# EU LEGAL STUDIES DEVELOPMENT POLICY IN UKRAINE

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## Abstract.

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

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

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

**Key words**: Ukraine-EU relations, Eastern partnership, the European Neighborhood Policy, the Association Agreement

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## I. HISTORICAL BACKGROUND OF UKRAINE-EU RELATIONS

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

The legal basis for Ukraine-EU relations is the Partnership and Cooperation Agreement (PCA) of 16 June 1994 (entered into force on 1 March 1998), which launched cooperation on a wide range of political, trade, economic and humanitarian issues.

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

The EU-Ukraine Partnership Dialogue is being developed during the annual meetings of the Ukraine-EU Summit with the participation of the President of Ukraine; Cooperation Council with the participation of the Prime Minister of Ukraine; Committee on Cooperation; Parliamentary Cooperation Committee; regular consultations between Ukraine and the EU Troika, permanent expert consultations. More than 80 official meetings and consultations at high and expert levels take place between Ukraine and the EU every year [7].

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

The current development of the political dialogue between Ukraine and the EU is based on the implementation of the EU Integration Strategy, the implementation of the PCA by the parties and the development of the European Neighborhood Policy Action Plan. Ukraine proceeds from the fact that the implementation of this document should help strengthen cooperation between Ukraine and the EU in the context of enlargement, create the necessary conditions for the future transition to a qualitatively new level of relations with the EU. Proper implementation of the PD should also facilitate Ukraine's gradual integration into the EU internal market and create the preconditions for launching a free trade area with the EU. The ultimate political goal of the PD should be the conclusion of a new enhanced agreement with the EU [28].

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

The conclusion of the Agreement on Ukraine's participation in the European Union's crisis management operations, as well as on the security procedures for the exchange of information, which is expected in the near future, will serve to strengthen the legal basis for this cooperation.

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

Trade and economic cooperation between Ukraine and the European Union is developing dynamically. Year after year, bilateral foreign trade turnover and foreign direct investment from EU countries to the Ukrainian economy are growing steadily. Today, the EU is Ukraine's largest foreign trade partner in the world (the 25 EU member states account for 33% of Ukraine's foreign trade turnover) [8].

In June 2004, the Agreement between the European Community and the Cabinet of Ministers of Ukraine on trade in certain steel products was initialed, which is scheduled to be signed in autumn. According to the Agreement, the quota of Ukraine for the supply of steel products to the EU for 2004 will be 606 thousand tons [26]. The process of elaboration by the EU side on the compliance of

Ukraine's economy with the criteria of marketability within the framework of EU anti-dumping legislation is coming to an end [27].

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

Ukraine is actively cooperating with the EU in the fight against illegal migration, readmission, the fight against organized crime and terrorism, is actively reforming border management, migration and visa policy and the relevant legal framework.

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

An association agreement between Ukraine and the EU was expected to be signed at the Vilnius summit in November 2013. However, a secret meeting between Presidents Yanukovych and Putin took place in Russia on November 9, the content of which remains unknown. After that, the Ukrainian authorities abruptly changed their rhetoric and on November 21, 2013, the Cabinet of Ministers of Ukraine decided to suspend the process of preparing for the signing of an agreement with the European Union. As a result, mass protests began throughout Ukraine.

On March 21, 2014, the political part of the Association Agreement with the European Union was signed in Brussels with the participation of Ukrainian Prime Minister Arseniy Yatsenyuk [4].

June 27, 2014 - signing of the economic (ie already in full) Association Agreement with the European Union. On June 27, 2014, European Commission President Jose Manuel Barroso stated that the Association Agreement is the beginning of Ukraine's accession to the EU.

September 16, 2014 - The Verkhovna Rada of Ukraine ratified the Association Agreement simultaneously with the European Parliament. The completion of all necessary internal procedures by Ukraine and the EU allowed the provisional application of a significant part of the Association Agreement from 1 November 2014 until its entry into force in full after the ratification process by all EU Member States [5].

On October 24, 2014, the EU Council adopted amendments to the Regulation of the EP and the EU Council №374 / 2014 of 16 April 2014 on the abolition or reduction of customs duties on goods originating in Ukraine (Regulation of the EP and the Council of the EU №1150 / 2014, 29.10.2014), which came into force on November 2, 2014.

November 1, 2014 - the provisional application of the Association Agreement between Ukraine and the EU came into force.

December 18, 2015 - The European Commission confirmed Ukraine's readiness for a visafree regime with the EU.

February 23, 2017 - The Verkhovna Rada ratified the Agreement between the Government of Ukraine and the European Union on Ukraine's participation in the COSME (Competitiveness of Enterprises and Small and Medium-sized Enterprises) program - "Competitiveness of Small and Medium Enterprises (2014-2020)" COSME is one of the key programs of the European Union with a budget of 2.3 billion euros, which aims to create favorable conditions for small and medium enterprises, exchange experiences, increase business activity, expand trade and economic ties and create a culture of doing business in accordance with the best world standards).

April 6, 2017 - The European Parliament voted in favor of introducing a visa-free regime between Ukraine and the EU.

April 26, 2017 - The visa-free regime for Ukraine was approved at a meeting of the Committee of Permanent Representatives of the EU.

May 11, 2017 - The Council of Ministers of the European Union approved a decision to grant a visa-free regime for Ukraine. It happened at a meeting of the EU's board of agriculture and fisheries ministers

May 17, 2017 - in Strasbourg solemn signing of the relevant legislation (Ukrainians will be able to enter without visas in the following countries: Austria, Belgium, Bulgaria, Germany, Greece, Denmark, Estonia, Iceland, Spain, Italy, Cyprus, Latvia, Lithuania , Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Hungary, Finland, France, Croatia, the Czech Republic, Switzerland and Sweden).

## **II. THE EUROPEAN NEIGHBORHOOD POLICY**

The European Neighborhood Policy is a relatively new basis for bilateral cooperation between the EU and its eastern and southern neighbors, the conceptual outlines of which are set out in the European Commission's communications "Wider Europe - Neighborhood: A New Framework for Relations with Our Southern and Eastern Neighbors" (March 2003) [7] and "European neighborhood policy. Strategy "(May 2004) [9]. These documents emphasize that the new EU policy aims to create a zone of stability, peace and prosperity south and east of the new borders of the enlarged European Union by establishing close long-term relations with the countries of the region. The ENP aims not to allow for a new dividing line between the enlarged EU and its neighbors and enable them to participate in the EU's various activities through closer political, economic, cultural and security cooperation.

The implementation of the ENP should result in the transformation of neighboring countries from a source of danger and poverty into stable democracies and a reduction in the asymmetry between the levels of development of the EU and its neighbors, which in turn will further maintain security and prosperity of EU [1; 7]. This explains the EU's interest in the success of democratic reforms in the surrounding countries.

The ENP covers the countries in the east and south of the European Union, which includes Algeria, Azerbaijan, Belarus, Armenia, Georgia, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Syria, Tunisia, Ukraine and the Palestinian Authority are either currently or have no prospect of becoming full members. Although Russia meets the geographical criteria of the ENP, its unwillingness to be part of this initiative has led to the launch of an alternative basis for cooperation with the EU -strategic partnership aimed at building four "common spaces".

The European Neighborhood Policy is implemented mainly on a bilateral basis between the EU and partner countries in the framework of mutually agreed Action Plans. Moldova and Ukraine agreed on their Action Plans in 2005, Armenia, Azerbaijan and Georgia in 2006, and no such plan has been signed with Belarus to date [16].

