

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
NATIONAL UNIVERSITY 'ODESA LAW ACADEMY'

Department of International and European Law

THE CONCEPT OF EU SUPRANATIONAL LAW

Teaching and methodological manual

for training applicants for the third (educational and scientific) level of higher education, Doctor of Philosophy degree in field of knowledge 29, speciality 293 'International Law'

UDC 341.174

Recommended by the Educational and Methodological Council of the National University
‘Odesa Law Academy’ (protocol № 2 of February 2025).

Compiled by:

D.O. Hrebeniuk - PhD, Associate Professor (topics 5,6) (ORCID ID <https://orcid.org/0000-0001-9682-3017>);

V.V. Formanyuk - Associate Professor (topics 3,4) (ORCID ID <https://orcid.org/0000-0002-1939-1318>);

A.S. Buhaiets - Assistant (topics 1,2) (ORCID ID <https://orcid.org/0000-0001-5221-9117>).

Reviewers:

Gromovenko K. V. – Doctor of Law, Professor, Rector of the International Humanitarian University, Honoured Lawyer of Ukraine;

Vitman K. M. – Doctor of Political Science, Professor, Director of the Centre for Training Masters of Public Service and Professional Judges.

The Concept of Supranational EU Law: Teaching and Methodological Guide for Third-Level (Educational and Scientific) Higher Education Students. PhD in Philosophy, field of knowledge 29, specialisation 293 ‘International Law’ [Electronic edition] / compiled by: D. O. Hrebeniuk, V. V. Formanyuk, A. S. Buhaiets; National University ‘Odesa Law Academy’. Odesa, 2025. 90 p. Access mode: <https://>

ISBN

This teaching manual is intended for higher education students studying the discipline ‘Concept of EU Supranational Law’. The manual covers the content of the course by lecture and practical session topics, practical assignments, a list of topics for independent study, questions to test knowledge of the course, and a recommended list of sources.

The teaching manual has been prepared in accordance with the educational programme ‘International Law’ for speciality 293 and is recommended for use in teaching when training specialists at the third (educational and scientific) level of higher education for the degree of Doctor of Philosophy.

ISBN

© Collective of compilers, 2026

CONTENTS

INTRODUCTION.....	4
THEMATIC PLAN.....	9
TOPIC 1	
INTRODUCTION TO EU SUPRANATIONAL LAW	
.....	10
TOPIC 2	
EVOLUTION AND CURRENT TRENDS IN EU SUPRANATIONAL	
LAW.....	23
TOPIC 3	
THE INSTITUTIONAL STRUCTURE OF THE EU AND ITS ROLE IN THE	
FORMATION OF SUPRANATIONAL LAW	
.....	42
TOPIC 4	
SOURCES OF EU SUPRANATIONAL LAW	
.....	50
TOPIC 5	
INTERACTION BETWEEN EU SUPRANATIONAL LAW AND THE	
NATIONAL LAW OF MEMBER STATES	
.....	59
TOPIC 6	
THE CONCEPT OF SUPERNATIONALITY IN UKRAINIAN DOCTRINE	
.....	71
QUESTIONS FOR EXAM PREPARATION.....	81
RECOMMENDED LIST OF SOURCES.....	83

INTRODUCTION

The discipline 'Concept of EU Supranational Law' is studied by applicants for the third (educational and scientific) level of higher education, Doctor of Philosophy.

The aim of studying the discipline 'Concept of EU Supranational Law' is to provide applicants with a comprehensive understanding of the unique legal system of the European Union. This academic discipline aims to develop students' ability to analyse complex legal norms, compare them with national legislation and identify interrelationships. Another objective is to enable students to assess the impact of supranational law on national legal systems and understand how this phenomenon affects the rights and obligations of citizens. In addition, the academic discipline aims to prepare specialists for practical work by teaching them to apply the knowledge they have acquired to resolve legal issues related to the EU. An important aspect is the formation of a pan-European consciousness in students and an understanding of the role of law in the process of European integration.

The subject area of the academic discipline 'Concept of EU Supranational Law' covers both basic theoretical provisions and practical aspects of the functioning of supranational law. Focusing on the theoretical and methodological foundations of supranationality, the essence and characteristics of supranational law, the difference between this phenomenon and classical international law, and scientific approaches to defining the phenomenon of 'supranationality' will be clarified. The evolution and current trends in the development of supranational EU law will be examined, namely the historical path of the EU's formation from integration associations to a complex supranational legal system, the transformation of institutional competences, and the expansion of areas of legal regulation. The institutional structure of the EU and its role in the formation of supranational law, the study of the law-making and supervisory powers of key bodies through the prism of the phenomenon of supranationality, and directly the interaction between

themselves and with member states. A characteristic feature of this discipline is to clarify, in the context of the interaction between supranational and national law, the principles of primacy and direct effect of EU law, issues of harmonisation, conflict of laws aspects, and the practice of member states in ensuring the application of EU rules. Equally important is the topic related to the concept of supranationality in Ukrainian legal doctrine, i.e. the perception of the idea of supranationality in contemporary Ukrainian legal science and the possibility of adapting EU law provisions in the national legal system.

Mastering the academic discipline ‘Concept of EU Supranational Law’ involves lectures, practical classes, independent work and an exam. Students study the essence and features of supranational EU law, focusing on its sources and institutional structure, explore current trends in its development and interaction with national legal systems, and examine the perception of the concept of supranationality in Ukrainian doctrine.

According to the requirements of the educational and scientific programme, after studying the discipline ‘International Protection of Human Rights’, applicants must:

- **know** the essence and characteristics of supranational law, its difference from international law, sources of EU law (primary, secondary, case law), the institutional structure of the EU and the principles of interaction between supranational law and the legal systems of member states and Ukraine;
- **be proficient** in the basic methods of learning (case method, essay, report), presentation, small group work, consultation, independent work, group discussions, project work);
- **possess** the skills necessary for the comprehensive application of international and national legislation through the prism of supranationality;
- **apply** the acquired knowledge and skills to understand contemporary integration processes, the legal consequences of the primacy and direct effect of EU law, as well as the prospects for implementing the concept of supranationality in the legal system of Ukraine;

– **use specialised** international legal norms in interaction with the national legal system; understand the mechanism of implementation of international legal norms in practical activities, law-making activities, and judicial practice;

The objectives of the academic discipline are to familiarise students with the theoretical foundations of EU supranational law, its institutional structure, sources and practical application. To develop skills in independent research and analysis of EU legal norms. Definition of supranational law, its differences from international and national law, the basic principles and essence of the supranational legal system. The role of EU institutions, their powers and interaction. Legal analysis of the decision-making process in the EU and its impact on the formation of supranational law. Study of the founding treaties, secondary legislation and case law of the EU. Definition of the interaction between supranational law and the national law of Member States.

The final form of assessment is an exam.

The assessment of the learning outcomes of higher education students in terms of mastering the academic discipline is carried out in accordance with the Regulations on the organisation of the educational process at the National University ‘Odesa Law Academy’.

The academic discipline ‘Concept of EU Supranational Law’ is taught using traditional teaching methods aimed at developing comprehensive knowledge, analytical thinking and practical skills of students. In particular, the following methods are used: systematic presentation of theoretical material with the aim of forming basic knowledge about the specifics of supranationality, key institutions and regulatory and legal acts. Discussion of topical issues related to the course, analysis of cases of international judicial bodies. Cooperative learning through joint study of specific topics, preparation of presentations and projects. Analysis of scientific literature, international treaties, court decisions, preparation of essays and abstracts, as well as the use of online platforms for testing and interaction, namely Moodle.

Criteria for assessing applicants' knowledge:

Grades are awarded on a national four-point scale: 'excellent', 'good', "satisfactory", 'unsatisfactory'. Grades are based on the completeness and correctness of the tasks performed.

1. A grade of '5' (excellent) is given when the applicant's answer is correct, complete, consistent, and logical; the applicant has a confident command of the factual material from the entire course and is able to apply it to specific tasks.

2. A grade of '4' (good) is given when the answer is correct, consistent, logical, but the applicant makes minor omissions in the presentation of factual material and is able to apply it to specific tasks.

3. A grade of '3' (satisfactory) is given when the applicant has mastered most of the factual material, but does not present it consistently and logically enough, makes significant omissions in the answer, and incorrectly formulates the main theoretical provisions and cause-and-effect relationships.

4. A grade of '2' (unsatisfactory) is given when the applicant demonstrates ignorance of most of the factual material or refuses to answer the questions asked.

Assessment scale: national and ECTS

100-point scale	Scale according to ECTS	According to the national scale	
		Exam	Credit
90-100	A	Excellent	Credited
82-89	B	Good	
74-81	C		
64-73	D	Satisfactory	
60-63	E		
1-59	Fx	Unsatisfactory	Not credited
1-34	F		

THEMATIC PLAN

TOPIC 1 INTRODUCTION TO EU SUPERNATIONAL LAW

TOPIC 2 EVOLUTION AND CURRENT TRENDS IN EU SUPERNATIONAL LAW

TOPIC 3 THE INSTITUTIONAL STRUCTURE OF THE EU AND ITS ROLE IN THE FORMATION OF SUPRANATIONAL LAW

TOPIC 4 SOURCES OF EU SUPRANATIONAL LAW

TOPIC 5 INTERACTION BETWEEN EU SUPRANATIONAL LAW AND THE NATIONAL LAW OF MEMBER STATES

TOPIC 6 THE CONCEPT OF SUPRANATIONALITY IN UKRAINIAN DOCTRINE

Topic 1

INTRODUCTION TO EU SUPRANATIONAL LAW

Lecture questions:

Purpose of study/work: to clarify the concept of ‘supranational EU law’, to analyse the legal nature of EU law; to establish its relationship with the national law of Member States and international public law; to examine the composition of the EU and focus on the requirements for candidate countries and the procedure for their accession through the prism of supranationality.

1. European Union law as a supranational legal system: legal nature and differences from international law.
2. Supranational. The nature of the EU's institutional structure: the composition of the union, the role of member states and the specifics of the accession process.
3. The EU's supranational legal system.
4. The relationship between international, supranational and national law.
5. The subject, system and methodology of the academic discipline ‘The Concept of EU Supranational Law’.

Lecture content

1. European Union law as a supranational legal system: legal nature and differences from international law

In the modern scientific space, a range of conceptual approaches to defining the legal nature of the European Union (hereinafter referred to as the EU) has been formed. Within the framework of various theories, the EU is considered a new form of international intergovernmental organisation [30] that is not fully coordinated in traditional classifications of international legal associations. It is also characterised as a specific intergovernmental structure with special features of a confederal or federal model, as well as a supranational integration association, or as a *sui generis* organisation, i.e. one with a unique legal nature. It is characteristic that some scholars emphasise that the EU has a special legal status, different from traditional forms of international organisations. The argument for this position is based on the dual nature of the legitimacy of the association's authority, i.e. through the sovereign will of the member states and, secondly, through the direct expression of the will of the association's citizens. The role of the latter factor is gradually increasing in connection with the formation of European identity and the establishment of a common political and legal space within the union. This statement has

not only political but also direct legal justification. As provided for in the Treaty on European Union (hereinafter referred to as the TEU (Art. 1) [24, p. 591], which reflects a gradual transition from the classical model of international cooperation to a supranational legal system that claims autonomy and priority in certain areas of competence.

Please note that within the framework of discussions on the legal status of the EU, one category of researchers proposes to consider *sui generis* as a new type of international organisation, arguing that the EU has international legal personality, which allows it to conclude international agreements and act as an independent participant in international relations. The sovereignty of member states is preserved, and it is the national states that are members of the union. The founding treaties of the EU take the form of classic international treaties, which corresponds to the nature of international treaty law. The decision-making mechanism within the EU is based on the principle of unanimity, which effectively preserves the right of veto for member states. In a number of policy areas (in particular in the field of Common Foreign and Security Policy - CFSP), interaction is carried out according to the logic of classical intergovernmental coordination, and the role of supranational institutions is significantly limited here. The founding acts recognise the right to voluntarily withdraw from the EU, which is characteristic of international organisations. The EU's objectives, enshrined in the Maastricht Treaty, are broad in nature but structurally resemble the programmatic and target provisions of classical international institutions [27, p. 523].

Based on this, a preliminary conclusion is made that the EU formally retains the characteristics of an international organisation, but implements them through a qualitatively updated mechanism of power and legal instruments that has no analogues in classical international law.

It is characteristic that another concept positions the EU as a federal entity, pointing to a number of features inherent in federal systems. The EU has a single integrated space that includes a common border, a unified customs and migration policy, a functioning internal market and the introduction of a common currency, the euro. The structure of the division of powers between the EU and its member states is organised on a federal principle, including exclusive and shared powers. The Union's governance model is

ensured by a single institutional system, where the European Parliament is elected by direct vote, which distinguishes it from the parliamentary bodies of traditional intergovernmental organisations. The EU has a coordinated law enforcement and judicial system, which includes the Court of Justice of the European Union, the General Court, Europol and European prosecution mechanisms (Eurojust). The Union's external relations system is represented by the EU diplomatic service, headed by the High Representative for Foreign Affairs and Security Policy. The EU budget is formed not only from contributions from member states, but also from its own financial resources, which is characteristic of federal units. The founding treaties serve as the EU Constitution, which is clearly evident in the practice of the EU Court of Justice, which recognised the Treaty on the Functioning of the EU (hereinafter referred to as TFEU) as the constitutional charter of the union. Within the union, a single EU citizenship has been established, which complements national citizenship and is accompanied by a unified legal status of citizens, enshrined in the treaties and the EU Charter of Fundamental Rights of 2000. The subjects of EU law are not only states, but also natural and legal persons, which indicates the direct effect of the EU legal order [30].

It is quite informative that some scholars develop a confederal interpretation of the EU, arguing that the EU integration model reproduces a modernised confederal structure. This position is based on the fact that, as in a confederation, the union is created on a contractual basis, member states retain the right to withdraw, sovereignty formally remains with national governments, and the EU's powers are exercised only in specific areas, mostly through coordination rather than coercion [24, p. 592]. This view is supported, in particular, by R. David and K. Joffre-Spinoza, who believe that the European Economic Community, established in 1957, taking into account its subsequent institutional evolution, can be regarded as a confederal structure with elements of executive, judicial and regulatory power, which is gradually acquiring the characteristics of an autonomous supranational legal order.

2. Supranational. The nature of the EU's institutional structure: the composition of the union, the role of member states and the specifics of the accession process

The EU currently comprises 27 Member States, but its institutional and territorial configuration has been formed gradually, as a result of a long process of integration. The founding characteristic is that the EU was formed by six Western European countries, including Belgium, Italy, Luxembourg, the Kingdom of the Netherlands, France and the Federal Republic of Germany, which signed the Treaty establishing the European Coal and Steel Community in Paris on 18 April 1951. Further expansion took place in waves, with the United Kingdom, Denmark and Ireland joining the integration association in 1973, followed by Greece in 1981. In 1986, Spain and Portugal joined, followed by Austria, Finland and Sweden in 1995. The largest wave of expansion took place in 2004, when Estonia, Cyprus, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, the Czech Republic and Hungary became members of the EU. In 2007, Bulgaria and Romania joined them, and in 2013, Croatia became a member. At the same time, on 31 January 2020, the United Kingdom officially left the EU, setting a precedent for the reverse process - disintegration within the union.

Alongside the member states, there is a category of candidate countries that are at various stages of the accession negotiation process. As of 2025, nine countries have candidate status: Turkey (1987), North Macedonia (2005), Montenegro (2008), Serbia (2012), Albania (2014), Bosnia and Herzegovina (candidate status), as well as Moldova (2022), Ukraine (2022) and Georgia (2023).

The legal conditions for membership are clearly regulated by the EU's founding treaties. Thus, according to Article 49 of the TEU, "any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the EU. The European Parliament and national parliaments shall be notified of such an application. The applicant state shall submit its application to the Council, which shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament, acting by a majority of its members. The conditions of eligibility agreed by the European Council must be taken into account. The conditions of accession and the resulting amendments to the Treaties on which the EU is founded shall be the subject of an agreement between the Member States and the applicant State. This document shall be submitted for ratification by all States that are parties to the Treaty, in accordance with their respective constitutional requirements [6].

Article 49 TEU formally establishes only two basic criteria for EU accession: first, the applicant state must belong to the European geographical area, and secondly, it must respect and ensure compliance with the values enshrined in Article 2 of the TEU, in particular the principles of freedom, democracy, the rule of law and human rights. At the same time, this provision allows for the possibility of expanding or clarifying the conditions for accession by decisions of the European Council, which has created the basis for the gradual formation of a broader system of membership criteria.

It was in the 1990s, in the context of the EU's enlargement to include the countries of Central and Eastern Europe, that the European Council developed additional conditions designed to ensure that candidates were able to fulfil the obligations of membership. In June 1993, at the Copenhagen Summit, the so-called 'Copenhagen criteria' were adopted, which include political criteria - stability of institutions guaranteeing democracy, the rule of law, respect for human rights, and protection of the rights of national minorities. Economic criteria: the existence of a functioning market economy and the ability to withstand competitive pressure within the EU internal market. The ability to adopt the *acquis communautaire* - the willingness to assume the obligations arising from membership in the union, including compliance with the objectives of political, economic and monetary union, and the institutional capacity of the EU to integrate new members, which means the need to maintain the stability and effectiveness of the EU in the event of enlargement [10].

The key values on which *sui generis* is based are specified in Article 6 TEU, according to which 'the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.' Therefore, an entity applying for membership must not only formally enshrine these principles in its constitutional order, but also ensure their effective functioning through effective state institutions, an independent judiciary, guarantees of political pluralism, freedom of expression, freedom of conscience, fair elections and recognition of the institutional role of the opposition [2]. The essence of the economic criterion - 'the existence of a functioning market economy' - presupposes the presence of such structural characteristics as free pricing, the absence of discriminatory barriers to market entry, stable macroeconomic indicators, effective legal regulation of property rights, contract

enforcement, a developed financial sector, and public consensus on key economic policy parameters.

The most difficult aspect appears to be the practical implementation of the so-called 'membership criterion', which consists in the candidate country's ability to adapt its legislation to the *acquis communautaire*, the EU's body of laws and regulations. During the negotiations, this criterion was specified in 31 negotiating chapters, each of which corresponds to a separate sector of EU law.

The procedure for accession to the EU is institutionally structured in four stages: application - official submission of an application for membership; evaluation - analysis of the application and adoption of a decision by the European Council to open negotiations, negotiation - step-by-step agreement on positions on sections of the *acquis communautaire*, and ratification - signing of the Accession Treaty and its ratification by all EU Member States and the candidate country.

3. The EU supranational legal system

At this stage, it is worth starting with the fact that EU law is a multi-level and dynamic system of rules governing both the processes of European integration and the organisation and functioning of the EU's institutional structure, including the mechanisms for their interaction with Member States and other subjects of legal relations. Given the complexity of its regulatory framework, a number of approaches to the systematisation of EU law have emerged in legal science, the most common of which is its division into institutional and substantive law.

EU institutional law covers the rules that define the legal status of the union itself as an integrative and supranational entity. These are the rules that regulate the composition of the European Parliament, the powers of the European Council, the activities of the European Commission, and the jurisdiction of the EU Court of Justice and other bodies. In this context, institutional law defines the legal basis for the political, administrative and jurisdictional organisation of the EU, in particular the status of advisory bodies, supervisory institutions and procedural mechanisms for decision-making within the union.

In addition, institutional law includes rules on the relationship between EU law and the domestic law of Member States and defines the hierarchy of sources of law - from founding treaties and regulations to directives and decisions that form a binding regulatory framework at the supranational level.

Please note that EU substantive law is a set of rules aimed at regulating social relations arising within the EU involving individuals, legal entities, Member States and EU institutions. It includes, in particular, customs, competition, criminal, social, agricultural, transport and other specialised sectors that form a single internal market and ensure the free movement of goods, services, capital and persons.

EU substantive law is comprehensive in nature and covers both rules specific to traditional areas of national law, such as constitutional, civil and administrative law, and procedural provisions aimed at ensuring the implementation of the *acquis communautaire* in the legal systems of Member States. It lays the legal foundations for the functioning of economic freedoms, the prohibition of discrimination between Member States, and the maintenance of fair competition in the common market.

