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GOVERNANCE IN THE EU AND EUROPEAN INTEGRATION POLICY

TEXTBOOK

Edited by
S. Soroka, T. Akimova

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A U T H O R S :
Soroka S., Palagnyuk Yu., Say D., Akimova T., Surgova S., Lizakowska S., Lizakowski P., Faychuk O. L., Fitas M.

R E V I E W E R S :
SIMAKHOVA ANASTASIA OLEKSIIVNA, Doctor of Economics, Professor of the Department of Business Analytics and Digital Economy of the National Aviation University, Associate Professor, First Deputy Chairperson of the Council of Young Scientists at the Ministry of Education and Science of Ukraine;
YEMELYANOV VOLODYMYR MYKHAILOVYCH, Doctor of Public Administration, Professor, Civil Servant of the 1st Rank, Director of the Educational and Scientific Institute of Public Administration and Management of Petro Mohyla Black Sea National University;
SEREDA IRYNA VALERIIVNA, Candidate of Pedagogical Sciences, Associate Professor of the Department of Special Education of V. O. Sukhomlynskyi Mykolaiv National University

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The textbook «Governance in the EU and European Integration Policy» is dedicated to analyzing key aspects of the integration process in Europe, the legal and institutional foundations of the EU, as well as the consideration of historical background and modern development of EU social policy. The specificity of this topic is especially relevant in modern conditions, when for Ukraine the issue of European integration is one of the top priorities in its foreign policy.

The textbook will be useful for pupils, students, postgraduate students, teachers and researchers, as well as everyone who seeks to understand the processes of European integration, the peculiarities of the functioning of the EU legal system, and its institutions.

This textbook was prepared within the framework of the Jean Monnet Project 619910-EPP-1-2020-1-UA-EPPJMO-PROJECT «Academy of EU Studies for School and University Students», which is implemented with the support of the Erasmus + Programme of the European Union.

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FOREWORD

The European Union is an example of successful supranational integration, which is unique not only in its scale, but also in its impact on the political, economic, and social processes of the modern world. Over its more than half-century history, the EU has transitioned from a small economic association to a global player that shapes political standards, ensures economic stability, and promotes the ideals of democracy, human rights, and the rule of law. The textbook «Governance in the EU and European Integration Policy» offers a comprehensive analysis of the evolution of the EU, its European legal and institutional system, as well as key policies that shape the modern Union. As the world faces a number of global challenges – economic instability, migration crises, climate change, armed conflicts, and human rights violations – the role of the European Union in these conditions as an example of cooperation between states based on common values is becoming even more important. The EU demonstrates how to effectively pool resources, make compromises, and create conditions for stability.

European integration policy deserves special attention. It has become not only a tool for achieving economic growth, but also a symbol of solidarity and international cooperation. The study of this experience is extremely important for a country that aspires to become part of the European family, such as Ukraine.

This textbook provides a comprehensive understanding of the processes underlying the functioning of the EU, its history, legal framework, institutional structure, and key policies. Particular attention is paid to Ukraine's cooperation with the EU in the field of social policy. The section includes an overview of Ukraine's European integration process, its achievements within the framework of the Association Agreement, the creation of a deep and comprehensive free trade area, and the liberalization of the visa regime. The prospects of Ukraine as a candidate country for EU membership are also highlighted.

The textbook combines historical, legal, institutional, and social aspects of the functioning of the European Union. It is an indispensable tool for understanding integration processes, revealing the view of modern Europe. It is designed for students, teachers, scientists, representatives of public administration, as well as everyone who is interested in integration processes in Europe. Its purpose is to form a deep understanding of the political, legal, institutional, and social component of the European Union. Special attention is paid to current issues of cooperation between the EU and Ukraine, which makes the textbook highly valuable for analyzing Ukraine's integration prospects into Europe.

Key objectives of the textbook:

1. Understanding EU institutions and governance. To equip students with basic knowledge of the main official EU institutions, their organizational features, functions, and roles in the EU governance structure. To analyze the multi-level governance structure and how it affects decision-making processes in the EU.
2. Analysis of decision-making processes. To describe and critically evaluate the official decision-making processes in the EU, including variations in different policy areas. To introduce students to contemporary challenges in EU governance and integration.
3. Development of analytical skills. To develop students' ability to identify, synthesize, analyze, and evaluate primary and secondary sources related to EU policy. To develop critical thinking by encouraging students to evaluate different disciplines as for European integration.
4. Understanding EU policy. To develop a comprehensive understanding of key EU policies, their historical context, consequences, and political dynamics around them. To familiarize students with EU legal instruments and policy documents, which will allow them to find and effectively interpret these resources.
5. Identifying key issues and trends in the development of the EU. Ability to analyze current events related to EU governance and integration. To encourage participation in the discussion of European integration policy, the influence of citizens on EU policy.

These objectives are aimed at preparing students for an in-depth study of European integration and EU governance, while equipping them with practical skills relevant to careers in public policy, international relations, or academia.

The textbook «Governance in the EU and European Integration Policy» is an essential resource for understanding the complexity of governance in the European Union (EU) and the multifaceted processes that drive European integration. As the EU faces unprecedented challenges – from economic crises to geopolitical tensions – the need for a comprehensive understanding of its governance mechanisms has never been more critical. This textbook seeks to bridge theoretical frameworks with practical knowledge, providing both students and practitioners with the tools necessary to navigate this intricate landscape.

We hope that this book will contribute to expanding knowledge, raising awareness of the role of the EU in the modern world, and inspiring further study of European integration, in particular with a focus on the prospects of Ukraine.

