting with UEVP President Piotr Kwiecinski, UEVP Vice President Giovanbattista Guadagnini and UEVP board representatives (August, 2022)**

*Source: authors' own research*



**Fig. 3. Meeting with the President of the Chamber of Veterinary Doctors of Poland, Marek Mastalerek, and the Vice President of the Warmian-Masurian Chamber of Veterinary Doctors, Zbigniew Wróblewski (October, 2022)**

*Source: authors' own research*

After training with our Polish colleagues, we realized that this body had its own characteristics in each European country. Therefore, we asked the president and board members of the UEVP for the recommendations concerning the self-governing veterinary independent body of the European countries' sharing experience. So our work under the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body” was taking place. Thus, in September, 2022 we listened to the experience of the Czech Republic and North Macedonia. We also

received online consultations from the representatives of the statutory bodies of Ireland<sup>28</sup>, Poland, Italy, Great Britain. Colleagues from Austria and Germany provided comprehensive answers to our questions in a written form.



**Fig. 4. Meeting with the Irish colleagues Séamus McManus (Member of the Veterinary Council of Ireland) and Danny Holmes (FECAVA Vice President) (October, 2022)**

*Source: authors' own research*

After receiving consultations from the European colleagues, we worked out the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body” and posted it in free access for discussion. Project of the Law on self-governing body and professional activity of the doctor of veterinary medicine was created exclusively by doctor of veterinary medicine. And taking into account the “One Health” program, the self-governing body should unite all veterinarians in order to prevent lobbying by other interests<sup>29</sup>.

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<sup>28</sup> Work on acquiring expertise with colleagues – doctors of veterinary medicine from Ireland (2022). <https://www.facebook.com/100002215997591/posts/pfbid02jBm3ubSQMerym6VSMaVJXcsDuAgTck16rEU8ggefmlLQ1EDhfL8Ph8N NYKTvHQLul/?app=fbl> (Last accessed: 18.05.2023)

<sup>29</sup> Klietsova N., Vyniarska A., Klietsov A. Despite the obstacles we move to Europe: the Project Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body” as the key way of digital HR management of veterinary sphere. *Правові виклики сучасності: законодавче реагування на геополітичні й історичні проблеми: Матеріали III Міжнар. наук.-практ. онлайн конф. (Чернівці, 6 грудня 2022 р.)* / [редкол.: Н.Д. Гетьманцева (голова), О.В. Кіряк (відпов. секр.) та ін.]. Чернівці: Чернівець. нац. ун-т ім. Ю. Федьковича, 2022. С. 157–159.





**Fig. 5. Consultations on the activities of the self-governing veterinary body: the experience of Italy and Great Britain: Ciovani Guadagnini, EAPHM, Roberta Benini, representative of the working group of self-governing bodies FVE; Kenelm Lewis, Vice President of the UEVP (October, 2022)**

*Source: authors' own research*

In order to make the maximum introduction for the veterinary community with the draft Law as much as possible, our next step was to acquaint the veterinary community with this document. So, we took part in the first Veterinary Dental Offline Conference in Ivano-Frankivsk (November, 2022). There was taking place the informing of Ukrainian veterinarians how to participate in the creation and amending of this Project of Law. It was determined that according to the QR code scanning; every veterinarian can participate in the process of amending the document.

The results of the work under the Project Law of Ukraine we published in specialized scientific publications of Ukraine, such as “Scientific Visnyk of Lviv National University of Veterinary Medicine and Biotechnologies”<sup>30</sup>,

<sup>30</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжцького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 26–37. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

“VETTOPic”<sup>31</sup>, proceedings of the international conference “Legal challenges of modern society: legislative response to geopolitical and historical problems” (December, 2022)<sup>32</sup>. Informing the veterinary community was and is being carried out in various directions, including: through cooperation with the State Service on Ukraine and Food Safety and Consumer Protection.

Work on the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body”, consultations of foreign colleagues, studies, trainings were carried out on a public basis without any funding. But the high level of trust in us is evidenced by our cooperation with national organizations that cooperate with international ones, and our direct cooperation with international organizations. Four months of work on the project was a challenge for us, it was hard daily work. But, in except of the work under the project, each of us has got many daily responsibilities: international projects, volunteering and cooperation within the framework of this volunteering, long-term cooperation with the Chamber of Veterinary Doctors of Poland, which today resulted in a humanitarian mission of helping Ukrainian doctors of veterinary medicine and their families. We are implementing a project that cooperated the entire country.

The unification of all doctors of veterinary medicine into the single self-governing body increases the prestige of the profession, both on the domestic and international markets under the conditions of digitalization, and will set the precedent for the quality of HR management of labour resources in the field of veterinary medicine. The question arises, what will veterinary medicine doctors get? Firstly, increased responsibility – each doctor is responsible for his activities. Secondly, strengthening the veterinary community. Thirdly, the lack of provision of medical services by state doctors, inspectors become members of the chamber. Fourthly, everyone can be deprived of the right to perform professional activities for any abuse or violation of the rules of veterinary deontology.

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<sup>31</sup> Клецов А. М., Винярска А. В., Клецова Н. В. Про зміни, на які очікують лікарі ветеринарної медицини зі вступом України у Європейський Союз. *VETTOPic*. № 4 (8). 2022. 86–87.

<sup>32</sup> Klietsova N., Vyniarska A., Klietsov A. Despite the obstacles we move to Europe: the Project Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body” as the key way of digital HR management of veterinary sphere. *Правові виклики сучасності: законодавче реагування на геополітичні й історичні проблеми: Матеріали III Міжнар. наук.-практ. онлайн конф. (Чернівці, 6 грудня 2022 р.)* [редкол.: Н.Д. Гетьманцева (голова), О.В. Кіріяк (відпов. секр.) та ін.]. Чернівці: Чернівець. нац. ун-т ім. Ю. Федьковича, 2022. С. 157–159.

