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CONTRACT OF AGRICULTURAL PRODUCTS: DEFINITION AND CHARACTERISTICS

Agriculture as a type of economic activity occupies a prominent position in the legal framework. Contract of agricultural products contracting belongs to a variety of contracts for the sale of property, but at the same time combines some elements of the organizational agreement (concerning the provision of a one party to assist the other party to the contract, which produces and sells agricultural products, the coordination of the parties' actions to fulfill their contractual obligations).

Under this contract, the producer of agricultural products undertakes to transfer to the processing enterprise or organization the products manufactured by him in terms of quantity, range provided by the contract, and the contractor undertakes to assist the manufacturer in the production of the specified product, accept and pay for it.

The main purpose of the contracting contract is the use of agricultural products in entrepreneurial activity, and not for personal, family, domestic consumption.

The parties to the agricultural product contract are agricultural producers and their purchaser (contractor):

- the manufacturer may be a legal entity or an individual entrepreneur who grows (manufactures) agricultural products.

- the purchaser (contractor) is also a legal entity or individual entrepreneur who buys agricultural products for subsequent sale or subsequent processing.[1]

The contract of agricultural products is usually concluded on the basis of state orders for the supply of agricultural products by the state.

Essential terms of this agreement, in addition to the above, are:

- types of products (assortment), state standard number or technical specifications, maximum permissible content of derivatives in product;

- quantity of products, which the contract takes directly from the manufacturer;

- price per unit, total amount of the contract, the order and terms of delivery, terms of delivery-receipt of products;

- contract obligations on the submission of assistance in the organization of production of agricultural products and its transportation to reception points and enterprises;

- mutual responsibility of the parties in case of non-fulfillment of the terms of the contract;

- other conditions to be envisaged by the Model Agreement on the Contract for Agricultural Products Contraction, approved in the procedure established by the Cabinet of Ministers of Ukraine [2].

The subject of agreement has certain features:

1) the subject of the contract are agricultural products to be grown (grain, vegetables, etc.) or production, breeding under the conditions of agriculture (live cattle, birds, etc.);

2) cultivation (breeding) is associated with different stages of agricultural production (land cultivation, sowing, harvesting, etc.) and its conditions, which sometimes do not depend on the producer's will (drought, flood, animal diseases, etc.) [4].

In conclusion, a contract of agricultural products contracting is an independent contract, which has special legal features and a separate legal regulation, which is conditioned by the peculiarities of production, preservation, transportation and sale of agricultural products.

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