SVITLANA SOROKA,
Professor, Doctor of Public Administration,
Coordinator of the project «Academy of EU Studies for School and University Students»

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EUROPEAN INTEGRATION POLICY

TOPIC 1

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1.1 Europe after the Second World War – the Beginning of Cooperation (1945–1954)

The historical roots of the European Union lie in the outcomes of the Second World War. The most significant reasons for European integration include:

- the need for peace and security. The new Europe and the countries of this Europe had to guarantee that the cruelty of both world wars would never be repeated. Joint decision-making was intended to become an obstacle to the emergence of new conflicts, and close political and economic cooperation aimed to form a successful barrier against the rising tide of communism, as well as to the economic expansion of the United States in Europe;
- hope for economic development and prosperity. Cooperation within the united Europe was expected to provide economic stability and success to its citizens. The creation of a common market was intended to optimize economic activity and the development of trade within the entire continent. The common market was also designed to guarantee the free movement of people, capital, goods, and services;
- maintaining economic and political importance in the international arena. Europeans understood well that both world wars had significantly weakened the positions of European countries in the world. Only close cooperation in these areas would help them regain the power they had lost.

The idea of creating the «United States of Europe» was first expressed in September 1946 by British Prime Minister Winston Churchill in Zurich, less

than a year and a half after the end of World War II, who said in a speech: «We must now build a kind of United States of Europe; the first step must be a partnership between France and Germany.» In 1947, with the support of Winston Churchill, the United Europe Movement was founded. Western European countries established the Council of Europe in 1949.

Jean Monnet and Robert Schuman
(https://epthinktank.eu/2013/05/09/
robert-schuman-and-may-9th/schuman3/)

The Cold War and the weakness of the Council of Europe led to the emergence of proposals for narrowing economic and political cooperation. The main idea was to «tie» France and Germany economically, which would guarantee peace in Europe. Among others, this perspective was shared by members of the French government Jean Monnet and Robert Schuman.

A famous poster depicting the birth of European integration shows two men, Jean Monnet and Robert Schuman, standing together at the dawn of the European Community.

This date (May 9, 1950) is the day when Robert Schuman, then French Minister of Foreign Affairs, announced an unprecedented plan to place all French and German coal and steel production under a common Supreme Authority within an organization open to the participation of other European countries. Jean Monnet, a high-ranking French official, was the «brain» behind this initiative.

European Union flag
(https://european-union.europa.eu/
easy-read_en)

Today, May 9 has become a European symbol (Europe Day), which, together with the flag, the anthem (Ode to Joy by Ludwig van Beethoven), the motto («Unity in Diversity»), and the single currency (the euro), defines the political identity of the European Union. Europe Day is an occasion for active events and celebrations that bring Europe closer to its citizens and the peoples of the Union.

The Schuman-Monnet proposal, known as the «Schuman Declaration», is considered the beginning of the creation of what is now the European Union. It contained the following proposals:

- the transfer of the French and German mining and metallurgical industries under joint supranational governance;
- the creation of a common economic base as a prerequisite for the formation of a European federation;
- the exemption from all customs duties in the movement of coal and steel between the member states of the newly created organization;
- convening an international conference to prepare a treaty containing the above proposals.

Schuman's brief and straightforward declaration outlined a strategy for reconciling Germany's economic recovery with France's national security. By accepting the newly created Federal Republic of Germany (FRG) as an economic equal and by placing responsibility for the coal and steel industries of both countries on a supranational body, the Schuman Plan gave rise to the current concept of European integration.

At the time of the Schuman Declaration, Jean Monnet was a director of the French modernization plan. The plan was developed to overhaul the French economy, which had shown signs of serious illness long before World War II. Without improving its performance and competitiveness, France would not have been able to meet its domestic needs for economic growth, nor could it have played a leading role in the new international order. Fully aware of the need to increase national production, enhance labor productivity, boost foreign trade, maximize employment, and raise living standards, General Charles de Gaulle, the leader of the provisional government formed immediately after the liberation, entrusted Jean Monnet with achieving these goals at the head of the newly created economic planning administration.

During World War II, Jean Monnet concluded that economic integration was the only means to avoid possible future conflicts in Europe. In 1943, Jean Monnet asserted that «the states of Europe must create a federation or a 'European entity' that would make them a single economic unit.» In his memoirs, Jean Monnet described the process of adopting the Schuman Declaration. Monnet submitted his proposal for a coal and steel community to both René Pleven, the Prime Minister of France, and Schuman. Pleven did not react quickly to Monnet's proposal, allowing Schuman to take the initiative.

Before the proposal could be made public, Jean Monnet and Robert Schuman needed the approval from three key parties: the governments of France, Germany, and the United States. On May 9, 1950, Schuman simultaneously presented this proposal to his own cabinet in Paris and submitted it for consideration to FRG Chancellor Konrad Adenauer in Bonn (FRG). The German leader responded positively, as he also desired Franco-German reconciliation.

For Robert Schuman and Jean Monnet, European integration essentially meant Franco-German integration. Germany was the traditional enemy, the economic powerhouse of Europe, and the country that posed the greatest

threat to France. Franco-German reconciliation through «European» integration apparently offered the only way to avoid a recurrence of the catastrophic conflict that had defined the first five decades of the 20th century. This approach created a consensus regarding national interests: on the one hand, France gained the opportunity to participate in the control of the German coal and steel industries, and on the other hand, the FRG was able to become an equal partner for other states.

Although the Schuman-Monnet plan had envisaged that the future organisation would be open to other countries wishing to join, at that time the «other countries of Europe» actually referred to the neighbouring Belgium, the Netherlands, and Luxembourg (known as the Benelux countries) in the north and Italy in the south.

Monnet's prestige in French politics may have been high, but his proposal for a new union did not easily pass the approval procedure of the negotiating countries: France, Germany, Italy, Belgium, the Netherlands, and Luxembourg. Jean Monnet initially believed that the negotiations, which began in June 1950, would conclude by the end of the summer, but they did not finish until April 1951.

The Treaty of Paris establishing the European Coal and Steel Community (ECSC) was signed on April 18, 1951, in Paris and entered into force on July 23, 1952, after ratification by the parliaments of the member states. The Treaty was signed for a period of 50 years, based on the Schuman-Monnet plan. Finally, the European Coal and Steel Community (ECSC) came into operation in August 1952.

