

Implementation of the Association Agreement with the EU by adapting Ukrainian legislation to EU law

Nataliia Parkhomenko*

Doctor of Law, Professor

V.M. Koretsky Institute of State and Law of National Academy of Sciences of Ukraine
01001, 4 Tryokhsviatitelska Str., Kyiv, Ukraine
<https://orcid.org/0000-0002-5870-9261>

Tetiana Podorozhna

Doctor of Law, Professor

Lviv University of Trade and Economics
79008, 10 Tuhan-Baranovskyi Str., Lviv, Ukraine
<https://orcid.org/0000-0003-0502-950X>

Tetiana Tarakhonych

Doctor of Law, Senior Research

V.M. Koretsky Institute of State and Law of National Academy of Sciences of Ukraine
01001, 4 Tryokhsviatitelska Str., Kyiv, Ukraine
<https://orcid.org/0000-0002-1586-5088>

Stanislav Husarev

Doctor of Law, Professor

National Academy of Internal Affairs
03035, 1 Solomjanska Sq., Kyiv, Ukraine
<https://orcid.org/0000-0001-8568-3362>

Olena Biloskurska

PhD in Law, Associate Professor

Yuriy Fedkovych Chernivtsi National University
58012, 2 Kotsubynsky Str., Chernivtsi, Ukraine
<https://orcid.org/0000-0003-1005-2165>

Abstract. Ukraine's integration into the European Union (EU) is one of the most important areas of the State's development, and therefore one of the conditions for rapprochement between Ukraine and the European Community, as well as a condition for accession to the EU, is the adaptation of Ukrainian domestic legislation to the EU acquis. The purpose of the study was to identify the peculiarities and problematic aspects of the implementation of EU law in national legislation. The research methods used were: historical, periodisation, formal legal and problem analysis methods. The study examined the peculiarities and problems of adaptation of Ukrainian legislation to EU law. The study found that the legislation is being adapted on the basis of the Association Agreement between Ukraine and the European Union, which includes the European Atomic Energy Community and its member states. The implementation process involves the transposition of EU norms into national legislation, while adaptation is the alignment of national law with EU legislation. The current legislation provides for three stages of adaptation of legislative norms, which aim to harmonize with EU law as much as possible. As implementation is a rule-making process, it involves a certain sequence of actions. In particular, it includes the establishment of the *acquis communautaire*, the creation of a list of legislative acts to be adopted and their preparation for adoption, monitoring of implementation and other sequential actions. In addition, the process of adaptation should

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Corresponding author



be based on the principles of compliance with EU directives, the principle of voluntariness, clarity of terminology and completeness. Among the factors that are obstacles to implementation are the following: Russian aggression, institutional failure of state bodies, high level of corruption, numerous conflicts in legislation

Keywords: European standards; EU accession criteria; mechanisms of legislative approximation; European integration; rule of law; harmonization of law

Introduction

Today, European integration is a civilizational choice of the Ukrainian people, and is the main goal and priority of the development of Ukrainian statehood. This choice of the Ukrainian people was confirmed by the Revolution of Dignity and enshrined in the Constitution of Ukraine (1996). European integration is an opportunity for the country to develop in line with current global trends and improve the welfare of the Ukrainian people. It is obvious that Ukraine has come a long way in the process of approximation to European values and has moved to a completely new stage of relations with the European Union since the signing of the Association Agreement with the European Union (EU). Of course, Ukraine's ultimate goal is membership in the European Union, which is impossible without fulfilling specific conditions. The procedure for implementing European law into national legislation is specific and individual for each country and is accompanied by certain challenges and problems. Implementation means the introduction of European standards into national legislation, which should ensure the rule of law, social protection of the population, economic growth, high living standards, clean environment, quality food and other guarantees that ensure decent living conditions (Bunyk, 2023). Ukraine is no exception, especially when it comes to adapting national legislation to meet the needs of wartime. In the period of active reform of legislation and legal institutions in Ukraine, it is extremely important and relevant to study certain features and problems that stand in the way of European integration.

Both domestic and foreign scholars have studied the issue of implementation of EU legislation into the national law of the states wishing to obtain EU membership. Most scholars in their works consider the general criteria for EU accession. For example, such scholars as K. Lenaerts (2020), L. Dirk *et al.* (2022), and P. Akaliyski *et al.* (2022) have studied the general features of European integration, and are searching for ways of such integration that will be relevant and universal for all states. The papers analyse the EU policy areas that directly affect the integration process, examine theoretical approaches to the definition of European integration and their application to key areas of EU policy. The researchers conclude that the basis for the practical implementation of integration with the EU is the rule of law and its unconditional observance in all countries involved in the European integration process. The conclusions of these studies confirm that integration should be based on strong and democratic principles, in particular, the rule of law, including the principle of judicial independence.

