

to Europe started shortly after Independence and they continue today. Ukraine has accepted the commitment to ensure that its legislation will be gradually made compatible with that of the Community. This organization has some legal requirements to countries that want to be a member. The first attempt made by Ukraine to go along with these requirements was to ensure a minimum conformity of legislation in the spheres of democracy and human rights protection. These reforms show the first steps towards the achievement of European legal standards into the developing Ukrainian legal system, but it is only a beginning.

The adaptation of Ukrainian legislation to the EU law was formally begun in 1999 when the Cabinet of Ministers of Ukraine issued the Concept of Adaptation of Ukrainian Legislation to the Legislation of the EU (Concept of Adaptation). The general aims and scope of the adaptation process in Ukraine were already broadly defined in the Strategy of Integration, as the approximation of national legislation with contemporary European legal systems in order to safeguard the development of political, business, social, and cultural activity of Ukrainian citizens, to provide the economic growth of Ukraine in the EU, and to facilitate the gradual increase of well-being of Ukrainian nationals to the EU level.

The first step of adaptation aims to develop the Ukrainian legal system in accordance with the Copenhagen criteria, approximating Ukrainian legislation in the priority areas involved in the PCA and other international treaties that relate to the EU-Ukraine cooperation.

The second step of adaptation will include the reconsideration of Ukrainian legislation in force in the directions, specified in Article 51 of the PCA with a purpose to 'approximate adequacy' with EU legislation. Also, this step expects the establishment of the norms of legal assistance for the establishment of a free trade area between Ukraine and the EU.

The third step of adaptation is not defined perfectly well. It could be started upon the EU's recognition of Ukraine's sufficient progress in accomplishment of the tasks set for the first and second step of adaptation. This step of adaptation is aimed at the subsequent harmonization of the entire Ukrainian legislation with the whole adjustment of Ukrainian legislation to European standards.

Article 1 of the Strategy on Integration explicitly states that "adaptation of Ukrainian legislation to the EU laws comprises steps of approximation with the contemporary European system of law." Currently, Ukraine is on a way to harmonize its legislation to the EU standards and one of the most important aspects here is adjustment to Community's human rights protection

mechanism. This problem is very close dependant on other pillars of the EU and development in all spheres.

The EU side also takes occasions to inform Ukraine about developments in the EU and enlargement. On the basis of considerable progress made since Ukraine's independence, as well as since the entering into force of the PCA, both parties conclude that Ukraine progressively developed democratic principles and human rights and the rule of law. This has also been recognized by OSCE and the Council of Europe. The EU is studying the development of democracy and human rights in Ukraine and has made some recommendations.

There are additional issues on which Ukraine should make strong efforts. First of all, this is the rule of law. Despite the fact that the principle of rule of law is stipulated in Article 8 of the Constitution of Ukraine and in a number of other legislative acts, its substance has not been properly defined in the doctrine and used in practice. One of the most pressing problems in Ukraine is the recognition of the supremacy of human rights and freedoms over the state and the direct effect of the Constitution and its provisions, which determine the rights and freedoms of individuals. The legislation must provide direct provision for courts to enforce them to implement directly the principle of rule of law. The legal system and law enforcement should correspond to the principles of legal certainty and proportionality. In order to provide the effective implementation of rights and duties by the citizens, there is a clear need to provide society the possibility to take part in the lawmaking and upgrade the social level of legal awareness. Individuals should be informed about their rights and possess means to protect them.

The implementation of Ukrainian legislation could be entrusted to the governmental body responsible for co-ordinating the adaptation process. This function can be placed within the competencies of the Committee for European Integration.

In the process of adapting Ukrainian legislation to the EU rules and regulations, the adjustment of Ukrainian legislation to European standards is a key element of Ukraine's European integration. This should cover the legal system in general and include current legislation, the drafting of new legislation, law enforcement and procedural rules. In order to ensure the effective implementation of the adaptation process, there is a substantial need to involve all branches of power: parliament and executive bodies at the law drafting stage, judicial institutions at the law enforcement stage. Adaptation is not an isolated process, and must be accompanied by legal, judicial, administrative, economic and other reforms.

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