Signing of the Treaty of Paris establishing
the European Coal and Steel Community (ECSC)
(https://www.europarl.europa.eu/about-parliament/en/in-the-past/
the-parliament-and-the-treaties/treaty-of-paris)

The members of the new organization were: France, the FRG, Italy, the Netherlands, Belgium, and Luxembourg (referred to as the «founding countries of the EU»).

The bodies of the European Coal and Steel Community were:

- the High Authority (the first president was Jean Monnet),
- the Council of Ministers,
- the Common Assembly (an advisory body consisting of representatives of the parliaments of the member states),
- the Court of Justice.

The Treaty outlined the principles of cooperation among member states. They were based on four groups of prohibitions:

- on the establishment of import and export duties or similar charges on coal and steel (as well as quantitative restrictions) within the organization;
- on the application of protectionist practices that restrict competition;
- on tax benefits or any other state aid;
- on the application of restrictions regarding market division.

The Treaty of Paris establishing the European Coal and Steel Community (ECSC) created not only a common market for four mining industry products (coal, iron ore, steel, and scrap metal), but also introduced joint regulation of production volumes and price levels, investment programs, and the rational use of labor. The ECSC controlled 60% of steel production and 50% of coal mining in Western Europe. The activities of the Community and its economic successes encouraged member states to deepen integration processes, and not only in economic terms.

Thus, the Declaration of Robert Schuman and Jean Monnet on industrial solidarity between Germany and France aimed to ensure lasting peace in Europe and the world, and economic development for the member states. Established in the early 1950s, the European Coal and Steel Community (ECSC) served an important purpose in the post-war world from the point of view of Franco-German reconciliation and the related goal of European integration.

1.2 The Period of Unification and the Creation of a Common Market (1955–1989)

The next stage of economic integration of Western European countries began immediately after the start of the conference in Messina, Italy, which took place in June 1955. The participants of the conference were the foreign ministers of the ECSC member states, who discussed the future of European integration.

At the conference, a group of experts was formed (headed by the Belgian Paul-Henri Spaak) to prepare a report on the possibility of expanding integration.

Paul-Henri Spaak, the Belgian Minister of Foreign Affairs, prepared a memorandum on behalf of the Benelux countries, which proposed further integration within the framework of Jean Monnet's idea regarding an atomic energy community and a competitive proposal for a common market. The ministers of foreign affairs asked Spaak to form a committee and write a report on future options. In the following years, the Messina meeting was considered a key moment in European integration.

Paul-Henri Spaak's enthusiasm for integration had already earned him the nickname «Mr. Europe». The final report, presented to his foreign affairs colleagues at a meeting in Venice in May 1956, proposed that the two goals of sectoral (nuclear energy) integration and broader economic integration (a common market) be implemented in separate organisations with separate treaties. The foreign ministers' meeting in Venice marked the opening of an intergovernmental conference. The conference ended with a series of high-level meetings in February 1957. The result was two treaties – the creation of the European Atomic Energy Community (Euratom) and the European Economic Community (EEC). Both were signed at an elaborate ceremony in Rome in March: **the Treaty establishing the European Economic Community (EEC)** and **the Treaty establishing the European Atomic Energy Community (Euratom)** – (the Treaties of Rome).

Signing of the Treaties of Rome
(https://www.consilium.europa.eu/en/documents-publications/library/library-blog/posts/treaty-of-rome-reading-references/)

Although both are officially called the Treaties of Rome, in practice, only the treaty establishing the EEC is known today as the Treaty of Rome. By the end of the year, six countries (**France, the FRG, Italy, the Netherlands, Belgium, and Luxembourg**) had ratified the two treaties, so both treaties entered into force on January 1, 1958.

In addition to the above-mentioned treaties, the Convention on Certain Institutions Common to the European Communities was also signed. Thus, the European Parliament and the European Court of Justice were created. The next stage was the signing of the Merger Treaty on April 8, 1965 (which entered into force on July 1, 1967), according to which a Commission common to the three Communities was established (replacing the High Authority of the ECSC and the Commissions of the EEC and Euratom).

Initially, the EEC seemed an even greater disappointment than the ECSC. Neither organisation fulfilled the high expectations of the supporters of European integration in the post-war period. However, the EEC's significance was important, both politically and economically. The European Communities (EEC) – the «Common Market» – were founded with a promising programme of economic and political integration. The ultimate aim of the EEC was to create the United States of Western Europe.

According to the provisions of the Treaty, the EEC's task was the work towards harmonising economic development, sustainable and balanced economic growth, and the desire for closer cooperation between the Community's member states. Furthermore, the Treaty mentioned the gradual elimination of customs duties in trade between EEC member states, the establishment of common customs tariffs, and the implementation of a common trade policy with third countries, the introduction of a common agricultural policy, the standardization of national legislation of member states to the extent necessary for the functioning of the common market. The EEC was open to new members.

The European Atomic Energy Community was created to control the peaceful use of nuclear energy. The Community's task was to establish safety standards for the health protection of workers and the population and to control the use of radioactive materials. This Community did not have a significant impact on the process of European integration.

During the same period, within the framework of the «Common Market», the process of forming a common agricultural policy was implemented, adopted under pressure from France, which was interested in expanding the sales of its agricultural products within the Community itself: unified prices and rules for regulating the markets of basic agricultural products were introduced, and a protectionist mechanism for trade with third countries was also created. Thus, in 1962, the EU launched its «common agricultural policy», providing countries with joint control over food production. Farmers paid the

same price for their products. The EU grew enough food for its needs, and farmers earned well. The undesirable side effect was overproduction with surplus products. Starting from the 1990s, the priority directions were reducing surpluses and improving the quality of food products.

In 1968, six countries (Germany, France, Italy, the Netherlands, Belgium, and Luxembourg) removed tariffs on goods imported from each other, allowing for the first time to carry out free cross-border trade. This customs union was one of the earliest stages of the EU. It abolished customs duties at internal borders and introduced a unified system of import taxation. Internal border controls subsequently disappeared.