Such scholars as T. Yildız (2023), D. Fiott (2023), and O. Maltsev (2023) considered in their scientific works the issue of Ukraine's ability to implement European integration in the current conditions of martial law, and raised the issue of integration into the EU in the field of defence and security. The authors T.A. Börzel (2023) and E. Kiseleva (2023) examine the current preconditions that may become the basis for Ukraine's integration into the EU and

analyse the prospects for its implementation in the context of current conditions. The authors conclude that the Russian aggression on the territory of Ukraine has significantly changed the process of European integration and adaptation of legislation, as now all further steps towards EU membership and all legislative changes must be made taking into account all the difficult circumstances and challenges associated with martial law. The authors of these studies believe that in the context of social, cultural, and economic prerequisites, Ukraine is already effectively integrated into the EU, but that a number of formal conditions need to be met to complete this process, which certainly include significant changes in national legislation.

Given that the conditions for implementing significant legal reforms in Ukraine are extremely dynamic and complex, there is not enough detail in scientific works on how to adapt Ukrainian legislation to EU law, nor is there enough research on the obstacles to reforming legal norms for the purpose of European integration (Trykhlil, 2019). Therefore, the purpose of this study is to identify the main ways and peculiarities of legislative adaptation and to identify obstacles to the implementation of EU law into national law. The objectives of this study are to distinguish between the concepts of implementation and adaptation, to identify the main legislative acts regulating the implementation process, to study the main stages and principles on the basis of which Ukrainian legislation is adapted to EU law, and to identify problematic aspects and obstacles to full harmonization, and to identify possible ways to eliminate such obstacles.

Materials and methods

In the course of the research, the authors studied the legal acts regulating the process of adaptation of Ukrainian legislation to EU law. Such legislative acts include, in particular, Law of Ukraine No. 1629-IV "On the State Programme for Adaptation of Ukrainian Legislation to the Legislation of the European Union" (2004), Resolution of the Verkhovna Rada of Ukraine No. 3360-XII "On the Main Directions of the Foreign Policy of Ukraine" (1993), Resolution of the Cabinet of Ministers of Ukraine No. 1365-2004-p "Some Issues of Adaptation of Ukrainian Legislation to the Legislation of the European Union" (2004), Resolution of the Cabinet of Ministers of Ukraine No. 1496-99-p "On the Concept of Adaptation of Ukrainian Legislation to the Legislation of the European Union" (1999), Decree of the President of Ukraine No. 278/2004 "On the Concept of Adaptation of the Civil Service Institution in Ukraine to the Standards of the European Union" (2004); Order of the Cabinet of Ministers of Ukraine No. 847-2014-p "On the Implementation of the Association Agreement between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and their Member States, on the Other Hand" (2014), Resolution of the Verkhovna Rada of Ukraine No. 2298-IX "On the Appeal of the Verkhovna Rada of Ukraine to the Member States of the European

Union and its Institutions to Support the Granting of Candidate Status to Ukraine for Accession to the European Union” (2022).

Firstly, the study examined Ukraine’s path to European integration and identified the legislative acts that were adopted to implement EU legal norms into the Ukrainian legal system. The next stage of the research was to identify the main criteria for Ukraine’s accession to the EU and the place of legislative adaptation among these criteria, after which the main concepts related to implementation and adaptation were investigated, and these concepts were delineated for a more specific study of the issue in the future. The main methods used at this stage of the study were the historical method and the terminological method.

The next stage was to study the main ways and methods of implementing legal norms and to investigate the stages of adaptation of Ukrainian legislation under the current regulatory acts. An important stage of the study was to determine the sequence of adaptation of legal norms to EU law and to determine the levels of harmonization of the Ukrainian legal system with EU law. Having studied the provisions of the Association Agreement, the main principles of legislative transformation that must be followed to ensure effective implementation of EU law were identified. To implement this stage of the study, the periodisation method and the formal legal method were used.

At the final stage of the research, the problematic analysis method was used to study the problematic aspects that arose in the process of implementing the requirements of the EU-Ukraine Association Agreement. In addition, practical steps that have already been taken on the path to European integration were studied and recommendations for further steps for effective implementation and adaptation in the current environment were identified.

Results

The process of implementing European law into Ukrainian legislation is inevitable in the course of European integration. Since the declaration of independence, Ukraine has been actively reforming its legislation to harmonize it with EU norms and standards. The most important step towards European integration is its legislative regulation.

