

7. Political and legal convergence of EU countries as an example for Ukraine

Annotation

European integration is a natural and logical path for the European Ukrainian nation. Other alternatives are absent or unprofitable. It has been proven that membership in the European Union contributes to the improvement of quality standards of all state institutions and modernizes the country's legal system. Since the second half of the 20th century, integration processes have intensified all over the world. Isolation is neither possible nor profitable for every country. The advantages of political rapprochement and the inevitability of the disappearance of borders have been proven.

The author made an attempt to analyze the historical process of unification of legal institutions of European states. This process can serve as an example for Ukraine and other countries that intend to join the European Union. Treaties regulating relations between Ukraine and the EU have been considered. Ukraine's fulfillment of requirements for deepened political and legal integration into the European family is analyzed.

The European Union (EU) dates back to the 1950s. Robert Schuman, while in the position of Minister of Foreign Affairs of France, proposed an advanced idea of the political and economic union of Europe, which was to be based on a common market for coal and steel products of France and West Germany. This union was to become a guarantor of strengthening peace and stability in Europe and prevent military conflicts between Europeans. His proposal was called the "Schumann Plan" in history.

R. Schuman's declaration marked the beginning of a united, stable and peaceful Europe that was to recover after two devastating world wars. At the Milan summit in 1985, the leaders of the EU countries decided to celebrate the day of the proclamation of R. Schuman's declaration as Europe Day. So, May 9 became the birthday of the European Union and now every year it is celebrated as Europe Day, which also, in accordance with the Decree of the President of Ukraine dated April 19, 2003 to confirm

the strategic course of our country for European integration, has been celebrated in Ukraine since 2003, but not on May 9, and a little later – on the third Saturday of May.

However, later Europe Day turned into a whole series of events that last about a month in different cities. The Ukrainian Days of Europe have an informative and entertaining character.

In the 21st century, the European Union has become the world's largest integration group. It includes 28 countries with half a billion people. According to research results, 81% of all residents of the European Union are satisfied with their current life. The percentage of dissatisfied people remains at the level of 4%.

According to some forecasts, in the future the European Union will turn into something resembling the "USE" (United States of Europe). Citizens of the member states of the Union are simultaneously citizens of the entire European Union. Europe will be heard if it speaks with one voice. No European country can currently play as a global actor. One of the former leaders of the European Union, Joseph Manuel Barroso, in his speech "Situation in the Union" said: "either we swim together or we sink alone" [1, p. 15].

The EU is one of the three main and most developed centers of the modern world, along with the United States of America and Japan. If you add up the economies of its member countries, it is the largest economy in the world. The European Union accounts for 20% of world trade. It produces one quarter of the world's gross national product, which totals more than 10,000 billion euros. The European Union holds the leadership in the level of trust of citizens. According to this indicator, it is ahead of the national governments and parliaments of the member countries.

It is represented by 55,000 peacekeepers outside the European Union. It is the world's largest donor of development and humanitarian aid, has a significant potential for rapid response [6, p. 4]. The European Union provides more than half of all world aid. In 2009, EU development aid amounted to 49 billion euros.

Today, the European Union (European Commission and member states) is one of the largest providers of humanitarian aid in the world – 75% of its global volume. In 2010, the European Union allocated 1.1 billion euros for humanitarian aid. He

helped 140 million people. One of the key priorities of the Union is the equalization of the standard of living in the member countries. Almost three quarters of the EU budget – more than 100 billion euros – goes to this.

One of the most important and costly spheres of activity of the EU is the common agricultural policy. The European Union allocates more than 40% of its budget to its support. Thus, the average Polish farmer receives support from the European Union at the level of 11 thousand zlotys per year, the same amount from the budget of the Commonwealth of Independent States [13, p. 8].

EU countries are among the leaders in terms of competitiveness. The traditional Global Competitiveness Rating was published by the World Economic Forum, a non-governmental international organization. Five EU countries are in its top ten. 21 of 28 are in the top fifty. A total of 139 countries were evaluated.