In structural terms, EU law is traditionally divided into three levels: primary law - the founding treaties, which form the *sui generis* basis and enshrine the basic legal principles that have the highest legal force and define the limits of the law-making competence of EU institutions. Secondary law consists of normative acts adopted by EU institutions, which are legally binding and subject to implementation in the domestic legal systems of Member States. It is this layer of norms that forms the bulk of current EU law and ensures the implementation of the principles of supranationality and direct effect. Supplementary law consists of provisions contained in international agreements concluded between Member States with a view to implementing the provisions of the founding treaties and deepening coordination in specific areas. Such agreements, being of an international legal nature, usually contain a reservation recognising the jurisdiction of the Court of Justice of the European Union. This category includes, for example, the 1967 Naples Convention on Customs Cooperation, the Rome Convention on the Law Applicable to Contractual Obligations, etc. [2, p. 40].

4. The relationship between international, supranational and national law

The specificity of EU law lies in the fact that it was formed as a result of both intergovernmental cooperation and supranational rule-making. This legal order takes the form of a combination of intergovernmental and supranational principles, which emphasises its unique hybrid nature [2, p. 40]. An analysis of the interaction between the EU legal system and the national legal systems of the Member States shows that the principle of the primacy of EU law has been established, according to which supranational law takes precedence over national law. A distinctive feature is that EU acts, in particular regulations, do not need to be implemented into domestic legislation, as they have direct effect and are applied directly by the competent authorities of the Member States. A comparison of EU law with international law and national legal systems reveals a number of distinctive features that characterise the autonomy of the European legal system.

The founding treaties stipulate that ‘... a regulation shall be directly applicable. It shall be binding in its entirety and directly applicable in all Member States...’. Thus, regulations, as one of the key sources of European Community law, are acts of direct effect, binding on all subjects of EU law, and are subject to application by national authorities and courts regardless of whether a particular state has supported their adoption.

This principle means that EU law has higher legal force than the domestic law of Member States. In the event of a conflict between national legislation and EU law, EU law takes precedence. In its ruling in the *Simmenthal* case, the Court of Justice of the European Union emphasised that "... in accordance with the principle of the supremacy of Community law, the relationship between the provisions of the Treaty and the direct effect of the rules of the Community institutions, on the one hand, and the provisions of the national law of the Member States of the Community, on the other, such that the provisions and acts of the Community which have entered into force exclude any contradiction on the part of the law of the Member States as to their primacy over the provisions and acts of national law of the Member States...".

The Court of Justice of the European Union has key competence in ensuring the uniform interpretation and application of EU law by all Member States and institutions of the Union. The implementation of the principle of direct effect and primacy would be

impossible without an effective mechanism of judicial protection. The protection system includes both the EU Court and national judicial authorities that apply EU law within their jurisdiction.

The integration of EU law into national legal systems means that European legal acts and norms become an integral part of the internal legal order of Member States. In its judgment in the case of *Francovich v. Italy*, the Court of Justice of the European Union emphasised that the Treaty establishing the European Community created its own legal system, integrated into the legal systems of the Member States and binding on both States and individuals subject to their jurisdiction [9, p. 424].

5. Subject, system, methodology of the academic discipline ‘Concept of EU supranational law’

The academic discipline ‘Concept of EU Supranational Law’ aims to develop a systematic understanding of the peculiarities of the EU's legal organisation as a unique supranational entity of international law and internal legal regulation of member states. The subject of study is a set of legal norms, principles and institutions that form a supranational legal system, which influences national legal systems and regulates relations between member states and EU bodies.

A systematic approach to studying the discipline involves examining supranational EU law in three interrelated dimensions: normative, structural and functional. The normative dimension covers the analysis of primary and secondary sources of EU law, including the TEU, regulations, directives and decisions of the Court of Justice of the European Union. The structural dimension focuses on the organisation of EU institutions, decision-making mechanisms and the interaction of supranational bodies with member states. The functional dimension considers the practical application of supranational law, the priority of EU law over national laws, and the principles of direct effect and effective enforcement.

The methodology of the academic discipline is based on a combination of classical legal approaches and specific methods of researching supranational law. Methods such as comparative legal analysis are used to compare the norms of national and supranational law, the historical-legal method to trace the evolution of the concept of EU integration,

the systemic method, which provides a holistic view of the structure and interrelationships of legal norms, and the method of studying judicial practice, which allows for the examination of the application of EU law in specific court cases.

Thus, the discipline ‘Concept of EU Supranational Law’ develops students' ability to understand the complex nature of EU law, analyse its interaction with national legal systems, and use a systematic and critical approach in scientific and practical research.

Questions for practical training

1. The supranational nature of EU law
2. Features of the EU accession procedure in the context of sovereignty delegation
3. Subjects of supranational EU law.
4. The principle of interaction between supranational, international and national law.
5. Methodological approaches to the study of supranational EU law.

Tasks for independent work

1. Define the concept of ‘supranational EU law’ and describe its main features.
2. Define the subject matter of supranational EU law.
3. Describe the system of supranational EU law.
4. Describe the legal nature of supranational EU law.

Questions for self-assessment:

1. What is the essence of the supranational dimension of the EU's international activities?
2. How does the experience of forming supranational EU law influence the development of legal systems in transitional states?
3. What are the territorial limits of supranational EU law?
4. How does EU language policy reflect the principles of supranationality and legal equality of member states?

Topics for reports and presentations:

1. The concept and characteristics of supranationality in EU law: evolution and current understanding.
2. The Lisbon Treaty as a stage in the institutionalisation of the supranational nature of the EU.
3. The principles of supremacy, direct effect and autonomy as the basis of the supranational legal order of the EU.

Recommended sources:

1. Абрамова В.О., Косінова Д.С. Питання про правову природу Європейського Союзу. *Міжнародний науковий журнал «Інтернаука». Серія «Юридичні науки»*. 2020. № 11. С.40-45.
2. Аракелян М.Р. Право Європейського союзу: підручник для студ. вищих навч. закладів / М.Р. Аракелян, М.Д. Василенко. Одеса: Фенікс, 2012. 390 с.
3. Білолов В.С., Біленко А.О. Правові основи членства держав у європейському Союзі та перспективи для України. *Юридичний науковий електронний журнал*. 2020. № 1. С. 282-284.
4. Бойчук Д.С., Галич К.В., Ходосов О.О. Щодо питання виходу держав-членів Європейського Союзу: процедура, причини та перспективи. *Юридичний науковий електронний журнал*. 2020. № 8. С. 502-506.
5. Бойчук Д.С., Гой А.В. Процедура вступу України та Польщі до Європейського Союзу: історико-правовий аналіз. *Юридичний науковий електронний журнал*. 2021. № 11. С. 786-788.
6. Договір про Європейський Союз від 7 лютого 1992 р. URL : https://zakon.rada.gov.ua/laws/show/994_b06#Text
7. Жовква І.І. Критерії членства СОТ, ЄС та НАТО. Інтеграційні перспективи України. Аналітичне дослідження. Київ, 2010. 84 с.
8. Злогодухова К.С. Критерії членства в ЄС як політико-правові проблеми міжнародного простору. *Соціально-гуманітарні виміри правової держави: матеріали Всеукраїнської науково-практичної конференції* (м. Дніпро, 30 квітня 2021 р.). Дніпро: ДДУВС, 2021. С. 96-98.
9. Ільїн Р.Р. Співвідношення права Європейського Союзу і національного права держав-членів. *Актуальні проблеми сучасного міжнародного права* : зб. наук. ст. за матеріалами II Харк. міжнар.-прав. читань, присвяч. пам'яті проф. М. В. Яновського і В. С. Семенова, Харків, 21 листопада 2016 р. : у 2 ч. Харків, 2016. Ч. 1. С. 423-425.
10. Ковалів М.В., Тимчишин Т.М., Никанорова О.В. Основи права Європейського Союзу: навчальний посібник. Львів: Львівський державний університет внутрішніх справ, 2020. 212 с.
11. Копенгагенські критерії. URL: http://ukrcei.org/uploads/files/default/kopengagenskie_kriterii.pdf
12. Лубко І.М. Міжнародне право і право Європейського Союзу: співвідношення та взаємодія. *Актуальні проблеми формування громадянського суспільства та становлення правової держави: матеріали III Всеукраїнської наук.-прак. інтегрет-конф.* (м. Черкаси, 21 травня 2020 р.). Черкаси, 2020. С. 186-194.
13. Муравйов В.І., Святун О.В., Смирнова К.В. Історія становлення та розвитку науки європейського права в Україні. *Європейське право*. 2012. № 1. С. 161-180.
14. Папко В. Юридична природа Європейського Союзу. *Журнал порівняльного і європейського права*. 2016. Вип.. 1. С. 92-104.
15. Петров Р.А. Право Європейського Союзу: підручник. Вид. 10-те, змінене і допов. Харків: право, 2021. 484 с.
16. Петров Р.А. Транспозиція «acquis» Європейського Союзу у правові системи третіх країн : монографія. Київ : Істина, 2012. 384 с.

17. Попко В.В. Юридична природа Європейського Союзу. *Актуальні проблеми міжнародних відносин*. 2013. Вип.. 115. С. 126-133.
18. Право Європейського Союзу. Європейське право прав людини (в питаннях і відповідях): навч.-довідк. посібник / Т.В. Комарова, О.Я. Трагнюк, І.В. Яковюк та ін.; за заг. ред.. І.В. Яковюка. Харків: Право, 2021. 256 с.
19. Рабинович М.Л. Правові основи взаємовідносин ЄС та держав-членів: до дискусії щодо федеративної природи Європейського Союзу. *Правова держава*. 2015. Вип.. 15. С. 195-201.
20. Солодкова К.А., Бойчук Д.С. Копенгагенські та мадридські критерії вступу до Європейського Союзу: перспективи для України. *Молодий вчений*. 2019. № 11. С. 400-403.
21. Татарчук І., Дяків Т. Європейське право (право Європейського Союзу). Київ: Центр учбової літератури, 2021. 158 с.
22. Тичина В. Правові цінності Європейського Союзу: навч. посіб. Харків: Право, 2023. 116 с.
23. Україна на шляху до ЄС: реалії і перспективи. 2022. № 1-2. 132 с.
24. Хоббі Ю. С. Правова природа Європейського Союзу: проблема визначення. *Держава і право*. Вип. 47. С. 590–595.
25. Ходош А.В. Співвідношення права Європейського Союзу та міжнародного права. *Журнал східноєвропейського права*. 2019. № 63. С. 371-277.
26. Хрідочкін А.В. Юридична природа права Європейського Союзу та його місце у системі міжнародного права. *Південноукраїнський правничий часопис*. 2022. № 4. Ч. 3. С. 91-96.
27. Шемков О.Є. Правова природа Європейського Союзу. *Актуальні проблеми сучасного міжнародного права* : зб. наук. ст. за матеріалами II Харк. міжнар.-прав. читань, присвяч. пам'яті проф. М. В. Яновського і В. С. Семенова, Харків, 21 листопада 2016 р. : у 2 ч. Харків, 2016. Ч. 1. С. 521-526.
28. Шпакович О.М., Пеньковська С.М. Співвідношення суверенітету держав-членів і над національності міжнародних організацій. *Часопис Київського університету права*. 2020. № 2. С. 349-353.
29. Яковюк І.В. Право Європейського Союзу: основи теорії. Харків: Право, 2021. 360 с.
30. Яковюк І. В. Правові основи європейської інтеграції та її вплив на державно-правовий розвиток України : дис. ... д-ра юрид. наук : 12.00.01; 12.0011 / І. В. Яковюк. Харків, 2014. 474 с.

Information resources:

1. Консолідовані версії Лісабонського договору (українською мовою). URL: www.minjust.gov.ua/file/23491
2. Медіа-портал Європейського Союзу. URL: <http://www.euractiv.com>
3. Офіційний сайт Європейського Союзу. URL: https://european-union.europa.eu/index_uk
4. Представництво Європейського Союзу в Україні. URL : https://www.eeas.europa.eu/delegations/ukraine_en?s=232

5. Сторінка Європейського Парламенту. URL :
<https://www.europarl.europa.eu/portal/en>
6. Сторінка Європейської Комісії. URL :
https://commission.europa.eu/index_en
7. Сторінка Ради Європейського Союзу. URL :
<https://www.consilium.europa.eu/en/>
8. Сторінка Суду Європейського Союзу. URL :
https://curia.europa.eu/jcms/jcms/j_6/en/
9. Сторінка Європейського центрального банку. URL :
<https://www.ecb.europa.eu/home/html/index.en.html>
10. Сторінка Європейського суду аудиторів. URL :
<https://www.eca.europa.eu/en>

Topic 2

EVOLUTION AND CURRENT TRENDS IN EU SUPRANATIONAL LAW

Lecture questions:

Purpose of study/work: to clarify the concept of European integration and its prerequisites, to identify the most well-known integration projects and associations that preceded the formation of European communities, to familiarise students with the main stages of European integration and the formation of supranational EU law.

1. Prerequisites for the formation of supranational EU law: political, economic and legal factors of European integration.
2. Integration processes after World War II: the Marshall Plan, the Monnet-Schuman Plan of 1950 and the emergence of the ‘communitarian method’ as the basis for supranational governance.
3. Creation of the European Communities as a stage in the institutional formalisation of supranationality. The 1965 Merger Treaty and the formation of a single institutional and organisational mechanism.
4. The Maastricht Treaty of 1992 and the establishment of the EU: new institutions, competences and the expansion of supranational legal personality.
5. Revision of the EU founding treaties: the 1997 Treaty of Amsterdam, the 2001 Treaty of Nice, the attempt to adopt a Constitution for Europe in 2004 as a search for balance between national sovereignty and supranationality.
6. The 2007 Treaty of Lisbon as the culmination of the evolution of supranational law: reforming the institutional structure, expanding the competences of the EU and consolidating the principle of legal autonomy of the union.

Content of the lecture

1. Prerequisites for the formation of EU supranational law: political, economic and legal factors of European integration

The creation of the EU as a sui generis entity was the result of a long process of economic, political and legal integration on the European continent. An important role in the formation of this process was played by the pacifist movement, which advocated the unification of European countries on an anti-war basis. In order to avoid interstate conflicts and their globalization, politicians and scientists of various schools came to the

conclusion that achieving sustainable peace is possible only through the limitation of state sovereignty within the framework of a federal approach.

As early as the Middle Ages, there were ideas of creating supranational European associations based on common interests. Among the most famous early projects are Pierre Dubois' plan (XIV century), Jiri Podebrad's project (1464), and Duke Sully's – Grand Plan«(1617). In the XVII–XVIII century. There were proposals by William Penn, Eric Lacroix, as well as the work of Abbot Saint-Pierre «Eternal Peace Project in Europe» (1713). Although most of these ideas were utopian in nature, they became the basis for further concepts of European unity.

In the 19th century, the idea of European unity became part of realistic geopolitical projects. The Pan-Germanic approaches (Paul de Lagarde, Heinrich von Tritzke, Frederik Liszt) involved the formation of an economic center in German-dominated Central Europe. Some projects, notably the ideas of Mitteleuropa, even involved the inclusion of Eastern Europe in a single economic area. Paul Dehich proposed the concept of concentric customs unions, which should gradually cover more and more countries.

Federalism at the time was largely based on the principle of uniting «against someone» - primarily against Great Britain, which ultimately proved ineffective. Real integration projects became possible only when the need to combine «for common interests» was realized.

After the First World War, the idea of federalism regained its relevance. The economic crisis, the weakening of the colonial system and the growing influence of the United States forced European elites to look for new models of cooperation. Representatives of integral federalism (Armand Dandreaux, Emmanuel Mugny, Denis de Rougemont) saw the national state as a source of economic stagnation and political instability. They proposed to create supranational structures that could effectively solve common – problems from scientific to environmental.

Another current of federalism arose as a response to the growth of totalitarian regimes in the interwar period. Altiero Spinelli and Robert Aron emphasized that only through the creation of a European federation can security be guaranteed, nationalism overcome and new wars prevented. In 1941, Spinelli, together with Ernesto Rossi, formulated the «Manifesto from Ventotene», which laid the ideological foundations of

the future EU. The central thesis of the document was the need to limit the sovereignty of individual states for the sake of creating a European Federation focused on democracy, freedom and peace.

In the interwar period, the ideas of federalism began to be embodied in specific political initiatives. In 1929, the Minister of Foreign Affairs of France, Aristide Briand, proposed the creation of a European Federation at the League of Nations. «The Memorandum on the Organization of the Federal European Union» (1930) introduced the concepts of «common market», «customs union» and «economic solidarity» into political circulation for the first time.

During the Second World War, the Resistance movement became a powerful catalyst for the ideas of European unity. The documents of the European Federal Movement, formed in 1943, stated that only the European Federation can guarantee the preservation of democratic values. The ideas of democracy and freedom became the foundation for future criteria for EU membership.

In the post-war period, the federalist approach saw European unification as a mechanism for ensuring peace, joint economic development and democratic governance. The essence of the concept was to unite part of the European states on the basis of the principle of federalism with the subordination of national bodies to supranational institutions. However, the existence of the socialist camp made it impossible to implement the pan-European model.

Federalist projects differed in form - both federations and confederations. The Federation envisaged a high degree of centralization with the transfer of significant powers to supranational institutions. In turn, the confederation had a more lenient nature of cooperation. Both models sought to combine the effectiveness of a unitary state with the flexibility of interstate cooperation.

The main weakness of the federalist theory was its overemphasis on the legal-constitutional design of integration. It was assumed that integration could be implemented through a single legal act, but in practice states were in no hurry to sacrifice sovereignty for abstract purposes. There was even less support for such an idea among the population, as evidenced by relevant sociological studies.

Thus, although federalism did not become the only vector of European integration, its ideas played a key role in shaping the modern concept of the EU as a political and economic space based on common values, the principles of democracy and the desire for peace.

2. Integration processes after World War II: The Marshall Plan, the Monet-Schumann Plan of 1950, and the emergence of the «communitarian method» as the basis of supranational governance

As a result of the devastating Second World War, European integration was designed to rebuild the economy of the affected Western European states and establish close economic cooperation between them. The primary task for Europeans was to find ways to restore the economy and form a security system on the continent. It was important to develop a set of measures with a view to preventing inter-ethnic and international conflicts in Europe; to change military methods of resolving international conflicts by legal arbitration; to protect democracy and the market economy, etc. Under such conditions, post-World War II European unification slogans are becoming popular. European politicians and statesmen tried to find a way to unite Europe and develop an action plan to prevent another world war from happening again [2, p. 18].

The need to face new challenges after the Second World War was realized by the leaders of many European states. But there were no obvious ways of such a confrontation. As M. notes. Burgess: «states in Europe were seen as surviving in view of their collapse in the face of fascism. The main way is due to the clear discrepancy between the needs of the new technical development facing the state and the ability of states to cope with them. Moreover, it [the State] not only found itself unable to satisfy the basic needs of its population, but also intensified, exacerbated the differences between the European peoples to such an extent that they are entering a dangerous state» [25, p. 50]. Ideas for the creation of a union of European states were heard in the speech of V. Churchill at the University of Zurich in September 1946, namely about the creation of «United States of Europe» like the United States of America. At that point, progressive European politicians had concluded that securing lasting peace between European states was only possible through their political and economic unification.

One of the first practical steps on the way to creating a union of European states was the statement made in 1947 by US Secretary of State J. Marshall, during a speech at Harvard University, in which he announced the need for America to adopt a program of large-scale assistance to European countries in order to prevent economic, political and social chaos and the revival of Europe. The essence of the Marshall Plan was that «USA was supposed to ensure the provision of significant economic assistance to European countries in economic reconstruction and poverty alleviation. All European countries were offered to provide assistance, but only Western European countries accepted it» [20, p. 9]. The main measures of the Marshall Plan were aimed at:

- (1) economic recovery of the countries of Western Europe - financial assistance was provided for the restoration of destroyed military infrastructure, industry and agriculture;
- (2) stabilizing national currencies, balancing the budget and tackling inflation;
- (3) development of trade - removal of obstacles and stimulation of international trade between European countries;
- 4) «blocking» communism – strengthening of democratic institutions and political stability in the countries of Western Europe, which was aimed at weakening the influence of the Communist Party.

