

S. H. Holovko,

PhD of History

ORCID ID: <https://orcid.org/0000-0003-0795-7166>

K. Yu. Vodolaskova,

PhD of Law

ORCID ID: <https://orcid.org/0000-0002-6133-822X>

EU-UKRAINE RELATIONS DEVELOPMENT POLICY: HISTORICAL BACKGROUND AND CURRENT STATE

National Aviation University

Liubomyra Huzara Avenue, 1, 03680, Kyiv, Ukraine

E-mails: golovkos@ukr.net, khusanova@gmail.com

*The purpose of the study is a scientific and historical analysis of international relations, legal characteristics, structure and features of the main legal documents that form the basis of Ukraine-EU relations. **Research methods:** the methodological basis of the work is a comprehensive approach to the analysis of the conceptual foundations of Ukraine-EU relations. It is based on the dialectical method of research, as well as the method of historicism, analytics and comparisons, which provide identification of internal nature to predict further developments in the dialectical and historical dimension for applied use, namely: implementation of modern Ukrainian legislation to European Union standards. **Results:** the relevance of historical and legal analysis and research of legal documents that form the basis for relations between Ukraine and the European Union at certain historical stages, follows from the need to create a theoretical basis for the development of further Ukraine-EU relations. With the conclusion of the Agreement, relations between Ukraine and the EU will be taken to a new level - from partnership and cooperation to political association and economic integration. An important element of the Agreement is to ensure a deep and comprehensive free trade area. Ukraine views the Association Agreement as an important step towards the next stage - preparation for EU accession. **Discussion:** in addition to scientific value, as well as opportunities for application in the educational process of this article, it is relevant to the legislative process. Because the practical significance of the article is that it provides an opportunity to focus legal doctrine on the needs of practice, namely, in order to bring Ukrainian legislation into line with the main regulatory norms of the European Union.*

Key words: Ukraine-EU relations; Eastern partnership; the European Neighborhood Policy; the Association Agreement.

Problem statement. Ukraine has set a course for European integration. This is a conscious choice of citizens and a key demand of the Revolution of Dignity 2013-2014. The Ukrainian government has declared the prospect of EU membership a strategic guideline for Ukraine's aspirations for transformation and a key goal for which reforms are being pursued.

Relations between Ukraine and the European Union were launched in December 1991, when the Dutch Foreign Minister, as President of the EU, formally recognized Ukraine's independence in a letter on behalf of the European Union.

The legal basis for Ukraine-EU relations is the Partnership and Cooperation Agreement (PCA) of 16 June 1994 (entered into force on 1 March 1998),

which launched cooperation on a wide range of political, trade, economic and humanitarian issues.

To date, the PCA has identified 7 priorities for cooperation between Ukraine and the EU: energy, trade and investment, justice and home affairs, approximation of Ukrainian legislation to EU legislation, environmental protection, transport, cross-border cooperation, cooperation in science, technology and space.

European integration is the main and constant foreign policy priority of Ukraine. In his Address to the Verkhovna Rada of Ukraine in June 2002, the President of Ukraine defined European integration as the core of Ukraine's economic and social development strategy for the next decade.

Remaining outside the European Union, Ukraine was successfully associated with the process of implementing the Common European Security and Defense Policy (ESDP). Our country participates in the EU Police Missions in Bosnia and Herzegovina and the Republic of Macedonia.

Main material. The EU also recognizes the important role of Ukraine in ensuring security and stability on the continent, as well as its high industrial and technological potential in the military sphere, as evidenced by the practice of inviting our country to conduct military exercises with EU units.

Trade and economic cooperation between Ukraine and the European Union is developing dynamically. Year after year, bilateral foreign trade turnover and foreign direct investment from EU countries to the Ukrainian economy are growing steadily. Today, the EU is Ukraine's largest foreign trade partner in the world (the 25 EU member states account for 33% of Ukraine's foreign trade turnover) [6].