Thus, a customs union was created. Between 1958 and 1969, the common market was formed. Customs duties in mutual trade between member states were gradually reduced, and already in 1962, quantitative restrictions on trade were mostly eliminated, while national customs tariffs were replaced by a unified tariff. The unified tariff was applied by the Community members starting from July 1, 1968, with the simultaneous abolition of customs duties in the EU.

In today's EU, customs officers are found only at the external borders of the EU. They not only control trade, but also help protect the environment and our cultural heritage and safeguard jobs by combating counterfeiting and piracy. They also apply the same tariffs to their imports from foreign countries.

In 1967, the merger of the governing bodies of the ECSC, the EEC, and Euratom, resulted in the formation of a tripartite integration organization officially called the European Communities, or **the European Community**.

In 1969–1971, the «*Werner Plan*» was developed by a special commission headed by the President of the Luxembourg Council of Ministers, P. Werner, and approved by the heads of states and governments, which are members of the European Community, in March 1971. The purpose of the «Werner Plan» was to develop a program for creating an economic and monetary union in Europe. In 1979–1980, there was the creation and development of a mechanism for limiting mutual fluctuations in the exchange rates of the EU member states.

The beginning of the 1970s brought many benefits to the Community, especially in economic terms. In 1973, *the «currency snake»* (a mechanism that regulates the fluctuations of the national currencies of the member states) and the European Monetary Cooperation Fund were created. In 1975, another Community institution was created – the Court of Auditors, whose task was to control the implementation of the Community budget.

The common customs and tariff policy ensured the formation of the Community's own funds in the 1970s, mainly from revenues from customs payments and compensatory charges collected when importing goods from third countries.

In the 1970s, a new stage of the scientific and technological progress necessitated the development and implementation of a common policy for the structural reorganization of the economy in the Community – the member states joined forces to overcome the technological lag behind the USA and Japan. By this time, in a number of industries, large American and Japanese firms, due to their technological superiority and cost reductions, had spread so much in the economy of the European Community that they began to push national producers out of the market and dictate their terms. To counter this, it was decided to move away from the dominance of the common agricultural policy in favor of solving other economic and social problems. The range of areas of integration expanded. In particular, the countries joined forces in large-scale scientific and technological research, and a common industrial policy began to be formed. Thanks to these measures, the situation was reversed.

The term «Europessimism» reflects the history of European integration in the mid-1970s. The achievements of the early 1970s – the accession of three member states (in 1973 Denmark, Ireland, and the United Kingdom officially joined the EU), the adoption of the plan for economic and monetary union (EMU) and the initiation of a procedure for foreign policy coordination – soon gave way to serious challenges for the European Community.

Thus, the second half of the 1970s was marked by a global economic crisis that also affected the Communities. There were difficulties with the budget, with agricultural policy, and with the functioning of the common market. The national interests of individual member states became more and more evident.

To show their solidarity, the EU leaders created *the European Regional Development Fund* in 1974. Its purpose was to transfer money from rich to poor regions to improve roads and communications, attract investment, and create jobs. Later, this type of activity accounted for a third of all EU expenditures.

An important element of further integration was *the creation of the European Monetary System (EMS)*, which began functioning in March 1979, and which had four main goals:

- achieving currency stability within the EU;
- facilitating the convergence of economic development processes;
- ensuring a growth strategy in conditions of stability;
- stabilizing international monetary and economic relations.

The basic element of EMS was the introduction of a currency unit of account – the ECU.

Thanks to this, in particular, the EU countries managed to overcome the currency crisis of the early 1980s. After overcoming inflation in the 1980s, restrictions on current financial transactions were lifted, and in 1990, a regime of free capital movement was introduced.

Thus, in the early 1980s, it was possible to settle the problems and begin work on internal reforms. For this purpose, two committees were created, one of which, the Dooge Committee, was to deal with the issue of institutional changes, and the other, the Adonnino Committee, was to deal with the issues of creating a «Citizens' Europe».

In the mid-1980s, the European Community underwent a remarkable transformation: to improve trade among Community members, on February 17 and 28, 1986, the member states adopted **the Single European Act (SEA)**, signed in February 1986, which modified the Treaties of Rome and presented a programme for the transition by 1993 to a single internal market, based on the four freedoms:

- free movement of goods;
- free movement of people;
- free movement of capital;
- free movement of services.

The SEA revised the Treaties of Rome to give new impetus to European integration and the completion of the internal market. One of the most notable aspects of the transformation of the European Community is that it coincided with the Mediterranean enlargement of the EU. The accession of relatively poor Greece in 1981, and Portugal and Spain in 1986, threatened to divert European integration from the course of economic and political convergence. Without compensatory mechanisms, the completion of the internal market could have worsened the social and economic gap between the wealthy and poor EU member states. Thus, the Single European Act was more than just an adjustment to launch the single market program. It was a complex agreement to improve decision-making, strengthen democracy, achieve market liberalization, and simultaneously foster economic and social cohesion. This Act amended the rules governing the activities of European institutions, and extended the powers of the Community, particularly in the areas of research and development, the environment, and the common foreign policy. The SEA included significant changes in environmental policy, research and development, and cohesion between the EU's wealthy and poor regions.

The ratification of the SEA proceeded relatively smoothly. Despite official protests from the United Kingdom and Denmark before and during the conference, the European Commission was not concerned about excessive loss of national sovereignty or an excessive accumulation of power by the Commission. Most national parliaments held lively debates about the SEA, and almost all voted in favour of ratification. The Danish parliament was an exception, but a positive result in a subsequent referendum ensured ratification by Denmark.

The member states and the Commission hoped that the SEA would enter into force by January 1987. However, in Ireland, in December 1986, the Irish Supreme Court ruled that the SEA was unconstitutional, based on a lawsuit by

a citizen concerned about the possible impact of the foreign policy provisions of the law on Irish neutrality. The embarrassed Irish government had no choice but to call a referendum to amend the constitution. Held in May 1987, the referendum was a vote on whether Ireland should remain in the EU. The anticipated positive result removed the final obstacle to ratification of the SEA, which finally came into force in July 1987.