For the first time, Ukraine’s development orientation towards the EU was enshrined in Resolution of the Verkhovna Rada of Ukraine No. 3360-XII “On the Main Directions of the Foreign Policy of Ukraine” (1993), which stated that Ukraine’s main goal was to become a member of the European Communities, provided that this did not harm its national interests. An important milestone in the European integration process was the signing in 2014 of the Association Agreement between the European Union and its Member States, of the One Part, and Ukraine, of the Other Part (2014), which is already part of Ukrainian legislation. In addition, Resolution of the Verkhovna Rada of Ukraine No. 2298-IX (2022) stipulates that granting Ukraine this status and further integration into the EU will provide an opportunity to create a peaceful and secure environment in Europe. And on 23 June 2022, the European Council decided to grant Ukraine the status of an EU candidate, which opened up extremely great prospects for Ukraine and became a historic decision. In turn, this decision imposes certain obligations on the state, the most important of which are the adaptation of Ukrainian legislation to EU norms

and standards, as well as the implementation of legal, political, socio-economic and institutional reforms aimed at creating and consolidating a democratic system in society.

The EU accession criteria for Central and Eastern European countries were defined back in 1993 and adopted by the European Council in Copenhagen, hence the name Copenhagen criteria. The purpose of this document is to create stable institutions that can guarantee the rule of law in the state and respect for human and civil rights; to create a functioning market economy and the ability to cope with the competing conditions of the European economy; and to fulfil the obligations arising from EU membership, which relate to political, economic, and social issues (Blockmans & Raik, 2022).

Thus, Ukraine’s successful integration into the EU depends on the fulfilment of the main Copenhagen criteria:

1. Political criteria: stable institutions capable of ensuring the rule of law.

2. Economic criteria: an active market economy and its ability to function in a highly competitive European environment.

3. *Acquis* criteria: the ability to take on and fulfil political and economic obligations (Barnard & Peers, 2023).

Obviously, the main mechanism for implementing EU norms into national law is the adaptation of Ukrainian legal norms following European law. It is important to clarify the concepts of implementation and adaptation. Implementation in the context of the study should be understood as the process of transposing EU norms into national legislation. Adaptation, in turn: is the process of bringing into line with EU law; acts as one of the means of universalization of law; is a law-making process; should be carried out in accordance with the national interest. Thus, it can be noted that legislative adaptation is one of the possible ways of implementing EU law, as it does not involve direct transfer of specific legislative acts, but rather the creation of new legal acts in accordance with EU requirements and standards.

Acquis communautaire (*acquis*) is the EU legal system, which includes legislative acts and other legal documents adopted within the European Community. When it comes to the adaptation of Ukrainian legislation to European norms, most scholars note that adaptation means bringing legal norms into line with the *acquis communautaire* (Gafuri & Muftuler-Bac, 2021). Implementation involves the transfer of EU legal norms and their reflection in national legislation. In turn, adaptation is a procedure for bringing Ukrainian legislation into line with the norms of the *acquis communautaire*. Thus, implementation is the very process of harmonizing Ukrainian legal acts with EU legislation that has been ratified by Ukraine.

The following ways of implementing legislation are distinguished: incorporation, which means that the international norms that are implemented are reproduced in national legislation without changes; transformation means transforming the text of international legal acts in accordance with general legal norms; reception, which provides for the full textual repetition of international legal norms by the legislature in a national legal act (Schimmelfennig, 2021). A resolution of the Cabinet of Ministers of Ukraine of 16 August 1999 approved the Concept of Adaptation of Ukrainian Legislation to EU Legislation. According to this Concept, there are three stages of legislative approximation, as shown in Table 1.

Table 1. Stages of adaptation of national norms of Ukraine to EU law

The first stage	The second stage	The third stage
Developing a legal system in Ukraine that can ensure stability in society and the rule of law Harmonization of national law with international legal norms Development of legislation in the identified priority areas	Review of Ukrainian legislation in certain areas to ensure compliance Ensure legal regulation of the establishment and functioning of the free trade area between Ukraine and the EU	Implementation of an expanded programme of approximation of Ukrainian legislation to EU legislation to ensure Ukraine's full integration

Source: compiled by the authors based on Resolution of the Cabinet of Ministers of Ukraine No. 1496-99-p “On the Concept of Adaptation of Ukrainian Legislation to the Legislation of the European Union” (1999)

To date, the adaptation of legislation is carried out on the basis of the Association Agreement between the European Union and its Member States, of the One Part, and Ukraine, of the Other Part (2014). This international legal agreement has become one of the largest international legal acts since Ukraine's independence and is a significant step forward in the process of European integration. The agreement identifies several sectors in which reforms are needed to ensure approximation to European standards and norms, including energy, transport, environmental protection, consumer protection, industry, social and cultural development, and equal rights of citizens. The economic part of the agreement covers the largest part of the agreement, called the Deep and Comprehensive Free Trade Area, which offers Ukraine much wider access to EU markets. In addition, the agreement provides for a political dialogue between the parties on reforms related to the introduction of democratic institutions and political association with the EU.