Ukraine and the EU are actively cooperating in the framework of the Working Group on Ukraine's application for accession to the WTO. The EU supports Ukraine on a permanent basis in both multilateral and bilateral WTO negotiation processes. Following the signing in 2003 of the Bilateral Protocol on Access to Markets for Goods and Services within the WTO, the parties began work on developing and agreeing on a draft Report of the Working Group.

Ukraine sees its main task in establishing European values and standards in politics, economics, and the social sphere. This is the key to social stability and sustainable development of our state.

The European Neighborhood Policy is a relatively new basis for bilateral cooperation between the EU and its eastern and southern neighbors, the conceptual outlines of which are set out in the European Commission's communications "Wider Europe - Neighborhood: A New Framework for Relations with Our Southern and Eastern Neighbors" (March 2003) [7] and "European neighborhood policy. Strategy" (May 2004) [8]. These documents emphasize that the new EU policy aims to create a zone of stability, peace and prosperity south and east of the new borders of the enlarged European Union by establishing close long-term relations with the countries of the region. The ENP aims not to allow for a new dividing line between the enlarged EU and its neighbors and enable them to participate in the EU's various activities through closer political, economic, cultural and security cooperation.

The implementation of the ENP should result in the transformation of neighboring countries from a source of danger and poverty into stable democracies and a reduction in the asymmetry between the levels of development of the EU and its neighbors, which in turn will further maintain security and prosperity of EU [4]. This explains the EU's interest in the success of democratic reforms in the surrounding countries [1].

The European Neighborhood Policy is implemented mainly on a bilateral basis between the EU and partner countries in the framework of mutually agreed Action Plans. Moldova and Ukraine agreed on their Action Plans in 2005, Armenia, Azerbaijan and Georgia in 2006, and no such plan has been signed with Belarus to date [1].

Next step in the relations development was the Eastern Partnership, which was a foreign policy initiative of the European Union, which extends to the EU's six Eastern European neighbors - Azerbaijan, Belarus, Armenia, Georgia, Moldova and Ukraine. The initiative was formally launched at the Eastern Partnership Summit in Prague on 7 May 2009. The Eastern Partnership provides an

opportunity to update the legal framework of the EU's relations with its eastern neighbors by replacing existing Partnership and Cooperation Agreements with Association Agreements, Deep and Comprehensive Free Trade Zones, visa liberalization between the EU and partner countries, etc. The launch of the Eastern Partnership has led to a demarcation of the EU's foreign policy approaches to relations with the EU's southern and eastern neighbors, which were previously on a par with the European Neighborhood Policy. From Ukraine's point of view, this was a step in the right direction, as the eastern neighbors are European states and can apply for EU membership if the relevant criteria are met. Ukraine's strategic interest in the Eastern Partnership is to give interested partner countries the prospect of EU membership and, as a result, to turn the initiative into a link with the EU's enlargement policy [7].

The Eastern Partnership provided an opportunity to update the legal framework of the EU's relations with its eastern neighbors by replacing existing Partnership and Cooperation Agreements with Association Agreements, creating Deep and Comprehensive Free Trade Areas (FTAs), visa liberalization between the EU and partner countries, etc.

The emergence of the Eastern Partnership has led to the demarcation of the EU's foreign policy approaches to relations with the EU's southern and eastern neighbors, which were previously in the same conditions of the European Neighborhood Policy. This is important because the EU's southern neighbors are not European states and therefore do not even formally have the right to apply for EU membership.

Ukraine (as other post-Soviet countries) is intending to make the transformation towards a consolidated democratic system, functioning market economy and efficient democratic state with extensive welfare policies. It is not necessary for Ukraine to 'reinvent the wheel' in this matter. Whatever action is performed by a great man, common men follow in his footsteps. And whatever standards he sets by exemplary acts, all the world pursues [3].

The implementation of the Eastern Partnership is based on the principles of differentiation, joint

ownership and shared responsibility, as well as on the "more for more" approach.