The SEA provided the potential for the rapid development of the EU, as the successful single market programme promoted European integration in related economic and social sectors. The Single European Act and the single market programme sparked renewed interest in economic and monetary union (EMU). At the same time, and in response to similar political and economic pressures, the reform movement in Central and Eastern Europe accelerated the collapse of communism. More than any other event, the fall of the Berlin Wall in November 1989 symbolised the end of the Cold War and led to the reunification of Germany in 1990.

Thus, in the 1960s, the world's largest trading bloc was born: the EU established a customs union and a common market. Trade between EU member states and the rest of the world grew rapidly.

The common market is one of the EU's greatest achievements. It boosts economic growth and job creation, and makes everyday life easier for people and businesses. The common market (sometimes called the internal market) means that people, goods, services, and money can move within the EU almost as freely as within a single country. EU citizens can study, live, shop, work, and retire in any EU country, and enjoy products from all over Europe. Hundreds of technical, legal, and bureaucratic barriers to free trade and free movement between EU member states were removed to make business easier within the common market. As a result, companies expanded their activities, and competition lowered prices and gave consumers more choices.

1.3 Further Unification. Single Monetary Union (1990 – Present)

The political changes caused by the «round table» meetings, the fall of the Berlin Wall and the reunification of Germany led to an acceleration of political integration. In 1990, Belgium proposed organizing a conference to develop principles for deepening political union and implementing a common currency (ECU). In 1988, a group of experts led by the President of the European Commission, Jacques Delors, developed a plan for the creation of a European Monetary Union.

This plan was called the «Delors Report» and included three stages. After further elaboration and clarification, the report was approved by the heads of state and government in December 1991 in the form of a treaty at a conference in Rome.

This conference began in December 1990 in Rome and ended on February 7, 1992, in Maastricht with the signing of **the Treaty on European Union**, which, after the place of its adoption, was called **the «Maastricht Treaty»**. This Treaty officially united all the previously mentioned European communities, distinguishing, among others, two most important areas of cooperation – in the field of developing and implementing a common foreign and security policy and in the field of justice and internal affairs.

This document states: «The European Union is built on the basis of the European Communities, supplemented by the policies and forms of cooperation established in this Treaty (...). The European Union is founded on the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law; these principles are common to all member states». During the signing of the Treaty, it was determined that a further international conference would be held in 1996 to discuss the implementation of the Treaty and decide on the transition to the next stage of integration.

According to the Maastricht Treaty, the EU is based on three pillars:

The powers of **the first pillar** are very broad, namely:

- common internal market, i.e. the free movement of people, capital, goods, and services,
- customs union,
- common trade policy,
- common agricultural and fisheries policies,
- common transport and energy policies,
- the European Social Fund,
- common environmental policy,
- competition protection,
- support for scientific and technological development,
- health and consumer protection,
- civil protection,
- tourism and sport.

The second pillar is the Common Foreign and Security Policy (CFSP). Its task is to strengthen the unity and independence of Europe, which should contribute to maintaining peace, security, and progress across the entire continent and in the world. The objectives of the CFSP are:

- to protect the common values, vital interests, independence, and integrity of the EU, in accordance with the principles of the United Nations Charter,
- to strengthen the security of the EU and its members,
- to preserve peace and strengthen international security,
- to support international cooperation,
- to develop and strengthen democracy, as well as legitimate governments and respect for human rights and fundamental freedoms.

The third pillar is cooperation in the field of justice and internal affairs. In defining the responsibilities of the member states within the third pillar, the creators of the Treaty on European Union did not include issues related to maintaining public order and protecting internal security in the activities of the EU. Within the framework of the third pillar, the EU undertakes to:

- ensure a high level of protection for EU citizens in matters of freedom, security, and justice,
- prevent and combat racism and xenophobia,
- prevent and combat organized crime,
- combat terrorism, human trafficking, drug trafficking, arms trafficking, corruption and abuse.

In order to combat these phenomena, a European Police Office, Europol, was created, and the aim was also expressed to unify punishments for such actions in all member states in the future.

Since November 1, 1993, the European Community entered a new stage of economic integration and, by decision of the member states' governments, it began to be called the European Union. Within the EU, a transition to political integration was also planned – the creation of a new superstate of a confederal or federal type. Gradually, the EU acquired the features of a single statehood, the contours of which were visible in the economy, politics and social sphere.

The goal of the EU is to create conditions for the free movement of goods, services, capital, and labor within its borders. By 1999, it was planned to create a European Central Bank, implement a common currency, establish a single citizenship, and complete the creation of an organizational and legal mechanism for coordinating the foreign and security policies of EU member states.

The Treaty on European Union is the key milestone of the EU, which established clear rules for the future single currency, as well as foreign and security policies, and closer cooperation in the field of justice and internal affairs.

On January 1, 1993, the single market was established with its four freedoms: free movement of goods, services, people, and money. Starting from 1986, more than 200 laws were adopted concerning tax policy, business regulation, professional qualifications, and other barriers to open borders.

Among them is **the Treaty on the Abolition of Passport and Customs Controls between the Countries of the European Union**, originally signed on July 14, 1985, by seven European countries (Belgium, the Netherlands, Luxembourg, France, Germany, Portugal, and Spain) in Schengen, a small town in Luxembourg near the point where the borders of Luxembourg, Germany, and France meet. The agreement entered into force on March 26, 1995. In 1995, Spain and Portugal joined the Treaty and Convention.

On March 26, 1995, the Schengen Agreement came into force in seven countries – Belgium, Germany, Spain, France, Luxembourg, the Netherlands, and Portugal. Travellers of any nationality can travel between all these countries without passport control at the borders. Other countries have since joined the passport-free Schengen area. Therefore, there is no longer any border control at the borders between the countries that are part of the Schengen Agreement. This is due to the Schengen rules, which are part of EU legislation. These rules abolish all internal border control but establish effective controls at the EU's external borders and introduce a common visa policy.