The European Neighborhood Policy is a model of gradual and partial integration with the EU, which includes the following steps:

1) implementation of the ENP Action Plans and possibly new documents (such as association agreements) that will replace them, as they expire in most cases in 2009-2010;

2) concluding agreements on a deep and comprehensive free trade area;

3) increase in intra-regional trade between ENP partners depending on their readiness for further integration;

4) creation between EU member states and ENP partners

integration bloc, which may be called the Neighborhood Economic Community, which in practice will be a somewhat limited version of the European Economic Area (the relevant provision is contained, in particular, in the Communication of the European Commission "Eastern Partnership" [3; 9]).

Experience in implementing Action Plans shows that each of these steps will require several years of work, even with a strong commitment to reform on the part of the ENP countries. This process is gradual and may not have such obvious and impressive results that would be observed by the general public and serve as an incentive for further reforms. This is different

ENP proposals from the EU's enlargement policy in the 1990s and early 2000s, when the signing of association agreements, applications for membership and the start of accession negotiations were very dynamic.

This feature of the ENP weakens its reforming potential

## **III. EASTERN PARTNERSHIP**

The Eastern Partnership is a foreign policy initiative of the European Union, which extends to the EU's six Eastern European neighbors - Azerbaijan, Belarus, Armenia, Georgia, Moldova and Ukraine. The initiative was formally launched at the Eastern Partnership Summit in Prague on 7 May 2009. The Eastern Partnership provides an opportunity to update the legal framework of the EU's relations with its eastern neighbors by replacing existing Partnership and Cooperation Agreements with Association Agreements, Deep and Comprehensive Free Trade Zones, visa liberalization between the EU and partner countries, etc. The launch of the Eastern Partnership has led to a demarcation of the EU's foreign policy approaches to relations with the EU's southern and eastern neighbors, which were previously on a par with the European Neighborhood Policy. From Ukraine's point of view, this was a step in the right direction, as the eastern neighbors are European states and can apply for EU membership if the relevant criteria are met. Ukraine's strategic interest in the Eastern Partnership is to give interested partner countries the prospect of EU membership and, as a result, to turn the initiative into a link with the EU's enlargement policy [11].

The Eastern Partnership is a foreign policy initiative of the European Union that extends to the EU's six Eastern European neighbors - Azerbaijan, Belarus, Armenia, Georgia, Moldova and Ukraine.

The initiative was formally launched at the Prague Constituent Summit of the Eastern Partnership on May 7, 2009.

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

In addition to the EU's bilateral relations with partner countries and a number of bilateral programs, the Eastern Partnership also provides for a multilateral dimension of cooperation.

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

The implementation of the Eastern Partnership is based on the principles of differentiation, joint ownership and shared responsibility, as well as on the "more for more" approach.

Bilateral dimension of the Eastern Partnership.

The EU views the Eastern Partnership as an integral part of the European Neighborhood Policy, which in turn is the EU's framework policy towards its neighbors.

In this regard, from the EU's point of view, the whole array of bilateral relations between Ukraine and the EU is a bilateral dimension of the Eastern Partnership.

Unlike the EU, Ukraine does not view the Eastern Partnership as a framework policy, positioning its own bilateral relations with the EU as a source of key Eastern Partnership initiatives as part of its launch on 7 May 2009 [13].

This applies in particular to such key areas of cooperation with the EU as the negotiations on the Association Agreement (negotiations on a new enhanced agreement between Ukraine and the EU began in early 2007, the name "Association Agreement" agreed by the parties in September 2008) and visa-free dialogue (launched between Ukraine and the EU in autumn 2008).

Thus, the unconditional priority for Ukraine is the development of relations with the EU in a bilateral format that is more comprehensive and ambitious. Based on this, Ukraine primarily considers the Eastern Partnership as a multilateral format of cooperation.

The multilateral dimension of the Eastern Partnership.

The introduction of a multilateral dimension of political and expert dialogue is one of the main differences between the Eastern Partnership and the classic European Neighborhood Policy.

The multilateral dimension operates on four levels:

Summits with the participation of the Heads of State and Government of the EU Member States and partner countries are held every two years.

The Constituent Summit of the Eastern Partnership took place on May 7, 2009 in Prague. A joint statement was adopted following the summit [18].

The second summit took place on September 29-30, 2011 in Warsaw.

The third summit was tentatively scheduled for November 28-29, 2013 in Vilnius.

Meeting of EU Foreign Ministers and Eastern European Partners. Held, as a rule, once a year in Brussels.

The first ministerial meeting of the Eastern Partnership took place on December 8, 2009, the second on December 13, 2010, and the third on July 23, 2012.

The meetings are devoted to assessing the progress made and discussing the prospects for further development of the Eastern Partnership. Political approval of the main goals and work programs of the multilateral thematic platforms of the Eastern Partnership is underway.

# IV. CONTRACTUAL AND LEGAL POLICIES TOWARDS THE COOPERATION BETWEEN UKRAINE AND THE EU

## **1. PARTNERSHIP AND COOPERATION AGREEMENT (PCA)**

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

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

On the basis of the PCA, the EU-Ukraine political dialogue is developing in the form of annual summits: the Ukraine-EU Summit (with the participation of the President of Ukraine, the President of the European Council and the President of the European Commission); meetings of the Cooperation Council (with the participation of the Prime Minister of Ukraine, the EU High Representative for Foreign Affairs and Security Policy, the Minister of Foreign Affairs of the EU

Presidency); Committee and Sectoral Subcommittees on Ukraine-EU Cooperation; Parliamentary Cooperation Committee; political dialogue meetings at the level of foreign ministers; sectoral dialogues; regular consultations at the level of working groups. Visits are exchanged annually at the highest and highest levels [22].

In order to give new impetus to bilateral relations and to take into account new conditions of cooperation, in particular in the context of EU enlargement in 2004, the parties developed and on February 21, 2005 significantly expand Ukraine's bilateral cooperation with the EU without making changes to the current legal framework. In its content, the Action Plan contained a list of specific commitments of Ukraine in the field of strengthening democratic institutions, combating corruption, structural economic reforms and measures to develop cooperation with the EU in sectoral areas. Among the key achievements in the development of relations during the Action Plan: granting Ukraine market economy status under EU anti-dumping legislation, granting Ukraine the right to accede to EU foreign policy statements and positions, concluding the Visa Facilitation Agreement and the Readmission Agreement, extending to Ukraine financing of the European Investment Bank (Framework Agreement between Ukraine and the European Investment Bank), deepening sectoral cooperation, starting negotiations on a new basic agreement to replace the PCA [20].

Given the completion of the 10-year PCA in March 2008, on March 5, 2007, Ukraine and the EU began negotiations on a new agreement between Ukraine and the EU. For the period before the conclusion of a new agreement, the validity of the PCA is automatically renewed annually by mutual agreement of the parties. Following Ukraine's accession to the World Trade Organization on 18 February 2008, negotiations were launched to establish a deep and comprehensive free trade area between Ukraine and the EU, paving the way for the liberalization of goods, capital and services and the broad harmonization of non-tariff instruments. On September 9, 2008, at the Paris Summit, Ukraine and the EU reached a political agreement on concluding a future agreement in the format of the Association Agreement, which will be based on the principles of political association and economic integration. During the 15th EU-Ukraine Summit in Kyiv on December 19, 2011 the parties announced the completion of negotiations on the future Association Agreement, and on March 30, 2012 the text of the future Agreement was initialed by the heads of negotiating teams of Ukraine and the EU.