Actions aimed at approximation of Ukrainian legislation to EU legislation are expressed in lawmaking, planning, coordination, and control, and are ensured by the authorized bodies. Adaptation is an integral part of the integration process and is a condition for the harmonization of Ukrainian legislation with international legal norms and standards. Since adaptation is a rule-making process, it includes several successive stages, each of which has to achieve certain goals (Hetmantsev *et al.*, 2022). The current legislation provides for a certain sequence of adaptation of Ukrainian legislation to EU legal norms:

- identification of those acts of the *acquis communautaire* that regulate relations in a particular area in which changes are required (for example, Directive 2004/48/EC of the European Parliament and of the Council “On the Enforcement of Intellectual Property Rights” (2004));
- translation of these acts into Ukrainian (regulated by the Resolution of the Cabinet of Ministers of Ukraine No. 451-2023-p “On Approval of the Procedure for Translating into Ukrainian Acts of the European Union's *Acquis Communautaire* and into English Acts of Ukrainian Legislation Related to the Fulfilment of Ukraine's Obligations in the Field of European Integration” (2023));
- conducting a comparative analysis of legal regulation of relations in a particular area in Ukraine and the EU;
- formulating recommendations for bringing Ukrainian legislation in line with the *acquis communautaire*;
- analysing the economic, social and political consequences of the recommendations;
- creating a list of draft laws to be adopted in the process of integration;
- preparation of draft laws of Ukraine and other regulatory acts included in the list and their adoption;

- monitoring the process of implementation of Ukrainian legislation.

Thus, the adaptation of national legislation to EU law is one of the priority areas of Ukraine's state policy in accordance with Law of Ukraine No. 1629-IV (2004). However, adaptation does not mean replacing the existing norms with the European ones, but rather bringing Ukrainian legislation in line with the EU norms. In order to regulate this process, Ukraine adopted a number of legal acts, such as Law of Ukraine No. 1629-IV (2004), Resolution of the Cabinet of Ministers of Ukraine No. 1365-2004-p (2004), Resolution of the Cabinet of Ministers of Ukraine No. 1496-99-p (1999), Decree of the President of Ukraine No. 278/2004 (2004), Order of the Cabinet of Ministers of Ukraine No. 847-2014-p (2014) and others. However, it is worth noting that no single legislative act has been adopted so far that would clearly regulate the process of implementation and adaptation.

In theory, there are three levels of harmonization of Ukrainian legislation with EU legislation. The first level is minimal adaptation (covering only certain areas of legal regulation that are a priority for establishing economic cooperation and are not related to EU membership). The second level is moderate adaptation, which is expressed through the implementation of systemic economic or political reforms and is associated with the creation of a free customs trade area. The third level is the maximum adaptation aimed at joining the EU, and therefore has the most systemic and deeper character (Gstöhl & Frommelt, 2023).

According to the Strategy of Sustainable Development until 2020, approved by Decree of the President of Ukraine No. 5/2015 “On the Strategy of Sustainable Development “Ukraine-2020” (2015), Ukraine receives an order of its transformations through the ratification of the Association Agreement. Fulfilment of the requirements set out in the Agreement will allow Ukraine to become a full member of the EU. Adaptation of legislation is one of the main conditions for transformation in Ukraine, which will become the basis for all further transformations.

Given the conditions set out in the Association Agreement, the main principles of harmonization of Ukrainian legislation with EU law should be highlighted. The first is the principle of compliance of Ukrainian legislation with EU legislation in the form of regulations and directives. In Ukraine, regulations do not have direct effect, unlike in EU member states, so such compliance requires the creation of special legislative acts or, conversely, the repeal of laws that contradict the Association Agreement and other EU legislation. The second principle is the principle of voluntary approximation. In addition to mandatory legal acts that need to be amended or adopted, the Ukrainian party may voluntarily implement

approximation to EU acts not specified in the Association Agreement. This principle is related to the fact that EU legislation is extremely dynamic and the list of legal acts requires constant changes. In addition, Ukraine may not ratify legal acts that are not mentioned in the Agreement or that have already expired, in view of its own interests. The third principle is consistency of terminology. EU legal acts always begin with a preamble and have specific terminology that is not used in Ukrainian legislation. This should be considered in the course of lawmaking. The fourth principle is the principle of completeness. When creating new legal norms, the authorized persons should take into account not only EU regulations or directives, but should also take into account case law (Wagner, 2022).