In turn, society will gain from the implementation of this Draft of Law: 1) high-quality veterinary services; 2) high-quality agricultural products. And all this will be regulated by the legal regulation<sup>33</sup>. Thus, the OIE Terrestrial Animal Health Code is a key part of the WTO international trade legal framework. That is why the authors of this chapter proposed the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)”.

### **3. The content of the Draft Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)”**

As this Draft Law<sup>34</sup> will determine the professional activity of a doctor of veterinary medicine in future, the number of potentially active veterinary medicine doctors who express their vision regarding the future reform of the veterinary legislation of Ukraine in the form of contributions to the discussion, making comments and valid remarks is increasing every day. After all, the business fate of existing private vet clinics will depend on the content of this Draft Law.

#### **DRAFT LAW OF UKRAINE**

##### **On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body**

This Law defines the legal and organizational principles of the Self-governing Body.

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<sup>33</sup> Klietsova N., Vyniarska A., Klietsov A. Despite the obstacles we move to Europe: the Project Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body” as the key way of digital HR management of veterinary sphere. *Правові виклики сучасності: законодавче реагування на геополітичні й історичні проблеми: Матеріали III Міжнар. наук.-практ. онлайн конф. (Чернівці, 6 грудня 2022 р.)* / [редкол.: Н.Д. Гетьманцева (голова), О.В. Кіріяк (відпов. секр.) та ін.]. Чернівці : Чернівець. нац. ун-т ім. Ю. Федьковича, 2022. С. 158.

<sup>34</sup> Клецова Н. В., А. В. Винярська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 27. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

## CHAPTER I General Provisions

### Article 1. Definition of Basic Terms

**Doctor of veterinary medicine** is the natural person who has a full higher veterinary education (masters, specialists degrees), speaks the state language in accordance with the level determined by the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State”, passed a qualification exam, received a license for practicing the professional activity.

**National Qualification and Disciplinary Commission Doctors of Veterinary Medicine** is the collegial body that considers cases not resolved by the first instance (Regional Qualification and Disciplinary Commissions) and cases related to the management structures of the Regional Councils, the National Council.

**National Council** is the highest elected structural unit of the National Self-governing Body, which manages the activities of the National Self-governing Body in the period between the Regional Congresses of doctors of veterinary medicine throughout Ukraine, whose members are responsible for making decisions on ensuring the health and well-being of animals, quality food products of animal origin, procedures of international certification and norms of the Land Code on the territory of Ukraine. The National Council unites all Regional Councils.

**National Counsellor on Professional Responsibility** – is the second instance that considers complaints about the activity or inaction of the doctor and violation of the right of the doctor of veterinary medicine related to his or her professional activity and evaluation of ethical behaviour. It considers all cases of the authorities in the Regional Councils<sup>35</sup>.

**Regional Qualification and Disciplinary Commission Doctors of Veterinary Medicine** is a collegial body that considers cases submitted by the Regional Counsellor.

**Regional Council** is the highest elected structural unit of the Regional Self-governing Body, which manages the activities of the Regional Self-governing Body in the period between the Regional Congresses of doctors of veterinary medicine in one or several united regions.

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<sup>35</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 29. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

**Regional Counsellor on Professional Responsibility** – reviews complaints about the activity or inaction of the doctor and violation of the right of the doctor of veterinary medicine related to his or her professional activity and evaluation of ethical behavior, and submits them for consideration to qualification and disciplinary commissions.

**Register of Doctors of Veterinary Medicine of the Self-governing Body** is a register in which all doctors of veterinary medicine of the Self-governing Body who have a unique number and the right to carry out professional activities are entered.

**Self-governing Body** is a legal entity under public law that organizes its activities on the principles of self-government. It is created for an indefinite period and cannot be reorganized, which is entrusted with the responsibilities of regulating the professional activity of doctors of veterinary medicine.

## **Article 2. Legal Basis of Activity of Doctors of Veterinary Medicine in Ukraine**<sup>36</sup>

1. The legal basis for the activity of doctors of veterinary medicine in Ukraine is the Constitution of Ukraine, this Law, Law of Ukraine “On Veterinary Medicine”, Law of Ukraine “On State Control over Compliance with the Legislation on Food Products, Feed, Animal By-products, Veterinary Medicine and Animal Welfare”, Law of Ukraine “On By-products of Animal Origin, not intended for Human Consumption”, other laws of Ukraine and normative legal acts issued in accordance with them.

2. If the international treaty of Ukraine, the binding consent of which has been given by the Verkhovna Rada of Ukraine, establishes other norms than those stipulated by this Law, the norms of the international treaty of Ukraine should be applied.

## **Article 3. Principles and Basics of Professional Activity of Doctors of Veterinary Medicine**

1. Professional activity of the doctor of veterinary medicine is carried out on the principles of democracy, independence, competence, incorruptibility, objectivity, collegiality, corporatism.

2. The doctor of veterinary medicine carries out professional activities throughout the territory of Ukraine and beyond, unless otherwise stipulated by an international treaty, the binding consent of which has been granted by the Verkhovna Rada of Ukraine, or by the legislation of a foreign state.

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<sup>36</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 29. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

3. The doctor of veterinary medicine can carry out professional activities individually or in institutions of veterinary medicine.

4. The doctor of veterinary medicine from a foreign country carries out professional activities on the territory of Ukraine in accordance with this Law, unless otherwise provided by an international treaty, the binding consent of which has been granted by the Verkhovna Rada of Ukraine.

5. In case that a person with the Ukrainian citizenship acquires the profession of the doctor of veterinary medicine outside of Ukraine, the diploma of such a person is the subject to verification in Ukraine in accordance with the procedure determined by the Self-governing Body functioning in accordance with this Law<sup>37</sup>.