The next step of relations between Ukraine and the EU was the Partnership and Cooperation Agreement (PCA) of 14 June 1994 (entered into force on 1 March 1998), which launched cooperation on a wide range of political, trade, economic and humanitarian issues. The conclusion of the PCA allowed to establish a regular bilateral dialogue between Ukraine and the EU at the political and sectoral levels, to establish an orderly trade regime between the two parties based on GATT / WTO principles, to determine priorities for adapting Ukrainian legislation to European Community standards and *acquis* economy.

The PCA identifies 7 priorities for cooperation between Ukraine and the EU: energy, trade and investment, justice and home affairs, approximation of Ukrainian legislation to EU legislation, environmental protection, transport, cross-border cooperation, cooperation in science, technology and space.

In order to give new impetus to bilateral relations and to take into account new conditions of cooperation, in particular in the context of EU enlargement in 2004, the parties developed and on February 21, 2005 significantly expand Ukraine's bilateral cooperation with the EU without making changes to the current legal framework. In its content, the Action Plan contained a list of specific commitments of Ukraine in the field of strengthening democratic institutions, combating corruption, structural economic reforms and measures to develop cooperation with the EU in sectoral areas. Among the key achievements in the development of relations during the Action Plan: granting Ukraine market economy status under EU anti-dumping legislation, granting Ukraine the right to accede to EU foreign policy statements and positions, concluding the Visa Facilitation Agreement and the Readmission Agreement, extending to Ukraine financing of the European Investment Bank (Framework Agreement between Ukraine and the European Investment Bank), deepening sectoral cooperation, starting negotiations on a new basic agreement to replace the PCA.

The Association Agreement between Ukraine and the EU is the result of the gradual evolution of relations since Ukraine's independence, which began in 1997.

The Association Agreement is more than a thousand pages long and consists of a preamble, seven parts, 43 annexes and 3 protocols [2].

The Preamble, General Objectives and Principles section outlines the current framework for the EU-Ukraine Association Agreement, including the EU's recognition of Ukraine's European choice and Ukraine's European aspirations as a European country that shares a common history and values with the EU, as well as the goals of the Agreement, including the establishment of an association, gradual rapprochement between Ukraine and the EU on the basis of common values, deepening economic and trade relations, in particular through the FTA, strengthening cooperation in justice, freedom and security. The basic principles that will underlie the association are enshrined, in particular the protection of human rights and fundamental freedoms, respect for the rule of law, respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence. It is emphasized that further relations between Ukraine and the EU will also be based on the principles of a free market economy, rule of law, good governance, etc.

The section "Political dialogue and reforms, political association, cooperation and convergence in the field of foreign affairs and security policy" contains provisions, the implementation of which should contribute to the development and strengthening of political dialogue in various fields, including gradual convergence of Ukraine's positions with the EU in the field of foreign and security policy.

The section identifies the objectives of the political dialogue, the key of which is the introduction of a political association between Ukraine and the EU. Other goals include promoting international stability and security, strengthening respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, promoting independence, sovereignty, territorial integrity and inviolability of borders, and

cooperation in security and defense [2].

This part defines the levels and formats of political dialogue, in particular, provides for summits, meetings at the ministerial and other levels.

Among the key areas of cooperation - cooperation to promote regional stability; strengthening peace and international justice, in particular through the implementation of the Rome Statute of the International Criminal Court; ensuring gradual convergence in foreign and security policy, including the Common Security and Defense Policy, conflict prevention, non-proliferation, disarmament and arms control, counter-terrorism, etc [8].

The part of the Agreement "Justice, Freedom and Security" defines the directions of cooperation in the relevant areas. An important goal of cooperation is to establish the rule of law and strengthen relevant institutions, in particular in the field of law enforcement and the establishment of justice, especially strengthening the judiciary, improving its efficiency, guaranteeing its independence and impartiality.

One of the elements of cooperation is to ensure the appropriate level of personal data protection in accordance with the best European and international standards.

In order to manage migration flows, the Agreement provides for the establishment of a comprehensive dialogue on key issues in the field of migration, including illegal migration, combating trafficking in human beings, etc.

Some articles are devoted to creating appropriate conditions for workers who work legally abroad.