The legislative basis of the Marshall Plan was the US Law of April 3, 1948. «About economic cooperation». The Law revealed in detail the goals, tasks, main mechanisms, organizational structure and other essential conditions of the Program. It was designed for 4 years and 3 months, and 13.3 billion dollars were spent on it. These funds went to the purchase of American industrial equipment and its sale to European companies.

In addition to the economic prerequisites for the creation of the unification of European states, an equally important role was played by the political situation that developed in Western Europe at the end of the 40s of the 20th century. , namely the so-called German problem. After 1945, two German lands - the Ruhr and the Saar - were rejected from the rest of the lands and were actually under French administration. The lion's share of Germany's coal and steel industries was concentrated on these lands, and according to French politicians, the return of these territories to German sovereignty gives reason to assume the possibility of reviving German military power. However, as

the «fanned the hotbed» of the Cold War, France's similar intransigence caused more and more discontent in Washington and other Western countries [24].

An effective and efficient way to solve this problem was the Schuman plan, with which the Minister of Foreign Affairs of France, Robert Schuman, came forward on May 9, 1950 (the real author of the mentioned plan was the Commissioner for Planning of the French Republic, Jean Monnet). The essence of this plan was that «the French government transfers all Franco-German coal and steel production under the management of the general Supreme Body, within the framework of an organization open to the participation of other European countries». Schuman's plan provided not only for the solution of the so-called «German problem», but also provided for a program of further integration and development of European countries. This program is known as «communitarian method». The communitarian method is based on the following provisions:

1. federal goal;
2. gradual integration;
3. integration as a way of solving social problems;
4. limitation of state sovereignty and creation of supranational authorities.

3. Creation of the European Communities as a stage of institutionalization of supranationality. Merger Treaty of 1965 and the formation of a single institutional and organizational mechanism

Treaty of Paris of 1951. The Treaty establishing the European Coal and Steel Community was signed in Paris on April 18, 1951. Six states – Belgium, Italy, Luxembourg, the Netherlands, France and Germany acted as parties to the agreement. Great Britain was also invited to join the Treaty establishing the European Coal and Steel Community, but it was not ready to cede part of its sovereignty. The provisions of the Treaty of Paris were aimed at integration in three areas: economic – provided for the merger of the national economy into the common market of coal and steel (prohibition of customs duties, quantitative restrictions on the movement of goods; uniform regulation of key aspects of economic activity such as investments, financial assistance, price

policy, etc.); political – creation of joint bodies of success (institutions) – Supreme Governing Body, Council of Ministers, Assembly and Court. «Central to the system of institutes of the European Coal and Steel Community has been taken by the High Governing Body. The latter was to ensure that the objectives of the European Coal and Steel Community were achieved. The highest governing body was supranational. It consisted of nine members appointed by the Member States for a period of six years on the basis of professional competence. Once appointed, the members of the High Governing Body were to be completely independent of their States. They were forbidden to receive instructions from supranational bodies. This was the legislative body of the European Coal and Steel Community: it adopted legally binding acts and enforced them. Control over its activities was carried out by the Council of Ministers, consisting of representatives of the governments of the member states. ... assembly – had minor advisory powers. ... was endowed with one, but quite a powerful right: by a two-thirds majority, it could send all members of the High Authority to resign. The assembly consisted of parliamentarians of member states delegated by the national legislative assembly» [1, p. 18]; legal – formation of a new supranational legal system – EU law. This contract was concluded for 50 years. Thereafter, the coal and steel industries of the Member States of the European Communities came under the legal regime laid down by the Treaty establishing the EC.

Treaties of Rome of 1957. Establishment of the European Economic Community and the European Atomic Energy Community. The Treaty establishing the European Coal and Steel Community gave rise to the economic, political and legal integration of European states. The success of integration processes became a precondition for the creation of an integration organization of general economic competence. On 27 March 1957 in Rome Belgium, Italy, Luxembourg, the Netherlands, France and the FRG signed the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community. They entered into force on January 1, 1958 and are known as the «Treaties of Rome». «The main goal of the European Economic Community was the creation of a common market and the coordination of the economic policies of the member states, the development of the economy, the strengthening of stability, the consistent improvement of the standard of

living and the rapprochement of the member states (Article. 2 of the Community Treaty). This was achieved by reducing customs duties and quotas on exports and imports of goods within the Community, introducing common customs tariffs and a common economic policy towards third countries, removing obstacles to the movement of persons, the movement of services and capital between Member States, ensuring free competition in the common market, adopting a common agricultural and transport policy, gradually approximating the national legislations of the Member States, and their economic, monetary, fiscal and social policies. The Treaty enshrined the principle of subsidiarity and also prohibited discrimination against legal and natural persons on the grounds of their association with one or other Member State» [17, p. 16]. The Treaty establishing the European Economic Community established the same institutional system that was laid down in the Treaty of Paris: the Council of Ministers, the Commission, the Assembly and the Court of Justice.

Issues of scientific research and industrial use of nuclear energy have received priority within the framework of the Treaty on the Creation of the European Atomic Energy Community (Euroatom). This treaty provided for the use of atomic energy only for peaceful purposes, as for military programs, the member states carry them out independently.

Created in the 50s of the XX century. the three European Communities were organizations that included the same states and set the same integration goals. Quite soon, a perfectly valid question arose: why are three separate systems of governing bodies needed? The answer to this question was the signing in 1965. Treaty on the creation of a single Council and a single Commission of the European Communities, which went down in history as the «Merger Treaty» (entered into force in 1967). In fact, after this treaty entered into force, all three Communities turned into a single organization governed by common institutions.

In order to maintain the dynamic promotion of integration processes, changes were made to the founding documents of the European communities from time to time. One of the most drastic were the changes introduced by the Single European Act (hereinafter - EEA), signed in February 1986. The signing of this document was preceded by studies conducted by the EU Commission on obstacles to the development of European

integration. They testified that economic development in the communities was losing momentum against the backdrop of the economic successes of competing countries from North America and East Asia. [10, p. 24].

The Single European Act is the first fundamental reform of the legal foundations of the European Communities. The provisions of this agreement formed the key transformations of the European communities, in particular:

1) The Single European Act has extended the subject competence of the European Economic Community. New areas of general policy have become regional, environmental and scientific and technical policy;

2) The Single European Act modernized the institutional system of communities (strengthening supranational features, further limiting the sovereignty of member states, strengthening democratic foundations in the decision-making process)

3) The Single European Act fixed the final date for the construction of the single internal market at 31 December 1992.

4) The Single European Act extended the powers of the institutions and laid the legal basis for the creation of a new judicial institution - the Tribunal of First Instance.

4. The Maastricht Treaty of 1992 and the establishment of the EU: new institutions, competences and the extension of supranational legal personality

Qualitative changes within the European Economic Community and global transformations of the world system at the turn of the 1990s contributed to the beginning of a new stage in the development of European integration, which was marked by the entry into force in 1993. TEU, which was significantly different from the previous fundamental treaties and was named after the place of signing Maastricht.

The Maastricht Treaty brought the following changes to the integration association of European states:

(1) a new integration entity was created - the EU, whose activities covered all spheres of social life. The EU as a new entity received a complex structure that had no analogues in any other international organization. The new structure was called «three pillars»: the first pillar - the European Communities, which united the European Economic Community, the European Atomic Energy Community and the European Coal

and Steel Community; the second pillar – foreign and security policy; the third pillar - cooperation of the police and judicial authorities in the criminal law sphere.

2) introduced the concept of European citizenship. European citizenship was automatically acquired by citizens of EU member states. It conferred the right of free movement and residence in the territory of the Member States; the right to vote and to be elected in municipal and pan-European elections; the right, while in the territory of third States, to receive the assistance and protection of diplomatic missions of any Member State.

(3) the creation of the Economic and Monetary Union, which provided for the introduction of a single currency - the euro. To regulate this process, as well as the further functioning of monetary union, it was planned to create new bodies within the unification - the European System of Central Banks headed by the European Central Bank.

(4) enshrining the principle of «subsidiarity». In accordance with this principle «in areas which are not the exclusive competence of the Community, it is entitled to act only in so far as the task at hand cannot be fully solved by the individual Member States and will therefore, in view of its scope and results, be better carried out by the Community» [7]. In doing so, restrictions were imposed on the further extension of the competence of the organs of the Communities at the expense of that of the organs of the Member States [10, p. 28].

(5) extended the reform of the institutions of the European Communities. The European Parliament received new powers. He was given the right to approve the appointment of members of the Commission. He also received the right of legislative initiative. In addition, the number of areas in which the procedure for developing a common position was applied was expanded. Another procedure related to strengthening the role of the European Parliament in the legislative process - the procedure for the joint adoption of resolutions - was also launched. It gave the European Parliament the right of veto when adopting new legislation. In turn, the Court of Justice of the European Communities received the power to apply sanctions to states that violate the law of the European Community in the form of fines and payments (Article. F.2 TEU) [10, p. 28]. For the Council of the EU, the scope of decision-making by qualified majority was

expanded, which strengthened the process of depriving member states of the right to veto EU legislation and other acts.

(6) recognised the EU's duty to observe the fundamental rights and freedoms of man and citizen, above all those which found their anchorage in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

5. Revision of the founding treaties of the EU: Treaty of Amsterdam 1997, Treaty of Nice 2001, attempt to adopt a Constitution for Europe 2004 as a search for a balance between national sovereignty and supranationality

When signing the Maastricht Treaty, the member states agreed to create a new intergovernmental conference four years later to discuss further reforms of the legal foundations of European integration. In 1997, the «Treaty of Amsterdam modifying the TEU, the treaties establishing the European Communities and some related acts» (entered into force on 1 May 1999) were signed in the Netherlands, adjusted by Maastricht. «Basically, it regulated areas such as justice and home affairs. Questions about visa control, asylum, immigration, protection of external borders, as well as legal cooperation in civil cases were transferred to the competence of the community» [5, p. 416].

The aim of the Treaty of Amsterdam was to prepare the EU for large-scale enlargement at the expense of the countries of Eastern Europe.

The main changes and additions proposed by the Treaty of Amsterdam concerned the following:

- extension of EU competence in the field of Member States' employment policies;
- extension of EU competence in the field of human rights protection. Institutions have been empowered to take possible action against discrimination based on religion, gender, ethnicity, race, etc.;
- expansion of the powers of the European Parliament and gradual elimination of the right of veto of representatives of member states when making decisions in the EU Council;

- integration of the Schengen agreements on the visa policy of other states into the legal field of the EU, which made it possible to eliminate duplicative structures in the mechanism of work of a supranational European entity;

- the introduction of a provision allowing the right to vote of a representative of the government of a Member State to be suspended where the latter infringes the principles of freedom, democracy, the rule of law;

- assignment of part of the issues previously regulated within the framework of the third pillar (cooperation of the police and judicial bodies in the criminal law sphere) to the first pillar.

On 26 February 2001, the «Treaty of Nice was signed, amending the Treaty on European Union, the Treaties establishing the European Communities, as well as some related acts». This agreement was the next step in the process of further reforming the European Union.

The main objective of the preparation of the Treaty of Nice was the «completion of the process initiated by the Treaty of Amsterdam, which is designed to prepare the institutions of the EU to function in an enlarged union» [15]. That is why it was mostly aimed primarily at reforming the EU's institutional mechanism. Central to the question of the new size of the quotas of the current and future member states in the EU institutions. In particular, the quotas of member states were reduced when allocating parliamentary seats in the European Parliament, and the procedure for decision-making by the EU Council by a qualified majority was determined in a new way. «Not only the number of votes was taken into account, but also the population of the countries that voted. This was done to make it impossible for small countries to block core community decisions» [5, p. 416]. The Treaty of Nice reduced the range of issues on which member states have the right of veto. The rule «of common consent» of the member states in the formation of the European Commission was abolished. Some changes affected the EU judicial system, in particular, the new statute of the EU Court was approved, and the possibility of creating new specialized courts was provided for.

Even before the Treaty of Nice entered into force, a new stage of EU reform had begun. The reform programme was provided for in a special document - the 2001

Declaration on the Future of the European Union, better known as the Laaken Declaration [4].

It was in the Laaaken Declaration that the possibility of developing a single constitutional document was recognized, which will replace the previously adopted founding documents and increase the efficiency of EU integration processes. In 2002, a convention was convened to develop a draft of the future document, which presented the draft Constitution in the summer of 2003. The Intergovernmental Conference slightly revised the project and as a result the Treaty on the introduction of the Constitution for Europe of 2004 was signed. [8].

The draft Treaty Constitution for Europe established the mixed legal nature of the EU. Thus, this treaty provided for its ratification by EU member states, on the one hand, which equated it with an international treaty. On the other hand, this Treaty established a constitution for the supranational formation of the – EU, which was a significant step on the way to the federalization of the EU.

The draft Treaty Constitution for Europe consisted of a preamble and four parts. Part I enshrined the most fundamental principles of the structure and functioning of the EU. Part II included the text of the EU Charter of Fundamental Rights 2000. Part III «Policy and operation» is the most voluminous and included a new version of the provisions that were enshrined in the founding treaties. Part IV «General and final provisions» contained provisions on the procedure for the entry into force of the Agreement, amendments, etc. Despite the democratic procedures of adoption, extensive discussion with the public, the importance of this Treaty for further European integration, it has not been ratified by all EU member states. Under such circumstances, the leadership of the EU member states decided to take a break.

6. The Treaty of Lisbon 2007 as the culmination of the evolution of supranational law: reforming the institutional structure, expanding EU competences and enshrining the principle of legal autonomy of unification

The Treaty of Lisbon was signed on December 13, 2007 in the capital of Portugal,. Lisbon (entered into force on 1 December 2009). What new things have been brought by this treaty to the EU's institutional set-up and rights?

1. the internal structure of the EU has been significantly simplified due to the elimination of three supports. This made it possible to abandon the ambiguity of the concepts «EU» and «European Community».

2. The EU received the status of a legal entity, which significantly strengthened its position in negotiations with third countries and international organizations. Important prerogatives of the EU's single legal personality are:

- The EU was seen as the sole subject of the competence conferred on it by the Member States;
- a unified system of legal acts issued in all spheres of EU competence was formed;
- competence is implemented by the EU through a single institutional system;
- the right of the EU to conclude agreements with third countries and international organizations, to create diplomatic missions and representative offices is provided for;
- the EU has its own budget, which is financed from its own resources.

3. important codification of founding agreements was carried out. The Treaty of Lisbon proposed a simpler and more logical system of founding treaties: TEU 1992. (Maastricht Treaty as amended in 2007) and TFEU in 1957. (Treaty establishing the European Economic Community (Treaty of Rome) 1957)

4. a clear distinction between subjects of competence and powers was made between the EU and the member states by defining exclusive, joint and parallel competence. The Lisbon Treaty expanded the competence of the EU in such areas as coordination of cooperation between member states in the field of implementation of EU law, coordination of measures to provide assistance to member states affected by terrorist acts and disasters, humanitarian aid to third countries, civil defense, energy, sports, space, tourism, climate change, environmental problems.

5. a clear distinction between subjects of competence and powers was made between the EU and the member states by defining exclusive, joint and parallel competence. The Lisbon Treaty expanded the competence of the EU in such areas as coordination of cooperation between member states in the field of implementation of EU law, coordination of measures to provide assistance to member states affected by terrorist acts and disasters, humanitarian aid to third countries, civil defense, energy, sports, space, tourism, climate change, environmental problems.

6. institutional reform was carried out: the three-level management system of the EU, consisting of institutions, bodies and a new category - institutions, was clarified. Two new ones were added to the number of institutes - the European Council and the European Central Bank. Within the European Council, a new post of permanent president has been created, which is elected from among its members by a qualified majority for a term of 2.5 years with the right to re-election. The number of Members of the European Parliament was not to exceed 751. The established minimum representation from the state is – 6, and the maximum is – 96 deputies. The powers of the European Parliament have been significantly expanded. On most issues, it acquired the same rights as the Council of the EU in the legislative process. Amended rules for decisionmaking by the EU Council. The field of issues in which the unanimity of the EU Council is required is significantly reduced, the general rule becomes decision-making «by a qualified majority». On some issues, decision-making by «super qualified majority» is applied. The position of the Chairman of the Council of the EU, which was previously held by one of the representatives of the member states for a term of 6 months in the order of rotation, in accordance with the provisions of the Lisbon Treaty, became a collective position, which was held simultaneously by three representatives of the member states for a term of 18 months. The Treaty of Lisbon established that by 2014. The European Commission will consist of a number of members equal to the number of EU member states, from November 1, 2014, the number of representatives of the European Commission was expected to be reduced to $\frac{2}{3}$ of the number of EU states. However, a number of states, fearing to remain without «their commissioner» «, failed the referendums on the Lisbon Treaty. This is what prompted us to preserve the previous principle of distribution of mandates in the European Commission. This one innovation concerned the position, which was called the Minister of Foreign Affairs in the Treaty on the Introduction of the Constitution for Europe. This position was designated as the High Representative of the EU for Foreign Affairs and Security Policy due to the warning in the Lisbon Treaty. In accordance with the provisions of the Treaty of Lisbon, the High Representative will be both Deputy Chairman of the European Commission and Chairman of the Council for Foreign Affairs. The Lisbon Treaty provides for the possibility of establishing a European Prosecutor's Office. Changes to the judicial system

were quite minimal, as it functioned quite successfully. All judicial bodies received a common collective name - the Court of Justice of the EU. The EU judicial system is represented by three links - the Court, the Tribunal and specialized tribunals.

7. enhanced ideological attractiveness of the EU. The Treaty of Lisbon included for the first time a new category - «values of unification». Violation of these values gives the EU the right to apply sanctions against the offending state in the form of suspension of certain rights related to EU membership. The key values of the EU include: human dignity, freedom, equality, democracy, human rights, the rule of law. Another ideological innovation of the Lisbon Treaty was the recognition of the EU Charter of Fundamental Rights of 2000 as a fundamental document on a par with the founding treaties of the EU.

8. the right of a member state to freely leave the EU is recognized and established the procedure for such exit

9. a special approach has been established for the European Atomic Energy Community. Issues of nuclear energy were removed from the competence of the EU, but in order to continue European integration in the nuclear sphere, Euratom was transformed into a formally independent organization that united the same member states as the EU.

The Treaty of Lisbon was a significant step on the way to reforming the EU. However, it gives enough grounds for criticism. For the most part, its shortcomings are due to the development procedure. If the draft Treaty on the introduction of a Constitution for Europe was developed by the European Convention thoroughly, without haste, in the most democratic form, with a wide discussion with the population of the EU member states, then the Lisbon Treaty was agreed behind the scenes, at closed meetings of few experts admitted to this process, under the guise of semi-confidential diplomacy.

Questions for practical training:

1. Prerequisites for the creation of the European Union. Periodization of the history of European integration.
2. Forms of integration processes after the Second World War. Marshall Plan and the Economic Cooperation Organization. Monet-Schumann Plan of 1950. The concept and content of the «communitarian method», its difference from the method of intergovernmental cooperation.
3. The establishment of the European Communities and the process of establishing a single institutional and organisational mechanism (Merger Treaty 1965).

Tasks for independent work:

1. How can you describe the post-war situation in Western Europe after the First and Second World Wars?
2. What role did the USA play in the process of European integration?
3. Name and describe the stages of the creation of the European Union.
4. What three international organizations were at the origin of the creation of the European Union?

Questions for self-control:

1. What goals did the European community set for itself when consolidating into the Society?
2. What is the doctrine of the Common Market in Europe?
3. What fate has befallen the European Constitution?
4. Describe the role of the Lisbon Treaty in the modern construction of the European Union.

Topics of reports and messages:

1. The idea of creating the European Union (EU) and its implementation in the Maastricht Treaty of 1992.
2. Revision of the founding treaties of the EU (Amsterdam Treaty of 1997, Nice Treaty of 2001). The treaty establishing the Constitution for Europe of 2004, the reasons for its failure.