Today, the Schengen area covers most EU countries, except Cyprus and Ireland. Bulgaria and Romania are the newest member states to join the Schengen area: starting from March 31, 2024, any person crossing internal air and sea borders will no longer be subject to checks. The European Council is expected to take a unanimous decision later on to abolish checks on persons at the internal land borders of Romania and Bulgaria. In addition, non-EU countries such as Iceland, Norway, Switzerland, and Liechtenstein have also joined the Schengen area.

It should be noted that although most Schengen countries are EU members, the Schengen area is not the same as the EU.

It is important to note that EU countries can temporarily reinstate border controls in the event of a serious threat to public order or internal security. For example, Germany has done this since October 2023 on its borders with Poland, the Czech Republic, and Switzerland due to the need to combat human trafficking and reduce illegal migration.

The Schengen Agreement became a symbol of a fundamentally new stage in the development of European integration. The actual abolition of internal borders between the countries that are participants in the Schengen Agreement became another important step towards a united Europe. In fact, the unhindered free crossing of «internal borders» between the countries of the European Union existed even before Schengen. But it applied exclusively to the citizens of these countries. A Schengen visa issued by one of the signatories to the agreement is valid in all the countries participating in the agreement.

The idea of introducing a common currency caused the greatest contradictions on the path to integration in the 1990s.

Three unsuccessful attempts to introduce a common currency were made in 1992, 1995, and 1997. They showed that not all countries could join the monetary union simultaneously. The constant postponement of the introduction of the euro cast doubt on the entire project, as the creation of a monetary union required the simultaneous coincidence of a significant number of factors, which may never be achieved. That is why there was no unanimous opinion in the EU about the readiness of the Union to introduce a common currency in 1999.

The creation of a monetary union depended on the degree of readiness of the states to participate in it. For this purpose, the EU defined several conditions-criteria:

- Inflation must not exceed the level existing in the three member states with the most stable prices by more than 1.5 percentage points;
- The size of the budget deficit must not exceed 3% of the country's GNP;
- Fluctuations in the exchange rates of national currencies (in the absence of their devaluation in the previous 2 years) must be within the limits established for the European Monetary System («+», «–», 2,25%);
- The long-term rate of return must not exceed 2% of the average rate of return of the three EU members with the lowest rate of return;
- National debt must not exceed 60% of GNP.

In 1995, 11 out of 15 EU member states met the Maastricht Treaty criteria for inflation; 10 met the interest rate criteria; 4 met the budget deficit criteria (Denmark, Germany, Ireland, and Luxembourg), with the deficit indicator for the EU as a whole being 4.7%; 5 met the national debt criteria (Denmark, Germany, Luxembourg, France, and the United Kingdom). That is, only one country met all the criteria – Luxembourg, while Germany, France, the United Kingdom, Denmark and Ireland met three criteria each.

To improve the situation, the EU's governing bodies provided a number of measures to strengthen control over the economic policy of the member states. Germany, in particular, in December 1995, proposed concluding a «stability pact» among the future members of the monetary union. Under this pact, the participating states had to voluntarily undertake not to exceed a three percent deficit level regarding GNP even in times unfavorable for the economy. In a favorable economic situation, this indicator would decrease to 1%. In case of violation of this obligation, the country should be subject to penalties (in the amount of 0.25% of GNP for each percentage point above the three-percent limit). The EU countries did not support Germany's proposals and only in December 1996 was an agreement reached on the mechanism for imposing sanctions, which come into force only after a corresponding decision of the political system of timely warning. Political decisions were to be made taking into account exceptional cases, which included not only natural disasters and extraordinary political events (such as German reunification), but also a significant reduction in economic growth.

The decision to create a monetary union in some way changed the overall strategy for building the EU. Until that time, this strategy assumed that all member states should move towards integration at the same pace and partici-

pate equally in implementating integration programs. For new members, only a transitional period was envisaged, after which they were subject to general rules.

To solve currency problems, the European Central Bank was established in Frankfurt am Main (Germany) in June 1998. The predecessor of the ECB was the European Monetary (Currency) Institute. The ECB assumed the authority to implement monetary (currency) policy in the eurozone, and also to ensure price stability. The ECB directorate included the governors of the central banks of 11 eurozone countries. The national banks of the member states only implement monetary policy, without defining it.

Since January 1, 1999, the euro was introduced in 11 countries (Greece joined in 2001, as its economic, financial, and social conditions did not meet the necessary requirements) only for commercial and financial operations. This decision carried the risk of destabilizing trade flows and fragmenting the common internal market with the division of the EU into two unequal groups of countries as for the condition (status), which would negatively affect the overall integration process.

Since January 1, 1999, the euro began to exist only in checks, bank settlements, and conversions. **The single European currency – the euro – became a reality on January 1, 2002**, when euro banknotes and coins replaced national currencies in 12 of the 15 EU countries (Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, and Finland). In 2007, Slovenia joined the eurozone, in 2008 – Malta and Cyprus, in 2009 – Slovakia, in 2011 – Estonia, in 2014 – Latvia, in 2015 – Lithuania, and in 2023 – Croatia. Thus, as of 2024, 20 out of 27 EU member states are members of the eurozone. Other EU countries will join the eurozone as soon as they meet the conditions set out in the Maastricht convergence criteria, in accordance with the established procedure.

Advantages of introducing the single European currency, the euro:

- No risk of currency fluctuations and exchange rate costs.
- More choices and stable prices for consumers.
- Closer economic cooperation between EU countries.
- Can be used anywhere in the eurozone.

The coins look like this: one side with national symbols, one side is common.

Banknotes have no national side. The images depict arches, bridges, and windows as symbols of unification.

Within the eurozone, economic policy remains largely the responsibility of the member states, but national governments must coordinate their respective economic policies to achieve the common goals of stability, growth, and employment.