## 2. THE ASSOCIATION AGREEMENT

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

European Neighborhood Policy (2003), which concerns relations between the EU and neighboring countries. Its goal is to spread European values among the "close circle of friends". This policy is to provide certain incentives in exchange for meeting the relevant requirements. It is implemented through Action Plans, which are adopted separately for each neighboring country.

"Eastern Partnership" (2008) - EU policy towards the eastern neighbors (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). It envisages the political association and economic integration of these countries into the EU and the gradual liberalization of the visa regime [24].

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

Legal nature of the Association Agreement with the EU

Agreements concluded by the European Union with other countries can be classified according to their purpose:

association agreements for EU membership

These include agreements with Central and Eastern European countries, association and stability agreements with the Balkan countries. They were concluded on the basis of Art. 217 of the EU Treaty;

association agreements for close economic integration with the EU

Among them are the Agreement on the European Economic Area, sectoral agreements with Switzerland, concluded on the basis of Art. 217 of the EU Treaty;

agreements on access to the EU Internal Market on a reciprocal basis

These are, for example, agreements on the establishment of a free trade zone or a customs union, partnership and cooperation agreements concluded on the basis of Art. 211, 207, 352 of the EU Treaty;

political and security cooperation agreements

The European Union concluded them on the basis of Art. 211 of the Treaty on the Functioning of the EU.

The Association Agreements belong to the group of EU external agreements concluded in accordance with the EU's "mixed external competence", ie together with all Member States. They are concluded in accordance with Art. 217 of the EU Treaty, which states that:

"The Union may enter into agreements with one or more third countries or international organizations to establish an association characterized by mutual rights and obligations, joint actions and special procedures."

One of the main guiding principles for concluding association agreements is enshrined in the judgment of the Court of Justice in the Demirel case. In it, the Court of Justice noted that the Association Agreement provides for "the establishment of a special relationship between a non-member country, which is obliged, at least within certain limits, to participate in the system."

Thus, several features can be identified that relate to association agreements enshrined in EU law:

1) mutual rights and obligations;

2) joint actions and special procedures;

3) special relations between the EU and another country;

4) participation of a third country in the EU system.

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

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

The section identifies the objectives of the political dialogue, the key of which is the introduction of a political association between Ukraine and the EU. Other goals include promoting international stability and security, strengthening respect for democratic principles, the rule of law

and good governance, human rights and fundamental freedoms, promoting independence, sovereignty, territorial integrity and inviolability of borders, and cooperation in security and defense [23].

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

Among the key areas of cooperation - cooperation to promote regional stability; strengthening peace and international justice, in particular through the implementation of the Rome Statute of the International Criminal Court; ensuring gradual convergence in foreign and security policy, including the Common Security and Defense Policy, conflict prevention, non-proliferation, disarmament and arms control, counter-terrorism, etc [19].

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

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

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

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

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

The provisions of the section provide for deepening cooperation in the fight against money laundering and terrorist financing, drug trafficking, organized crime, terrorism, as well as the development of cooperation in the field of legal aid in civil and criminal matters.

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

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

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

The implementation of this section of the Agreement will, firstly, ensure greater implementation of the provisions of the Free Trade Agreement, as it will contribute to the approximation of legislation and regulatory environment of Ukraine and the EU, and thus eliminate non-tariff trade barriers and, secondly, promote integration. Ukraine to the EU internal market and the single regulatory space in the vast majority of sectors of the economy and public life of Ukraine.

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

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

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

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

## **3.ESTABLISHMENT OF A FREE TRADE AREA BETWEEN UKRAINE AND THE EU**

An important element of the EU-Ukraine Association Agreement is the provision on the establishment of a Deep and Comprehensive Free Trade Area (FTA). They provide for significant liberalization of trade (elimination of tariffs or quotas) between the parties, harmonization of legislation and regulatory framework.

Work on the creation of the FTA, among others, will consist of:

abolition of import duties on Ukraine and the EU on most goods imported into each other's markets;

rules for determining the origin of goods, which are one of the elements of the application of trade preferences;

Ukraine's technical regulations, procedures, sanitary and phytosanitary measures and food safety measures in line with European ones, so that Ukrainian industrial goods, agricultural and food products will not require additional certification in the EU;

parties with the most favorable conditions for access to their markets for services;

Ukraine's EU rules in the field of public procurement, which will gradually open the EU public procurement market for Ukraine;

customs procedures and prevention of fraud, smuggling and other offenses in the field of cross-border movement of goods;

Ukraine protection of intellectual property rights.

The establishment of the FTA between Ukraine and the EU will take place gradually, over 10 years. The implementation of the FTA between Ukraine and the EU will result in close economic integration, creation of almost the same conditions for trade between Ukraine and the EU, which take place in intra-Union trade, improving the investment climate and transparent rules of doing business in Ukraine. goods, lower prices for Ukrainian consumers, the possibility of access of Ukrainian enterprises, in addition to the EU market, to third country markets in connection with the transition to globally accepted standards.

# V. EU LEGAL STUDIES DEVELOPMENT POLICY IN UKRAINE

The direction of cooperation between Ukraine and the EU in the framework of the implementation of the Association Agreement "Sectoral Cooperation" is regulated by the relevant Chapter V of the Association Agreement "Economic and Sectoral Cooperation"

Ukraine (as other post-Soviet countries) is intending to make the transformation towards a consolidated democratic system, functioning market economy and efficient democratic state with extensive welfare policies. It is not necessary for Ukraine to 'reinvent the wheel' in this matter. Whatever action is performed by a great man, common men follow in his footsteps. And whatever standards he sets by exemplary acts, all the world pursues [6]

# 1. CIVIL SOCIETY IS A MAIN BASEMENT OF DEVELOPMENT OF EU LEGAL STUDIES DEVELOPMENT

The main content and obligations of Ukraine

The issue of civil society development is regulated by Chapter 26 of Section V "Economic and Sectoral Cooperation" of the EU-Ukraine Association Agreement.

Cooperation between the Parties in this area covers the following areas

expanding contacts and mutual exchange of experience between the sectors of civil society (hereinafter CS) in Ukraine and the EU Member States;

involvement of HS organizations in the implementation of draft Association Agreements, in particular monitoring of its implementation;

popularization of Ukraine, in particular its history and culture among the EU countries;

informing about the activities of the EU in the Ukrainian media, in particular about the basic values, the functioning of institutions and the main policies of the European Union.

promoting the process of institution building and consolidation of civil society organizations.

To achieve these goals, it is planned to hold professional seminars to improve the skills of the target audience.

Bodies of the association

Responsible authorities in Ukraine

The Government Office for European and Euro-Atlantic Integration, as well as ministries and agencies, are responsible for coordinating work with the EU-Ukraine Civil Society Platform, in accordance with their competence.

Status of adaptation of Ukrainian legislation and cooperation with the EU

The EU-Ukraine Civil Society Platform has been established. Joint body of the HS, the purpose of which is to monitor the implementation of the Association Agreement, in accordance with Articles

469-470 of the Association Agreement).

The Ukrainian side of the Ukraine-EU Civil Society Platform has been established. The USP consists of 15 members - representatives of various sectors of the CA - public associations, trade unions and employers' organizations, which are approved by the Assembly of the CSS in accordance with the Regulations: 6 coordinators of working groups of the CSS; 3 representatives of public associations; 3 representatives of national level trade unions; 3 representatives of the employers' organization at the national level. The chairmanship of the CSS is chaired on a rotating basis. Three meetings of the Civil Society Platform took place (the last one was on November 8-9, 2016 in Kyiv) [10].