One of the most impressive evidences of the success of European integration is the creation of a single European Bank - the departure of the Italian lira, the German mark, the Portuguese escudo, the French franc, and the Austrian schilling into the past. The single European currency, the euro, became a reality on January 1, 2002. This is a unique phenomenon in world history. The euro has replaced currencies that over the long period of their existence have become not only a symbol of national sovereignty, but also a means of supporting state independence. Currently, the euro zone includes 18 European countries with a population of 330 million people. The euro has become the second most important currency in the world, as the combined gross domestic product of the eurozone countries is second only to the United States. The American economy accounts for about a third of the global economy, and the countries of the Eurozone account for only a fifth [11, p. 96].

A mandatory element for states that have become members of the European Union. One of the symbols of the success of European integration and its concrete achievements for the benefit of ordinary citizens is the Schengen border agreement. A Schengen visa issued by one of the parties to the agreement is valid on the territory of all participating countries. It facilitates the free (visa-free) movement of citizens within the Schengen area.

The introduction of a visa-free regime allows citizens of Ukraine to travel freely in Europe and feel like members of a large European family. Statistics show that in 2013, according to various data, from 77% to 85% of Ukrainians have never been to the countries of the European Union. Although in 2012, for the first time, Ukraine recorded a larger number of its citizens working and temporarily employed in EU countries than in Russia [4, p. 6].

The introduction of a visa-free regime for citizens of Ukraine was a historic decision. In this context, the transition to the second phase of the action plan, which brings closer the achievement of this key goal, is an important event. The nation that did not lower its blue-and-starred flags during the most difficult time of the confrontation on the Maidan deserved the abolition of visa barriers.

The European Union cooperates with NATO. Despite their different origins (NATO was created as a defense alliance, and the EU as a coal and steel union), today the two organizations have become much closer and complement each other in many ways. Thus, of the 27 countries that are part of the European Union, 22 are also NATO members.

According to the data of the State Statistics Committee, the European Union holds the largest share in the total volume of direct foreign investments that Ukraine has received since 1991, that is, the EU remains the largest investor in the economy of Ukraine. During the years of independence, out of 58 billion dollars of direct foreign investments that entered the economy of Ukraine, 44.4 billion (76.4%) were from EU countries [5, p. 6]. After the large-scale invasion of Russia in 2022, EU financial support has increased and is critical for Ukraine.

The European Union allocates significant funds for the development of culture. The European program of cultural development has been developed. With a budget of about 400 million euros, this program is designed to develop the dialogue of cultures, the mobility of European workers in the field of culture, and promote the circulation of intellectual and artistic products.

Every year, the European Union determines the European capital of culture. Being the cultural capital of Europe is not only honorable, but also beneficial. This

means bringing the cultural life of the city to a new level, including with the help of funds received from the European Union.

The European Union is one of Ukraine's largest trade partners. Since the beginning of the current century, the total turnover between Ukraine and the EU has more than tripled [7, p. 12]. Ukraine is the fifth largest trading partner of the 12 new EU members. The main partners in both export and import of goods remain Germany (it ranks first), followed by Italy, and in third place – Poland. The free trade zone will significantly expand the access of Ukrainian goods and services to the EU single market. It should create practically the same conditions for trade between Ukraine and the EU as for trade within the Union.

The basis of the Western model of development is the middle class. Small business is the backbone of the EU economy, a key source of jobs and an incubator of business ideas. In the countries of the European Union at the end of the 20th century, there were more than 18 million enterprises. Small and medium-sized enterprises accounted for 98.8% of them. They produce half of the gross domestic product of the countries of the European Union and provide work for almost 66% of the European population [8, p. 42].

Practice has proven that small business is the most viable. It is the most dynamic and the least bureaucratized, sensitive to the current situation, and more easily adapts to any changes. Small and medium-sized businesses are the economic basis of patriotism and national self-awareness. He is economically interested in the existence of a strong national state that protects his interests both domestically and internationally. The middle class should become the main bearer of innovative ideology, innovative psychology, and innovative society. It is a matter of great political, economic and social weight – strengthening its position, bringing its specific weight in society to the indicators of the EU countries. This is how the countries that achieved the most tangible results developed. A society in which the share of the middle class in the population structure is not lower than 70% is considered stable [2, p. 20].