Recommended sources:

1. Аракелян М.Р. Право Європейського союзу: підручник для студ. вищих навч. закладів / М.Р. Аракелян, М.Д. Василенко. Одеса: Фенікс, 2012. 390 с.
2. Бойко І. Європейський Союз: історія становлення та його значення для України. *Вісник львівського університету. Серія юридична*. 2023. Вип.. 76. С. 15-32.
3. Берестечко М.О., Корнієнко В.О. Створення та еволюція Європейського Союзу. 2020.
4. Декларація № 994_924 від 15.12.2001 Лаакенська декларація "Майбутнє Європейського Союзу" (Декларація Лаакена). URL : https://zakononline.ua/documents/show/223829_223894
5. Демчик О.В., Мірошник В.О., Бойчук Д.С. Історія формування Європейського Союзу. *Юридичний науковий електронний журнал*. 2021. № 12. С. 415-417.
6. Дір І.Ю. Основні договори Європейського Союзу. *Науковий вісник Ужгородського Національного Університету. Серія: Право*. 2024. Вип.. 81. ч. 3. С. 263-268.
7. Договір про Європейський Союз від 7 лютого 1992 р. URL : https://zakon.rada.gov.ua/laws/show/994_b06#Text
8. Договір про запровадження конституції для Європи (проект) від 29 жовтня 2004 р. URL : https://zakon.rada.gov.ua/laws/show/994_647#Text

9. Договір про функціонування Європейського Союзу від 25.03.1957 р.
URL https://zakon.rada.gov.ua/laws/show/994_b06#Text
10. Європейське право: право Європейського союзу : підручник : у трьох кн. / за заг. ред. В. І. Муравйова. Київ: Ін Юре, 2015 Кн. перша : Інституційне право Європейського союзу / В. І. Муравйов, О. М. Шпакович, О. М. Лисенко, О. В. Святун. Київ: Ін Юре, 2015. 312 с.
11. Ковалів М.В., Тимчишин Т.М., Никанорова О.В. Основи права Європейського Союзу: навчальний посібник. Львів: Львівський державний університет внутрішніх справ, 2020. 212 с.
12. Корнієвський С.В. Історична ретроспектива формування європейської політики регіонального розвитку. *Державне управління та місцеве самоврядування*. 2020. № 4 (47). С. 23-32.
13. Манаєнко І.М., Гук О.В. Країни Бенілюкс: єдність економічного розвитку та місце у європейській спільноті. *Економічний вісник НУТУ «Київський політехнічний інститут»*. 2019. № 16. С. 132-139.
14. Масик Ю. Етапи процесу євроінтеграції країн Балтії: досвід для України. *Вісник НУТУ «КПІ» Політологія. Соціологія. Право*. 2020. Вип.. 2 (46). С. 22-27.
15. Ніццький договір, який вніс зміни до Договору про Європейський союз, Договорів, які засновують європейські співтовариства, а також деяких пов'язаних з ними актів. URL : https://zakon.rada.gov.ua/laws/show/994_261#Text
16. Петров Р.А. Право Європейського Союзу: підручник. Вид. 10-те, змінене і допов. Харків: право, 2021. 484 с.
17. Право Європейського Союзу: підручник / за ред.. О.К. Вишнякова. Одеса: Фенікс, 2013. 883 с.
18. Право Європейського Союзу. Європейське право прав людини (в питаннях і відповідях): навч.-довідк. посібник / Т.В. Комарова, О.Я. Трагнюк, І.В. Яковюк та ін.; за заг. ред.. І.В. Яковюка. Харків: Право, 2021. 256 с.
19. Романова О.В. Франція у процесі підготовки та ратифікації Лісабонського договору. *Вісник ОНУ ім.. І.І. Мечникова. Соціологія і політичні науки*. 2015. Вип.. 2 (23). Т. 20. С.95-101.
20. Сухицька Н.В. Основи права Європейського Союзу. Курс лекцій: навчальний посібник для студентів вищих навчальних закладів. Київ: Ун-т «Україна», 2012. 259 с.
21. Татарчук І., Дяків Т. Європейське право (право Європейського Союзу). Київ: Центр учбової літератури, 2021. 158 с.
22. Тичина В. Правові цінності Європейського Союзу: навч. посіб. Харків: Право, 2023. 116 с.
23. Яковюк І.В. Право Європейського Союзу: основи теорії. Харків: Право, 2021. 360 с.
24. Янчук Н.Д. Еволюція ідеї побудови політики Європейського Союзу в сфері безпеки та оборони як нової архітектури європейської безпеки. Монографія «Розвиток міжнародного та національного права в епоху сучасних загроз та викликів». Одеса: МГУ, 2024. С. 191-221.
25. Burgess M. Federalism and European Union: the Building of Europe, 1950–2000. London: Routledge, 1989.

Information resources:

1. Консолідовані версії Лісабонського договору (українською мовою). URL: www.minjust.gov.ua/file/23491
2. Медіа-портал Європейського Союзу. URL: <http://www.euractiv.com>
3. Офіційний сайт Європейського Союзу. URL: https://european-union.europa.eu/index_uk
4. Представництво Європейського Союзу в Україні. URL : https://www.eeas.europa.eu/delegations/ukraine_en?s=232
5. Сторінка Європейського Парламенту. URL : <https://www.europarl.europa.eu/portal/en>
6. Сторінка Європейської Комісії. URL : https://commission.europa.eu/index_en
7. Сторінка Ради Європейського Союзу. URL : <https://www.consilium.europa.eu/en/>
8. Сторінка Суду Європейського Союзу. URL : https://curia.europa.eu/jcms/jcms/j_6/en/
9. Сторінка Європейського центрального банку. URL : <https://www.ecb.europa.eu/home/html/index.en.html>
10. Сторінка Європейського суду аудиторів. URL : <https://www.eca.europa.eu/en>

Topic 3

THE INSTITUTIONAL STRUCTURE OF THE EU AND ITS ROLE IN THE FORMATION OF SUPRANATIONAL LAW

Lecture questions:

The purpose and tasks of the study/work: familiarization with the peculiarities of the EU institutional system as a unique supranational mechanism that ensures the formation and implementation of European Union law.

1. The EU institutional system as a mechanism for the formation of a supranational legal order: principles of organization and division of powers.
2. The European Parliament as an institution of democratic legitimation of supranational law: composition, functions, role in the law-making process.
3. The Council of the EU and the European Council in the system of supranational law-making and the Court of Justice of the EU as a guarantor of the unity and supremacy of supranational law: interpretation, preliminary inquiries, doctrine of direct effect.

Content of the lecture

1. The EU institutional system as a mechanism for the formation of a supranational legal order: principles of organization and division of powers

The EU institutional system was formed gradually from the European Communities - the European Coal and Steel Community (hereinafter referred to as the ECSC), the European Economic Community (hereinafter referred to as the EEC) and the European Atomic Community (hereinafter referred to as Euratom) to the modern EU as enshrined by the Treaty of Lisbon in 2007. It is based on the principle of balance of international and supranational elements. Member States have delegated some of their sovereign powers to EU institutions, which has created a unique example of a supranational legal system. Thus, the supranationality of international organizations, in particular the EU, is manifested in the right to intervene in the internal competences of States, in the right to adopt binding rules for natural and legal persons, and in the attribution of control powers to international officials [3].

The development of the institutional machinery is closely linked to the manifestation of supranationality: decision-making by majority vote, adoption of

regulations having direct effect on the Member States. This underlines the primacy of supranational power over state power and demonstrates the transfer of some sovereign powers in favour of the EU [3].

The basic principles of the functioning of the EU institutions are defined in Art. 13 TEU: «The institutional structure of the union must ensure the coherence, effectiveness and sustainability of all its actions. The institutions act within the powers granted to them in the treaties and in accordance with the procedures, conditions and objectives established therein».

The principles of subsidiarity and proportionality are also important. They are provided for in Art. 5 TEU: «In accordance with the principle of subsidiarity in areas outside its exclusive competence, the union operates only when the objectives of the proposed action cannot be adequately achieved by the member states...». The EU institutional system is multi-layered, with delimitation of competences between the EU and the Member States, which ensures the stability of the functioning of supranational law and at the same time preserves the role of national governments.

The institutional structure of the EU consists of seven institutions in accordance with Art. 13 TEU. It is aimed at protecting and promoting European values and interests of member states and citizens, ensures the effectiveness and stability of EU policy.

2.The European Parliament as an institution of democratic legitimation of supranational law: composition, functions, role in the law-making process

The European Parliament (hereinafter referred to as the EP), as a directly elected institution held every five years, has become an important element of institutional evolution. Its institutional powers shape Europe's political and legal field and ensure the representation of citizens, which strengthens the legitimacy of supranational law [3].

Art. 14 The TEU defines: «The EP consists of representatives of the citizens of the union. Their number may not exceed 750 plus the Head. The representation of citizens is degressively proportional, with a minimum of six members per Member State, a maximum of ninety-six».

The EP performs the following functions: legislative, budgetary, control and representative. The EP, together with the Council of the EU, adopts regulations, directives and other acts (ordinary legislative procedure, art. 289 TFEU). The EP also approves the EU budget jointly with the Council of the EU (art. 314 TFEU). The control function consists in the fact that the EP exercises political control, including can express a vote of no confidence in the commission (Article. 234 TFEU). It is the EP that shapes the democratic legitimacy of the EU by expressing the position of citizens.

An important precedent has been the judgment of the Court of Justice in *Parti écologiste «Les Verts» v European Parliament* (Case 294/83, 1986), where the Court declared the EP an institution competent to be a defendant in legal proceedings [26]. This established him as a full-fledged participant in law-making.

The European Council defines «general political directions and priorities» of the EU (Article. 15 TEU). It consists of heads of state or government, its decisions are political in nature.

3. The Council of the EU and the European Council in the system of supranational law-making and the Court of Justice of the EU as a guarantor of the unity and supremacy of supranational law: interpretation, preliminary inquiries, doctrine of direct effect

The Council of the EU performs the function of a legislator and a co-budgetary body together with the EP. It consists of ministers of member states on a sectoral basis (for example, ministers of finance in the ECOFIN format). «The Council, together with the EP, performs legislative and budgetary functions. It determines policy and coordinates actions in accordance with the conditions stipulated in the contracts» (Article. 16 TEU).

The main difference between the European Council and the EU Council is that the former forms political vectors, while the EU Council transforms them into legal acts. They interact as strategic and executive levels of supranational policy. The European Commission is considered the «engine of European integration». It has an almost monopoly right of legislative initiative: «The EP and the Council of

the EU can adopt acts only on the basis of a commission proposal, except for the cases provided for in the treaties» (art. 17 TFEU).

The main functions of the commission: initiative (development of draft laws); executive (policy implementation, budget management (Article. 317 TFEU)); supervisory (control over compliance with EU law), «commission ensures the application of treaties and measures adopted by institutions on their basis. It monitors the application of EU law under the control of the Court of Justice» (art. 17 TFEU); foreign policy (representing the EU in international negotiations). It is thanks to the supervisory function that the commission is called the «guardian of contracts». If a Member State fails to fulfil its obligations, the commission may institute proceedings against it before the Court of Justice (art. 258 TFEU).

The Court of Justice guarantees the uniform application of EU law in all Member States. The Court of Justice consists of the Court of Justice, the General Court, and specialized tribunals (if necessary).

«The Court of Justice ensures compliance with the law in the interpretation and application of the Treaties» (Art. 19 TEU). Powers of the Court of Justice: control of the legality of acts of the institutions; settlement of disputes between the EU and the Member States; preliminary rulings (art. 267 TFEU), where national courts are required to refer to the Court of Justice in the event of doubt as to the interpretation of EU rules. Judgments of the Court of Justice in *Van Gend en Loos* (1963) (principle of direct effect of EC law) and *Costa v. ENEL* (1964) (principle of the rule of EU law over national law) laid the foundations of the doctrine of the supranationality of EU law [27; 28].

Questions for practical training:

1. The principle of supranationality as the basis of the functioning of EU institutions.
2. The European Parliament and control over the democratic legitimacy of the EU.
3. The EU Council and the European Council: balance between political guidance and the legislative process.
4. European Commission: mechanisms of influence on the formation of the supranational legal order and the practice of using the monopoly of legislative initiative.

5. Mechanism for the adoption of EU acts in the ordinary and special legislative procedure: the role of cooperation of the European Parliament, the Council of the EU and the European Commission.
6. The Court of Justice as the creator of law: an analysis of key doctrines (direct action, supremacy, autonomy of EU law).
7. Subsidiary bodies and agencies of the EU as a component of the institutional mechanism for the implementation of supranational norms.
8. The interaction of institutions in the process of adopting EU legal acts as an expression of a supranational model of separation of powers.
9. Ukraine and the institutional structure of the EU: prospects for participation in the work of institutions and agencies in the process of European integration.

Tasks for independent work:

1. Comparative analysis of institutional structure models: EU, Council of Europe and UN.
2. The role of national parliaments in the system of formation of supranational EU law.
3. The impact of the Treaty of Lisbon on the redistribution of competences between EU institutions.
4. The significance of the practice of the Court of Justice in the development of the concept of the rule of law of the EU.

Questions for self-control:

1. Which main EU institutions are enshrined in Art. 13 TEU and how do they allocate powers?
2. What is the principle of institutional balance and why is it of key importance for supranational law?
3. How the principle of «subsidiarity» affects the distribution of competences between EU institutions and member states.
4. What are the differences between the European Council and the EU Council in the law-making process?
5. What functions does the European Commission perform in the system of formation of EU law?
6. Why is the Court of Justice called «the guarantor of the unity of law and order of the EU»?
7. How do the EU institutions interact when adopting regulations, directives and decisions?
8. What role do subsidiary bodies and agencies play in the process of implementing supranational norms?
9. Can EU agencies be considered as the «fourth branch of government» in a supranational system?

Topics of reports and messages:

1. EU institutions and their powers in the field of formation of supranational law.
2. The European Parliament and the democratic legitimacy of supranational law.
3. The European Commission as «guardian of the Treaties: legal status and powers.
4. The Court of Justice and the formation of the doctrine of the autonomy of EU law.
5. The institutional evolution of the EU: from the European Coal and Steel Community to the Treaty of Lisbon.
6. Interaction of the EU and national legal orders: problems of implementation of supranational norms.
7. Arguments «for» and «against» extension of EU supranational powers to new areas (digital technologies, defense, energy security).

Recommended sources:

1. Брацук І.З. Теоретико-правові засади імплементації права Європейського Союзу в національне право держав-членів : монографія / І.З. Брацук ; за наук. ред. проф. М.М. Микієвича. Львів : ЛНУ імені Івана Франка, 2016. 230 с.
2. Гребенюк Д. О. Законодавча співпраця Європейського Парламенту з парламентськими органами країн-членів ЄС. *Європейські орієнтири розвитку України: науково-практичний вимір в умовах воєнних викликів : матеріали міжнар. наук.-практ. конф.* (Одеса, 26 квіт. 2024 р.) / НУ "ОЮА" ; за заг. ред. С. В. Ківалова ; відп. за вип. М. Р. Аракелян. Одеса : Фенікс, 2024. С. 209-211.
3. Гребенюк Д.О. Законотворчі повноваження парламенту Європейського Союзу як наднаціонального інституту: міжнародно-правове дослідження.: дис...доктора філос. Одеса, 2024. 242 с.
4. Дахно І. І. Право Європейського Союзу : навчальний посібник. Київ : Центр навчальної літератури, 2018. 415 с.
5. Європейське право: право Європейського союзу : підручник : у 3 кн. / за заг. ред. В. І. Муравйова. Кн. 2 : Матеріальне право Європейського Союзу / В. І. Муравйов, К. В. Смирнова, І. В. Влялько та ін. Київ : Ін Юре, 2015. 456 с.
6. Інституціональне право Європейського Союзу : навчально-методичний посібник / О. К. Канєнберг-Сандула, О. В. Пасечник; ред. Х. Н. Бехруза. Львів : Вид. Кошовий Б.-П. О., 2023. 140 с.
7. Інституційна система ЄС : навч. посіб. / Л. Л. Прокопенко, О. М. Рудік, Н. М. Рудік. 2-ге вид., перероб. і доп. Дніпро : ДРІДУ НАДУ, 2021. 226 с.
8. Ковалів М. В., Тимчишин Т. М., Ніканорова О. В. Основи права Європейського Союзу : навчальний посібник. Львів : Львівський державний університет внутрішніх справ, 2020. 212 с.
9. Комарова Т. В. Суд Європейського Союзу: розвиток судової системи та практики тлумачення права ЄС : монографія / Т. В. Комарова. Харків : Право, 2018. 528 с.

10. Комарова Т. Ю. Юрисдикція Суду Європейського Союзу : монографія. Харків : Право, 2010. 360 с.
11. Міжнародне право та євроінтеграційні перспективи України: сучасні виклики : колективна монографія / Х. Н. Бехруз, М. Р. Аракелян, С. С. Андрейченко [та ін.]/ Одеса : Фенікс, 2023. 464 с.
12. Основи права Європейського Союзу : підручник / за заг. ред. Т. Л. Сироїд; Л. І. Адашис, Т. М. Анакіна, С. М. Вихрист та ін. Харків : Право, 2020. 590 с.
13. Право Європейського Союзу : академічний курс : підручник : 2-ге вид., доповнене і виправлене / В. І. Муравйов, Н. Б. Мушак, Ю. О. Волошин ; за ред. В. І. Муравйова. Київ-Одеса : Фенікс, 2021. 436 с
14. Право Європейського Союзу : нормат. матеріали / упоряд. : І. В. Яковюк, Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк; за ред. І. В. Яковюка. Харків : Право, 2019. 500 с.
15. Право Європейського Союзу: основи теорії : підручник / Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк, І. В. Яковюк та ін.; за заг. ред. І. В. Яковюка. Харків : Право, 2019. 360 с.
16. Право Європейського Союзу : підручник / за ред. В. І. Муравйова. Київ : Юрінком Інтер, 2011. 704 с.
17. Право Європейського Союзу : підручник / Р. А. Петров (кер. авт. кол.), А. О. Вакуленко, Ван Елсуwege П. та ін. ; за ред. Р. А. Петрова. Вид. 10-те, змін. і допов. Харків : Право, 2021. 484 с.
18. Право Європейського Союзу : навчальний посібник / за ред. В. М. Бесчастного. 2-ге вид., стер. Київ : Знання, 2011. 366 с.
19. Тищенко І. О. Право Європейського Союзу : конспект лекцій. Дніпро : Дніпропетровський державний університет внутрішніх справ, 2019. 110 с.
20. Яремчук В. Д. Основи права Європейського Союзу та Ради Європи: дефініції, джерела, схеми, таблиці та персоналії : навчальний посібник. Львів : Львівський державний університет внутрішніх справ, 2024. 340 с.
21. Consolidated version of the Treaty on European Union, OJ C 202, 07.06.2016.
22. Craig, P., De Búrca, G. *EU Law: Text, Cases and Materials*. Oxford, 2024, 1344 p.
23. Chalmers, D., Davies, G., Monti G., Heyvaert V. *European Union Law*. Cambridge, 2024.
24. Nugent, N. *The Government and Politics of the European Union*. Bloomsbury Publishing, 2017.
25. Hartley, T. *The Foundations of European Union Law*. Oxford, 2014.
26. Case 294/83 *Parti écologiste "Les Verts" v European Parliament* [1986] ECR 1339.
27. Case 26/62 *Van Gend en Loos v. Nederlandse Administratie der Belastingen* [1963] ECR 1.
28. Case 6/64 *Costa v. ENEL* [1964] ECR 585.

Information resources:

1. Консолідовані версії Лісабонського договору (українською мовою). URL: www.minjust.gov.ua/file/23491
2. Медіа-портал Європейського Союзу. URL: <http://www.euractiv.com>
3. Офіційний сайт Європейського Союзу. URL: https://european-union.europa.eu/index_uk
4. Представництво Європейського Союзу в Україні. URL : https://www.eeas.europa.eu/delegations/ukraine_en?s=232
5. Сторінка Європейського Парламенту. URL : <https://www.europarl.europa.eu/portal/en>
6. Сторінка Європейської Комісії. URL : https://commission.europa.eu/index_en
7. Сторінка Ради Європейського Союзу. URL : <https://www.consilium.europa.eu/en/>
8. Сторінка Суду Європейського Союзу. URL : https://curia.europa.eu/jcms/jcms/j_6/en/
9. Сторінка Європейського центрального банку. URL : <https://www.ecb.europa.eu/home/html/index.en.html>
10. Сторінка Європейського суду аудиторів. URL : <https://www.eca.europa.eu/en>

Topic 4

SOURCES OF EU SUPRANATIONAL LAW

Lecture questions:

The purpose of the study/work: to form a holistic understanding of the system of sources of EU law as a unique supranational legal order, to familiarize with the peculiarities of their hierarchy and interaction, to reveal the importance of judicial practice and general principles of law in the formation of the EU legal system.