The Association Agreement provides for some procedural methods of transposition of EU norms into Ukrainian law. These include the possibility for Ukraine to participate in EU programmes in education, culture, and science. Thus, Ukraine can participate in certain EU-funded programmes, provided that Ukraine adheres to European principles and values (Skichko, 2023). The Resolution of the Cabinet of Ministers of Ukraine No. 700-2016-p “On Approval of the Procedure for Initiation, Preparation, and Implementation of Twinning Projects” (2016) made a significant contribution to launching the mechanism of adaptation of Ukrainian legislation to the EU. Twinning, a technical assistance project from the EU, involves the organization of cooperation between public authorities of an EU member state and the relevant public authorities of Ukraine, which are the beneficiaries of the project. The aim of the cooperation is to exchange experience between the participants and provide assistance in public administration and the adaptation of Ukrainian regulations to EU legislation. Twinning projects can be of two types: classic and light. Twinning Classic provides for a duration of up to 36 months and a budget of up to EUR 2 million. Light Twinning provides for a duration of up to 6 months and a budget of up to EUR 250 thousand. The countries that are partners in Twinning projects benefit mutually, as they receive an exchange of experience and knowledge based on equal communication between partners on a peer-to-peer basis. The result of such a project is the implementation of the best practices of public authorities in EU member states, achievement of a significant level of compliance of national legislation with EU norms and standards, development, and adoption of adapted legislation, which is a prerequisite for the implementation of agreements reached between partners (common internal market, joint agreements, and action plans) (Torres-Adán, 2021).

Despite all the established mechanisms for implementing the adaptation of Ukrainian legislation to EU legal norms, Ukraine faces many obstacles on the path to implementing European legislation. It is worth noting the main problems of approximating Ukraine’s legal norms to the EU legal system, which include the absence in Ukraine of a single legal act that could fully regulate the implementation process, lack of stability and inconsistency of legal norms, significant discrepancies between national legal norms and EU regulatory legal acts, differences in personnel policies, and a gap in the historical and cultural development of legal systems (Petrović, 2022). Additionally, there is a significant level of corruption in the state sector in Ukraine, inadequate knowledge of European law, and a low level of language proficiency among those involved in adapting legal norms.

There are a considerable number of uncertainties regarding the interpretation of the content of EU acts, according to which Ukrainian legislation should be adapted (Shevchuk *et al.*, 2022). Certain national legal regularities in adopting legal norms that do not exist in the EU are often disregarded, and not all legal aspects of EU regulatory legal acts, such as the legal technology of adopting the document, the reasons for adopting the legislative act, and the features of its implementation, are taken into account. This may result in incorrect interpretation of national legislation norms.

Government policy should be consistent with the EU’s common democratic and economic values and ensure the proper formation of a deep and comprehensive free trade area (Barikova, 2024). Such achievements can only be made by building a competitive market economy and implementing international legal standards. In order to motivate Ukraine to achieve such long-term goals, the Association Agreement contains provisions on legislative approximation and so-called “conditionality clauses”. These provisions provide for Ukraine’s access to the EU’s internal market subject to Ukraine’s effective implementation of political, economic, and legal reforms (e.g., removal of obstacles to free competition, effective functioning of democratic institutions, implementation of market economy principles, elimination of corruption and the possibility of holding democratic elections). In addition, such “conditional reservations” imply constant monitoring of the reform process in Ukraine and the state leadership’s commitment to democratic principles (Schimelfennig *et al.*, 2023).

Despite the positive achievements in the process of adapting Ukraine’s national legislation to EU legal norms and implementing the Association Agreement, there is a problem of defining the foundations and principles of European integration processes. There is no system for harmonizing Ukrainian legislation with the EU *acquis*. A certain solution to this problem may be the formation of a new state European integration policy (Law of Ukraine No. 1629-IV, 2004), which will allow for more effective implementation of existing opportunities for cooperation and adaptation of Ukrainian legislation to the EU *acquis*. At the same time, Ukraine’s national interests related to the protection of the economic sphere should not be overlooked.

The main shortcomings of the Association Among the difficulties encountered in the implementation of the Agreement are ineffective planning of legislative approximation measures, non-compliance or improper implementation of certain planned measures, slow development and adoption of regulations to ensure implementation of the relevant provisions, non-compliance with the principle of transparency in the implementation process, partial adaptation of legislation, lack of coherence and even contradictions in the content of adopted legal acts, as well as insufficient public information on the results of implementation. Overcoming these shortcomings requires consolidation of efforts of all authorized actors, a balanced but prompt state policy in this direction, which will ultimately contribute to its implementation in due time.

There are also a number of other factors on Ukraine’s European integration path to the EU on the basis of the EU-Ukraine Association Agreement that only exacerbate the existing problems. Thus, the main factors that impede the timely and full implementation of the Agreement’s objectives include: Russian aggression; insufficient institutional

capacity of public authorities; ineffective implementation of the judicial reform; significant level of corruption in government agencies and imperfect activities of anti-corruption bodies; prevalence of political slogans over the rule of law; and numerous conflicting provisions (Yara, 2024).