Important attention is paid to ensuring the mobility of citizens and deepening the visa dialogue, in particular by introducing a visa-free regime after meeting the relevant criteria set out in the EU Visa Liberalization Action Plan for Ukraine.

The provisions of the section provide for deepening cooperation in the fight against money laundering and terrorist financing, drug trafficking, organized crime, terrorism, as well as the

development of cooperation in the field of legal aid in civil and criminal matters.

The EU-Ukraine Deep and Comprehensive Free Trade Area (FTA) is an integral part of the Association Agreement and provides for the liberalization of trade in both goods and services, the liberalization of capital movements and, to some extent, labor movements. A distinctive feature of the EU-Ukraine FTA is a comprehensive program of adaptation of regulatory norms in trade-related areas to the relevant EU standards. This will significantly eliminate non-tariff (technical) barriers to trade between Ukraine and the EU and provide increased access to the EU internal market for Ukrainian exporters and, conversely, European exporters to the Ukrainian market. Thus, an in-depth and comprehensive FTA should ensure the gradual integration of Ukraine's economy into the EU internal market.

The part of the Agreement concerning the establishment of the FTA covers the following main areas: trade in goods, including technical barriers to trade; trade defense instruments; sanitary and phytosanitary measures; trade facilitation and cooperation in the customs sphere; administrative cooperation in the customs sphere; rules of origin of goods; trade relations in the energy sector; services, start-ups and investments; recognition of qualifications; movement of capital and payments; competition policy (antitrust and state aid); intellectual property rights, including geographical indications; government Procurement; trade and sustainable development; transparency; settlement of disputes.

Part of the Economic and Sectoral Cooperation Agreement contains provisions on conditions, modalities and timeframes for harmonization of Ukrainian and EU legislation, Ukraine's commitment to reforming the institutional capacity of relevant institutions and principles of cooperation between Ukraine, the EU and its Member States in a number of economic sectors. Of Ukraine and directions of realization of the state branch policy. The 28 chapters of this section of the Agreement provide for appropriate measures in such sectors as energy, including nuclear, transport, environmental protection, industrial policy and entrepreneurship, agriculture, taxation, statistics,

financial services, tourism, audiovisual policy, space research, health, scientific and technical cooperation, culture, education, etc.

The section "Financial Cooperation" outlines the mechanism and ways of receiving financial assistance from the EU, including in order to facilitate the implementation of the Association Agreement, the priority areas for its provision, the procedure for monitoring and evaluating the effectiveness of its use. In addition, the provisions of this part provide for deepening cooperation between Ukraine and the EU in order to prevent and combat fraud, corruption and illegal activities, in particular by gradually harmonizing Ukrainian legislation in this area with EU law, exchange of relevant information and more.

The Institutional, General and Final Provisions provide for the introduction of new formats and levels of cooperation between Ukraine and the EU after the entry into force of the Association Agreement, including the establishment of the Association Council and Committee, the Parliamentary Association Committee. A Civil Society Platform will be established to engage in the implementation of the Civil Society Agreement.

In the context of ensuring the proper implementation of the Agreement, an appropriate mechanism will be put in place to monitor and resolve disputes that may arise during the implementation of the Agreement.

Due to the unlimited term of the Agreement, it was possible to carry out a comprehensive revision, including its objectives within five years of its entry into force, and at any time by mutual agreement of the Parties.

Conclusions. It is difficult to overestimate the importance for Ukraine of developing comprehensive relations with the European Union. Becoming increasingly confidently a leading geopolitical player, the EU plays a special role in both Ukraine's foreign and domestic policies. In fact, since the late 1990s, the Ukrainian government has officially defined that EU integration is a strategic goal of the country, which meets, in general, the expectations of a large part of Ukrainian society, creates a solid basis for achieving a democratic consensus,

With the conclusion of the Agreement, relations between Ukraine and the EU will be taken to a new

level - from partnership and cooperation to political association and economic integration. An important element of the Agreement is the provision of a deep and comprehensive free trade area. Ukraine views the Association Agreement as an important step towards the next stage - preparation for EU accession.