In the EU countries, the rule of law is ensured, and violators of the law are held accountable in court, regardless of their social status or material wealth. And although not a single state has yet completely gotten rid of corruption, the EU countries occupy a prominent place among the twenty least corrupt countries in the world.

As the experience of all countries that have joined the EU since 2004 shows, membership in this organization leads to the improvement of society, greater control of politicians, reduction of corruption, and ensuring equality of citizens before the law. Currently, the European Union, through the European Instrument for the Promotion of Democracy and Human Rights, finances more than a thousand projects in about a hundred countries of the world, the purpose of which is the protection of human rights.

The European Union is Ukraine's largest donor. Since 1991, he has provided her with assistance in the amount of more than 3.3 billion euros [10, p. 15].

Currently, there are 115 Euroregions operating in Europe. They are created for the purpose of solving common problems of the life of territorial communities, in particular, raising the standard of living of the population of border areas, building communication infrastructure, cooperation in the fields of economy, trade, education, health care, tourism, sports and culture, environmental culture. Within the Euroregion, customs barriers and obstacles to the movement of labor are often virtually eliminated. Germany, the Czech Republic, Hungary and Poland have achieved significant results in the development of Euroregional cooperation. There, Euroregions are created along the perimeter of the borders of these states [17, p. 118]. Ukraine takes a fairly active part in the creation of Euroregions.

The European Union became closer to Ukraine thanks to the former Soviet republics in its composition and a powerful Slavic element in the form of four states related to Ukraine in terms of language, culture and traditions – Poland, Slovakia, the Czech Republic and Slovenia. Bulgaria and Croatia are Slavic countries. In addition, hundreds of thousands of ethnic Ukrainians have been living in these and other new EU countries for a long time. This, first of all, explains the popularity of the Ukrainian language there. According to the European Commission, almost 2 million residents of the European Union know the Ukrainian language [12, p. 32].

A factor of cultural affinity of strategic importance between the European Union and Ukraine is the multi-confessional nature of predominantly Christian Ukraine. Moreover, about six million Ukrainians are Eastern rite Catholics (Uniates) and Roman Catholics. As for Ukrainian Orthodoxy with its Kyiv shrines revered by all the Orthodox world and tens of millions of believers, after the accession of Romania and Bulgaria to the European Union, Ukrainians will feel an additional component of their cultural kinship with the population of the European Union countries.

The integration experience of the countries of Central and Eastern Europe and the growth of the well-being of their citizens convincingly confirm the conclusion that the future of Ukraine should be in a united Europe. Where there is Ukrainian interest, there should be Ukrainian policy. The EU modernizes the entire society, political life and economy of the countries that join it.

The European Union is a unique international structure. It combines features of an international organization and a state, but legally it is neither one nor the other. It is an association of democratic European countries working together for peace and prosperity.

Barriers that hindered the free movement of people, goods, services and capital are disappearing between the member states of the Union. Borders are a violation of the human right to free movement. In the 90s of the last century, it became easier to move around Europe, as passport and customs checks at most of the EU's internal borders were abolished. An important consequence of this was the increase in the mobility of European citizens. Since 1987, with the support of the EU, more than a million young Europeans have been able to study abroad.

In 2009, the European Union planned to approve a decision on a "blue card" for highly qualified migrants. The card is a special residence and work permit. It provides a number of socio-economic rights and favorable conditions for family reunification to a highly qualified third-country national. In addition, this map provides simplified access to the European labor market [9, p. 25]. According to some forecasts, in the future the European Union will turn into something resembling the USE (United States of Europe).

Citizens of the member states of the Union are simultaneously citizens of the entire European Union. The constituent bodies of the EU are authorized to create rules, regulations, and directives that are mandatory for all member states. Relations between EU countries are based on voluntary limited sovereignty and the admission of outside intervention in case of violation of agreements [18, p. 54]. All governments now recognize that the era of absolute national sovereignty is a thing of the past. Only as a result of joining efforts and work can you enjoy the advantages of economic and social progress, become a more influential force. The EU is neither a superpower nor a purely intergovernmental organization. This is a community of developed states that profess common human and democratic values, retain their sovereignty, but deliberately delegate part of it in order to jointly achieve power and influence that none of them would achieve alone. Europe will be heard if it speaks with one voice. All decisions and procedures of the European Union are based on treaties approved by all EU countries.