6. The task of the professional activity of the doctor of veterinary medicine is the protection of animal health, veterinary protection of public health and the environment, which includes:

- 1) research on the state of health of animals;
- 2) diagnosis, prevention and elimination of animal diseases;
- 3) treatment of animals and performing surgical manipulations;
- 4) issuance of conclusions, veterinary passports and veterinary certificates;
- 5) research on the state of health of animals for slaughter, meat and other products of animal origin;
- 6) implementation of activities related to veterinary supervision of animal trade and sanitary and veterinary conditions of places where animals are kept and products of animal origin are processed;
- 7) examination and evaluation of the veterinary quality of food and medicated feeds, conditions of their production and distribution;
- 8) the usage of veterinary medicines prescribed only by the doctor of veterinary medicine;
- 9) issuing prescriptions, including electronic prescriptions for medicinal products, with the exception of veterinary medicinal products, for animals' usage;
- 10) compliance with and implementation of decisions of the Self-governing Body adopted within its competence;

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<sup>37</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 30. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

11) providing the conditions for exercising the right to appeal by every doctor of veterinary medicine in accordance with the procedure established by law for the decisions of the Self-governing Body.

7. The doctor of veterinary medicine can perform professional activities only upon obtaining the permit from the independent Self-governing Body established in accordance with the requirements of this Law<sup>38</sup>.

8. The doctor of veterinary medicine is obliged to carry out professional activities with special diligence, based on the principles of ethics and veterinary deontology.

#### **Article 4. State Regulation of the Professional Activity of the Doctor of Veterinary Medicine**

1. State regulation provides general requirements for higher veterinary education, controls and compliance monitoring with the legislation in the field of veterinary medicine.

2. State regulation should not lead to the intervention of the state and officials in the professional activity of the doctor of veterinary medicine.

3. State authorities are obliged to agree with the Self-governing Body on draft regulatory acts, protocols for the provision of veterinary care, veterinary education and other documents related to issues of organization and professional activity of doctors of veterinary medicine.

4. State authorities reimburse the services provided by the doctor of veterinary medicine for his or her needs.

### **CHAPTER II**

#### **Acquisition of the Right to Carry out the Professional Activity of the Doctor of Veterinary Medicine**

##### **Article 5. The right to Carry out Professional Activities<sup>39</sup>**

1. The right to professional activity is obtained by the doctor of veterinary medicine through the Regional Council.

2. The Regional Council grants a license for an application from the doctor of veterinary medicine to engage in professional activities to a person *who*:

1) is a citizen of Ukraine or a citizen of another state;

*has*:

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<sup>38</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Ґжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 30. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

<sup>39</sup> Там само.

2) a diploma of higher education of the doctor of veterinary medicine, issued by a Ukrainian higher educational institution, or a diploma or other document confirming the qualification of the doctor of veterinary medicine, which meets the minimum quality requirements established in the provisions of the European Union on the recognition of professional qualifications, issued by the competent authorities of the state, other than Ukraine;

3) a diploma of the doctor of veterinary medicine, issued by the competent authorities of another state, other than the EU member state, if this diploma confirms the qualification of the doctor of veterinary medicine that meets the minimum requirements for the quality of education established in the provisions of the European Union relating to the recognition of professional qualifications, and was recognized as an equivalent document in Ukraine;

4) is a capable person in accordance with legal requirements;

5) fit in terms of health to carry out professional activities;

6) demonstrates impeccable ethical behavior;

7) not deprived of civil rights according to a court decision;

*applies to foreign citizens:*

8) the license issued by the competent authorities of the state and has the right to practice on the territory of this state as the doctor of veterinary medicine, who has not been suspended from professional activity or deprived of an activity license;

9) proceedings on deprivation or suspension of the right to engage in professional activity are not opened;

10) confirmation that he or she has spoken and written Ukrainian to the extent necessary for the professional activity of the doctor of veterinary medicine.

#### **Article 6. The Procedure for Obtaining the License for the Professional Activity of the Doctor of Veterinary Medicine<sup>40</sup>**

1. To obtain a license for professional activity, a veterinarian applies to the Regional Council of the Self-governing Body operating in the region where the applicant intends to carry out professional activity, with a written application in the approved form and submits the following documents:

1) diploma of higher education, specialty “Veterinary Medicine”;

2) health certificate;

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<sup>40</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіцицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 30. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)



3) a certificate of no criminal record.

2. On the basis of the submitted documents specified in Part 1 of this article of the Law, the Regional Council of the Self-governing Body issues a license for the professional activity of the doctor of veterinary medicine.

### CHAPTER III

#### Tasks and Principles of Activity of the Self-governing Body

##### Article 7. Structure of the Self-governing Body

1. The Self-governing Body is a democratic independent Self-governing Body of doctors of veterinary medicine.

2. The Self-governing Body is independent in the performance of its tasks and shall be subject to the provisions of this Law and other legislation of Ukraine.

3. The organizational units of the Self-governing Body with legal rights are the National and Regional self-governing bodies.

4. The location of the Self-governing Body is the city of Lviv.

5. Regional self-governing bodies operate in each or several united regions. The territory of regional self-governing bodies and their residences are determined by the National Self-governing Body, taking into account the territorial structure of Ukraine.

##### Article 8. Powers of the National Self-governing Body<sup>41</sup>

1. The national Self-governing Body adopts decisions that are mandatory for doctors of veterinary medicine to perform their professional activities throughout the territory of Ukraine.

2. Resolutions of the National Self-governing Body are adopted by a simple majority of votes, with the presence of at least half of the body's members.

3. The national Self-governing Body and the state veterinary service closely cooperate and are responsible for solving tasks, procedures, notification systems, documentation, etc.

4. The national Self-governing Body has the right to use a seal.

##### Article 9. Tasks of the National Self-governing Body

1. Carrying out guardianship, supervision and control over the proper and conscientious implementation of professional activities.

2. Establishing and ensuring compliance with the rules of ethics and veterinary deontology regarding professional activity and its prestige.

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<sup>41</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 31.

3. Representation and protection of the profession of the doctor of veterinary medicine.

4. Integration of the veterinary environment.

5. Making professional decisions regarding the state of animal health, veterinary protection of public health and the environment, state policy in this matter.