1. Concept and concept of EU supranational law.
2. EU primary law: founding treaties and acts supplementing them.
3. EU secondary law: regulations, directives, decisions, recommendations and opinions.
4. Judicial practice as a source of EU supranational law.

Content of the lecture

1. Concept and concept of EU supranational law

EU supranational law is a unique legal system that arose as a result of integration processes after the Second World War. Its key feature is its difference from classical international law: it not only regulates relations between states, but also directly affects the legal position of individuals and legal entities within member states. It was this feature that gave reason to talk about the supranational nature of the EU legal order. The Court of Justice in its judgments, in particular, *Van Gend en Loos* (1963) and *Costa v. ENEL* (1964) stressed that the EU had created its own legal order, which integrated into and had primacy over national legal systems.

EU supranational law is a reflection of globalization and regionalization processes, where «supranationality» means an extra-state power element related to state sovereignty. Its essence lies in the combination of an integration element and the transfer of power in favor of the supranational level [4].

EU law is a unique legal system that combines features of international and domestic law. Its sources are formed both in the process of concluding founding agreements and as a result of rule-making activities of EU institutions. The peculiarity of this system is its supranational nature: EU law norms have a direct

effect and priority over the national law of the member states (decision of the Court of Justice of the EU in the Costa v case. ENEL (Case 6/64, 1964)).

2.EU primary law: founding treaties and acts supplementing them

The concept of autonomy of EU law provides that the EU independently determines the sources of its legal order, limiting the participation of third countries in the formation of decisions. This is due to the principle of preserving the institutional balance and legitimacy of EU law [4].

In the doctrine of EU law, it is customary to distinguish:

- primary law (constituent agreements and protocols thereto);
- secondary law (acts of the EU institutions: regulations, directives, decisions, recommendations and opinions);
- supporting sources (EU international agreements, general principles of law, case law, soft law «acts»).

In addition, the concept of «mixed sources» - norms arising at the intersection of EU law and the law of international organizations [18] is found in the scientific literature.

The sources of EU law are therefore multi-layered in nature, and it is this multi-layering that is one of the key differences between supranational law and classical international law [16].

The sources of EU law are not just treaties between states or acts of institutions, but a comprehensive system of norms that functions autonomously and has an independent nature. In this aspect, it is possible to single out primary law (founding treaties, protocols, acts of accession), secondary law (regulations, directives, decisions, recommendations and conclusions), as well as sources of «derived» or «unwritten» character (judicial practice, general principles, international treaties concluded by the EU). The concept of supranational law assumes that all these sources correlate in a certain hierarchy and interact in a complex multi-level structure. This allows us to talk about the unity and at the same time the multi-layering of the EU legal system.

Primary law is the foundation of the EU legal system. It includes the founding treaties: TEU, TFEU, as well as a number of specialized documents (Euratom Treaty, ECSC Treaty of historical importance). In addition, primary law includes audit treaties, protocols, annexes, acts of accession of new members, the Charter of Fundamental Rights of the EU in 2000. These documents are constitutional in nature, because they determine the principles of the EU, its institutional architecture, the distribution of competences between the EU and the member states, decision-making mechanisms and the basic rights and freedoms of EU citizens. For example, the principles of subsidiarity and proportionality are directly enshrined in the founding treaties and have direct effect in institutional practice.

The Treaty of Lisbon in 2007, which established the legal force of the EU Charter of Fundamental Rights in 2000 and strengthened the hierarchy of sources of law, deserves special attention. It was after the Lisbon reform that EU law acquired greater autonomy and features of the «quasi-constitutional order» [17].

In its practice, the Court of Justice has repeatedly emphasized that founding treaties have a constituent, «constitutional» character (*Les Verts v case. Parliament*, Case 294/83, 1986). This allows them to be qualified as fundamental sources of supranational law.

Thanks to primary law, a hierarchy of legal norms is formed, so acts of secondary law must comply with the provisions of founding agreements. In the event of a conflict, primary law itself takes precedence. In its practice, the Court of Justice of the EU noted that any act of secondary legislation is subject to verification of compliance with contracts. Thus, primary law acts as the «constitution» of the EU, setting the framework for the development of the entire system of supranational law.

3.EU secondary law: regulations, directives, decisions, recommendations and conclusions

Secondary law is normative acts adopted by EU institutions on the basis of powers defined by founding treaties (Article. 288 TFEU). The main forms are regulations, directives, decisions, as well as acts of a recommendatory nature - recommendations and conclusions.

Regulations have general application, are binding in all parts and are directly applicable in the Member States. This makes them similar to laws in domestic legal systems. The Directives oblige the Member States to achieve a certain result, but leave the freedom to choose the forms and methods of implementation. Thus, the directives need to be implemented into national legislation, but in case of non-compliance, the Court of Justice recognizes the possibility of direct effect of some provisions of the directives. Decisions are of an individual nature and are binding only on those addressees to whom they are addressed. Recommendations and conclusions are not binding, but are essential as benchmarks in enforcement.

A special feature of secondary law is its direct effect and priority over the rules of national law (Simmenthal case, Case 106/77, 1978). This distinguishes EU acts from classic international obligations.

Secondary law itself forms the largest part of the *acquis communautaire* - the common legal property of the EU. It is dynamically developing, covering the economy, ecology, social policy, the sphere of justice and internal affairs. Thanks to secondary law, the EU is able to respond flexibly to new challenges, while at the same time relying on the principles and goals enshrined in the founding treaties.

The practice of the Court of Justice plays a special role in the system of sources of supranational law. Unlike classical continental systems, where court decisions are mostly casual in nature, in the EU legal order they actually form general principles and norms. It was thanks to judicial practice that such key doctrines as the primacy of EU law over national law were established (*Costa v. ENEL*, 1964), the principle of direct effect (*Van Gend en Loos*, 1963), the liability of States for damage caused by infringements of EC law (*Francovich*, 1991), the principle of loyal cooperation.

4. Judicial practice as a source of EU supranational law

The Court of Justice interprets and specifies the provisions of the founding treaties and secondary acts, filling gaps and creating new legal guidelines. Many decisions are of precedent value and become binding on subsequent practice. Judicial practice performs a dual function: it guarantees the uniform application of law throughout the EU and at the same time acts as an instrument for the evolution

of the legal system. This role of the Court of Justice is explained by the nature of supranational law - it is dynamic, often requiring interpretation in the context of integration processes. Therefore, the Court of Justice of the EU is not only the «guardian of treaties», but also the «creator of law», which forms the conceptual foundations of the EU legal order. In this aspect, his practice is recognized as an independent source of supranational law.

The Court of Justice plays a key role in shaping the supranational legal order. In his decisions, he developed fundamental principles: the priority of EU law (*Costa v. ENEL*, 1964); direct effect of EC law (*Van Gend en Loos*, Case 26/62, 1963); principle of effectiveness (*effet utile*); principle of proportionality and legal certainty. These principles were recognized as a component of the «general principles of Union law» and effectively became independent sources [19].

Some authors emphasize that the Court of Justice, in its practice «, has constitutionalized» Union law by creating case law that has normative significance [20].

In addition to founding treaties, secondary legislation and the practice of the Court of Justice, sources of supranational law include general principles of law. The Court of Justice uses them to fill gaps and ensure system coherence. Among them is the principle of legal certainty, proportionality, non-discrimination, respect for fundamental rights. Many of these principles are borrowed from the constitutional traditions of member states and international documents (in particular, the European Convention on Fundamental Human Rights and Freedoms of 1950).

International treaties concluded by the EU as a separate subject of international law play an important role. They become part of the EU legal order and have direct effect if they contain clear and unconditional provisions. Are thus binding on the EU institutions and the Member States.

Acts of «soft law» (white and green papers, recommendations, communications of the Commission) are not legally binding, yet play a significant role in shaping legal policy and practice [21]. Sources of EU supranational law cover both classic legally binding acts and soft settlement instruments providing flexibility to the system.

Questions for practical training:

1. Determining the role of founding treaties in the formation of the EU legal order.
2. The role of secondary law in ensuring integration processes (regulations, directives, decisions).
3. Legal cases regarding conflicts between EU and national law. Analysis of the decisions of the Court of Justice of the EU, which enshrined the principle of the rule of law of the EU.
4. The importance of EU international agreements in the formation of a common foreign policy.
5. Mechanism of application of acts «soft law» (soft law).

Tasks for independent work:

1. Contribution of the founding treaties (Roman, Maastricht, Lisbon) to the development of the system of sources of EU law.
2. The role of the European Parliament in the law-making process of the EU.
3. Types of acts of the Council of the EU and the European Council in the context of their legal force.
4. Mechanism for transposition of directives into the legal orders of the Member States.
5. Judicial doctrines that influenced the formation of the autonomy of the EU legal order.

Questions for self-control:

1. How does the Court of Justice form «case law» and can it be considered a source?
2. What is the difference between regulations and directives in terms of their operation in national legal systems?
3. Can acts of the EU institutions be classified as international treaties in the classical sense?
4. What place do EU agreements with third countries occupy in the system of sources of supranational law?
5. Is there a hierarchy of sources of law in the EU similar to national constitutional systems?

Topics of reports and messages:

1. The principle of the rule of law of the EU: evolution and current state.
2. The impact of the Treaty of Lisbon on the system of sources of EU law.
3. The EU Charter of Fundamental Rights as a source of supranational law.
4. EU international agreements with third countries: features of conclusion and implementation.
5. The principle of direct effect of EU law: judicial practice and national legal systems.

Recommended sources:

1. Аракелян М. Р., Василенко М. Д. Право Європейського Союзу: підручник. Одеса: Фенікс, 2012. 390 с.
2. Брацук І.З. Теоретико-правові засади імплементації права Європейського Союзу в національне право держав-членів : монографія / І.З. Брацук ; за наук. ред. проф. М.М. Микієвича. Львів : ЛНУ імені Івана Франка, 2016. 230 с.
3. Булгакова Д. О. Особливості «первинних» джерел права Європейського Союзу. Вісник Одеського національного університету. Серія: Правознавство. 2010. Т. 15, вип. 1. С. 5-14.
4. Гребенюк Д.О. Законотворчі повноваження парламенту Європейського Союзу як наднаціонального інституту: міжнародно-правове дослідження.: дис...доктора філос. Одеса, 2024. 242 с.
5. Ковалів М. В., Тимчишин Т. М., Ніканорова О. В. Основи права Європейського Союзу : навчальний посібник. Львів : Львівський державний університет внутрішніх справ, 2020. 212 с.
6. Комарова Т. В. Суд Європейського Союзу: розвиток судової системи та практики тлумачення права ЄС : монографія / Т. В. Комарова. Харків : Право, 2018. 528 с.
7. Міжнародне право та євроінтеграційні перспективи України: сучасні виклики : колективна монографія / Х. Н. Бехруз, М. Р. Аракелян, С. С. Андрейченко [та ін.]/ Одеса : Фенікс, 2023. 464 с.
8. Основи права Європейського Союзу : підручник / за заг. ред. Т. Л. Сироїд; Л. І. Адашис, Т. М. Анакіна, С. М. Вихрист та ін. Харків : Право, 2020. 590 с.
9. Право Європейського Союзу : академічний курс : підручник : 2-ге вид., доповнене і виправлене / В. І. Муравйов, Н. Б. Мушак, Ю. О. Волошин ; за ред. В. І. Муравйова. Київ-Одеса : Фенікс, 2021. 436 с
10. Право Європейського Союзу : нормат. матеріали / упоряд. : І. В. Яковюк, Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк; за ред. І. В. Яковюка. Харків : Право, 2019. 500 с.
11. Право Європейського Союзу: основи теорії : підручник / Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк, І. В. Яковюк та ін.; за заг. ред. І. В. Яковюка. Харків : Право, 2019. 360 с.
12. Право Європейського Союзу : підручник / Р. А. Петров (кер. авт. кол.), А. О. Вакуленко, Ван Елсуwege П. та ін. ; за ред. Р. А. Петрова. Вид. 10-те, змін. і допов. Харків : Право, 2021. 484 с.
13. Яремчук В. Д. Основи права Європейського Союзу та Ради Європи: дефініції, джерела, схеми, таблиці та персоналії : навчальний посібник. Львів : Львівський державний університет внутрішніх справ, 2024. 340 с.
14. Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. OJ C 202, 7.6.2016.
15. Charter of Fundamental Rights of the European Union. OJ C 326, 26.10.2012.
16. Craig, P., De Búrca, G. *EU Law: Text, Cases and Materials*. Oxford, 2024, 1344 p.

17. Chalmers, D., Davies, G., Monti G., Heyvaert V. *European Union Law*. Cambridge, 2024.
18. Schütze R. *European Union Law*. Cambridge University Press, 2021.
19. Tridimas T. *The General Principles of EU Law*. Oxford University Press, 2022.
20. Lenaerts K., Gutiérrez-Fons J. A. *To Say What the Law of the EU Is: Judicial Review of Union Acts Before the Court of Justice*. Common Market Law Review, 2013.
21. Craig P. *Pringle and Use of EU General Principles*. European Law Review, 2013.
22. Dashwood A., Johnston A. *The Future of the European Union: Reform and Enlargement*. Hart Publishing, 2021.
23. Horspool M., Humphreys M., Wells-Greco M. *European Union Law*. Oxford University Press, 2020.
24. Maduro M. P. *We the Court: The European Court of Justice and the European Economic Constitution*. Hart Publishing, 1998.
25. Wyatt D., Dashwood A. *European Union Law*. Sweet & Maxwell, 2011.
26. Case 26/62 *Van Gend en Loos v. Nederlandse Administratie der Belastingen* [1963] ECR 1.
27. Case 6/64 *Costa v. ENEL* [1964] ECR 585.
28. Case 106/77 *Simmenthal* [1978]. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61977CJ0106>
29. Cases C-6/90 and C-9/90 *Andrea Francovich and Danila Bonifaci and others v Italian Republic* [1991]. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61990CJ0006>

Information resources:

1. Консолідовані версії Лісабонського договору (українською мовою). URL: www.minjust.gov.ua/file/23491
2. Медіа-портал Європейського Союзу. URL: <http://www.euractiv.com>
3. Офіційний сайт Європейського Союзу. URL: https://european-union.europa.eu/index_uk
4. Представництво Європейського Союзу в Україні. URL : https://www.eeas.europa.eu/delegations/ukraine_en?s=232
5. Сторінка Європейського Парламенту. URL : <https://www.europarl.europa.eu/portal/en>
6. Сторінка Європейської Комісії. URL : https://commission.europa.eu/index_en
7. Сторінка Ради Європейського Союзу. URL : <https://www.consilium.europa.eu/en/>
8. Сторінка Суду Європейського Союзу. URL : https://curia.europa.eu/jcms/jcms/j_6/en/
9. Сторінка Європейського центрального банку. URL : <https://www.ecb.europa.eu/home/html/index.en.html>

10. Сторінка Європейського суду аудиторів. URL :
<https://www.eca.europa.eu/en>

Topic 5

INTERACTION OF EU SUPRANATIONAL LAW WITH THE NATIONAL LAW OF MEMBER STATES

Lecture questions:

The purpose of the study/work: is to form a holistic understanding of the mechanisms of coexistence, interpenetration and the priority of the norms of supranational law of the European Union in the legal systems of the member states.

1. Theoretical models of the relationship between EU and national law.
2. The rule of EU law: doctrine and jurisprudence.
3. Direct effect of EU acts and its significance for the legal order of the Member States.
4. Conflicts between EU and national law: ways to overcome them.
5. The impact of EU law on the transformation of national legal systems.

Content of the lecture

1. Theoretical models of the relationship between EU and national law

Different approaches to clarifying the interaction of supranational and national law have been formed in modern science, the most common are two conceptual models, among them monistic and dualistic. The monistic approach proceeds from the fact that supranational and international law is automatically integrated into the national legal system and [3, p. 15], which characteristically takes precedence over domestic legislation. In European Union law (hereinafter – EU), this means that the regulations of the association are directly in force in the legal orders of the Member States and do not require special implementation procedures [8, p. 695]. If we clarify the dualistic approach, here in this aspect international and supranational norms acquire force only after changes are made to domestic legislation.

The characteristic difference of the EU legal order is that this system acquires certain special features with which it is difficult to attribute to any departure, probably this is the *sui generis* feature of this association. The evolution of EU law to some extent formed a third supranational concept, which is able to combine elements of monism and dualism. Thus, the interaction of the above-mentioned systems is characterized by a unique «duality», namely in the context that the

subjects of the association retain sovereignty, and on the other hand, – delegate part of the powers in favor of the EU, recognizing the priority of supranational law.

It is characteristic that the correlation of EU law with the national legal orders of the member states acquires special significance in the scientific space. Unlike classical interaction, this component has a more developed conceptual basis. Despite certain discussions in the system of sources, it was in doctrinal approaches that various theoretical models of understanding the above-mentioned interaction were formed. The reflections draw on the accumulated experience of enforcement and demonstrate an attempt to combine the principle of autonomy of EU law with the need to preserve the sovereignty of national legal orders [9, p. 211].

In general, the EU occupies a special place among modern integration trends, because this legal order has features that go beyond the traditional model of an international organization. Clarifying the legal nature of EU law therefore involves not only examining the relationship with international law, but also to some extent, in a broader dimension, examining precisely the interaction with the national legal systems of the Member States. Despite the fact that the primary sources of the EU do not contain clearly defined norms that would directly outline the boundaries and hierarchy in the relations between European and international law, they provide for provisions that determine the consequences of international agreements for the legal order of the Union. Thus, Article 216 (2) TFEU enshrines the binding nature of the international treaties concluded by the EU to its institutions and Member States [6, p. 466], which shows that the fundamental principle of *pacta sunt servanda* is respected.

By clarifying this question through a doctrinal prism, it becomes possible to come to a conclusion that this provision has a double meaning. On the one hand, the openness of the EU legal system to interaction with the norms of international law is demonstrated, on the other hand, a certain positioning in the center of attention of the problem of the relationship between EU law and national law is seen, since the implementation of agreements by member states takes place in the interaction of two levels of legal regulation. This is what gives rise to the need to develop theoretical

models capable of explaining how EU law retains its own autonomy while remaining at the same time integrated into international and national legal systems [10, p. 46].

2. The rule of EU law: doctrine and jurisprudence

The principle of supremacy is a cornerstone in the system of interaction, the question of nature is that the norms of EU law prevail over any national norms, even those enshrined in the state constitution. The foundation of the doctrine was formed in the case of *Costa v. ENEL* (1964), where the Court of Justice for the first time clearly defined that a State, by becoming a member of an association, could not adopt laws which were contrary to EC law. In the future, this position developed in numerous cases, in particular *Internationale Handelsgesellschaft* (1970), where the Court of Justice noted that the priority of EU law extends even to the constitutional norms of states. It is especially characteristic that national constitutional courts often formed a position cautiously. Thus, the German Federal Constitutional Court, in the decisions *Solange I* (1974) and *Solange II* (1986), emphasized that it recognizes the priority of EU law only if there is an adequate level of protection of fundamental rights in unification. Similar practice suggests that the rule of EU law is not absolute in the perception of national courts, but rather is formed as a result of dialogue between legal orders, especially when the issue relates to certain contradictions between institutions [4, c. 33].