In this regard, the problems associated with the implementation of EU law can be divided into two groups: objective and subjective. The first group includes those circumstances that do not depend on Ukraine and its political will, namely Russian aggression. The second group includes those circumstances that can be influenced by specific measures, and their effectiveness depends on political will and political decisions.

The main ways to address such problematic aspects include adapting the mentality of civil society to the new realities that exist in Ukraine and Europe; developing legal norms by scholars that could harmoniously combine the best practices and achievements of the past years and that would contain all the features of democratic European law; and conducting constant and fruitful cooperation between Ukraine and the EU and its member states (Tatsiy, 2021). In addition, it is important to organize well-coordinated cooperation between all branches of government; develop new and amend existing legislation that should be aligned with EU law; develop a Ukrainian-European glossary that would contain all legal terminology; engage foreign experts and use EU technical assistance to adapt Ukrainian legislation.

Despite the fact that there are many obstacles to the implementation of EU legal norms, Ukraine has already implemented quite a few measures to adapt legislation in certain areas of legal relations, in particular those identified as priorities in the Partnership and Cooperation Agreement (for example, competition rules, trade, industrial and customs legislation, intellectual property, technical rules and standards, etc.) Thus, certain legislative acts aimed at improving the business environment and complying with EU conditions and principles have been prepared and adopted.

However, it is necessary to further improve the current mechanism of adaptation of Ukrainian legislation to EU legislation, to ensure proper professional training of specialists who directly implement the process of approximation of national legislation with EU legislation; in some areas of law, it is necessary to codify legislation to bring it into a more systematic and unified form, and to systematize legislation in areas requiring approximation and translated into Ukrainian, namely European rules, standards, and regulations.

Thus, the process of implementing European legislation through the adaptation of legal norms of Ukrainian legislation is complex, multilevel, and voluminous. The success of Ukraine's integration into the EU directly depends on how efficiently and thoroughly the harmonization of legislative norms is implemented. After all, if we talk about common values, economic and customs area, it becomes clear that the legal framework must clearly meet common goals and interests. Adaptation is the main direction of implementation, which should be carried out in accordance with EU principles and should ensure economic, cultural, social development, and Ukraine's approximation to the EU legal system. Legislative harmonization should not only be carried out by amending legal acts, but also refers to a wider range of norms, standards, and rules that aim to ensure the rule of law and to embed European values in Ukraine. It is clear that adaptation is necessary and inevitable and should be carried out in stages, taking into account the needs and

interests of Ukraine. That is why, in order to fully regulate this process, it is necessary to adopt a single legislative act that would enshrine the Strategy for the adaptation of Ukrainian legislation to European norms in the current reality. It should also be concluded that despite certain difficulties in implementing EU law, Ukraine is confidently following the European integration path and implementing policies that clearly convey the aspirations of Ukrainian society to belong to the European community.

Discussion

The relevance and importance of the topic under study is confirmed by the fact that a significant number of leading scholars from around the world are engaged in studying this issue. Agreeing with the conclusions of foreign authors, this work focuses on the basic principles of lawmaking, which should be based primarily on the rule of law and other democratic principles. For example, the scientific work of K.L. Scheppele *et al.* (2020) is devoted to EU values. The authors emphasize how important it is for all EU member states to adhere to the rule of law and democratic principles, as these principles are the basis and backbone of the EU itself. The study, as well as S. Bulmer (2020), made certain conclusions that each EU member state has its own economic, geopolitical, and social characteristics, and therefore, the process of implementation and transformation of legal norms cannot be universal. Ukraine under martial law has its own significant peculiarities, which must be taken into account when taking further practical steps towards European integration.

This study reveals certain shortcomings and problematic aspects of the harmonization of legal norms between Ukraine and the EU. However, the new challenges and the struggle for European values that Ukraine is fighting for every day further emphasize the importance and necessity of Ukraine's membership in the EU. A. Sapir (2022) also examines the prospects of Ukraine's membership in the EU and draws a parallel with the countries of the Eastern Balkans. The author provides a comparative analysis of the process of accession of different countries to the EU, identifying different stages and periods. In addition, the author provides a legal analysis of Ukraine's capabilities to carry out the European integration procedure in the current conditions.

After reviewing the work of H. Lelieveldt and S. Princen (2023), who studied in detail the EU policy, the history of the EU, the basic principles on which the EU functions and accepts new members, this paper examines the general procedure of European integration. The paper attempts to understand the guiding principles on which the implementation of European norms should be based. In this study, the key point is that it is mandatory to comply with the fundamental principles when adapting legal norms, but the methods and procedure of such adaptation are chosen by each state independently. Again, this approach is related to the fact that it is impossible to create one effective mechanism for the implementation of European integration that is universal for all countries. A single mechanism would not be able to take into account the individual characteristics of each country. This opinion is based on the study of A. Zhelezkova *et al.* (2024), who devoted their work to the study of a differentiated approach in EU integration policy.