A mandatory element for states that have become members of the European Union is the Schengen Borders Agreement. Today, the word "Schengen" is one of the symbols of the success of European integration and its concrete achievements for the benefit of ordinary citizens. The Schengen Agreement was signed on June 14, 1985 by France, Germany, Luxembourg, Belgium and the Netherlands in the Luxembourg town of Schengen, located on the border with France and Germany, which was chosen as the signing site due to Luxembourg's EU presidency at the time. By 1995, when the document entered into force, Spain and Portugal joined the five named countries. Further expansion of Schengen continued as follows:

1997 – Austria and Italy;

2000 – Greece;

2001 – Denmark, Iceland, Finland, Sweden, Norway;

2007 – Poland, Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Hungary, Slovenia.

A Schengen visa issued by one of the parties to the agreement is valid on the territory of all participating countries. The signing of the Treaty of Amsterdam in 1997

guarantees that EU enlargement will not weaken the protection of the Union against imports of goods at dumping prices, illegal migration and organized crime and will facilitate the free (visa-free) movement of citizens within the Schengen area.

The Schengen zone covered the territory of fifteen European countries. These are Austria, Belgium, Germany, Greece, Spain, Italy, Luxembourg, the Netherlands, Portugal, France, Denmark, Iceland, Norway, Finland and Sweden. The Schengen zone includes two countries that are not members of the EU - Iceland and Norway. Great Britain and Ireland are not members of the Schengen Agreement. They are part of the Schengen Information System. On December 21, 2007, 8 new states that joined the EU in 2004 joined the Schengen zone. These are Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Hungary, and the Czech Republic. In December 2008, Switzerland joined the Schengen zone together with Liechtenstein and became, respectively, the 25th and 26th countries - its participants. They became the third and fourth states that are not members of the EU, but are part of Schengen. Switzerland's citizens decided to join the Schengen area in a referendum in June 2005. Schengen visas are open to Malta.

At the same time, in fact, there are many more countries participating in the Schengen visa area than there are signatories to the agreement. With a Schengen visa, you can travel to Monaco, San Marino, Greenland, and the Faroe Islands. They have no border control with their neighbors who have entered the Schengen zone. These mini-states became members of the zone automatically. And with the accession of Switzerland, Liechtenstein became such a country. In general, thanks to the Schengen agreement, free movement is possible in the territory with the length of the external sea border of 42,673 km, the land border – 7,721 km. Candidates for joining the Schengen area are Romania, Bulgaria and Cyprus.

At the Paris summit, which took place on September 9, 2008, along with the decision on the association of Ukraine with the EU, a visa dialogue was launched, aimed at establishing a visa-free regime for Ukrainian citizens visiting the EU for a short period of stay, i.e. up to 90 days. In 2008, the Agreement on simplification of the visa procedure entered into force. This gave a positive result. Fees for visas are reduced for all citizens, a third of applicants receive them for free. Multiple-entry visas are

granted more widely to such categories as journalists, businessmen, family members of Ukrainians living in the EU, regular participants of academic exchanges.

In November 2010, the European Union provided Ukraine with an action plan regarding the visa-free regime. This document clearly outlined the conditions that the Ukrainian authorities must fulfill in order for the visa-free regime to become a reality. The visa liberalization action plan is divided into two implementation phases. As part of the first phase, Ukraine must make the necessary changes to the current legislation, and in the second phase, implement the adopted legislative changes in practice. Currently, Ukraine is in the stage of completion of the first phase. Citizens will be able to feel the results of visa liberalization immediately after the approval of the relevant documents and feel it firsthand. the introduction of a visa-free regime will allow citizens of Ukraine to travel freely in Europe and feel like members of a large European family. Statistics show that in 2013, according to various data, from 77% to 85% of Ukrainians have never been to the countries of the European Union. Although in 2012, for the first time, Ukraine recorded a larger number of its citizens working and temporarily employed in EU countries than in Russia [4, p. 6].