The primary sources of the EU enshrine the rule of law primarily in the value dimension, and not only in the legal-normative dimension. The content transcends and emerges as a fundamental socio-legal category reflecting universal values binding on the Member States. The systematic interpretation of the provisions of the founding treaties testifies to the axiological nature of the specified principle. This specificity is manifested in the structure of the EU Treaty itself (hereinafter – EU). Thus, the Preamble emphasizes that the creation of the EU took place under the influence. For example, Art. 2 The TEU specifies the approach, stating the basic values of unification common to all Member States. It is characteristic that the rule of law in the EU should be understood not only as a formal requirement of the legal system, but also as a certain integration benchmark that determines the nature of the

phenomenon. It is through this approach that the Court of Justice has been given the opportunity to develop the doctrine of the rule of law of unification, emphasizing precisely the binding character even in relations with the constitutional legal orders of the Member States [12, p. 122].

A study of the rule of law in the context of EU law is not possible without taking into account the relationship with the principle of legal certainty, which is traditionally seen as one of the key components. The study of the mentioned categories allows us to find out the multidimensionality and reveal the peculiarities of functioning in modern conditions, both in the EU and in states that are on the path of transitivity. It is characteristic that modern challenges actualize the problems of stability and predictability of law, which are integral characteristics of European standards of legal certainty. Among the elements of the said principle, EU doctrine and jurisprudence highlight the clarity, clarity and accessibility of legal norms, their predictability and stability, as well as ensuring the legitimate expectations of legal subjects. It is also important to determine the competence of public authorities and the stability of judicial practice, which guarantees the uniform application of law in different jurisdictions [1, c. 214-215]. These requirements are not only of an intra-institutional nature, but also define the framework for the national legal orders of the Member States and the candidate countries. In the case of Ukraine, which is on the way to European integration, ensuring a balance between national and international interests acquires strategic importance. The implementation of the principles of the rule of law and legal certainty in the Ukrainian legal system not only contributes to adaptation to the EU *acquis*, but also creates conditions for overcoming legal fragmentation caused by military events and hybrid threats. Therefore, for Ukraine, integration into the legal space of the EU means not only the formal borrowing of doctrinal principles, but also their practical implementation in a way that guarantees the real effectiveness and stability of the legal order [16, p. 85].

3. The direct effect of EU acts and its significance for the legal order of the Member States

The principle of direct effect indicates that individual rules of EU law may grant rights and obligations to natural persons directly, regardless of whether they have been reproduced in national legislation. The formation is linked to the case *van Gend & Loos v Netherlands Inland Revenue Administration* [19], in this case the Court of Justice determined that the association created «a new legal order» in which citizens are direct subjects of rights.

It should be noted that the uniqueness of the EU lies primarily in the original nature of law and order. One of the characteristic factors of autonomy is that the operation and binding nature of the rules of EU law in the territory of the Member States is not due precisely to the internal legal system. An essential element of the independence of EU law is the actual authentic interpretation by the Court of Justice, which guarantees the unity of law enforcement. It has repeatedly been proven that EU law is in constant interaction with international and national law, its existence and effectiveness are possible only if independence regarding these legal systems is preserved. In practice, the Court of Justice notes that the EC Treaty, unlike classical international agreements, has initiated an independent legal system which, since its entry into force, has become an integral element of the national legal orders of the Member States and binding on the application of national courts. At the same time, the subjects of EU law are not only the Member States but also citizens, which underlines its individualised dimension. The peculiarity of EU law is seen precisely in the basis on the principle of the transfer of part of the sovereign powers by the Member States in favour of unification. This system is characterized by the following fundamental characteristics, such as the supremacy of EU norms over the internal law of member states and the direct effect of EU law provisions in national legal orders [13, p. 58-59].

Please note that EU practice distinguishes between two main types of acts from the point of view of direct effect, namely regulations that always have direct effect and are applied in the same way in all member states, – directives need to be implemented, but in case of non-compliance by the state, their provisions may have direct effect, confirmation is found in the case of *Yvonne van Duyn v Home Office* [18].

The above principle is extremely important because it allows individuals and legal entities to invoke EU law directly in national courts. On the one hand, the unity of the legal area of association is strengthened, and on the other hand, it limits the discretion of states in the field of fulfilling their own obligations.

The system of principles of EU law acts as a key criterion for assessing the degree of compliance of national legislation with European standards. This component allows not only to identify existing disagreements, but also to form effective mechanisms for their settlement. At the same time, the mentioned principles have a double meaning, namely, on the one hand, they function as normative guidelines, and on the other - as practical tools for harmonization and adaptation of national law. The principle of the rule of law guarantees the priority of EU law, for example, in case of conflict with domestic legislation. It is not for nothing that the principle of legal certainty ensures the stability and predictability of legal regulation, which is especially important for the realization of the rights and legitimate interests of citizens [20, c. 64]. Proportionality is a guarantee against excessive interference by the subjects of authority in the field of fundamental human rights and freedoms, however, the principle of subsidiarity ensures an optimal balance in the distribution of competences between the EU and the Member States. Therefore, the principle of direct effect allows the application of EU law norms directly in the domestic legal order, which increases the effectiveness of law enforcement, and the mechanism of mutual recognition of legal acts and decisions serves as a basis for ensuring coherent and effective interaction between national legal systems and the EU legal order [14, p. 1251].

4. Conflicts between EU and national law: ways to overcome them

Modern legal reality suggests that the presence of different degrees of legal regulation inevitably leads to conflicts. The most common are situations where a national law conflicts with a rule of a regulation or directive [7, c. 278]. The resolution mechanisms lie in the primacy of EU law, meaning that the national court is obliged not to apply a rule of internal law if it is contrary to an EU rule. The duty of interpretation is that it is for the courts of the Member States to interpret national

law in the light of EU law, which the relevant practice confirms [17]. For example, preliminary ruling proceedings allow national courts to apply to the Court of Justice for an official interpretation (Article. 267 TFEU). Proceedings against a Member State - The European Commission may initiate infringement proceedings where a State systematically ignores obligations.

One of the key features of the EU legal order is its autonomy, which is manifested in the ability to function independently of national and international legal systems. The special independent nature of EU law, enshrined in the practice of the Court of Justice, is manifested in two fundamental principles, namely the rule of EU law and the direct effect of its norms. The principle of supremacy means that the rules of association take precedence in the event of a legal conflict with the provisions of the internal law of the Member States. Thus, if there is a conflict between a national act and an EU act, the judicial and, in general, the subjects of authority are obliged to apply precisely the rules of EU law. The principle of direct effect, in turn, guarantees the direct application of EU law without the need for special implementation. This means that natural and legal persons can directly invoke the provisions of EU law in national courts, and subjects of authority are obliged to take them into account. Through this, a direct legal link is formed between the individual and the legal order of the Union [15, p. 64]. Thus, overcoming conflicts occurs through a combination of judicial and administrative mechanisms. A characteristic role in this process is played by national courts, which are actually «EU» courts on the ground, ensuring unity of interpretation and application of the right of association.

5. The impact of EU law on the transformation of national legal systems

The issue of the impact of EU supranational law on national legal orders is systemic and multidimensional. It manifests itself in the following aspects of the legislative level, that is, states are forced to change their own codes, laws and by-laws in accordance with EU directives and regulations, courts are increasingly turning to EU law, which forms a new culture of law enforcement [5, c. 77]. It is characteristic that national constitutional courts adapt their doctrine to the priority

and direct effect of EU law, and executive authorities are obliged to take into account European standards in the field of economy, social policy, environment, public procurement, etc.

The current state confirms that one of the key factors in the effectiveness and proper functioning of EU law is a specific implementation procedure in the national legal orders of the member states. By implementation, we understand the process of transposition of EU law norms, which involves the creation of appropriate mechanisms and procedures for their consolidation and practical application in internal legal systems. In the course of the gradual deepening of European integration, the process of the so-called constitutionalization of EU law took place. While at the initial stage the founding treaties had the character of international agreements binding exclusively the States parties, they had transformed over time into the legal basis of a new integration order. This procedure extends its rules not only to the Member States but also directly to natural and legal persons, imposing obligations on them and conferring rights. The establishment of the principles of direct effect and the rule of law of the EU ensured the formation of a special legal system, which is distinguished by universality and autonomy. The current development of integration processes proves that the national legal orders of the member states are closely intertwined with the legal system of the Union, forming a single regulatory environment. At the same time, there is a noticeable impact of EU law on candidate countries, which, in the process of preparing for accession, carry out large-scale adaptation of their legislation in accordance with European standards [2, c. 209-210]. Thus, EU law has not only created a qualitatively new supranational legal order, different from the classical models of national law, but has also been a catalyst for transformations in the internal legal systems of the Member States and candidate countries. As a result, a holistic integrative legal system emerges, combining law orders of different nature on the basis of common principles and mechanisms [11, p. 347].

At the same time, the impact of EU law is not always perceived unambiguously. In a number of states, conflicts of sovereignty arise (for example, Polish and Hungarian constitutional bodies have questioned the absoluteness of the rule of EU

law in recent years). This shows that the interaction of EU law and national law is a dynamic process in which the search for a balance between integration interests and the preservation of national identity continues.

The interaction of supranational and national law in the EU – is a complex system based on the principles of supremacy, direct action and cooperation of judicial and political institutions. It ensures the unity of law and order, while at the same time leaving room for dialogue between the Union and the Member States. This dialogue is the key to maintaining the stability of the integration process.

Questions for practical training:

- 1.Theoretical models of the relationship between national law and EU law (monism, dualism, supranationality).
- 2.Costa v court case. ENEL (1964) and its significance for shaping the principle of the rule of EU law.
- 3.The Van Gend en Loos case (1963) as the basis of the doctrine of direct effect of EU law.

Tasks for independent work:

- 1.To analyze the decisions of national constitutional courts (Germany, Italy, Poland) regarding the limits of application of the principle of the rule of law of the EU.
- 2.Prepare an essay on the topic: «Prejudice requests as a mechanism of interaction between national courts and the Court of Justice of the EU».
- 3.Review the impact of EU directives on reforming Ukrainian legislation in the field of public procurement or environmental protection.

Questions for self-control:

- 1.What is the principle of the rule of law of the EU and what are its practical implications for the Member States?
- 2.What are the features of the direct effect of EU regulations and directives?
- 3.What mechanisms are in place to overcome conflicts between national and EU law?

Topics of reports and messages:

- 1.The doctrine of «Solange» in the practice of the Federal Constitutional Court of Germany.
- 2.The impact of EU law on the constitutional development of the Member States: examples from Italy and Poland.
- 3.The principle of conscientious cooperation (art. 4 TEC) as a basis for the interaction of EU law and national legal orders.

Recommended sources:

1. Аракелян М.Р, Бехруз Х.Н, Гребенюк Д.О. Європейський Парламент: голос громади в законодавчому процесі ЄС. *Науково – виробничий журнал «Держава та регіони»* № 4, 2022 с. 212-216. http://law.stateandregions.zp.ua/archive/4_2022/32.pdf
2. Гребенюк Д. О. Законодавча співпраця Європейського Парламенту з парламентськими органами країн-членів ЄС // Європейські орієнтири розвитку України: науково-практичний вимір в умовах воєнних викликів : матеріали Міжнар. наук.-практ. конф. (Одеса, 26 квіт. 2024 р.) / за заг. ред. С. В. Ківалова ; відп. за вип. М. Р. Аракелян. Одеса, 2024. С. 209-211. URL: <https://hdl.handle.net/11300/28294>
3. Гребенюк Д.О. Інтеграція в Європейський Союз в епоху глобальних змін: правовий аналіз розвитку тенденції. *Право і суспільство*. № 4, 2022 с. 15-19 URL: http://pravoisuspilstvo.org.ua/archive/2022/4_2022/3.pdf
4. Гребенюк Д.О. Генезис Європейського Парламенту та його трансформація до наддержавності. *Науковий вісник УжНУ. Серія: Право*. № 72, 2022 с. 32-35 URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2022/10/7.pdf>
5. Гребенюк Д.О. Інституційний механізм ЄС в процесі регулювання міграційної кризи. *Вступ України, Республіки Молдова та Грузії до Європейського Союзу: сучасні виклики*. Міжнародний круглий стіл. 05 березня 2024 р., м. Одеса: збірник матеріалів конференції. Одеса. 2024 р. С. 77-80. URL: <https://dspace.onua.edu.ua/bitstreams/02178f50-74a1-4029-83f7-804846e3cedf/download>
6. Гребенюк Д.О. Місце і роль Європейського Парламенту в інституційній системі Європейського Союзу. *Юридичний науковий електронний журнал*. № 7, 2022. С. 465 – 467 URL: http://www.lsej.org.ua/7_2022/112.pdf
7. Гребенюк Д.О. Становлення концепції наднаціонального парламентаризму в сучасному міжнародному праві. *Науковий вісник УжНУ. Серія: Право*. № 80, 2023 р. с. 278-283. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/01/47-1.pdf>
8. Гребенюк Д.О. Фрагментація та поляризація фактори які створюють Європейський Союз актором головних змін. *Юридичний науковий електронний журнал*. № 5, 2022. с. 695 - 696 URL: http://www.lsej.org.ua/5_2022/168.pdf
9. Д. Суханова. Особливості правової системи європейського союзу та її співвідношення з міжнародними і національними правовими системами // *Україна і Світ*. №1, 2024 р. – С. 211 – 217 URL: http://yurvisnyk.in.ua/v1_2024/24.pdf
10. Заставна О. П. Право Європейського Союзу в системі міжнародного права // *Галицькі студії: Юридичні науки*. – 2024. – №. 5. – С. 45-50. URL: <https://journals.gi.ternopil.ua/index.php/law/article/view/60/55>

11. Іванов А. В. Вплив права ЄС на національні правові системи та світовий порядок //Науковий вісник Ужгородського національного університету. Серія: Право. – 2024. – Т. 3. – №. 83. – С. 347-352. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/07/83-part-3.pdf#page=347>
12. Калінніков О. В. Закріплення принципу верховенства права в Договорі про Європейський Союз // The 21st International scientific and practical conference “Innovative solutions in public communications and international relations”(May 28–31, 2024) Sofia, Bulgaria. International Science Group. 2024. 382 p. – 2024. – С. 122 - 125. URL: <https://isg-konf.com/wp-content/uploads/2024/05/INNOVATIVE-SOLUTIONS-IN-PUBLIC-COMMUNICATIONS-AND-INTERNATIONAL-RELATIONS.pdf#page=123>
13. Муравйов В. Реалізація норм права Європейського Союзу у внутрішніх правопорядках держав-членів // The Journal of VN Karazin Kharkiv National University. Series: International Relations. Economics. Country Studies. Tourism. – 2013. – №. 1086. – С. 58-64. URL: <https://periodicals.karazin.ua/irtb/article/view/4729>
14. Ніколенко Л. М. Принципи права Європейського Союзу як критерії оцінки ефективності правової інтеграції //Аналітично-порівняльне правознавство. – 2025. – №. 2. – С. 1251-1255. URL: <http://journal-app.uzhnu.edu.ua/article/view/328284/318025>
15. Черницька В. В. Адаптація правової системи України до правової системи європейського союзу: окремі загальнотеоретичні аспекти // Адаптація правової системи України до права Європейського Союзу : теоретичні та практичні аспекти : матеріали VI Всеукраїнської за міжнародною участю науковопрактичної конференції (м. Полтава, 17 листопада 2021 року). Полтава, 2021. 261 с. URL: <http://pli.nlu.edu.ua/wp-content/uploads/2021/12/Zbirnyk-%D0%9F%D0%AE2021%D0%941.pdf#page=64>
16. Чеханюк Л. Принцип верховенства права та правова визначеність: співвідношення й окремі аспекти // Філософські та методологічні проблеми права. – 2025. – Т. 1. – №. 29. – С. 85-95. URL: <https://philosophy.navs.edu.ua/index.php/philosophy/article/view/1682/1673>
17. EUR-Lex. Judgment of the Court of 10 April 1984. Sabine von Colson and Elisabeth Kamann v Land Nordrhein-Westfalen. Reference for a preliminary ruling: Arbeitsgericht Hamm - Germany. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61983CJ0014>
18. EUR-Lex. Judgment of the Court of 4 December 1974. Yvonne van Duyn v Home Office. Reference for a preliminary ruling: High Court of Justice, Chancery Division - United Kingdom. Public policy. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61974CJ0041>
19. EUR-Lex. Judgment of the Court of 5 February 1963. NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration. Reference for a preliminary ruling: Tariefcommissie - Netherlands. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61962CJ0026>

20. Hrebeniuk D. European parliamentarism and establishing the content of the institutional authority within the EU parliament. *Visegrad journal on human rights*. № 6. 2023 р. с. 64 – 71. URL: <https://journal-vjhr.sk/wp-content/uploads/2024/03/VJHR-6.23.pdf>

Information resources:

1. Консолідовані версії Лісабонського договору (українською мовою). URL: www.minjust.gov.ua/file/23491
2. Медіа-портал Європейського Союзу. URL: <http://www.euractiv.com>
3. Офіційний сайт Європейського Союзу. URL: https://european-union.europa.eu/index_uk
4. Представництво Європейського Союзу в Україні. URL : https://www.eeas.europa.eu/delegations/ukraine_en?s=232
5. Сторінка Європейського Парламенту. URL : <https://www.europarl.europa.eu/portal/en>
6. Сторінка Європейської Комісії. URL : https://commission.europa.eu/index_en
7. Сторінка Ради Європейського Союзу. URL : <https://www.consilium.europa.eu/en/>
8. Сторінка Суду Європейського Союзу. URL : https://curia.europa.eu/jcms/jcms/j_6/en/
9. Сторінка Європейського центрального банку. URL : <https://www.ecb.europa.eu/home/html/index.en.html>
10. Сторінка Європейського суду аудиторів. URL : <https://www.eca.europa.eu/en>

Topic 6

THE CONCEPT OF SUPRANATIONALITY IN UKRAINIAN DOCTRINE

Lecture questions:

The purpose of the study/work: is to reveal the essence, content and evolution of scientific approaches of Ukrainian lawyers to understanding the phenomenon of supranationality as a special form of legal integration within the European Union and its importance for the development of the national legal system of Ukraine.

1. Formation of ideas about supranationality in domestic legal science.
2. Theoretical approaches of Ukrainian scientists to determining the essence of supranational law.
3. Supranationality and sovereignty: Ukrainian scientific discourse.
4. Development of the concept of supranationality in the light of Ukraine's European integration aspirations.
5. Modern challenges and prospects for the development of the doctrine of supranationality in Ukraine.

Content of the lecture

1. Formation of ideas about supranationality in Ukrainian legal science

In Ukrainian legal science, the concept of supranationality began to be actively discussed after gaining independence, especially in the context of integration processes in Europe. After the transformational stages, the legal state changed, namely legal scholars began to analyze the possibility of coexistence of international, regional and domestic law in the conditions of globalization.

In national legal science, supranationality has gradually begun to be perceived as a key characteristic of integration processes within the EU [7, c. 695], which determines its specific legal nature. It is about the Union's ability to take decisions that are binding on Member States even in cases of their conflict with national law. This is what makes it possible to ensure an appropriate level of legal integration and harmonization of internal legal orders. In international legal doctrine, the phenomenon of supranationality is considered through the prism of various conceptual approaches, which is due to both the lack of a single established

definition of this concept in international treaties and the variety of methodological tools used in research [5, c. 465]. Therefore, supranationality is interpreted not only through the prism of the institutional and legal features of the EU, but also in the context of scientific discussions about the limits of sovereignty, the relationship between national and international law. Ukrainian legal doctrine, being under the influence of European experience, also forms its own approaches to understanding this phenomenon, trying to combine Western theoretical concepts with the peculiarities of the national legal tradition [10, c. 700].

The first studies touched on general issues of the relationship between international and national law. At the same time, attention was gradually drawn to supranational systems - primarily EU law, which became a model of a new type of legal order. Ukrainian scientists considered supranationality as a special phenomenon that combines the features of international law and domestic regulation, but at the same time goes beyond their borders. Thus, domestic legal science has taken a step from traditional dualism to understanding hybrid forms of legal coexistence.