Some conclusions in this study are based on the experience of other countries. For example, M.A.Y. Khan and

F.M. Burfat (2022) examined in their research the prospects of Turkey's accession to the EU and analysed the problems that may arise as a result of such membership. According to the authors, Turkey's accession to the EU is the most controversial, as it will cause some religious, cultural and geographical problems on the continent. This paper has had a significant impact on the research, as the case of Turkey is quite illustrative in terms of studying the EU's policy in ambiguous situations.

This paper raises topical issues and problems that are also inherent in Ukrainian society, so, taking into account the experience of the Balkan countries, some practical recommendations can also be made to be taken into account in further European integration. Such experience is analysed in the work of E. Malaj (2020), who in her scientific article considered the European integration of the Balkan countries, in the context of which the problem of corruption and unemployment, which are the main problems of countries applying for EU membership, was analysed in detail. The author believes that the future of the Balkans lies in the EU and that, provided that the countries follow a specific European integration policy, they will be able to attract investment and increase jobs.

Unlike many academic papers, this study did not address specific areas that require legal adaptation. The peculiarities of legislative changes and harmonization of legal systems were considered in general, as the study of each area separately requires a much broader research. Some aspects of legal policy implementation were considered in W. Musiał *et al.* (2021), which examined EU energy policy against the background of increasing air pollution and environmental disasters. Legal policy in the field of the environment is also part of the European integration process, as preserving the natural environment and ensuring environmental safety is one of the EU's priorities and values.

The findings of this study make it clear that Ukraine's path to EU membership is complex and will be implemented gradually. In the context of European integration, Ukraine has open paths for gradual accession, which requires more than just political will, but real reforms and transformations. The authors' work allows clearly understanding the position of European society that there will be no accelerated accession to the EU unless Ukraine fulfils the mandatory conditions. In the scientific publication, G. Van der Loo and P. Van Elsuwege (2022) also analysed the prospects of Ukraine's accession to the EU in the context of full-scale military operations.

In the course of the study, the authors analysed the issue of Ukraine's path to European integration. This research paper, as well as the work by R. Van Elsuwege (2021), addresses the issue of ratification of the EU-Ukraine Association Agreement, as certain political and legal problems arose after the referendum on the approval of the Agreement by all members of the Union. This case set a new precedent for the ratification of a mixed agreement. This paper provides a better understanding of the legal processes involved in signing international agreements and preparing states for EU accession.

The recommendations presented in the paper were formulated on the basis of the analysis of the experience of other EU member states. Thus, the author studied the work of M. Hetmantsev *et al.* (2022), which conducted a comparative analysis of the civil procedure legislation of Estonia and Ukraine in the context of EU integration. The author investigated the relationship of civil procedural rules

in Estonian legislation with the European rules. Thus, this work has become an example of effective European integration. Estonia can become a vivid example to follow in the implementation of legal norms, since without studying international experience, implementation in Ukraine will be difficult and multi-stage.

Having studied a number of scientific works in the field of implementation of European legislation and European integration, it is worth noting that most authors study the specifics of European policy in general. Some scholars discuss EU integration within a specific area, such as energy or environment. In addition, many scholars are interested in the issue of Ukraine's prospects for joining the EU, given all the difficulties associated with armed aggression. What this study has in common with other research works is that it also examines the basic requirements for joining the EU, theoretical approaches, and methods of adapting Ukrainian legislation to implement European legal norms. However, unlike other studies, this research paper comprehensively examines the implementation of the Association Agreement into Ukrainian legislation, identifies the main problems and difficulties encountered along the way, and outlines certain practical recommendations that can be applied to remove such obstacles. After an overview of the legal framework governing the implementation of European legal norms, the author outlines the steps and achievements that have already been made on the path to European integration.

Conclusions

Implementation involves the transfer of EU legal norms and their reflection in national legislation. In turn, adaptation is a procedure for bringing Ukrainian legislation into line with the norms of *the acquis communautaire*. Adaptation does not mean literally replacing legal norms, but implies harmonizing legislative acts in accordance with European ones and is carried out in a certain sequence: establishment of those acts of *the acquis communautaire* that regulate relations in a particular sphere where changes are necessary; translation of the specified acts into Ukrainian; conducting a comparative analysis of the legal regulation of relations in a particular sphere in Ukraine and in the EU; forming recommendations for bringing Ukrainian legislation into line with *the acquis communautaire*; conducting an analysis of the economic, social, and political consequences of implementing recommendations; creating a list of draft laws that need to be adopted in the integration process; preparing draft laws of Ukraine and other regulatory legal acts that are on the list and their adoption; monitoring the process of implementing legislative acts of Ukraine.