6. Cooperation with scientific societies, universities and research units inside the country and abroad.

7. Organization of activities of the mutual aid center and other forms of material assistance to veterinarians and their families.

8. Management of assets and economic activities of the National and Regional self-governing bodies<sup>42</sup>.

9. Performance of other tasks defined by separate legal acts.

10. The tasks specified in Article 9, paragraph 1, are performed by the Self-governing Body *by*:

1) granting, deprivation, suspension and certification of the loss of the right to professional activity;

2) maintaining the register of members of the Self-governing Body;

3) maintaining the registration of veterinary medicine institutions;

4) conducting negotiations on working conditions and wages;

5) execution of legal actions regarding the making a decision on the incapacity of the doctor of veterinary medicine;

6) cooperation in matters of professional specialization;

7) provision of opinions on draft laws and other legal acts related to animal health protection, veterinary protection of public health, environmental protection and the implementation of the professional activity of the doctor of veterinary medicine or an application for their issuance;

8) maintaining and providing conclusions on issues related to the educational training of doctors of veterinary medicine and support staff;

9) organization of research on public health protection and implementation of professional activities;

10) activities of the qualification and disciplinary commission in the field of professional responsibility of the doctor of veterinary medicine and arbitration proceedings<sup>43</sup>;

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<sup>42</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гюшцицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 31. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

<sup>43</sup> Там само.

11) activities to protect individual and collective interests of members of the Self-governing Body;

12) cooperation with state authorities and local self-government bodies, professional self-government bodies, trade unions and public organizations in matters of prevention and veterinary treatment, improvement of sanitary conditions for keeping animals;

13) control of food products of animal origin, fight against infectious and parasitic diseases of animals, zoonoses;

14) dissemination and promotion of modern scientific achievements in veterinary science among doctors of veterinary medicine and assistance in improving professional qualifications;

15) participation in competitive commissions for management positions and support for candidates for other positions that require the qualification of the doctor of veterinary medicine.

#### **Article 10. Terms of Authority of the Self-governing Body**

1. The term of office of Self-governing Body structures is four years until new elections.

2. The same function in the structures of the Self-governing Body may be performed for no longer than two terms in a row.

3. Elections to the structures of the Self-governing Body are held by secret ballot with an unlimited number of candidates.

4. A valid right to vote gives the right to vote to all members of the Self-governing Body, with the exception of doctors of veterinary medicine suspended from professional activity.

5. Doctors of veterinary medicine who have been practicing continuously for at least seven years and have not been brought to administrative and criminal liability may be members of qualification and disciplinary commissions.

#### **Article 11. Termination of the Term of Members of the Self-governing Body Office**

1. The term of office of a member of a Self-governing Body expires *as a result of*:

1) death;

2) refusal of the mandate;

3) removal from the register of members of the Self-governing Body;

4) dismissal by the body that made the choice;

5) loss of the Ukrainian citizenship;

6) punishment according to the final decision of the qualification and disciplinary commission;

7) deprivation of civil rights or prohibition of professional activity.

## CHAPTER IV

### Rights and Obligations of Members of the Self-governing Body

#### Article 12. Rights of Members of the Self-governing Body<sup>44</sup>

1. The doctor of veterinary medicine, who has the right to carry out professional activity, must register with the Regional Self-governing Body before starting the activity.

2. The doctor of veterinary medicine provides the Regional Council with the data to be entered in the register specified in Paragraph 1 of Article 6 of this Law, and reports any changes to the data within 30 days from the date of the change.

3. The registered doctor of veterinary medicine should meet the following *requirements*:

1) has the right to carry out professional activities;

2) intend to work under the jurisdiction of the Regional Self-governing Body;

4. The doctor of veterinary medicine who meets the requirements set in Part 3 of this Article of this Law, but who does not practice, may be entered in the Register of members of the Self-governing Body.

5. When carrying out professional activities on the territory of two or more Regional Councils, the doctor of veterinary medicine chooses at his or her own discretion which Council to register with. If the veterinarian is the head of the veterinary medicine institution, he or she is registered with the Council in which territory he or she is the head of this institution.

6. Members of the Self-governing Body *have the right to*:

1) elect and be elected to the governing structures of the Self-governing Body;

2) receive assistance from the Self-governing Body in improving professional qualifications and ensuring appropriate conditions for carrying out professional activities;

3) protection and legal assistance;

4) use the services of Self-governing Body funds and mutual aid in various forms<sup>45</sup>.

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<sup>44</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 32. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

<sup>45</sup> Там само.

### **Article 13. The Right to Remove the Doctor of Veterinary Medicine from the Register of the Self-governing Body**

1. The Regional Council removes a veterinary medicine doctor from the register of the Self-governing Body in the following *cases*:

1) loss of the right to engage in professional activity in the cases specified in Article 11 of this Law;

2) deprivation of the right to carry out professional activity by decision of the court of Ukraine or the qualification and disciplinary commission of doctors of veterinary medicine;

3) deprivation of the right to carry out professional activities in the cases provided for in clauses 6, 7 of Article 27 of this Law;

4) change of place of activity to another Regional Self-governing Body;

5) failure to pay the membership fee for a period exceeding 1 year;

6) death.

### **Article 14. Duties of Members of the Self-governing Body**

1. Members of the Self-governing Body are *obliged to*:

1) comply with the provisions of this law and other normative acts related to the professional activity of the doctor of veterinary medicine, as well as normative legal acts of the country's authorities and self-government;

2) adhere to the principles of ethics and veterinary deontology;

3) regularly pay membership fees.

### **Article 15. Performance of Certain Functions in the Self-governing Body<sup>46</sup>**

1. At the request of the Regional or National Council, the employer is obliged to dismiss the employee for the period associated with the performance of certain functions in the Council, or the performance of certain activities for the needs of the Self-governing Body.

2. The Self-governing Body determines the rules and procedure for reimbursement of travel expenses and other justified expenses incurred by members of the Self-governing Body in connection with the performance of activities for the needs of the Self-governing Body.