Euro coins
(https://www.ecb.europa.eu/euro/coins/common/html/index.en.html)

Euro banknotes (https://www.ecb.europa.eu/
euro/banknotes/images/html/ecb.faq_reproduction_rules_euro_banknotes.en.html)

The European Monetary System is an international (regional) monetary system – a set of economic relations that is associated with the functioning of the currency within the framework of economic integration; it is a state-legal form of organizing the monetary relations of the countries of the «Common Market» with the aim of stabilizing exchange rates and stimulating integration processes. The introduction of the EURO led to implementation of a unified monetary policy in the countries in which it was adopted.

In 2004, 25 EU countries signed the Treaty establishing a Constitution for Europe. It was designed to streamline democratic decision-making and governance in the EU of 25 or more countries. It also created the post of European Minister for Foreign Affairs. It had to be ratified by all 25 countries before it could enter into force. When citizens of France and the Netherlands voted «no» to the Constitution in referendums in 2005, EU leaders declared a «period of reflection».

To replace the Constitution, in 2007, 27 EU countries signed the Treaty of Lisbon, which amended the previous treaties.

Signing of the Treaty of Lisbon
(https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon)

It was intended to make the EU more democratic, effective, and transparent, and thus capable of addressing global challenges such as climate change, security, and sustainable development. The ratification of the Treaty of Lisbon was officially completed by all EU member states on November 3, 2009. After ratification by all EU member states, the Treaty came into force on December 1, 200.

In 2008, the global financial and economic crisis began from the USA. The coordinated response of EU leaders was as follows:

- Commitment to the euro and financial stability.
- New crisis management tools and regulatory reforms.
- The European Stability Mechanism: a fund to help countries in extreme economic difficulties.
- New laws on bank stability.

- Banking union: supervision of banks across the EU and a mechanism for cessation of bank operations.
- Better economic governance.
- The European Semester: an annual procedure for coordinating national budgets.
- The Euro-Plus Pact, the «Fiscal Compact Treaty»: mutual commitments on sound public finances.

After overcoming the crisis, the following achievements were implemented:

- The Investment Plan for Europe, adopted in November 2014, used public guarantees to stimulate private investment.
- The European Fund for Strategic Investments had already attracted €439 billion in investment (as of October 2019), exceeding expectations.
- The plan's investments supported the creation of 1.1 million jobs, with a figure set to rise to 1.7 million by 2022.
- More than one million small and medium-sized companies were set to benefit from improved access to financing, and the plan contributed to an increase in EU gross domestic product by 0.9%.

Thus, in the 21st century, the European Union is a highly integrated economic market with **a population of 449.2 million** (as of 2024). It is the second largest union by population in the world after China and India.

The EU is a powerful trading bloc, and many non-European companies adjust their products to comply with the economic norms set within the EU. The EU is the latest and most successful in a series of efforts to unify Europe, including numerous attempts to ensure unity through force of arms, such as the campaigns of Napoleon Bonaparte or during World War II. However, although political integration in the EU has progressed much more slowly than economic one, and integration processes have taken place in different regions of the world, the most comprehensive and intensive ones were initiated and continue in Europe.

The process of advancing ever closer integration on the European continent after the end of World War II involved not only integrating various spheres of life through the adoption of the so-called «founding treaties», but also geographically expanding its borders through the accession of new states to the European Communities/European Union. Thus, today, after seven enlargements, the EU has 27 member states (before the UK left the EU on January 31, 2020, there were 28 EU member states), although the founding states of this association were only six Western European states after World War II.

Thus, from the initial stage of European integration in the 1950s, European states worked to strengthen the economic integration of its members.

Map of EU member states
(https://european-union.europa.eu/easy-read_en)

One of the goals was to achieve full economic integration and introduce a single European currency. Finally, on June 30, 2002, the Economic and Monetary Union was established in the European Union. Therefore, the EU at the present stage represents the highest level of economic integration in the world.

QUESTIONS FOR SELF-ASSESSMENT

1. In your opinion, what is the main reason for the creation of the European Union?
2. Who proposed the plan for partial economic integration between France and Germany?

3. What do you know about the «Schuman Declaration»?
4. How many countries signed the Treaty establishing the European Coal and Steel Community? Name them.
5. What was established by the Treaty of Rome?
6. What were the challenges for the European Community in the 1970s?
7. Name the positive results of creating a common market for citizens and consumers.
8. When was the single European currency, the euro, introduced into circulation?
9. What were the positive consequences of creating the eurozone?
10. What did the EU do to minimize the results of the financial and economic crisis in the EU member states?

RECOMMENDED READING

1. Палагнюк Ю. В. Заснування та етапи становлення Європейського Співтовариства. *Світова та європейська інтеграція:* [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. С. 94–119. http://lib.chdu.edu.ua/pdf/posibnuku/252/7.pdf.
2. Процес інтеграції на Європейському континенті: теоретичні та історичні аспекти. [Електронний ресурс] / Ю. В. Палагнюк. *Демократичне врядування:* Електронне наукове фахове видання Львівського регіонального інституту державного управління Національної академії державного управління при Президентові України. 2013. Вип. 12. URL: http://lvivacademy.com/vidavnitstvo_1/visnik12/fail/Palagnjuk.pdf.
3. Палагнюк Ю. В. Еволюція теоретичних основ європейської інтеграції: державно-управлінський аспект [Електронний ресурс]. *Публічне адміністрування: теорія і практика:* Електронний збірник наукових праць. 2013. Вип. 2(10). URL: http://www.dridu.dp.ua/zbirnik/2013-02%2810%29/index.html.
4. Копійка В. В., Шинкаренко Т. І. Європейський Союз: історія та засади функціонування: навч. посіб. / за ред. Л. В. Губерського. К.: Знання, 2009. 751 с.
5. Палагнюк Ю. В. Проблеми розвитку ЄС після фінансово-економічної кризи: уроки для України. *Наукові записки Інституту законодавства Верховної Ради України*. 2013. № 5. С. 167–172. https://www.researchgate.net/profile/Yuliana_Palagnyuk/publication/338954980_Problemi_rozvitku_ES_pisla_finansovo_ekonomicnoi_krizi_uroki_dla_Ukraini/links/5e34730092851c7f7f11a7e2/Problemi-rozvitku-ES-pisla-finansovo-ekonomicnoi-krizi-uroki-dla-Ukraini.pdf.
6. Палагнюк Ю. В. Поняття «Європейська інтеграція» в державному управлінні. *Актуальні проблеми державного управління, педагогіки,*