The National Strategy for the Promotion of Civil Society Development in Ukraine for 2016-2020 (approved by the Decree of the President of Ukraine of February 26, 2016  $N_{2}$  68) and the action plan for its implementation are being implemented. The strategy identifies areas of cooperation between civil society organizations of Ukraine and EU member states on the harmonization of domestic legislation in the field of civil society with EU law. The document is aimed at establishing a dialogue between the authorities and civil society organizations, especially on ensuring human rights and freedoms.

The Coordination Council for the Promotion of Civil Society Development with the status of an advisory body under the President of Ukraine has been established.

# 2. EDUCATION AS A SPHERE OF COOPERATION

The main content and obligations of Ukraine

Promoting the rapprochement of Ukraine and the EU in the field of higher education, which is taking place within the Bologna Process. Deepening cooperation between higher education institutions. Capacity building of higher education institutions.

Bodies of the association

Cluster 4 of the Subcommittee on Economic and Other Sectoral Cooperation.

Responsible authorities in Ukraine

Ministry of Education and Science of Ukraine.

Ministry of Youth and Sports of Ukraine.

Ministry of Social Policy of Ukraine.

Expected results

Reform and modernization of higher education.

Implementation of international assessment and monitoring practices of university autonomy and management of higher education professionalization.

Mutual recognition of academic and professional qualifications, diplomas and certificates of education.

Strengthen dialogue on general education, distance education and lifelong learning systems.

Increasing international exchanges and cooperation in the field of non-formal education for young people, including through EU programs such as Erasmus+.

Status of adaptation of Ukrainian legislation and cooperation with the EU

The Law of Ukraine "On Higher Education" on the transition to a three-tier system of higher education was adopted.

Legislative changes have been adopted on the recognition of non-formal education through the establishment of requirements for the enrollment of its results in part or in full.

The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Confirmation of the Results of Informal Vocational Training of Persons in Working Professions" was adopted.

The order of the Cabinet of Ministers of Ukraine "On approval of the Action Plan for the implementation of the National Qualifications Framework for 2016-2020" was approved.

The order of the Cabinet of Ministers of Ukraine "On approval of the Concept of training specialists in the dual form of education" was approved. The concept aims to combine training and work in vocational and higher education, and provides for a combination of training of persons in educational institutions with training in the workplace (enterprises, institutions and organizations) to acquire a certain qualification.

In September 2018, the implementation of the secondary education reform "New Ukrainian School" began. A key change for students concerns approaches to learning and educational content. The aim is to create a school that will be enjoyable to study and that will give students not only knowledge of how it is happening now, but also the ability to apply it in life, educate an innovator and a citizen who can make responsible decisions and respect human rights.

The list of competencies that students will acquire is already enshrined in the Law on Education, which was drawn up taking into account the "Recommendation of the European Parliament and the Council of Europe on the formation of key competences in lifelong learning";

Ukraine has joined the PISA International Student Assessment Program 2018, which is conducted under the auspices of the Organization for Economic Cooperation and Development (OECD). The program aims to assess education systems in different countries around the world based on testing of 15-year-old students and will allow by 2021 to assess the level of preparation of students in relation to other countries participating in the Program;

Ukraine continues to participate in EU programs to increase the capacity and academic mobility of Erasmus +, which is a tool for exchanging best educational practices in European countries. In 2015-2017, more than 7,200 academic exchanges took place, which is 43% of the "mobility" of the entire Eastern Partnership region. In 2018, Ukraine received a separate window of funding from the EU in the amount of 5 million euros [21].

## **3. ACHIEVEMENTS**

It must be acknowledged that assistance to Ukraine since its formation as an independent state by the EU and its member states is an extremely important, stabilizing factor in the development of our state. Without this support, both in the form of direct investments, loans, grants, and in the form of promoting the admission of Ukrainian goods to EU internal markets, Ukraine's social and political development would be much more modest.

It is difficult to overestimate the role of EU political support in the framework of bilateral dialogue and cooperation mechanisms, first defined by the Partnership and Cooperation Agreement and then clarified on the basis of the EU Joint Strategy for Ukraine and other political and legal documents [34]. Undoubtedly, the positive role played by the EU, its leading politicians in the legal, peaceful resolution of last November's political crisis, should not be overlooked. In addition to recognizing the effectiveness of such assistance in domestic political stabilization, the "vocation" - the invitation of the EU to official Kyiv, both the ruling elite and the opposition at the time, as an arbiter and "peacemaker" factor in our domestic politics, its ability to evolve from post-Soviet to modern European rules of conduct of participants in the political process.

Despite the importance of political and economic aspects bilateral relations, the sphere of scientific and educational cooperation also remains in the field of view of both Kyiv and Brussels. We should first mention the revenues that Ukraine received under the technical assistance program for the newly independent states (former Soviet republics) - TACIS. Such critical areas of Ukrainian science and technology as, for example, the production and use of nuclear energy, the development of new technologies, in particular - space and information, have received and continue to receive significant assistance from the EU and the Union as a whole.

An important step for integration, or, to put it more modestly, the rapprochement of the national

educational and scientific community to the EU was the extension of the Tempus program to Ukraine. Many national educational institutions have managed to use it. First of all, these are Kyiv, Odesa and Kharkiv national universities, Ternopil Academy of National Economy and other well-known universities in Ukraine. Because with the collapse of the USSR and the general decline of the funding system for scientific institutes of the National Academy of Sciences of Ukraine, universities and other classical higher education institutions with the appropriate staff were forced to take care of the development of partially fundamental and, to a greater extent, applied sciences. science. It is in the field of Tempus programs that some universities have managed to establish productive scientific and educational contacts with colleagues from Western universities and HEI of Central Europe, to study modern management, research and educational projects, to adopt the much-needed experience of management in the field of education and science [35].

It is worth mentioning that in recent years Ukraine has gained access (albeit as a representative of "third countries" for the EU) to the Erasmus Mundus program, which is an additional important channel for its integration into the European educational space, as it opens up certain opportunities to join European educational environment not only for teachers but also for students, at the expense of the EU.

Of course, bilateral and tripartite cooperation programs between Ukraine and EU member states remain important.

There is a good tradition of such cooperation in the humanitarian sphere at the level of ministries and academies of science between Ukraine, Germany, Austria, and to a lesser extent France, the United Kingdom and some other EU members. Unfortunately, these programs are quite bureaucratic, not flexible enough, limited in financial resources. Their worst flaw is that access to them is difficult for Ukrainian university staff.

Obviously, it is important that more and more Ukrainians universities become participants in bilateral cooperation with countries - "old" and "new" EU members. One of the most sustainable forms of such cooperation is a long-term partnership. Many of our universities already have such fellows in the EU countries, in particular the National University "Kyiv Mohyla Academy", Lviv National University. I. Franko, Lviv Polytechnic University,

Chernivtsi National University. Yu. Fedkovych and other metropolitan and regional scientific and educational centers. Another question: is this tool of cooperation effective, does it satisfy the interests of both parties? In addition, the cooperation of Ukrainian colleagues with partners in this format is resource asymmetric. That is, we expect much more from our colleagues than we can offer them.