The actual task of the domestic doctrine is to clarify and develop a holistic definition of the concept of «supranationality». In scientific literature, in particular in the works of O. K. Vyshnyakov, it is emphasized that supranationality does not have a universal meaning, but is characterized by a multiplicity of approaches to its understanding. It is used to indicate the specifics of the functioning of the bodies of certain interstate associations and is considered through the prism of special features of their institutional nature. In view of this, supranationality can be understood as an attribute of internationalized forms of governance based on mechanisms of delegation by states of part of their power. It is in this context that complex theoretical questions arise regarding the limits of such delegation, their impact on sovereignty and the relationship between national and supranational competences. This issue occupies an important place both in the works of Ukrainian lawyers and in the research of foreign scientists, which testifies to its universal character in the modern science of international law [2, p. 52].

2. Theoretical approaches of Ukrainian scientists to determining the essence of supranational law

In the writings of Ukrainian researchers, it is emphasized that the formation of the concept of supranational law is based on the principles of mutual respect, dialogue and multi-level cooperation between the subjects of the integration process. A central element of this approach is the recognition of the priority of legal acts of supranational unification over the national legal orders of the participating states [3, c. 15]. It is this feature that determines the qualitative difference between supranational law and traditional forms of international law-making, as it creates a new model of interaction between the institutions of the Union and the bodies of the member states. In such a system, parliamentary and other representative bodies are involved in the production of regulations that take direct effect for citizens, while ensuring at the same time a balance between integration needs and the preservation of national legal identity [1, p. 209].

In Ukrainian doctrine, there are several approaches to understanding supranationality.

Institutional-legal approach: supranationality is addressed through the prism of the activities of EU bodies whose decisions are binding on Member States and citizens. Domestic researchers emphasize that it is the institutional autonomy of the EU that makes its legal order supranational.

The substantive legal approach: attention focuses on the content of the rules that create direct rights and obligations for private individuals. According to many Ukrainian scientists, this fundamentally distinguishes EU law from classical international law.

Comprehensive approach: supranationality is considered as a multidimensional phenomenon that includes legal, political and social components. It is emphasized here that supranationality cannot be reduced only to a legal category - it reflects deep integration processes that change the nature of statehood.

Thus, in domestic doctrine, supranationality is interpreted as a unique legal phenomenon combining institutional, normative and social elements [8, c. 278].

3. Supranationality and sovereignty: Ukrainian scientific discourse

One of the most difficult aspects in the study of supranationality is its relationship with state sovereignty. There are two polar positions in domestic science.

In the scientific tradition, the concept of «sovereignty» (from the French *souveraineté* - supreme power, supremacy, domination) was originally formed as a category that had primarily a political dimension. Subsequently, in the process of constitutional development of European states, the emphasis shifted: the limitation of the monarch's power in the sphere of property, the emergence of a mechanism for dividing power into independent branches and institutional «counterweights» to centralized management contributed to the transformation of ideas about sovereignty. Hence, he gradually moved away from the personified connection with monarchical power and began to identify with the category of supreme state power. In the aftermath, sovereignty took on a double dimension: as an ideal model of full-fledged statehood, reflecting the self-sufficiency of the political organism, and as a real instrument of force that allows powerful states to impose their will on others. In modern Ukrainian discourse, this understanding appears in a new light in the context of supranationality, which poses a difficult task for legal science - to reconcile the principle of the supreme power of the state with the needs of integration cooperation [9, p. 85].

The first is traditional-state: sovereignty is absolute and indivisible, and therefore any manifestations of supranationality are perceived as a limitation or even a threat to statehood. Proponents of this approach emphasize that Ukraine should be careful when delegating its powers to supranational bodies.

The second is integration: sovereignty is seen as a flexible concept that can be partially transferred to supranational institutions without losing statehood. This concept emphasizes that in modern conditions absolute sovereignty is rather a theoretical construct, while real international cooperation involves mutual limitations.

Ukrainian researchers, especially in the field of European integration studies, are increasingly leaning towards the second position. They emphasize that

supranationality does not destroy state sovereignty, but transforms it, adapting it to the new conditions of the globalized world.

4. Development of the concept of supranationality in the light of Ukraine's European integration aspirations

Ukraine's European integration course has become a key catalyst for the development of the doctrine of supranationality [4, c.77]. In the process of negotiations on association with the EU and implementation of the Association Agreement, Ukrainian scientists began to analyze in detail the mechanisms of interaction between EU law and national legislation.

The doctrine of supranationality in this context acquired a practical dimension: it was not only about the theoretical understanding of the phenomenon, but also about the specific legal consequences for Ukraine. Issues of adaptation of legislation, functioning of the case law of the Court of Justice of the EU, introduction of European standards in the spheres of trade, competition, environment, and human rights were studied.

In the modern doctrine of international law, the concept of supranationality is considered not as an established legal category with clearly defined normative parameters, but as a dynamic model that is gradually being formed under the influence of integration processes. Its essence lies in the possibility of the establishment and functioning of institutions endowed with the power to make decisions binding on States parties, going beyond exclusively national jurisdictions. Unlike traditional parliamentary systems that operate within national legal orders, supranational bodies act as instruments of coordination and joint governance on an international scale. In the European context, this concept is closely related to the ideas of democratization of international relations, strengthening of political representation and deepening of cooperation between states. It is through the development of supranational institutions that the decision-making mechanism is formed, which ensures a balance between the sovereign interests of countries and the common needs of the integration association. For Ukraine, which has determined a strategic course for membership in the European Union, the study and adaptation

of the principles of supranationality acquires special importance. This not only contributes to bringing the legal system closer to the *acquis communautaire*, but also opens up new opportunities for participation in the elaboration of decisions affecting regional and global development [8, p. 279].

Special attention was paid to the issue of gradual entry into the supranational space, because Ukraine is not a member state, but at the same time has obligations to implement a significant part of EU law. This created a new scientific discourse: how to understand supranationality in the context of «associate membership»? Thus, the Ukrainian doctrine began to consider supranationality not only as a characteristic of EU law, but also as a process of legal integration that transforms the internal legal order of Ukraine.

5. Modern challenges and prospects for the development of the doctrine of supranationality in Ukraine

Today, the concept of supranationality in Ukraine is developing in the conditions of new challenges. Firstly, the process of approximation of legislation to the *acquis communautaire* is under way in preparation for accession to the EU. This challenges scientists to rethink the concepts of «sovereignty», «supremacy of the Constitution», and «legal integration».

Secondly, there is a need to adapt national legal doctrine to new realities: expanding the role of international organizations, growing importance of human rights, strengthening requirements for the rule of law. Supranationality in this context is considered as a tool for modernizing the legal system of Ukraine.

Thirdly, modern conflicts between national law and EU law in member states (for example, in Poland or Hungary) are becoming the subject of research for Ukrainian scientists. This allows you to form a preventive approach: to study other people's experience in order to avoid such collisions in the future.

In modern scientific discourse, the issue of supranationality appears as one of the key dilemmas of the relationship between state sovereignty and integration trends. Discussions between the proponents of the absoluteness of sovereignty and its flexible understanding are largely concentrated around the principle of

supranationality, which at the same time serves as a tool for justifying the need for deeper integration, as well as an argument for reservations about the possible loss of political independence. In the scientific literature, supranationality is defined as the state in which a state-created entity acquires the ability to make decisions binding on participants without the need to obtain their consent each time. This indicates the delegation of part of the sovereign powers to international bodies, which acquire an independent character. At the same time, within this approach, the emphasis is on finding a balance between preserving the basic attributes of statehood and the effectiveness of supranational institutions. For Ukraine, which is at the stage of active European integration, the doctrine of supranationality is both a challenge and a perspective. The challenge – as the state faces the task of harmonizing the national legal order with the norms and practices of the European Union, which requires a partial redistribution of sovereign competences. Prospect - since involvement in supranational mechanisms of the EU ensures participation in decision-making processes at the European level and strengthens Ukraine's position in the global political and legal space. Therefore, the development of the doctrine of supranationality in Ukraine is related to the development of a flexible model that will simultaneously guarantee the protection of state interests and promote integration into the common European legal space [11, p. 45].

Prospects for the development of the doctrine of supranationality in Ukraine are primarily related to the process of full accession to the EU. It is obvious that this will require a doctrinal review of the role of the Constitution of Ukraine and the relationship between national and supranational law.

The concept of supranationality in Ukrainian doctrine has gone from an abstract idea to a practical tool of legal integration. Today, it is not only a subject of academic discussion, but also a factor of state policy. Supranationality in the modern Ukrainian sense is a mechanism for combining sovereignty with integration, which should determine the future of Ukraine in Europe.

Questions for practical training:

1. The concept and content of supranationality in the legal science of Ukraine.

2. Discussions in the Ukrainian doctrine regarding the relationship between supranationality and state sovereignty.
3. Examples of reflection of ideas of supranationality in constitutional reforms and legislative practice of Ukraine.

Tasks for independent work:

1. Analyze the positions of Ukrainian scientists regarding the boundaries of the supranational element in EU law (make a comparative table).
2. Prepare a message: «Ukraine and supranational integration mechanisms: experience of cooperation with EU».
3. To study the decisions of the Constitutional Court of Ukraine, which touch on the issues of the relationship between international and national obligations.

Questions for self-control:

1. What is the essence of the concept of supranationality in modern Ukrainian legal science?
2. What arguments are put forward in favour of and against the strengthening of supranational elements in law?
3. How does Ukrainian doctrine link supranationality to the process of European integration?

Topics of reports and messages:

1. Modern approaches of Ukrainian scientists to understanding the phenomenon of supranationality.
2. Supranationality and preservation of state sovereignty: the Ukrainian context.
3. The importance of the supranational concept for Ukraine's future membership in the EU.

Recommended sources:

1. Гребенюк Д. О. Законодавча співпраця Європейського Парламенту з парламентськими органами країн-членів ЄС // Європейські орієнтири розвитку України: науково-практичний вимір в умовах. – 2024. – С. 209. URL: https://www.researchgate.net/profile/Viacheslav-Sushko/publication/384867045_Susko_Vaceslav_Viktorovic_Nacionalnij_universitet_Odeska_uridicna_akademia_docent_kafedri_kriminalistiki_detektivnoi_ta_operativno-rozsukovoi_dialnosti_kandidat_medicnih_nauk_MOBING_NA_ROBOTI_ZAHIS_T_P/links/670abf2a68e0f20a611060ce/Susko-Vaceslav-Viktorovic-Nacionalnij-universitet-Odeska-uridicna-akademia-docent-kafedri-kriminalistiki-detektivnoi-ta-operativno-rozsukovoi-dialnosti-kandidat-medicnih-nauk-MOBING-NA-ROBOTI-ZAHIS.pdf#page=209
2. Гребенюк Д. О. Законотворчі повноваження парламенту Європейського Союзу як наднаціонального інституту: міжнародно-правове дослідження : дис. – Одеса, 2024.

3. Гребенюк Д.О. Інтеграція в Європейський Союз в епоху глобальних змін: правовий аналіз розвитку тенденції. *Право і суспільство*. № 4, 2022 с. 15-19 URL: http://pravoisuspilstvo.org.ua/archive/2022/4_2022/3.pdf
4. Гребенюк Д.О. Інституційний механізм ЄС в процесі регулювання міграційної кризи. *Вступ України, Республіки Молдова та Грузії до Європейського Союзу: сучасні виклики*. Міжнародний круглий стіл. 05 березня 2024 р., м. Одеса: збірник матеріалів конференції. Одеса. 2024 р. С. 77-80. URL: <https://dspace.onua.edu.ua/bitstreams/02178f50-74a1-4029-83f7-804846e3cedf/download>
5. Гребенюк Д.О. Місце і роль Європейського Парламенту в інституційній системі Європейського Союзу. *Юридичний науковий електронний журнал*. № 7, 2022. С. 465 – 467 URL: http://www.lsej.org.ua/7_2022/112.pdf
6. Гребенюк Д.О. Становлення концепції наднаціонального парламентаризму в сучасному міжнародному праві. *Науковий вісник УжНУ. Серія: Право*. № 80, 2023 р. с. 278-283. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/01/47-1.pdf>
7. Гребенюк Д.О. Фрагментація та поляризація фактори які створюють Європейський Союз актором головних змін. *Юридичний науковий електронний журнал*. № 5, 2022. с. 695 - 696 URL: http://www.lsej.org.ua/5_2022/168.pdf
8. Гребенюк, Д. О. Становлення концепції наднаціонального парламентаризму в сучасному міжнародному праві. *Науковий вісник Ужгородського національного університету. Серія: Право* 2.80 (2023): 278-283. URL: <http://visnyk-pravo.uzhnu.edu.ua/article/view/297056/290000>
9. Лемак О. В. Національний суверенітет в умовах глобалізації: кримінально-правові та кримінологічні аспекти //Науковий вісник Ужгородського національного університету. Серія: Право. – 2024. – Т. 3. – №. 83. – С. 82-90. URL: <http://visnyk-pravo.uzhnu.edu.ua/article/view/310484/301819>
10. Сурілова О. О., Мануїлова К.В. Особливості наднаціональності в праві ЄС// *Юридичний науковий електронний журнал* – 2024. №. 2. – С. 700-702. URL: http://lsej.org.ua/2_2024/176.pdf
11. Шамрай В. В. Конституційно-правовий розвиток України в умовах Європейської міждержавної інтеграції. *Знання європейського права*. № 4. 2020. С. 43-47. URL: <http://chernvisn.onua.edu.ua/index.php/chern/article/view/125/160>

Information resources:

1. Консолідовані версії Лісабонського договору (українською мовою). URL: www.minjust.gov.ua/file/23491
2. Медіа-портал Європейського Союзу. URL: <http://www.euractiv.com>
3. Офіційний сайт Європейського Союзу. URL: https://european-union.europa.eu/index_uk
4. Представництво Європейського Союзу в Україні. URL : https://www.eeas.europa.eu/delegations/ukraine_en?s=232

5. Сторінка Європейського Парламенту. URL :
<https://www.europarl.europa.eu/portal/en>
6. Сторінка Європейської Комісії. URL :
https://commission.europa.eu/index_en
7. Сторінка Ради Європейського Союзу. URL :
<https://www.consilium.europa.eu/en/>
8. Сторінка Суду Європейського Союзу. URL :
https://curia.europa.eu/jcms/jcms/j_6/en/
9. Сторінка Європейського центрального банку. URL :
<https://www.ecb.europa.eu/home/html/index.en.html>
10. Сторінка Європейського суду аудиторів. URL :
<https://www.eca.europa.eu/en>

QUESTIONS FOR PREPARATION TO THE EXAM

1. The supranational nature of European Union law.
2. The relationship between supranational and international law.
3. The main features of EU supranational law.
4. The principle of the rule of law in the EU system.
5. Formation of the concept of supranationality in the process of European integration.
6. The legal status of the European Union as a subject of international law.
7. Stages of formation of the supranational legal system.
8. The impact of supranationality on the sovereignty of EU member states.
9. The difference between a supranational system and a federal model of the state.
10. The role of the Court of Justice of the European Union in the formation of a supranational legal order.
11. Stages of evolution of EU supranational law.
12. Treaties of Rome as a basis for the formation of supranational law.
13. Maastricht Treaty and strengthening supranational elements in the EU.
14. Treaty of Lisbon in the context of the modernisation of supranationality.
15. Institutional evolution of the EU after 2009.
16. Modern trends in the development of supranational law.
17. The impact of Brexit on the concept of EU supranationality.
18. The Court of Justice as a driver of the evolution of the legal system of the Union.
19. The concept of multi-level governance in the context of supranationality.
20. Challenges of the supranational legal order in the 21st century.
21. Institutions of the European Union with supranational status.
22. The European Commission as a driver of supranational law-making.
23. The European Parliament and the democratic legitimization of supranational law.
24. The Council of the European Union in the system of law-making powers.
25. Court of Justice and ensuring the unity of enforcement.
26. The European Council as a strategic reference point for the development of EU law.
27. Institutional balance as a guarantee of the stability of the supranational system
28. Procedure for the adoption of EU acts.
29. The triune legislative process in the system of supranational law.
30. The principle of subsidiarity in the activities of the EU institutions.
31. The system of sources of law of the European Union.
32. Classification of primary and secondary sources of EU law.
33. Constituent agreements as the basis of the supranational legal order.
34. EU Regulations as a direct action instrument.
35. EU directives and the mechanism of their implementation.
36. The jurisprudence of the Court of Justice as a source of supranational law.

37. EU international agreements with third countries.
38. General principles of law in the EU legal system.
39. Correlation of national and supranational sources of law.
40. Case-law of the Court of Justice and the development of legal doctrine.
41. The principle of the rule of law of the EU over national law.
42. The role of judicial practice in the formation of the doctrine of the priority of EU law.
43. Direct effect of the rules of law of the European Union.
44. Implementation of EU acts in national legal systems.
45. Implementation of judgments of the Court of Justice by the Member States.
46. Constitutional dialogue between the Court of Justice and national courts.
47. Problems of harmonization of national and supranational legislation.
48. Constitutional control and the limits of the rule of law of the EU.
49. Preliminary reference by national courts to the Court of Justice.
50. Balance between national sovereignty and supranational powers.
51. The concept of supranationality in Ukrainian legal doctrine.
52. Scientific approaches to understanding the nature of EU law in Ukraine.
53. The influence of the concept of supranationality on the European integration process of Ukraine.
54. Implementation of elements of EU law in the legal system of Ukraine.
55. The principle of the rule of EU law in the context of Ukrainian legislation.
56. Constitutional jurisprudence of Ukraine regarding supranational norms.
57. Discussion approaches to the limits of supranationality in Ukrainian legal science.
58. The Ukraine-EU Association Agreement as a legal bridge to the supranational space.
59. Legal adaptation of Ukraine to the *acquis communautaire*.
60. Prospects of supranational integration of Ukraine into the legal space of the EU.

