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PROBLEMS OF CONVERGENCE OF THE NATIONAL LEGAL SYSTEM WITH THE LEGAL SYSTEM OF THE EUROPEAN UNION

Historically, the problem of convergence of the national legal system with the legal system of the European Union (hereinafter the EU) and the requirements of international legal norms and standards is not only a problem of Ukraine. It arose almost before all the former member states of the USSR whose system of legislation required deep reform.

After the collapse of the Soviet Union, having achieved independence, Ukraine confidently began to expand its ties with the EU. The first important step towards the involvement of our state in the European legal field was the signing of Partnership and co-operation agreement between the European communities and their member states, and Ukraine of 14 June 1994 (hereinafter PCA), ratified by the Law of Ukraine No. 237/94-VR of 10.11.1994 [5].

Since then, certain theoretical and practical aspects of the question of adaptation of national law to the EU law have increasingly been the subject of scientific interest and research of domestic scholars, among them S. Kivalov, H. Behruz, 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.

Therefore, in order to address the problems of adaptation of the legislation of Ukraine and the EU, the greater efficiency of the process of approximation of the legal framework of the state with the standards of EU law is to introduce a number of measures aimed at creating the most favored regime for it, namely:

– to develop a new Concept of adaptation of Ukrainian legislation to the legislation of the European Union, which would correspond to the present;

– to develop clear criteria for defining priority areas of adaptation and a list of EU legal acts, in accordance with which the Ukrainian legislation should be brought into line;

– simultaneously with the adaptation of already existing laws to adopt new, consistent with the EU legal framework, legislative acts;

– to ensure co-ordinated cooperation of all branches of power in the process of lawmaking, overcoming the confrontation between the branches of power and various political forces in Ukraine for the sole purpose;

– to develop clear schedules of work of state authorities of Ukraine on harmonization of legislation for certain branches of law, with delimitation of competence of each of them;

– to create a special committee of the Verkhovna Rada of Ukraine, which would ensure the coordination and coordination of the relevant legislative activity;

– involve foreign experts in the process of harmonization of Ukrainian legislation and maximize the use of EU technical assistance;

– in the end, to create a single integral system of legislation of Ukraine overcoming its dispersion, which complicates the process of adaptation.

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Ключові слова: адаптація законодавства, інтеграція, гармонізація, Європейський союз, угода про співробітництво, угода про асоціацію.

Ключевые слова: адаптация законодательства, интеграция, гармонизация, Европейский Союз, соглашение о партнерстве и сотрудничестве, соглашение об ассоциации.

Key words: adaptation of legislation, integration, harmonization, European Union, acquis communautaire Partnership and co-operation agreement, Association Agreement.