EU enlargement, which took place on 1 May 2004, created a new quality for its relations with Ukraine in the field of education and science. It is obvious that cross-border cooperation programs, for which science and education institutions on both sides of the enlarged EU border are historically best prepared, will be increasingly important from now on. The paradox is that this role should and will have to be taken over by regional universities, which neither the branch bureaucracy nor the central government considered to be the main partners of Western educational institutions. In contrast, the importance of previous contacts and experience of cooperation between Ukrainian universities and new EU members - Poland, Slovakia and Hungary - will be strengthened by the common interest in successfully solving the urgent problems of the new EU border. Which will inevitably require the use of local potential universities and other universities in these areas.

Despite all these (and not mentioned) positives of cooperation between the EU and Ukraine, the current needs of national education and science far exceed the available domestic and foreign resources for its development. During the years of independence, our state has not paid due attention to the development of higher education and research, not only in the field of really very expensive basic developments, but also in much less demanding

humanities. This has led to a sharp reduction in the resources of scientific development in Ukraine, a significant outflow of highly qualified researchers and teachers to other areas of work, encouraged thousands of them to go abroad in search of work of scientists and university professors is somewhat improving, the situation in this area remains extremely difficult; it does not even meet the norms and

criteria of higher education and science defined by the national legislator.

Against this background, the previous leadership of the Ministry of Science and Education of Ukraine set an ambitious task for this industry - to join the Bologna Process by 2010. Obviously, the success of this cause will benefit the entire system of education and science. But the destructive processes of recent years have led, in addition to personnel and material losses, to the erosion of the ethical and moral foundations of education, which, shamefully, leads in the ranking of the most corrupt industries. Competitiveness of Ukrainian universities as a whole decreases, as well as motivation to productive work of teachers-innovators. Universities, instead of being the engine of national progress, have often become bastions of authoritarianism, scientific and pedagogical routine [32].

To break out of this state and build a competitive one educational and scientific system, it must be recognized that Ukraine's accession to the Bologna Process corresponds to the priorities of the Ukrainian economy and society as a whole. Of course, you need to see the risks.

After all, if successful, the creation of a system of higher education that meets European standards will mean its openness not only to innovation and assistance from the West, but also the openness of at least part of Western vacancies to our graduates. Therefore, the painful brain drain for the donor country will continue with the intensity with which the difference between the opportunities for self-realization of talented scientists and other specialists in the West and at home will remain.

But the solution to this and a number of other issues of "bolognization" of higher education depends on many components that we do not yet have, which does not seem to be taken into account by education managers.

First of all, there is a lack of adequate funding for the industry, which also suffers from outdated administrative and economic management and our clumsy legislation. A significant obstacle to the transition to European standards of university education is the inertia of the local and central educational bureaucracy, which for the most part retains Soviet methods and forms of government, moreover, not without benefit.

for myself. Universities, especially regional ones, burdened with sad forms of provincialism, are still in dire need of specialists to pass the Western School of Education and Research. And if there are any, then the whole current system of relations, they are "washed out" of the teams.

Because of all this, cooperation with Western European universities and other educational institutions is vital for Ukraine. The experience of transformation and modernization of education gained in the EU countries, even with all their current problems, is an important milestone in reforming the Ukrainian higher education system. If it succeeds, due to the laws of supply and demand, it will inevitably cause changes in the activities of our science.

Meanwhile, our movement towards the Bologna Process has only external, purely formal manifestations. We are talking about loans, modular systems ... While we need to raise the issue of modern costs for quality training, including the cost of adequate material support and professional growth of teachers, support for talented and capable people in this environment, separation of disabled and corrupt "figures" education ".

The efforts of national education reformers should be fully supported, including through public pressure on university and academic leaders. But the purposefulness of such pressure can be ensured only due to full awareness of university and academic circles about the tasks and main stages of adaptation to the requirements of the Bologna Process, possibly on the basis of permanent horizontal partnerships with European educational and scientific institutions.

But our humanities have significant difficulties with this entering the European intellectual and information space.

One of the problems that is just beginning to be realized is the noticeable disparity between the capabilities of the capital's educational and scientific institutions and regional scientific and educational centers. Ukraine's economy today, as in some other post-Soviet countries, is clearly monocentric: most financial, investment and other resources are concentrated in Kyiv. One of

indicators: the capital pays almost a quarter of revenues to the state budget.

And this makes regional life, including scientific and educational, provincial and even degrading. The disparity needs to be corrected, at least because not only the vast majority of the population lives in the regions, but also because, oddly enough, there is still a strong intellectual and resource potential that deserves better use.

Many of the currently depressed regions are in border strip of the enlarged EU. Therefore, we can have some hopes for the support of neighboring countries. But, of course, overcoming regional disparities in the development of science and education is an urgent task of the government and society. At the same time, EU assistance and consideration of this factor in the planning and implementation of programs of scientific and technical assistance and educational and cultural cooperation can (and should) be taken into account by representatives of EU countries, including relevant structures of the European Commission.

In our opinion, the financial ideology of the implementation of certain EU partnership programs in Ukraine also deserves correction and critical rethinking. On the one hand, programs such as Tacis or Tempus are over-controlled by officials. Sometimes it seems that these programs exist to kindly support the European and our bureaucracy, rather than as a means of helping specific sectors of the economy and priority areas of Ukraine's scientific development. And other EU-funded programs (at least until recently) seemed designed to pay for Western partners, sometimes simply helpless in Ukraine. This causes distrust in the very policy of budgeting the relevant programs.

Such statements are somewhat polemically exaggerated, but it is necessary to draw the attention of our esteemed Western partners to the existence of this problem and its negative perception in Ukraine - in order to find ways to solve it.

## New Neighborhood Program and Tools: Ukrainian Expectations

Following the European Commission's adoption of the Wider Europe program, which the European Commission's office in Ukraine enthusiastically reported as "good news for Ukraine", Ukrainian politicians and society responded to it with very moderate enthusiasm. After all, despite the "differentiated approach" declared by the program, the degree of isolation of the EU's policy towards Ukraine compared to its policy towards other Eastern European neighbors did not particularly fascinate us. more diverse forms of cooperation at the political level, not to mention some trade and economic preferences, which hurts official Kyiv, both its pro-government and opposition forces to insistently remind: "You see, no one is waiting for us in the West, no one needs us there, the only salvation is the closest integration with Russia." However, unlike Moscow, Ukraine, even before and after the Orange Revolution, associates its future with European integration. The official Strategy and Program of Ukraine's integration into Europe, the goals of which were recently confirmed by the new President of Ukraine, envisages the following logic of our country's actions. First - the conclusion of negotiations with the EU on Ukraine's status as a market economy, then - the entering to the WTO, then - the creation of a free trade area with the EU provided by the PCA), then - we acquire the status of associate member of the EU with the conclusion of the European Agreement and, finally, as the Copenhagen criteria, start negotiations with the EU to join [30].

The ideology of the New Neighborhood, developed by the EU, is based, on the contrary, on the fact that such a document is adopted for 10 years, and during this period the prospects for membership of any of the neighboring states, and therefore Ukraine, is not mentioned [9]. However, the document also contains a reservation: the adoption of such a program does not close the possibility for individual states to become members of the EU, but this issue is beyond the scope of this format of cooperation.

In particular, Ukraine's accession to the United Nations is envisaged European research space and the intensification and development of scientific and educational cooperation [10]. Unfortunately, the document does not contain any specifics.

In any case, the format of relations within the new neighborhood, which is not very inspiring for the Ukrainian side, opens up positive prospects for Ukrainian science and education. After all, even the fact that the New Neighborhood Action Plan signed by Ukraine and the EU for 2005-2007 was supplemented by new initiatives speaks of a partial, but far from complete, as one might expect, Eurobureaucracy's consideration of the proposals. Ukrainian side [11]. Emphasis on the humanitarian aspects, the expansion of cross-border cooperation programs in Ukraine, which concerns candidate countries for EU accession, can also be an additional channel for a new level of cooperation [12].