3. The employer can not terminate the employment contract with the doctor of veterinary medicine who works in the management structures of

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<sup>46</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжцького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 32. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

the Self-governing Body at the time of performing this activity without the consent of the Regional or National Councils.

4. National Council and Regional Councils provide information to interested doctors of veterinary medicine about Ukrainian veterinary legislation, decisions and resolutions of the Self-governing Body regulating the principles of ethics and veterinary deontology, the possibility of learning the Ukrainian language.

## CHAPTER V

### National Self-governing Body

#### **Article 16. Management Structures of the National Self-governing Body**

1. National Congress of Doctors of Veterinary Medicine.
2. National Council of Doctors of Veterinary Medicine.
3. National Audit Commission.
4. National Qualification and Disciplinary Commission.
5. National Counsellor on Professional Responsibility.

#### **Article 17. National Congress<sup>47</sup>**

1. The highest governing structure of the National Self-governing Body is the National Congress of Doctors of Veterinary Medicine.

2. Delegates elected by Regional Congresses of Doctors of Veterinary Medicine and members of the bodies of the previous National Congress, who are not delegates, but have the right to an advisory vote, participate in the National Congress of Doctors of Veterinary Medicine.

3. The National Congress of Doctors of Veterinary Medicine is convened by the National Council of Doctors of Veterinary Medicine every four years.

4. The out of turn National Congress of Doctors of Veterinary Medicine is convened by the National Council of Doctors of Veterinary Medicine:

- 1) at the request of the National Audit Commission;
  - 2) on one's own initiative;
  - 3) at the request of at least 1/5 of the Regional Councils of Doctors of Veterinary Medicine.
5. National Congress of Doctors of Veterinary Medicine:
- 1) adopts the rules of ethics and veterinary deontology;
  - 2) adopts the program of activities of local self-government bodies;

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<sup>47</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 32. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

3) reviews and approves the reports of the bodies of the National Council of Doctors of Veterinary Medicine;

4) adopts the regulation of the governing structures of the Self-governing Body;

5) determines the number of members of the governing structures of the Self-governing Body, deputies of the National Counsellor on Professional Responsibility, and the number of members of the National Qualification and Disciplinary Commission<sup>48</sup>;

6) elects the Chairman and members of the National Council of Doctors of Veterinary Medicine, the National Audit Commission, the National Qualification and Disciplinary Commission, the National Counsellor on Professional Responsibility and his or her deputies;

7) determines the amount of financing of the National Council through the Regional Councils.

### **Article 18. Structure and Activity of the National Council of the Self-governing Body**

1. National Council of the Self-governing Body of doctors of veterinary medicine *includes*:

1) Chairman of the National Council of the Self-governing Body;

2) Members elected by the National Congress of the Self-governing Body;

3) Heads of the Regional Councils of the Self-governing Body.

2. The National Council of the Self-governing Body of Doctors of Veterinary Medicine elects the Presidium from among its members.

3. The National Council of the Self-governing Body of Doctors of Veterinary Medicine manages the activities of self-governing bodies in the period between the National Congresses of Doctors of Veterinary Medicine<sup>49</sup>.

4. The National Council determines the method and procedure of conducting the exam, the amount of payment for conducting this exam.

5. The National Council of the Self-governing Body provides the Cabinet of Ministers of Ukraine with annual information on self-government activities.

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<sup>48</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 32. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

<sup>49</sup> Там само. С. 33.

6. The Minister of Education and Science, after agreement with the National Council of the Self-governing Body, determines by regulation the degree of knowledge of the Ukrainian language (spoken and written) necessary for the professional activity of the doctor of veterinary medicine.

7. The head of the National Audit Commission, the head of the National Qualification and Disciplinary Commission and the National Counsellor on Professional Responsibility have the right to participate in the meetings of the National Council and its Presidium.

#### **Article 19. National Audit Commission**

National Audit Commission:

- 1) controls the financial and economic activities of the National Self-governing Body;
- 2) implementation of resolutions of the National Congress;
- 3) supervises the activities of the Regional Audit Commissions;
- 4) submits a proposal for approval of the report of the National Council of the Self-governing Body.

#### **Article 20. National Qualification and Disciplinary Commission**

1. Develops a strategy for the professional activity of the doctor of veterinary medicine, compliance with the requirements of the Code of Ethics and professional deontology.

2. Considers issues related to the professional responsibility of the doctor of veterinary medicine.

3. Informs the National Council of the Self-governing Body about the state of affairs.

4. The Qualification and Disciplinary Commission consists of doctors of veterinary medicine who have not been brought to criminal and disciplinary professional responsibility and have at least 7 years of work experience.

#### **Article 21. National Counsellor on Professional Responsibility<sup>50</sup>**

1. Conducts proceedings on issues of professional responsibility.

2. Supervises the activities of the Regional Counsellors on Professional Responsibility.

3. Submits periodic information on the state of affairs to the National Council.

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<sup>50</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжцького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 33. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)



## CHAPTER VI

### Regional Self-governing Body

#### **Article 22. Management structures of the Regional Self-governing Body**

1. The Regional Self-governing Body consists of doctors of veterinary medicine entered in the register of its members.

2. The governing structures of the Regional Self-governing Body are:

- 1) Regional Congress of Doctors of Veterinary Medicine.
- 2) Regional Council of Doctors of Veterinary Medicine.
- 3) Regional Audit Commission of Doctors of Veterinary Medicine.
- 4) Regional Qualification and Disciplinary Commission.
- 5) Counsellor on Professional Responsibility.

#### **Article 23. Regional Congress of Doctors of Veterinary Medicine**

1. The highest authority of the Regional Self-governing Body is the Regional Congress of Doctors of Veterinary Medicine.

2. The Congress of the Regional Self-governing Body takes place every year, and the reporting and election session – every four years, on the dates determined by the Regional Council.