At the same time, the Council of the EU adopted a decision to grant visa-free regime to Albania and Bosnia and Herzegovina. Thanks to this decision, citizens of these countries who have biometric passports can freely make short-term trips to Schengen countries. In total, citizens of 41 countries can now visit Schengen countries without visas [16, p. 16].

Among the main results on the way to European integration is the adoption of about 90% of the legislative acts necessary for the transition to the implementation stage of the implementation of the Action Plan on the liberalization of the visa regime with the EU. [14, p. 2].

Currently, out of 194 independent states of the world, Ukrainians can visit less than a quarter without a visa. Today, according to data from open sources, Ukrainians can enter the territory of 45 countries without visas.

In particular, 10 countries of the former USSR do not require visas for citizens of Ukraine: Azerbaijan, Belarus, Armenia, Georgia, Kazakhstan, Kyrgyzstan,

Moldova, Russia, Tajikistan, Uzbekistan. Visas are also not required for five European countries: Albania, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia. It should be noted that the latter canceled visas for Ukrainians only until March 15, 2014. Ukrainians and eight North American countries do not require visas. In particular, these are Antigua and Barbuda, Barbados, Haiti, Honduras, Guatemala, Nicaragua, El Salvador and Jamaica. In South America, five countries do not require visas from citizens of Ukraine: Argentina, Brazil, Ecuador, Paraguay and Peru.

Ukrainians can also visit nine Asian countries without visas: Brunei, Israel, South Korea, North Korea, Malaysia, Mongolia, Myanmar, East Timor, Turkey. From African countries, the visa-free regime for Ukrainians is valid only in Swaziland and Tunisia. Ukrainians can also visit five countries in Oceania without visas: Samoa, Tonga, Tuvalu, the Federated States of Micronesia and Fiji. In 42 countries of the world, Ukrainians can obtain a visa directly at the border upon entering the respective country. To enter other countries, Ukrainians need to issue visas in advance at consulates [15].

On May 27, 2014, the European Commission concluded that Ukraine has created all the necessary legislative, political and institutional frameworks and achieved compliance with the requirements of the first phase of the visa dialogue. Therefore, it is possible to start the second phase, within which the European Commission will check the implementation of all these rules. The proposal to move to the second phase is primarily a recognition of important legislative reforms adopted in March-May 2014. Unfortunately, it took Ukraine three and a half years to complete the legislative phase.

The second phase of the Action Plan provides for the implementation of all laws necessary for the liberalization of the visa regime adopted in the first phase. Among them, adopted by the Verkhovna Rada of Ukraine on May 13, 2014: Law "On Amendments to the Law "On Refugees and Persons in Need of Additional or Temporary Protection"; Law "On Amendments to Certain Legislative Acts of Ukraine in the Field of State Anti-Corruption Policy in Connection with the Implementation of the Action Plan on the Liberalization of the Visa Regime for Ukraine by the European Union"; Law "On Amendments to Certain Legislative Acts of Ukraine (Regarding

Prevention and Counteraction of Discrimination in Ukraine)"; The Law "On Amendments to the Laws of Ukraine, Related to the Activities of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights in the Field of Personal Data Protection" [3, p. 3].

It is worth noting: the hope that the second stage of the Action Plan will be simpler and will take several months is not unreasonable, since the implementation of such a regime will depend on only one branch of government - the executive. And the most important thing in the second phase may be the start of issuing biometric passports to citizens (the document contains a built-in chip with information about a person - his photo, fingerprints, other data).

The resolution of the Cabinet of Ministers of Ukraine dated May 7, 2014 approved the sample form, technical description and procedure for issuing, issuing, exchanging, sending, withdrawing, returning to the state, destroying the passport of a citizen of Ukraine for traveling abroad with a contactless electronic medium. Issuance of biometric international passports began on January 1, 2015.

The introduction of a visa-free regime for citizens of Ukraine was a historic decision. In this context, the transition to the second phase of the action plan, which brings closer the achievement of this key goal, is an important event. After going through a thorny path, on February 28, 2022, Ukraine submitted an application to join the European Union at the most difficult time for itself, and therefore deserves the abolition of all barriers as soon as possible.

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