It is also important that it is about finding ways to remove artificial but painful barriers created by the new "paper curtain", the "Eurobureaucratic wall" - the Schengen rules for obtaining visas for Ukrainians. While fully sharing the EU's concern about illegal migration and the spread of transnational crime, which does require strong countermeasures, there are other implications for such precautionary measures. They are one of the tangible and humiliating obstacles to the development of human contacts, a brake on the cooperation of scientists and educators of Ukraine and the EU. Obtaining visas for Ukrainian scientists and educators, especially those living in the regions, is a process that costs not only financial, but also time and nerve costs and losses. Coming to Kyiv at least twice is a waste of nerves, which is not lacking in Ukrainian everyday life.

For the full development of the humanitarian sphere of cooperation in Ukraine, not only formal, technical, financial and bureaucratic obstacles are becoming a serious problem. The interest and readiness of the EU to confirm the political and other support for the European perspective of the development of the Ukrainian state and society is extremely important for the progress of this whole sphere. After all, the prospects of domestic reforms provide Ukrainian society not only with a strong motivation to work together to solve its many problems, but also as an important criterion for the success of these changes, far from the subjectivity of assessments. In this regard, most representatives of Ukrainian academic and educational circles expect from Western counterparts, the EU as a whole, more understanding than today, more attentive to their problems and requests. Probably that is why the format of our future cooperation should take into account these powerful political and ideological factors no less than purely pragmatic calculations of the benefits of cooperation in solving scientific and other humanitarian issues.

The European idea, embodied in the national goal (accession to the EU), is increasingly taking over Ukrainian society. It accelerates, first of all, the development of civil society. In some regions of the country, especially in the West, public support for the idea of Ukraine's accession to the EU reaches a level that can be envied even by our neighbors, who have already become members of the European community. Thus, according to the results of sociological surveys conducted in 2000 and 2004 in the Chernivtsi region by the Department of Political Science and Sociology of Chernivtsi National University. Yu. Fedkovych, the level of public support for Ukraine's course to join the EU has increased during this time from 56% to 70%. Even in the eastern regions, at the beginning of the new century, more than 50% of the population supported the European integration course of the state [13].

However, the lack of positive signals of these sincere impulses of Ukrainian society for a long time gave rise to fears of geopolitical isolation, a phantom of "unnecessary" Ukraine for Europe, which was used by the pro-Russian political lobby, generously supported by the Kremlin. These efforts, which have not met with real opposition from both domestic politicians and the EU, have in recent years led to a slight decrease in the share of those in Ukrainian society among ordinary citizens who support the idea of joining the EU, and an increase in the share of citizens from defined position. Such changes did not occur due to an increase in the number of "European pessimists" of local scale, but due to an increase in the share of disoriented citizens - they lost certain positions on this issue. This was also due to the massive anti-Western propaganda that unfolded during the 2002 parliamentary elections and, with particular brutality, during the 2004 presidential election campaign. Your own

The informational weakness of the implementation of the "strategic course of the state" has played and continues to play a role.

The Ukrainian media, controlled by the then pro-government political forces, tried to convey to the average Ukrainian in a hypertrophied form the difficulties, negatives of European integration processes, intimidating people with stories of suffering suffered by our neighbors - Poles, Lithuanians or other nations. He did not spare money to pay for broadcasts and the area of press publications in all regions for "explanations" of the troubles that await Ukraine's economy in the event of its "quick" accession to the European Union.

The arsenal of means of influence was reminiscent of the practice of the Soviet propaganda machine of Brezhnev's time, and in the intensity and cynicism of the use of dubious arguments, it surpassed that era. The worst thing is not that there was no possibility to express the opposite point of view, but that such "informational" activity did not provoke resistance from the Kuchma administration [14].

The consequences of all this require the new leadership of the country to take decisive steps to remedy the situation. After all, in recent years the overall level of support for Kyiv's European integration aspirations in the country as a whole has decreased, though not much, but has decreased by 50% [2]. And, most importantly, the public sentiments inspired by this propaganda were most pronounced in the eastern and southern oblasts, stimulating the preservation of regional, Soviet, features of the political consciousness of citizens that gained dramatic significance during the November-December 2004 events.

Given that the vast majority of the Ukrainian political and intellectual elite is the "engine" of the realization of Ukraine's European integration aspirations, the problem of information and educational work with the general population becomes important. It is obvious that this is the task, first of all, of the Ukrainian state and its new political leadership. But EU assistance would be invaluable. The best format for such cooperation may be the widespread introduction not only in Kyiv, but also in all regional centers, programs "European Studies" with the creation of classical universities - regional centers of education and science of the respective Centers.

An attempt to launch such a program at the national level was observed in 2000-2001. This pilot project was sponsored by J. Soros. Within the framework of the Megaproject supported by him, the Centers of European Studies were established at the Universities of Odessa, Lviv, Chernivtsi, Zaporizhia and Volyn. But they did not have time to start their carefully planned activities (primarily research, teaching and education), as the Renaissance Foundation (J. Soros Foundation in Ukraine) stopped supporting the project. The intrigue was that there were no written explanations for the motives.

Therefore, the need to return to implementation remains relevant European Studies project on a national scale. The new government, the new government in Ukraine is not yet able, even with a sincere desire, to bear all the costs associated with its implementation. That is why we should turn to our colleagues and partners from the EU, in particular to the leading representatives of the European Commission, EU leaders with a proposal to support the initiative and provide some financial, organizational and methodological support to develop and implement a national program of European studies in Ukraine. Undoubtedly, its success will have positive political consequences, will be an important factor in the entry of the Ukrainian education system and the humanities in the European scientific and educational space.

Noting the importance of technical, financial, organizational, methodological and other assistance provided by the EU and its member states to Ukraine in recent years in modernizing the education and science system, it should be emphasized that the potential of this cooperation is still not fully realized and needs further updating.

We hope that the EU's assistance to Ukrainian science and education will not stop at the entry of national scientific institutions and individual researchers into the European Research Area, but will set larger goals: to promote the gradual integration of Ukraine's educational and humanitarian spheres into European civil and educational cultural space.

The consistent increase in support for the European integration component of Ukrainian education and science meets both the strategic goals of the Ukrainian state and society for full integration into the EU and the EU's ideals, its desire to create a single economic, political and value space in the new Europe.

It is necessary to work together to overcome bureaucratic, in particular, visa and other obstacles,

on the path of bilateral and multilateral cooperation of Ukrainian scientists and educators with Western European counterparts, using the experience of new EU member states.

Finally, the EU must pay attention to overcoming, or at least, a significant reduction in the financial asymmetry of the distribution of budgets of individual projects between Western and Ukrainian partners, so that in their implementation the parties work on a truly equal footing.

It is appropriate to pay special attention to the regional aspect of the implementation of scientific and educational cooperation programs, to involve not only state educational and scientific institutions, but also non-state, in particular, regional think tanks, formed in the last decade. Attention to the regional geography of support from the EU and some of its member states interested in partnership with Ukraine in the field of research and educational activities will allow to attract the most effective regional potential of Ukrainian science and education in such cooperation.