3. The out of turn Regional Congress is convened by the Regional Council:

- 1) on one's own initiative;
- 2) at the request of the National Council;
- 3) at the request of the Regional Audit Commission;
- 4) at the request of at least 1/5 of the members of the Regional Self-governing Body.

4. The out of term Regional Congress shall be convened within one month from the date of receipt of the demand for its convening.

5. The out of term Regional Congress discusses the issues for which it was called<sup>51</sup>.

6. Powers of the Regional Congress:

- 1) makes decisions on issues that belong to the sphere of activity of the Self-governing Body;
- 2) determines the principles of financial management and adoption of the budget of the Self-governing Body;

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<sup>51</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжцького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 34. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

3) reviews and approves the reports of the Regional Council, the Regional Audit Commission, the Regional Qualification and Disciplinary Commission and the Counsellor on Professional Responsibility;

4) determines the organization of the management structures of the Self-governing Body and the order of their work;

5) determines the number of members of the governing structures of the Self-governing Body and Counsellor's deputies;

6) elects the President and members of the Regional Council, members of the Regional Audit Commission, members of the Regional Qualification and Disciplinary Commission and the Regional Counsellor on Professional Responsibility, his or her deputies;

7) elects delegates to the National Congress;

8) determines the amount of the membership fee.

#### **Article 24. Regional Council of Doctors of Veterinary Medicine<sup>52</sup>**

1. The Regional Council elects the Presidium from among its members.

2. The Presidium consists of the President, Vice-President, Secretary, Treasurer and members elected by the Regional Council.

3. The Presidium of the Regional Council acts on behalf of the Council on issues determined in its decision.

4. The Regional Council supervises the activities of the Self-governing Body in the period between the Regional Congresses of Doctors of Veterinary Medicine.

5. The Regional Council and Presidium meetings are attended by:

1) Chairman of the Regional Audit Commission;

2) Chairman of the Regional Qualification and Disciplinary Commission;

3) Regional Counsellor on Professional Responsibility.

#### **Article 25. Procedure for decision-making by the Regional Council<sup>53</sup>**

1. The Regional Council of the Self-governing Body have make a decision to grant a license to practice the professional activity of a veterinarian or refuse to grant a license no later than 2 months from the date of submission of the application together with all the documents or information specified in the Law.

2. The Regional Council of the Self-governing Body confirms the receipt of a written application of the prescribed format within 10 days from the

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<sup>52</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гюжницького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 34. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

<sup>53</sup> Там само.

date of its receipt, and in case of detection of formal deficiencies, they are required to be filled in within the specified period.

3. If the Regional Council of the Self-governing Body has information about disciplinary or criminal proceedings that are being considered or finally completed, or any other circumstances that may affect the professional activity of the doctor of veterinary medicine, report them to the competent authority of another state of which the veterinarian is a citizen, or from which it originates, and, if appropriate, to request verification of that information and to take any action after that information has been reported.

4. Proceedings in the cases specified in Paragraph 3 of this Article of the Law are confidential and are carried out in accordance with the principles set in the regulations on personal data protection.

5. In case of justified doubts regarding the authenticity of the diploma or documents issued by the competent authorities of the EU member states and other states, the Regional Council of the Self-governing Body asks these authorities to confirm the authenticity of the diploma or other documents confirming the qualification for the professional activity of the doctor of veterinary medicine, and also to confirm that the doctor of veterinary medicine who intends to carry out professional activities on the territory of Ukraine has received a qualification to carry out such a profession, which meets the minimum training requirements defined in the normative acts of Ukraine regarding the recognition of professional qualifications.

6. In case of justified doubts, the Regional Council of the Self-governing Body may apply to the competent authorities of the EU member states and another state for confirmation that a veterinarian who intends to practice this profession on the territory of Ukraine is not subject to suspension or prohibition of the right to practice this profession<sup>54</sup>.

### **Article 26. Powers of the Regional Council**

1. The Regional Council of the Self-governing Body may grant the doctor of veterinary medicine, who is not a citizen of the EU member state, a permit for the professional activity of the doctor of veterinary medicine for an indefinite period or for a certain period.

2. The right to engage in professional activities for a limited period, granted to the person specified in paragraph 1, for the purpose of completing

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<sup>54</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжцького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 34. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

postgraduate training or obtaining a scientific degree, covers only the period of study with the indication of the place of study.

3. The person specified in Paragraph 1 can obtain a license for the professional activity specified in Paragraphs 1 and 2 if he or she has completed a master's degree in veterinary medicine in Ukrainian or if he or she has demonstrated the knowledge of the Ukrainian language necessary for the professional activity doctor of veterinary medicine, confirmed by an exam in the Ukrainian language.

4. The license for professional activity specified in Paragraph 1 and 2 is granted by the Regional Council of the Self-governing Body, in accordance with the intended place of professional activity.

5. Payment for the exam specified in Paragraph 3 is made by the applicant, and these receipts constitute the income of the Regional Council of the Self-governing Body.

#### **Article 27. Competencies of the Regional Council<sup>55</sup>**

The Regional Council is the competent body for transferring to the competent body of another state, at its request, information:

1. About disciplinary proceedings or completed criminal proceedings and other circumstances that may affect the professional activity of the doctor of veterinary medicine, and to report any actions that were taken after the transfer of this information.

2. Certifies that the doctor of veterinary medicine has a diploma of higher professional education.

3. Documents certifying that the doctor of veterinary medicine:

1) has the right to carry out professional activity, and this right has not been suspended or this right has been deprived;

2) has not been punished by a veterinary court and is not the subject of proceedings for deprivation or suspension of the right to exercise professional activity;

3) other documents/certificates required by the competent authorities of other states, except Ukraine.

4. The Regional Council can oblige the doctor of veterinary medicine performing professional activities, due to the identified insufficient professional training in a specific field, to pass additional training or training to eliminate the identified deficiencies under fear or risk of losing the right

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<sup>55</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 35. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

to perform professional activities. This article applies to the doctor of veterinary medicine who has not been practicing professionally for more than five years.