RECOMMENDED LIST OF SOURCES

1. Абрамова В.О., Косінова Д.С. Питання про правову природу Європейського Союзу. *Міжнародний науковий журнал «Інтернаука». Серія «Юридичні науки»*. 2020. № 11. С.40-45.
2. Аракелян М. Р., Василенко М. Д. Право Європейського Союзу: підручник. Одеса: Фенікс, 2012. 390 с.
3. Аракелян М.Р., Бехруз Х.Н, Гребенюк Д.О. Європейський Парламент: голос громади в законодавчому процесі ЄС. *Науково – виробничий журнал «Держава та регіони»* № 4, 2022 с. 212-216. http://law.stateandregions.zp.ua/archive/4_2022/32.pdf
4. Аракелян М.Р. Право Європейського союзу: підручник для студ. вищих навч. закладів / М.Р. Аракелян, М.Д. Василенко. Одеса: Фенікс, 2012. 390 с.
5. Берестечко М.О., Корнієнко В.О. Створення та еволюція Європейського Союзу. 2020.
6. Білолов В.С., Біленко А.О. Правові основи членства держав у європейському Союзі та перспективи для України. *Юридичний науковий електронний журнал*. 2020. № 1. С. 282-284.
7. Бойко І. Європейський Союз: історія становлення та його значення для України. *Вісник львівського університету. Серія юридична*. 2023. Вип.. 76. С. 15-32.
8. Бойчук Д.С., Галич К.В., Ходосов О.О. Щодо питання виходу держав-членів Європейського Союзу: процедура, причини та перспективи. *Юридичний науковий електронний журнал*. 2020. № 8. С. 502-506.
9. Бойчук Д.С., Гой А.В. Процедура вступу України та Польщі до Європейського Союзу: історико-правовий аналіз. *Юридичний науковий електронний журнал*. 2021. № 11. С. 786-788.
10. Брацук І.З. Теоретико-правові засади імплементації права Європейського Союзу в національне право держав-членів : монографія / І.З. Брацук ; за наук. ред. проф. М.М. Микієвича. Львів : ЛНУ імені Івана Франка, 2016. 230 с.
11. Булгакова Д. О. Особливості «первинних» джерел права Європейського Союзу. *Вісник Одеського національного університету. Серія: Правознавство*. 2010. Т. 15, вип. 1. С. 5-14.
12. С. В. Ківалова ; відп. за вип. М. Р. Аракелян. Одеса : Фенікс, 2024. С. 209-211.
13. Гребенюк Д. О. Законодавча співпраця Європейського Парламенту з парламентськими органами країн-членів ЄС // *Європейські орієнтири розвитку України: науково-практичний вимір в умовах воєнних викликів : матеріали Міжнар. наук.-практ. конф. (Одеса, 26 квіт. 2024 р.) / за заг. ред. С. В. Ківалова ; відп. за вип. М. Р. Аракелян. Одеса, 2024. С. 209-211. URL: <https://hdl.handle.net/11300/28294>*

14. Гребенюк Д. О. Законотворчі повноваження парламенту Європейського Союзу як наднаціонального інституту: міжнародно-правове дослідження : дис. – Одеса, 2024.
15. Гребенюк Д.О. Інтеграція в Європейський Союз в епоху глобальних змін: правовий аналіз розвитку тенденції. *Право і суспільство*. № 4, 2022 с. 15-19 URL: http://pravoisuspilstvo.org.ua/archive/2022/4_2022/3.pdf
16. Гребенюк Д.О. Генезис Європейського Парламенту та його трансформація до наддержавності. *Науковий вісник УжНУ. Серія: Право*. № 72, 2022 с. 32-35 URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2022/10/7.pdf>
17. Гребенюк Д.О. Інституційний механізм ЄС в процесі регулювання міграційної кризи. *Вступ України, Республіки Молдова та Грузії до Європейського Союзу: сучасні виклики*. Міжнародний круглий стіл. 05 березня 2024 р., м. Одеса: збірник матеріалів конференції. Одеса. 2024 р. С. 77-80. URL: <https://dspace.onua.edu.ua/bitstreams/02178f50-74a1-4029-83f7-804846e3cedf/download>
18. Гребенюк Д.О. Місце і роль Європейського Парламенту в інституційній системі Європейського Союзу. *Юридичний науковий електронний журнал*. № 7, 2022. С. 465 – 467 URL: http://www.lsej.org.ua/7_2022/112.pdf
19. Гребенюк Д.О. Становлення концепції наднаціонального парламентаризму в сучасному міжнародному праві. *Науковий вісник УжНУ. Серія: Право*. № 80, 2023 р. с. 278-283. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/01/47-1.pdf>
20. Гребенюк Д.О. Фрагментація та поляризація фактори які створюють Європейський Союз актором головних змін. *Юридичний науковий електронний журнал*. № 5, 2022. с. 695 - 696 URL: http://www.lsej.org.ua/5_2022/168.pdf
21. Д. Суханова. Особливості правової системи європейського союзу та її співвідношення з міжнародними і національними правовими системами // *Україна і Світ*. №1, 2024 р. – С. 211 – 217 URL: http://yurvisnyk.in.ua/v1_2024/24.pdf
22. Дахно І. І. Право Європейського Союзу : навчальний посібник. Київ : Центр навчальної літератури, 2018. 415 с.
23. Декларація № 994_924 від 15.12.2001 Лаакенська декларація «Майбутнє Європейського Союзу» (Декларація Лаакена). URL : https://zakononline.ua/documents/show/223829_223894
24. Демчик О.В., Мірошник В.О., Бойчук Д.С. Історія формування Європейського Союзу. *Юридичний науковий електронний журнал*. 2021. № 12. С. 415-417.
25. Дір І.Ю. Основні договори Європейського Союзу. *Науковий вісник Ужгородського Національного Університету. Серія: Право*. 2024. Вип.. 81. ч. 3. С. 263-268.
26. Договір про Європейський Союз від 7 лютого 1992 р. URL : https://zakon.rada.gov.ua/laws/show/994_b06#Text
27. Договір про запровадження конституції для Європи (проект) від 29 жовтня 2004 р. URL : https://zakon.rada.gov.ua/laws/show/994_647#Text

28. Договір про функціонування Європейського Союзу від 25.03.1957 р.
URL https://zakon.rada.gov.ua/laws/show/994_b06#Text
29. Європейське право: право Європейського союзу : підручник : у 3 кн. / за заг. ред. В. І. Муравйова. Кн. 2 : Матеріальне право Європейського Союзу / В. І. Муравйов, К. В. Смирнова, І. В. Влялько та ін. Київ : Ін Юре, 2015. 456 с.
30. Європейське право: право Європейського союзу : підручник : у трьох кн. / за заг. ред. В. І. Муравйова. Київ: Ін Юре, 2015 Кн. перша : Інституційне право Європейського союзу / В. І. Муравйов, О. М. Шпакович, О. М. Лисенко, О. В. Святун. Київ: Ін Юре, 2015. 312 с.
31. Жовква І.І. Критерії членства СОТ, ЄС та НАТО. Інтеграційні перспективи України. Аналітичне дослідження. Київ, 2010. 84 с.
32. Заставна О. П. Право Європейського Союзу в системі міжнародного права // Галицькі студії: Юридичні науки. – 2024. – №. 5. – С. 45-50. URL: <https://journals.gi.ternopil.ua/index.php/law/article/view/60/55>
33. Злогодухова К.С. Критерії членства в ЄС як політико-правові проблеми міжнародного простору. *Соціально-гуманітарні виміри правової держави: матеріали Всеукраїнської науково-практичної конференції (м. Дніпро, 30 квітня 2021 р.)*. Дніпро: ДДУВС, 2021. С. 96-98.
34. Іванов А. В. Вплив права ЄС на національні правові системи та світовий порядок // Науковий вісник Ужгородського національного університету. Серія: Право. – 2024. – Т. 3. – №. 83. – С. 347-352. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/07/83-part-3.pdf#page=347>
35. Ільїн Р.Р. Співвідношення права Європейського Союзу і національного права держав-членів. *Актуальні проблеми сучасного міжнародного права* : зб. наук. ст. за матеріалами II Харк. міжнар.-прав. читань, присвяч. пам'яті проф. М. В. Яновського і В. С. Семенова, Харків, 21 листопада 2016 р. : у 2 ч. Харків, 2016. Ч. 1. С. 423-425.
36. Інституційна система ЄС : навч. посіб. / Л. Л. Прокопенко, О. М. Рудік, Н. М. Рудік. 2-ге вид., перероб. і доп. Дніпро : ДРІДУ НАДУ, 2021. 226 с.
37. Інституціональне право Європейського Союзу : навчально-методичний посібник / О. К. Канєнберг-Сандула, О. В. Пасечник; ред. Х. Н. Бехруза. Львів : Вид. Кошовий Б.-П. О., 2023. 140 с.
38. Калінніков О. В. Закріплення принципу верховенства права в Договорі про Європейський Союз // The 21st International scientific and practical conference “Innovative solutions in public communications and international relations”(May 28–31, 2024) Sofia, Bulgaria. International Science Group. 2024. 382 p. – 2024. – С. 122 - 125. URL: <https://isg-konf.com/wp-content/uploads/2024/05/INNOVATIVE-SOLUTIONS-IN-PUBLIC-COMMUNICATIONS-AND-INTERNATIONAL-RELATIONS.pdf#page=123>
39. Ковалів М. В., Тимчишин Т. М., Ніканорова О. В. Основи права Європейського Союзу : навчальний посібник. Львів : Львівський державний університет внутрішніх справ, 2020. 212 с.
40. Ковалів М.В., Тимчишин Т.М., Никанорова О.В. Основи права Європейського Союзу: навчальний посібник. Львів: Львівський державний університет внутрішніх справ, 2020. 212 с.

41. Комарова Т. В. Суд Європейського Союзу: розвиток судової системи та практики тлумачення права ЄС : монографія / Т. В. Комарова. Харків : Право, 2018. 528 с.
42. Комарова Т. Ю. Юрисдикція Суду Європейського Союзу : монографія. Харків : Право, 2010. 360 с.
43. Копенгагенські критерії. URL: http://ukrcei.org/uploads/files/default/kopengagenskie_kriterii.pdf
44. Корнієвський С.В. Історична ретроспектива формування європейської політики регіонального розвитку. *Державне управління та місцеве самоврядування*. 2020. № 4 (47). С. 23-32.
45. Лемак О. В. Національний суверенітет в умовах глобалізації: кримінально-правові та кримінологічні аспекти // Науковий вісник Ужгородського національного університету. Серія: Право. – 2024. – Т. 3. – №. 83. – С. 82-90. URL: <http://visnyk-pravo.uzhnu.edu.ua/article/view/310484/301819>
46. Лубко І.М. Міжнародне права і право Європейського Союзу: співвідношення та взаємодія. *Актуальні проблеми формування громадянського суспільства та становлення правової держави: матеріали III Всеукраїнські наук.-прак. інтегрет-конф. (м. Черкаси, 21 травня 2020 р.)*. Черкаси, 2020. С. 186-194.
47. Манаєнко І.М., Гук О.В. Країни Бенілюкс: єдність економічного розвитку та місце у європейській спільноті. *Економічний вісник НУТУ «Київський політехнічний інститут»*. 2019. № 16. С. 132-139.
48. Масик Ю. Етапи процесу євроінтеграції країн Балтії: досвід для України. *Вісник НУТУ «КПІ» Політологія. Соціологія. Право*. 2020. Вип.. 2 (46). С. 22-27.
49. Міжнародне право та євроінтеграційні перспективи України: сучасні виклики : колективна монографія / Х. Н. Бехруз, М. Р. Аракелян, С. С. Андрейченко [та ін.]/ Одеса : Фенікс, 2023. 464 с.
50. Муравйов В. Реалізація норм права Європейського Союзу у внутрішніх правопорядках держав-членів // The Journal of VN Karazin Kharkiv National University. Series: International Relations. Economics. Country Studies. Tourism. – 2013. – №. 1086. – С. 58-64. URL: <https://periodicals.karazin.ua/irtb/article/view/4729>
51. Муравйов В.І., Святун О.В., Смирнова К.В. Історія становлення та розвитку науки європейського права в Україні. *Європейське право*. 2012. № 1. С. 161-180.
52. Ніколенко Л. М. Принципи права Європейського Союзу як критерії оцінки ефективності правової інтеграції // Аналітично-порівняльне правознавство. – 2025. – №. 2. – С. 1251-1255. URL: <http://journal-app.uzhnu.edu.ua/article/view/328284/318025>
53. Ніццький договір, який вніс зміни до Договору про Європейський союз, Договорів, які засновують європейські співтовариства, а також деяких пов'язаних з ними актів. URL : https://zakon.rada.gov.ua/laws/show/994_261#Text

54. Основи права Європейського Союзу : підручник / за заг. ред. Т. Л. Сироїд; Л. І. Адашис, Т. М. Анакіна, С. М. Вихрист та ін. Харків : Право, 2020. 590 с.
55. Папко В. Юридична природа Європейського Союзу. *Журнал порівняльного і європейського права*. 2016. Вип.. 1. С. 92-104.
56. Петров Р.А. Право Європейського Союзу: підручник. Вид. 10-те, змінене і допов. Харків: право, 2021. 484 с.
57. Петров Р.А. Транспозиція «acquis» Європейського Союзу у правові системи третіх країн : монографія. Київ : Істина, 2012. 384 с.
58. Попко В.В. Юридична природа Європейського Союзу. *Актуальні проблеми міжнародних відносин*. 2013. Вип.. 115. С. 126-133.
59. Право Європейського Союзу : академічний курс : підручник : 2-ге вид., доповнене і виправлене / В. І. Муравйов, Н. Б. Мушак, Ю. О. Волошин ; за ред. В. І. Муравйова. Київ-Одеса : Фенікс, 2021. 436 с.
60. Право Європейського Союзу : навчальний посібник / за ред. В. М. Бесчастного. 2-ге вид., стер. Київ : Знання, 2011. 366 с.
61. Право Європейського Союзу : нормат. матеріали / упоряд. : І. В. Яковюк, Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк; за ред. І. В. Яковюка. Харків : Право, 2019. 500 с.
62. Право Європейського Союзу : підручник / за ред. В. І. Муравйова. Київ : Юрінком Інтер, 2011. 704 с.
63. Право Європейського Союзу : підручник / Р. А. Петров (кер. авт. кол.), А. О. Вакуленко, Ван Елсуwege П. та ін. ; за ред. Р. А. Петрова. Вид. 10-те, змін. і допов. Харків : Право, 2021. 484 с.
64. Право Європейського Союзу: основи теорії : підручник / Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк, І. В. Яковюк та ін.; за заг. ред. І. В. Яковюка. Харків : Право, 2019. 360 с.
65. Право Європейського Союзу: підручник / за ред.. О.К. Вишнякова. Одеса: Фенікс, 2013. 883 с.
66. Право Європейського Союзу. Європейське право прав людини (в питаннях і відповідях): навч.-довідк. посібник / Т.В. Комарова, О.Я. Трагнюк, І.В. Яковюк та ін.; за заг. ред.. І.В. Яковюка. Харків: Право, 2021. 256 с.
67. Рабинович М.Л. Правові основи взаємовідносин ЄС та держав-членів: до дискусії щодо федеративної природи Європейського Союзу. *Правова держава*. 2015. Вип.. 15. С. 195-201.
68. Романова О.В. Франція у процесі підготовки та ратифікації Лісабонського договору. *Вісник ОНУ ім.. І.І. Мечникова. Соціологія і політичні науки*. 2015. Вип.. 2 (23). Т. 20. С.95-101.
69. Солодкова К.А., Бойчук Д.С. Копенгагенські та мадридські критерії вступу до Європейського Союзу: перспективи для України. *Молодий вчений*. 2019. № 11. С. 400-403.
70. Сурілова О. О., Мануїлова К.В. Особливості наднаціональності в праві ЄС// *Юридичний науковий електронний журнал* – 2024. №. 2. – С. 700-702. URL: http://lsej.org.ua/2_2024/176.pdf

71. Сухицька Н.В. Основи права Європейського Союзу. Курс лекцій: навчальний посібник для студентів вищих навчальних закладів. Київ: Ун-т «Україна», 2012. 259 с.
72. Татарчук І., Дяків Т. Європейське право (право Європейського Союзу). Київ: Центр учбової літератури, 2021. 158 с.
73. Тичина В. Правові цінності Європейського Союзу: навч. посіб. Харків: Право, 2023. 116 с.
74. Тищенко І. О. Право Європейського Союзу : конспект лекцій. Дніпро : Дніпропетровський державний університет внутрішніх справ, 2019. 110 с.
75. Україна на шляху до ЄС: реалії і перспективи. 2022. № 1-2. 132 с.
76. Хоббі Ю. С. Правова природа Європейського Союзу: проблема визначення. *Держава і право*. Вип. 47. С. 590–595.
77. Ходош А.В. Співвідношення права Європейського Союзу та міжнародного права. *Журнал східноєвропейського права*. 2019. № 63. С. 371-277.
78. Хрідочкін А.В. Юридична природа права Європейського Союзу та його місце у системі міжнародного права. *Південноукраїнський правничий часопис*. 2022. № 4. Ч. 3. С. 91-96.
79. Черницька В. В. Адаптація правової системи України до правової системи європейського союзу: окремі загальнотеоретичні аспекти // Адаптація правової системи України до права Європейського Союзу : теоретичні та практичні аспекти : матеріали VI Всеукраїнської за міжнародною участю науковопрактичної конференції (м. Полтава, 17 листопада 2021 року). Полтава, 2021. 261 с. URL: <http://pli.nlu.edu.ua/wp-content/uploads/2021/12/Zbirnyk-%D0%9F%D0%AE2021%D0%941.pdf#page=64>
80. Чеханюк Л. Принцип верховенства права та правова визначеність: співвідношення й окремі аспекти // Філософські та методологічні проблеми права. – 2025. – Т. 1. – №. 29. – С. 85-95. URL: <https://philosophy.navs.edu.ua/index.php/philosophy/article/view/1682/1673>
81. Шамрай В. В. Конституційно-правовий розвиток України в умовах Європейської міждержавної інтеграції. *Знання європейського права*. № 4. 2020. С. 43-47. URL: <http://chernvisn.onua.edu.ua/index.php/chern/article/view/125/160>
82. Шемков О.Є. Правова природа Європейського Союзу. *Актуальні проблеми сучасного міжнародного права* : зб. наук. ст. за матеріалами II Харк. міжнар.-прав. читань, присвяч. пам'яті проф. М. В. Яновського і В. С. Семенова, Харків, 21 листопада 2016 р. : у 2 ч. Харків, 2016. Ч. 1. С. 521-526.
83. Шпакович О.М., Пеньковська С.М. Співвідношення суверенітету держав-членів і над національності міжнародних організацій. *Часопис Київського університету права*. 2020. № 2. С. 349-353.
84. Яковюк І. В. Правові основи європейської інтеграції та її вплив на державно-правовий розвиток України : дис. ... д-ра юрид. наук : 12.00.01; 12.00.11 / І. В. Яковюк. Харків, 2014. 474 с.
85. Яковюк І.В. Право Європейського Союзу: основи теорії. Харків: Право, 2021. 360 с.

86. Янчук Н.Д. Еволюція ідеї побудови політики Європейського Союзу в сфері безпеки та оборони як нової архітектури європейської безпеки. Монографія «Розвиток міжнародного та національного права в епоху сучасних загроз та викликів». Одеса: МГУ, 2024. С. 191-221.
87. Яремчук В. Д. Основи права Європейського Союзу та Ради Європи: дефініції, джерела, схеми, таблиці та персоналії : навчальний посібник. Львів : Львівський державний університет внутрішніх справ, 2024. 340 с.
88. Burgess M. *Federalism and European Union: the Building of Europe, 1950–2000*. London: Routledge, 1989.
89. Case 106/77 *Simmenthal* [1978]. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61977CJ0106>
90. Case 26/62 *Van Gend en Loos v. Nederlandse Administratie der Belastingen* [1963] ECR 1.
91. Case 294/83 *Parti écologiste “Les Verts” v European Parliament* [1986] ECR 1339.
92. Case 6/64 *Costa v. ENEL* [1964] ECR 585.
93. Cases C-6/90 and C-9/90 *Andrea Francovich and Danila Bonifaci and others v Italian Republic* [1991]. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61990CJ0006>
94. Chalmers, D., Davie, G., Monti G., Heyvaert V. *European Union Law*. Cambridge, 2024.
95. Charter of Fundamental Rights of the European Union. OJ C 326, 26.10.2012.
96. Consolidated version of the Treaty on European Union, OJ C 202, 07.06.2016.
97. Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. OJ C 202, 7.6.2016.
98. Craig P. *Pringle and Use of EU General Principles*. European Law Review, 2013.
99. Craig, P., De Búrca, G. *EU Law: Text, Cases and Materials*. Oxford, 2024, 1344 p.
100. Dashwood A., Johnston A. *The Future of the European Union: Reform and Enlargement*. Hart Publishing, 2021.
101. EUR-Lex. Judgment of the Court of 10 April 1984. Sabine von Colson and Elisabeth Kamann v Land Nordrhein-Westfalen. Reference for a preliminary ruling: Arbeitsgericht Hamm - Germany. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61983CJ0014>
102. EUR-Lex. Judgment of the Court of 4 December 1974. Yvonne van Duyn v Home Office. Reference for a preliminary ruling: High Court of Justice, Chancery Division - United Kingdom. Public policy. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61974CJ0041>
103. EUR-Lex. Judgment of the Court of 5 February 1963. NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration. Reference for a preliminary ruling: Tariefcommissie - Netherlands. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61962CJ0026>
104. Hartley, T. *The Foundations of European Union Law*. Oxford, 2014.

105. Horspool M., Humphreys M., Wells-Greco M. *European Union Law*. Oxford University Press, 2020.
106. Hrebeniuk D. European parliamentarism and establishing the content of the institutional authority within the EU parliament. *Visegrad journal on human rights*. № 6. 2023 p. c. 64 – 71. URL: <https://journal-vjhr.sk/wp-content/uploads/2024/03/VJHR-6.23.pdf>
107. Lenaerts K., Gutiérrez-Fons J. A. *To Say What the Law of the EU Is: Judicial Review of Union Acts Before the Court of Justice*. Common Market Law Review, 2013.
108. Maduro M. P. *We the Court: The European Court of Justice and the European Economic Constitution*. Hart Publishing, 1998.
109. Nugent, N. *The Government and Politics of the European Union*. Bloomsbury Publishing, 2017.
110. Schütze R. *European Union Law*. Cambridge University Press, 2021.
111. Tridimas T. *The General Principles of EU Law*. Oxford University Press, 2022.
112. Wyatt D., Dashwood A. *European Union Law*. Sweet & Maxwell, 2011.