References

1. Action Plan. European Neighborhood Policy. Approved by the Cabinet of Ministers of Ukraine on February 12, 2005. Approved by the Cooperation Council between Ukraine and the European Union on February 21, 2005. URL: http://zakon4.rada.gov.ua/laws/show/994_693

2. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (the Agreement was ratified by application of Law № 1678-VII of 16.09.2014).

3. Bhagavad-Gita As It Is (Paperback) Mass Market Paperback – Deluxe Edition, June, 1989. By A. C. Bhaktivedanta Swami Prabhupada.

4. Baimuratov M.O., Cobby Yu.S. Modifications of state sovereignty in the conditions of European integration in the context of mutual relations of the European Union with member

states: monograph. Sumy: University book, 2015. 300 p.

5. Council Directive 96/67 / EC of 15 October 1996. URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31996L0067>.

Constitutional acts of the European Union (as amended by the Lisbon Treaty) / trans. Gennady Druzenko and Svetlana Druzenko, for the general ed. Gennady Druzenko. Kyiv: K.I.C., 2010. 536 p.

6. EU-Ukraine Parliamentary Association Committee. Tenth Meeting 18-19 December 2019 (Strasbourg). Final Statement and Recommendations pursuant to Article 467 (3) of the Association Agreement. URL: <https://portal.rada.gov.ua/en/news/News/186811.html>.

7. Gritsyak I.A. Law and institutions of the European Union. Kyiv: K.I.C., 2004. 260 p.

8. Law of the European Union: textbook. way. / V.M. Beschasy, V.P. Filonov, O.V. Filonov, V.M. Subbotin and others. 2nd ed. Kyiv, 2011. 366 p.

9. On the National Program for Adaptation of the Legislation of Ukraine to the Legislation of the European Union: Law of Ukraine of October 1, 2011 № 1629-IV (as amended on November 4, 2018) URL: <http://zakon.rada.gov.ua/laws/show/1629-15>

ПОЛІТИКА РОЗВИТКУ ВІДНОСИН ЄС – УКРАЇНА: ІСТОРИЧНІ ПІДСТАВИ ТА СУЧАСНИЙ СТАН

Національний авіаційний університет
проспект Любомира Гузара, 1, 03680, Київ, Україна
E-mails: golovkos@ukr.net, khusanova@gmail.com

***Метою** дослідження є науково-історичний аналіз міжнародних відносин, юридична характеристика, структура та особливості основних правових документів, що становлять основу відносин між Україною та Європейським Союзом. **Методологічною основою** роботи є комплексний підхід до аналізу концептуальних засад відносин Україна-ЄС. В його основі лежить діалектичний метод дослідження, а також метод історизму, аналітики та порівняння, які забезпечують виявлення внутрішньої природи з метою прогнозування подальшого розвитку подій у діалектичному та історичному вимірі для прикладного використання, а саме: імплементація сучасного законодавства України до стандартів Європейського Союзу. **Результати:** актуальність історико-правового аналізу та дослідження юридичних документів, що складають базу для відносин між Україною та Європейським Союзом на певних історичних етапах, впливає із необхідністю створення теоретичних основ для розвитку подальших відносин Україна – ЄС. Із укладенням Угоди відносини між Україною та ЄС будуть виведені на новий рівень – від партнерства та співпраці до політичної асоціації та економічної інтеграції. Важливим елементом Угоди є забезпечення глибокої та всеосяжної зони вільної торгівлі. Україна розглядає Угоду про асоціацію як важливий крок до наступного етапу – підготовки до вступу до ЄС. **Обговорення:** крім наукової цінності, а також можливостей застосування у навчальному процесі даної статті, вона має актуальність для законодавчого процесу. Оскільки практичне значення статті полягає в тому, що вона дає можливість орієнтувати юридичну доктрину на потреби практики, а саме: з метою приведення українського законодавства до основних регулятивних норм Європейського Союзу.*

***Ключові слова:** відносини Україна-ЄС; Східне партнерство; Європейська політика сусідства; Угода про асоціацію.*

Стаття надійшла до редакції 30.05.2022