5. The Regional Council establishes the program and rules of professional development to supplement knowledge in the field of veterinary medicine.

6. The Regional Council can deprive the right to carry out the professional activity of the doctor of veterinary medicine on a permanent basis or temporarily suspend for the period of incapacity of the doctor of veterinary medicine who is incapacitated due to the state of health, as determined by the decision of the medical commission.

7. Based on the results of the investigation, the Regional Council may suspend the right to carry out professional activities if it poses a threat to the health of people or animals, if the doctor of veterinary medicine specified in Paragraph 6 of this Article refuses to pass an examination by a medical commission.

8. Proceedings in the cases specified in Paragraphs 6 and 7 of this Article are confidential<sup>56</sup>.

9. The Regional Council may revoke the right to exercise the professional activity of the doctor of veterinary medicine in the following cases:

1) the loss of the citizenship of Ukraine or the citizenship of another state by the doctor of veterinary medicine, if he or she did not receive the citizenship of another state at the same time;

2) total or partial incapacity of the doctor of veterinary medicine;

3) loss of civil rights by the doctor of veterinary medicine;

4) refusal of the doctor of veterinary medicine from the right to carry out professional activity;

5) failure to pay the membership fee for a period exceeding 1 year;

6) expiration of the time for which it was provided.

#### **Article 28. Regional Revision Commission of Doctors of Veterinary Medicine**

1. The Regional Audit Commission controls the financial and economic activities of the Regional Self-governing Body.

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<sup>56</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 35. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

### **Article 29. Regional Qualification and Disciplinary Commission**

1. Regional Qualification and Disciplinary Commission considers the issue of professional responsibility of doctors of veterinary medicine and conducts arbitration.

### **Article 30. Regional Counsellor on Professional Responsibility**

1. The Regional Counsellor on Professional Responsibility conducts proceedings on the professional liability of doctors of veterinary medicine (first instance).

## **CHAPTER VII**

### **Professional Responsibility**

#### **Article 31. General Conditions of Professional Responsibility<sup>57</sup>**

1. Members of the Self-governing Body are subject to professional responsibility in the Qualification and Disciplinary Commissions for behaviour that contradicts the principles of ethics and veterinary deontology, and for violating the provisions on the implementation of professional activities.

2. The procedure for prosecution, types of liability, sanctions, and the procedure for appealing decisions are regulated by the current legislation on administrative and criminal offenses, the norms of separate by-laws, and the provisions of the Self-governing Body.

3. Cases regarding professional responsibility for behaviour that contradicts the principles of ethics and veterinary deontology and for violation of provisions on the implementation of professional activity are considered by the Regional and National Qualification and Disciplinary Commissions of the Self-governing Body.

4. Regional Qualification and Disciplinary Commissions are qualification and disciplinary commissions of the first instance. That is, cases are initially considered by the Regional Qualification and Disciplinary Commission. If they do not satisfy the interests of the defendant and the plaintiff, the case is referred to the second instance – the National Qualification and Disciplinary Commission.

#### **Article 32. Proceedings in the Case of Professional Responsibility**

1. Proceedings in the case of professional responsibility for the same act are incomplete, regardless of criminal or disciplinary proceedings opened

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<sup>57</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 35. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

in an institution in which such proceedings are provided for by special provisions.

2. The qualification and disciplinary commission may suspend the case until the end of criminal or disciplinary proceedings.

### **Article 33. Bringing to Professional Responsibility**<sup>58</sup>

1. Members of Qualification and Disciplinary Commissions are independent in making decisions, subject only to laws, rules of ethics, veterinary deontology.

2. The case of bringing to professional responsibility cannot be initiated if three years have passed since the act was committed.

3. If the act contains signs of a crime, the limitation of professional responsibility does not come until it is proven in the court.

4. The statute of limitations is interrupted by any activity of the Counsellor on Professional Responsibility.

5. Responsibility for the commission of the crime is terminated, in accordance with the current regulations, if five years have passed since its commission.

6. National Council of the Self-governing Body maintains a register of doctors of veterinary medicine who have been prosecuted in accordance with this Law.

7. Removal from the register of a convicted doctor of the veterinary medicine is carried out in the case of:

1) three years have passed since the day the judgment on punishment in the form of a warning or reprimand entered into force;

2) five years have passed since the termination of the right to exercise professional activity;

3) fifteen years have passed since the date of entry into legal force of the judgment on punishment in the form of deprivation of the right to engage in professional activity. And if the doctor of veterinary medicine will not be punished during this time or a case of bringing him or her to professional responsibility has not been initiated against him or her.

### **Article 34. Resolution of Disputes**

1. The Regional Qualification and Disciplinary Commission, with the written consent of the parties, may consider as an arbitration court, disputes between doctors of veterinary medicine, between the doctor of veterinary

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<sup>58</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 36. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738>. DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

medicine and other personnel of the veterinary institution, between the doctor of veterinary medicine and other people or institutions, if these disputes relate to the implementation of professional activities of the doctor of veterinary medicine.

2. Peaceful resolution of disputes – mediation, can be applied to judicial settlement of disputes.

3. In the cases specified in Paragraphs 1 and 2, the Qualification and Disciplinary Commission should apply the provisions of the current legislation.

4. The Self-governing Body organizes, at the request of a member of the Self-governing Body, defense during the consideration of the court case.

5. During the consideration of cases in Qualification and Disciplinary Commissions, the management structures of the Self-governing Body adhere to medical confidentiality.

6. Civil responsibility insurance of the doctor of veterinary medicine is mandatory. The minimum amount of the insurance premium is established by the Self-governing Body<sup>59</sup>.

## CHAPTER VIII

### Final and Transitional Provisions

1. This Law will enter into force on the day of its official publication and will enter into force 2 weeks after the day of its official publication, with the exception of the norms regulating the professional self-governance of doctors of veterinary medicine of Ukraine and its powers, which will enter into force after the state registration of the Self-governing Body.