An important means of scientific and educational cooperation should be cross-border cooperation programs, which should take into account not only aspects of environmental, technological, migration, criminal security, but also the prospects of creating broad opportunities for value and cultural integration of border people on both sides of the EU border. Such programs can ensure the organic entry of Ukrainian civil society into the civilization space of a united Europe.

Finally, the development and implementation of the European Studies program and the corresponding network of their Centers in the leading scientific and educational regional centers of Ukraine deserve special attention and support.

Scientific and educational activities need to be supported by changes in the educational activities of domestic schools. Yes, it is high time to strengthen the political science component of the education of our high school students and introduce such a mandatory course as "Fundamentals of Political Knowledge", widely practice the discipline "Ukraine on the Road to the EU" and so on.

The program of information and educational measures to prepare Ukrainian society for European integration should be developed and implemented by the new government with the direct participation of relevant departments of regional universities and non-governmental think tanks. Its success will also depend on the systematic support of the EU and its member states [14].

The implementation of all these measures will contribute to both the far-reaching goals of Ukraine and the pragmatic interests of the EU, will be useful to all participants in the near future, not to mention the long-term prospects for a truly united Europe.

The Ukrainian Law Foundation (UPF) was founded in May 1992 by a group of progressive Ukrainian and foreign lawyers as the All-Ukrainian Charitable Foundation with the financial support of George Soros. The governing bodies of the UPF consisted of its founders (Serhiy Holovaty. Halyna Freeland, Vasyl Kysil, Bohdan Havrylyshyn, Yuriy Aivazyan, Ivan Gevko), the Board of Trustees, the Council of Foreign Advisers, the UPF Supervisory Board, the UPF Advisory Board, and the UPF Management Committee [24].

The purpose of the UPF is to promote Ukraine as a state governed by the rule of law by creating a perfect legal system, raising the prestige of the legal profession, reviving scientific and educational traditions of the Ukrainian school of law, building a system of human rights protection and establishing the rule of law in Ukraine.

The structural basis of the UPF is its representative offices, which operate in most regions of Ukraine. The UPF unites more than 10 programs aimed at achieving the statutory goals of the UPF.

## **Library Program**

This is the first specialized law library in Ukraine. It simultaneously serves as a scientific, didactic and public library, serves legal scholars and legal practitioners, MPs, employees of government agencies and organizations, teachers, law students, and the general public. Search the UPF Legal Library (English-language publications)

# **Codification of Legislation of Ukraine Program**

The Ukrainian Law Foundation provided assistance and logistical assistance both to the process

of drafting individual codification acts and to the general direction of development of the codification process in Ukraine.

In the spring, with the technical assistance of the UPF, the development of the first part of the draft Civil Code of Ukraine and the translation of its text into English was completed. In autumn 1996, at the initiative of the UPF, an Agreement on Cooperation in Drafting the Civil Code of Ukraine was concluded between the UPF and the Ministry of Justice of Ukraine, according to which the Foundation undertook to provide logistical assistance in drafting the code [8]. In August 1996, the drafting of a new Central Committee of Ukraine was completed, which was later submitted to the Verkhovna Rada and approved in the first reading in June 1997 and in the second reading on June 8, 2000. "(1996, N 2 and 1999, N 1) gave impetus to conducting research and public debates in Ukraine on topical issues of private law [28].

Since 1995, a joint program has been launched with groups of drafters of the Criminal and Criminal Procedure Codes of Ukraine. About 200 copies of the draft Criminal Code and 500 copies of the Code of Criminal Procedure have been produced. Material and technical assistance was provided in the development of the draft Administrative Procedure Code of Ukraine.

Within the framework of all these areas, the UPF translated into English and terminologically processed the texts of projects.

Within the framework of the program "Codification of Legislation of Ukraine" UPF held All-Ukrainian scientific-practical conferences on codification of Ukrainian legislation. In total, five such conferences were held in Kyiv, Lviv and Kharkiv.

A number of seminars and round tables were also held to discuss the state of Ukraine's codification process at the present stage.

## Educational program "Constitution of Ukraine"

The program was launched by the joint efforts of the Ukrainian Law Foundation, the Ministry of Justice of Ukraine and the Ministry of Education of Ukraine to educate the public and promote a common understanding of the rights and responsibilities of citizens under the Constitution of Ukraine.

Significant contribution of the Foundation's staff to the constitutional process in Ukraine. First of all - in the creation of the Basic Law of the state. On July 3-5, 1992, the Foundation organized an international symposium, The Constitution of Independent Ukraine. In July 1992, the UPF together with the Council of Legal Policy of the State Duma of Ukraine held an international symposium on "The Judicial System in the Draft Constitution of Ukraine." In June 1993, the UPF, in cooperation with the Advisory Council of the Verkhovna Rada of Ukraine, organized another international symposium "Draft Constitution of Ukraine" in Kyiv with the participation of foreign experts and President of Ukraine L. Kravchuk.

On November 28, 1994, at the first meeting of the new Constitutional Commission, the President of the UPF Serhiy Holovaty proposed the idea of concluding a Constitutional Treaty between the President and the Verkhovna Rada of Ukraine. This idea was praised by international experts at the meetings of the Venice Commission in March 1995 and on June 7 was supported by 240 deputies of the Verkhovna Rada.

The Center for Legal Terminology, Translations and Dictionaries of the UPF made a significant contribution to the creation of the new Constitution of Ukraine. Together with the staff of the Secretariat of the Verkhovna Rada of Ukraine and members of the Temporary Special Commission to finalize the draft Constitution of Ukraine, UPF employees carried out terminological and linguistic elaboration of the text of the Constitution adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996.

The UPF printed and distributed in schools one million copies of the text of the Constitution of Ukraine and the Constitution in pictures for primary school students.

A three-week seminar for young teachers of constitutional law was held in January 1998. The event was attended by representatives of 18 law schools from different regions of Ukraine. In 1998-1999, two training seminars for secondary school teachers and methodologists were held in Cherkasy and

Lviv. The events were devoted to the issues of teaching the course "Fundamentals of Law" in high school and, in particular, the coverage of the provisions of the Constitution within this course. The textbook "The Constitution of Ukraine and the basics of law at school: a book for teachers" (40,000 copies) was published. The textbook "Constitutional Law of Ukraine" was also prepared and published in a circulation of 7,000 copies. In the summer of 1999, a circulation of 3,000 copies of the handbook "The State System of the World" was published. A series of six educational video programs entitled "Our Choice" has been prepared, in which well-known Ukrainian scholars and law professors present some of the main provisions and ideas embodied in the Constitution of the state. These videos have been shown to almost 30 regional television companies, as well as to more than 50 secondary schools and training institutions.

# Ukrainian Human Rights Center Program

The purpose of the program is to promote the establishment of a democratic state governed by the rule of law in Ukraine, based on the principles of human rights protection by bringing legislation and practice in line with European human rights standards, enshrining human rights systems of national governmental and non-governmental human rights institutions.

The Ukrainian Center for Human Rights (UCCL) was established as a program of the Ukrainian Law Foundation on November 3, 1993 to promote a democratic rule of law in Ukraine based on human rights principles by bringing national legislation and practice in line with international human rights standards. study of the state of observance of human rights in Ukraine and appropriate response in case of their violation, rooting in the state and civil society of the belief in the priority of human rights, promoting the creation and coordination of human rights groups in Ukraine.

The Center achieved its goals through human rights education; organization of conferences, seminars, trainings, "round tables", information and human rights activities of the network; analysis of current legislation of Ukraine, cooperation with international and regional human rights organizations, publishing.