The problems associated with the implementation of EU law can be divided into two groups: objective and subjective. The first group includes those circumstances that do not depend on Ukraine and its political will, namely Russian aggression. The second group includes those circumstances that can be influenced by specific measures, and their effectiveness depends on political will and political decisions. The main problematic aspects of the implementation include: the absence of a single legislative document that could fully regulate the implementation process; inconsistency between the legal acts of Ukraine and the EU; differences in the formation and development of the legal systems of Ukraine and the EU countries; a significant level of corruption in government structures; insufficient knowledge and language skills

of specialists involved in this activity. There are also objective circumstances that impede effective integration, such as full-scale military operations on the territory of Ukraine. It is worth noting that the process of adaptation should be carried out with due regard for national interests and the needs of Ukrainian society. Measures that could improve and accelerate the process of implementing European legislation include: establishing coordination between all branches of government; creating a single Ukrainian-European glossary to harmonize legal terminology; engaging foreign experts and using technical support from EU experts.

The limitations of this study are that the study of the peculiarities of harmonization of Ukrainian legislation with the

European one was carried out taking into account the general principles and requirements of the EU. In other words, the issues of implementation and adaptation were studied broadly and certain areas of implementation were not taken into account. Therefore, the prospect of further research is to study the peculiarities of harmonization of legal norms in the field of ecology, energy, and other areas of public life.

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Conflict of interest

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Імплементація Угоди про асоціацію з ЄС шляхом адаптації українського законодавства до права ЄС

Наталія Миколаївна Пархоменко

Доктор юридичних наук, професор
Інституту держави і права ім. В.М. Корецького НАН України
01001, вул. Трьохсвятительська, 4, м. Київ, Україна
<https://orcid.org/0000-0002-5870-9261>

Тетяна Станіславівна Подорожна

Доктор юридичних наук, професор
Львівський торговельно-економічний університет
79008, вул. Туган-Барановського, 10, м. Львів, Україна
<https://orcid.org/0000-0003-0502-950X>

Тетяна Іванівна Тарахонич

Доктор юридичних наук, старший науковий співробітник
Інституту держави і права ім. В.М. Корецького НАН України
01001, вул. Трьохсвятительська, 4, м. Київ, Україна
<https://orcid.org/0000-0002-1586-5088>

Станіслав Дмитрович Гусарєв

Доктор юридичних наук, професор
Національна академія внутрішніх справ
03035, пл. Солом'янська, 1, м. Київ, Україна
<https://orcid.org/0000-0001-8568-3362>

Олена Валеріївна Білоскурська

Кандидат юридичних наук, доцент
Чернівецький національний університет імені Юрія Федьковича
58002, вул. Коцюбинського, 2, м. Чернівці, Україна
<https://orcid.org/0000-0003-1005-2165>

Анотація. Здійснення інтеграції України до Європейського Союзу є одним із найважливіших напрямків розвитку держави, тому однією із умов зближення України та Європейського Співтовариства, а також умовою вступу до ЄС є адаптація українського внутрішнього законодавства до норм права ЄС. Метою дослідження було визначення особливостей та проблемних аспектів у здійсненні імплементації права Європейського Союзу у національне законодавство. Методами дослідження були: історичний, періодизації, формально-юридичний та метод проблемного аналізу. В ході дослідження було вивчено особливості та проблеми адаптації законодавства України до права ЄС. В ході дослідження було виявлено, що законодавство адаптується на основі Угоди про асоціацію між Україною та Європейським союзом, що включає Європейське співтовариство з атомної енергії та їхні держави-члени. Процес імплементації передбачає перенесення норм ЄС у національне законодавство, тоді як адаптація полягає у приведенні національного права у відповідність з законодавством ЄС. Чинним законодавством передбачено три етапи здійснення адаптації законодавчих норм, метою яких є проведення якнайбільшої гармонізації із законодавством ЄС. Оскільки імплементація є нормотворчим процесом, то включає у себе певну послідовність дій. Зокрема, встановлення актів *acquis communautaire*, створення переліку законодавчих актів, які необхідно прийняти та підготовка їх до прийняття, здійснення моніторингу проведення імплементації та інші послідовні дії. Окрім цього, процес адаптації повинен здійснюватися на основі принципів відповідності до директив ЄС, принципу добровільності, визначеності термінології та повноти. Серед факторів, які є перешкодами для здійснення імплементації, слід виділити такі: російська агресія, інституційна неспроможність державних органів, високий рівень корупції, велика кількість колізій у законодавстві

Ключові слова: європейські стандарти; критерії вступу до ЄС; механізми наближення законодавства; євроінтеграція; верховенство права; гармонізація права