2. Self-governing Body is created by holding a Constituent Congress.

3. Responsibilities related to the organization and holding of the Constituent Congress are put to the Organizational Council.

4. No later than 14 days from the date of entry into force of this Law, the National and Regional Organizational Committees of the Self-governing Body will be established. Constituent Regional Congresses are held no later than 30 days later.

5. Doctors of veterinary medicine, who carry out professional activities in the definite region, take part in the Constituent Regional Congress.

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<sup>59</sup> Клецова Н. В., А. В. Винярска, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гжицького. Серія: Ветеринарні науки.* 2022. Т. 24. № 108. С. 36. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)



6. The effect of this Law is valid in the temporarily occupied territories of Ukraine. Doctors of veterinary medicine from the temporarily occupied territories of Ukraine are automatically included in the Self-governing Body. The membership of these persons is approved at the first Constituent Congress of the Self-governing Body through open voting.

7. Constituent Regional Congresses are considered valid if at least 10% of the region's doctors of veterinary medicine took part in them. Constituent Regional Congresses elect delegates to the Constituent National Congress according to the principle of 1 delegate from every one hundred veterinarians of the region.

8. The organizing committees notify the participants of the Regional Constituent Congress by mail and/or e-mail, publish announcements about the holding of the Regional Constituent Congress on the official websites of the state authorities<sup>60</sup>.

9. Registration of the Self-governing Body is carried out in accordance with the Law of Ukraine "On State Registration of Legal Entities and Individual Entrepreneurs".

10. Until the legislation is brought into line with the Law of Ukraine "On Professional Activities of the Doctor of Veterinary Medicine", laws and other normative legal acts in the field of veterinary medicine will be applied to the extent that they do not contradict this Law.

11. Doctors of veterinary medicine who, on the date of entry into force of this Law, were authorized to carry out professional activities on the basis of previously valid normative acts, are automatically included in the register of members of the Regional Self-governing Body, on the territory where they carry out their professional activities.

## CONCLUSIONS

The analysis of international legal acts, international programs of assistance to Ukrainian labor resources that were forced to leave Ukraine, allows us to conclude that all countries of the world demonstrate firm decisions so that refugees from the Ukrainian-Russian war can provide themselves and their families with decent living conditions. We discovered that the countries of the European Union and Great Britain provide the opportunity for a free home, legal work, education, and conditions for

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<sup>60</sup> Клецова Н. В., А. В. Винярьська, А. М. Клецов. Проект Закону України щодо створення самоврядувального ветеринарного органу з урахуванням міжнародного досвіду. *Науковий вісник Львівського національного університету ветеринарної медицини та біотехнологій імені С. З. Гіжицького. Серія: Ветеринарні науки*. 2022. Т. 24. № 108. С. 36. URL: <https://nvlvet.com.ua/index.php/journal/article/view/4627/4738> DOI <https://doi.org/10.32718/nvlvet10805> (дата звернення: 21.05.2023)

restoring life after severe war injuries. This indicates that these countries ensured not only the right to work, but also the social protection of the Ukrainian people. In its turn, Canada, providing the right to work, encourages Ukrainian emigrants to form decent social security in the country. And only in some cases, social shelters are offered. We proved that Ukraine today suffers not only because of the state of war, but also because of the migration crisis of the Ukrainian working population, which has automatically turned into emigrating labor resources. Based on the United Nations research, we found that today's migration policy of Ukrainians in the world can turn into "the biggest refugee crisis in Europe of this century".

Preserving the human capital of doctors of veterinary medicine on practice there should be done great reforming in the Ukrainian veterinary legislation. The authors of this chapter of the monograph who are also the developers of this Draft Law propose to provide the Draft Law "On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body" as the key issue of the supporting the Ukrainian labour emigrants under conditions of war. The implementation of this Draft Law on practice is necessary and timely, because: 1) veterinary medicine doctors will be united into the single body, which is interested in increasing the prestige of the profession; 2) there will be the reduction in the percentage of conflict of interests (the state provides services and the state controls the performance of these services) due to the transfer of state doctors of veterinary medicine to the private segment; 3) the state will delegate services to the self-governing body for the organization of preventive measures and measures to eliminate infectious and parasitic diseases of animals, zoonosis; 4) there will be control of "Lifelong learning" by deprivation of permission or suspension of the permit to carry out veterinary practice.

## **SUMMARY**

The authors have proven that the right to work, which is the basic international standard in the countries of the European Union, Great Britain and Canada, is one of the priority provisions for Ukrainian emigrants under conditions of war today. The analysis of international legal acts, international programs of assistance to Ukrainian labour resources, allows us to conclude that the countries of the European Union and Great Britain ensured not only the right to work, but also the social protection of the Ukrainian people. In its turn, Canada, providing the right to work, encourages Ukrainian emigrants to form decent social conditions in the country. We proved that Ukraine today suffers not only because of the war, but also because of the migration crisis of the Ukrainian working population in the field of veterinary medicine.

The article revealed that according to the Article 3.2.5. of the Terrestrial Animal Health Code of the World Health Organization, only the Self-governing Body carried the legal responsibility and acts on the basis of legislative acts. The authors proposed the draft of the Law of Ukraine “On Professional Activity of the Doctor of Veterinary Medicine and Self-governing Body (Veterinary Parliament)” as one of the ways to preserve the human capital of a doctor of veterinary medicine. Implementation of this Law on practice is necessary and timely, because: 1) veterinary medicine doctors will be united into the single body, which is interested in increasing the prestige of the profession; 2) there will be the reduction in the percentage of conflict of interests (the state provides services and the state controls the performance of these services) due to the transfer of state veterinary doctors to the private segment; 3) the state will delegate services to the self-governing body for the organization of preventive measures and measures to eliminate infectious and parasitic diseases of animals, zoonosis; 4) there will be control of “Lifelong learning” by deprivation of permission or suspension of the permit to carry out veterinary practice.

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