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ADAPTATION OF UKRAINIAN LEGISLATION TO LEGISLATION OF EUROPEAN UNION

The Partnership and Cooperation Agreement between the EC and its Member States, and Ukraine (PCA) as well as other instruments that set the legal framework for the cooperation between the EU and Ukraine have created appropriate preconditions for the harmonization of Ukrainian legislation with Community law are relevant for the present.

In studying the adaptation of legislation, one should emphasize the main of the most significant theoretical problems of this issue, which leads to misunderstandings in practice. This is the relationship and distinction between the concepts of "adaptation" and "harmonization". It is these two concepts that require special attention, given the peculiarities of the consequences of their implementation.

Since then, certain theoretical and practical aspects of the question of adaptation of national law to EU legislation have increasingly been the subject of scientific interest and research of domestic scholars, namely N. Hnydiuk, I. Hrytsiak, H. Druzenko, V. Zabigailo, O. Zerkal, Yu. Kapitsa, V. Muraviov, R. Petrov, N. Parkhomenko, S. Shevchuk and others. However, the process of adapting Ukrainian legislation to EU law is dynamic and encompasses a very large range of issues, a comprehensive analysis of which promotes the continuing relevance of these studies and their further implementation.

The need and necessity of harmonization of the Ukrainian law with the European law was declared at the beginning of the reconstruction of Ukrainian state. Ukraine signed the Agreement on the association between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand.

This document proclaimed a strategic goal of European integration for Ukraine, meaning full membership in the EU. Ukraine has committed to approximate its legislation in key sectors.

On the other hand, the harmonization of Ukrainian legislation with Community law sets the foundation for bringing the legal environment of closer

to that existing in EU Member States, thus encouraging the business community of EU Member States to work actively in Ukraine. Their presence is supposed to contribute to Ukraine's economic development and bring foreign investments to its economy.

Certain efforts to bring Ukrainian legislation closer to Community law were made in the spheres of competition, labor and social relations. That stage was characterized by absence of any specific commitments of both parties in this area. The steps taken by Ukraine to harmonize its legislation with Community law were not coordinated with the EC and had a unilateral nature.

The entry into force of the PCA provided not only a broad legal bases for the process of harmonization of Ukrainian legislation with Community law but also ensured a diversified character of this process. The whole period of the approximation the national legislation to the EU legislation can be divided into some stages depending on the kind of legal norms. The criteria of ability to assume the obligations of the EU membership demands the adaptation of the whole acquires of the EU, the system of common rights and obligations, which are in force, concerning all member states in the European Union.

The system is involves legislation adopted on the execution of the Treaties (regulations, directives, decisions); case law of the European Court of Justice, including general principles of EU law; declarations and resolutions of the EU; measures adopted within the framework of Common Foreign and Security Policy; measures adopted within the framework of Justice and Home Affairs; International agreements concluded by Community and agreements concluded between member states in the field of competence of the Union.

So, the harmonization of Ukrainian legislation with the EU law is one of essential preconditions for deepening Ukraine's cooperation with European Union and its Member States. The European Neighborhood Policy is aimed at opening to Ukraine prospects of many of the benefits previously associated only with membership, such as a stake in the internal market, involvement in EU programmes etc. The harmonization creates prerequisites for moving to the next stages of integration, including in the foreseeable future the obtainment of EU membership by Ukraine.