On December 10, 1993, the Ukrainian Law Foundation, within the framework of the Ukrainian Center for Human Rights program, initiated and annually held the First All-Ukrainian Human Rights Readings to mark Ukraine's International Human Rights Day.

In total, about 100 seminars, conferences, round tables, trainings, etc. were organized and held within the framework of the Human Rights Center program.

The most topical issues of human rights protection - dual citizenship, rights of national minorities, refugee rights, freedom of speech and the right to information, children's rights, judicial protection of rights, implementation of the Convention on the Protection of Human Rights - were presented at the readings, scientific and practical seminars and round tables. human rights and fundamental freedoms in national human rights systems, etc.

During the Center's existence, the following periodicals were published: Bulletin of the Ukrainian Center for Human Rights, Yearbook of Human Rights in Ukraine, Ukrainian Journal of Human Rights, Refugees and Migration: Ukrainian Journal of Law and Politics.

The Center for Legal Terminology, Translations and Dictionaries of the UPF made a significant contribution to the creation of the new Constitution of Ukraine. Together with the staff of the Secretariat of the Verkhovna Rada of Ukraine and members of the Temporary Special Commission to finalize the draft Constitution of Ukraine, UPF employees carried out terminological and linguistic elaboration of the text of the Constitution adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996.

The UPF printed and distributed in schools one million copies of the text of the Constitution of Ukraine and the Constitution in pictures for primary school students.

A three-week seminar for young teachers of constitutional law was held in January 1998. The event was attended by representatives of 18 law schools from different regions of Ukraine. In 1998-1999, two training seminars for secondary school teachers and methodologists were held in Cherkasy and Lviv. The events were devoted to the issues of teaching the course "Fundamentals of Law" in high

school and, in particular, the coverage of the provisions of the Constitution within this course. The textbook "The Constitution of Ukraine and the basics of law at school: a book for teachers" (40,000 copies) was published. The textbook "Constitutional Law of Ukraine" was also prepared and published in a circulation of 7,000 copies. In the summer of 1999, a circulation of 3,000 copies of the handbook "The State System of the World" was published. A series of six educational video programs entitled "Our Choice" has been prepared, in which well-known Ukrainian scholars and law professors present some of the main provisions and ideas embodied in the Constitution of the state. These videos have been shown to almost 30 regional television companies, as well as to more than 50 secondary schools and training institutions.

Program "Ukrainian Center for Legal Studies"

The philosophy of the Center is to create a modern school of law, which trains specialists in Ukrainian law from a Western perspective. The purpose of the Center is to graduate highly qualified lawyers of Ukraine who have the right to work as advisers in parliament, government and courts, teach law in higher education, be a consultant on European relations and lawyers in Ukrainian and international companies [15].

The Ukrainian Center for Legal Studies (UCPS) was established in 1995 by the Ukrainian Law Foundation and the Kyiv National University. Taras Shevchenko in order to implement a qualitatively new legal education through the teaching of legal disciplines, including new to Ukraine, using the latest methods of teaching law and various approaches to jurisprudence.

The Center for Legal Studies has introduced unique programs for Ukraine to provide higher legal education (Master of Laws) in such areas of law as "European law", "commercial law", "constitutional law" [31].

The center has three successful departments: the Department of Commercial Law, the Department of European Union Law, and the Department of Constitutional Law.

Since 1995, the Ukrainian Center for Legal Studies has offered a one-year master's program for people with a law degree. Individuals with higher non-legal education, after studying for three years, could also obtain a law degree. Students who successfully completed the course and defended their master's degree were awarded the educational qualification level "Master of Law" and awarded a diploma of the Taras Shevchenko National University of Kyiv in the specialty "Law".

Since 1998, the Ukrainian Center for Legal Studies has offered a ten-month intellectual property law program for people with higher education and those attending 4-5 courses of higher education. The program met the requirements for special education in the field of intellectual property, which is required to pass the qualifying examination for the right to engage in the activities of a patent attorney.

In the same year, there was another certification program for a two-semester internship program, which helped to improve the skills of young teachers of law in higher education in Ukraine.

In 1999, the Department of Municipal and Administrative Law was established to introduce specialization of students in the field of municipal, administrative and financial law.

The latest achievements of the Ukrainian law school and world heritage were used in the educational process, such new branches of law as constitutional, municipal, commercial, comparative law and the law of the European Union were studied in depth [28].

The peculiarity of the Ukrainian Center for Legal Studies was the implementation and development of such promising projects as the annual European Studies (Summer Schools in European Law) and essay competitions on European issues among students and graduate students of Ukrainian universities. The activities of the Legal Aid Clinic for the poor, the introduction of a series of public lectures, the creation of Debate and Intellectual Clubs were organized.

The Center initiated and annually held competitions for L. Yuzkov and V. Sumin prizes among students and graduate students of higher law schools; organized and conducted selection competitions for high school graduates for internships in international colleges in Norway, Italy, Canada, Great Britain, etc.; held a competition for a scholarship from the Central European University to obtain a master's degree in law for graduate students and graduate students of higher law schools in Ukraine.

The teachers of the Center were well-known lawyers, professors of Kyiv National University. Taras Shevchenko, leading scientists of the Institute of State and Law and specialists who have undergone long internships in leading legal institutions in Europe, Canada, America, where they not only acquired new knowledge but also mastered new teaching methods.

The Center has collaborated extensively with foreign law schools such as Duke University, Samford University (Belgium), the University of Alberta, McGill University (Canada) and the Central European University.

## CONCLUSIONS

The implementation of all these measures will contribute to both the far-reaching goals of Ukraine and the pragmatic interests of the EU, will be useful to all participants in the near future, not to mention the long-term prospects for a truly united Europe.

Recognition of European integration as a strategic foreign policy priority of Ukraine, signing of the Association Agreement between Ukraine and the EU, adoption of the new Law of Ukraine "On Higher Education", development of the Concept of Higher Education Development for the period 2015-2025. put forward new urgent tasks for higher education on the way to the European and world educational space to ensure high-tech and innovative development of the country, the needs of society, the labor market in qualified professionals. It is known that the problem of innovative development is given considerable attention, as evidenced by the powerful regulatory framework governing innovation in Ukraine:

• Law of Ukraine "On Innovation";

• Resolution of the Cabinet of Ministers of Ukraine "On approval of the State

target scientific, technical and social program "Science in

universities "for 2008-2012";

- Law of Ukraine "On Priority Areas of Science and Technology Development";
- Law of Ukraine "On priority areas of innovation in
- Ukraine ";
- Law of Ukraine "On Higher Education";
- Law of Ukraine "On State Regulation of Activities in the Sphere technology transfer ";

• Decree of the President of Ukraine "On the Strategy of Economic and Social Development of Ukraine" Through European Integration "for 2004-2015";

• Order of the Cabinet of Ministers of Ukraine "On approval

Concepts of development of the national innovation system ";

• The state budget of Ukraine for 2015 etc.

It should be noted that in the new Law of Ukraine "On Higher Education" the key is the innovative component of the activities of higher education institutions. In particular, Articles 65,66,67,68 define organizational and legal forms of innovation implementation, make changes to the financial independence of higher education

institution. The implementation of the law will contribute to the integration of Ukraine into a single educational space, without which it is impossible to raise the issue of recognition of Ukrainian diplomas in the world, continuing education of students and graduate students at foreign universities.

The main task of scientific and innovative activities of the university is the acquisition of scientific knowledge through research and development and their focus on the creation and implementation of new competitive technologies, ensuring innovative development of society and training of innovative type

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