психології: зб. наук. пр. Херсонського національного технічного університету. Херсон, 2011. Вип. 2(5). С. 110–115.
7. Лісабонський договір – 10 років після набуття чинності. Що змінилося у функціонуванні ЄС?: Науково-практична конференція: тези доп., Миколаїв, 2 грудня 2019 р. / ЧНУ ім. Петра Могили. Миколаїв, 2019. http://eugov.chmnu.edu.ua.
8. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p. http://dspace.chmnu.edu.ua/bitstream/123456789/257/1/English.%20European%20and%20Euro-Atlantic%20Integration.pdf.
9. Dinan D. (2010) Ever Closer Union. An Introduction to European Integration. Forth edition: Lynne Reinner Pub.
10. McCormick, J. (2011) Understanding the European Union: A Concise Introduction. – 5th edition: Palgrave Macmillan.
11. An official EU website - http://www.europa.eu.

TESTS

1. The idea of creating the «United States of Europe» was first expressed by:

a) Jean Monnet
b) Robert Schuman
c) Winston Churchill
d) Konrad Adenauer

2. The «Schuman Plan» envisaged:

a) the establishment of the European Coal and Steel Community based on the rapprochement of France and Germany
b) the final unification of Europe in the field of economy and trade
c) the creation of a single army among all member states of the Council of Europe
d) the creation of the European Social Fund

3. The Treaty on European Union is:

a) the Single European Act
b) the Maastricht Treaty
c) the Treaty of Amsterdam
d) the Treaty of Rome

4. The negative consequences of the financial and economic crisis of 2008 forced the EU countries:

a) to borrow from the USA
b) to implement large-scale anti-crisis measures
c) to redistribute EU finances among the countries
d) to force some countries to leave the EU

5. The common currency for most EU countries, the euro, was introduced into cash circulation in:
a) 1999 *b) 2002* c) 2004 d) 2010

6. Name the six founding countries of the EU:
a) France, Italy, Germany, Ireland, Belgium, Luxembourg
b) Italy, France, Germany, Belgium, the Netherlands, Luxembourg
c) Germany, France, Italy, Great Britain, Belgium, the Netherlands
d) Ireland, Great Britain, France, Italy, Denmark, Belgium

7. The formation of the concept of a single internal market, based on 4 freedoms (free movement of goods, free movement of people, free movement of capital, free movement of services) was proclaimed in:
a) the Treaty of Paris c) the Treaties of Rome
b) the Treaty of Lisbon *d) the Single European Act*

8. Identify the most important reasons for European integration.
a) the need to counteract the complete dominance of the USA in the world economy
b) the need for mutual understanding between countries, especially between Germany and France
c) the need for peace and security, hopes for economic development and welfare
d) all options are correct

9. What European currency unit of account was created in 1978?
a) euro *b) ECU* c) dollar d) mark

10. The Treaty establishing the European Economic Community did not envisage:
a) the formation of a customs union, which provided for the free movement of goods, labor, and capital
b) promoting the development of a strong single industry to increase European energy potential
c) a common policy in the field of agriculture and transport
d) a common trade policy towards third countries and the introduction of common external tariffs

TOPIC 2

Four EU Enlargements in the 20th Century

2.1 The First Enlargement of Europe (Great Britain, Denmark, Ireland).
2.2 Mediterranean Enlargement of the EU: the Second and Third Enlargements (Greece, Spain, Portugal).
2.3 The Fourth Enlargement (Sweden, Finland, Austria).
2.4 Results of Integration for New Member States and for the EU.

2.1 The First Enlargement of Europe (Great Britain, Denmark, Ireland)

Since the creation of the European Communities, the possibility of their further expansion was provided for in the founding treaties. This was specifically stated in the Treaty of Rome of 1957, establishing the European Economic Community, and all subsequent modifications, up to the latest revision of the EU provisions approved by the Treaty of Lisbon in 2007.

And already in the course of the first enlargement of the European Community, which took place in the 1970s, countries such as Great Britain, Denmark, and Ireland joined it.

As a result of the accession of Great Britain, Denmark, and Ireland to the European Communities (1973), the population of the union increased from 192,5 to 256,8 million people (by 33,4%), and the total GDP grew from $2,381 to $3,148 trillion (by 32,21%).

The first enlargement of the EU – the accession of Great Britain, Denmark, and Ireland

However, the accession of these countries was accompanied by certain difficulties: Great Britain had to wait nearly 15 years for its turn to join; Ireland had to change its constitution, which limited its sovereignty, in order to join the EU; the decision on Denmark's accession to the European Community was made in a referendum with minimal majority in favor for the country.

The first stages of deepening European integration were characterized by the fact that they took place in a relatively limited territory, covering only six countries.

In the economic sense, these countries were guided by the principles of fairly strong collective protectionism, which for a certain period contributed

to the establishment of the European Communities as one of the most powerful centers of the global economic system, the transformation of enterprises of these countries into competitive business entities capable of resisting powerful American transnational corporations. The economic rise of the Communities created the prerequisites for strengthening the political positions of the member states, which were significantly strengthened by the initiation of the formation of common political institutions, and later – the formation of a common foreign and security policy.

The flag of Great Britain

However, the accession of **Great Britain** was also accompanied by some contradictions. Let us consider this process in a historical perspective.

After World War II, countries such as France and Germany were partially destroyed and were ready to do anything for the sake of peace, but Great Britain, being the most influential member of the anti-Hitler coalition, was the direct winner. Therefore, while the peoples of France and Germany came out of the war with a firm conviction about the harmfulness of the existence of the phenomenon of nationalism in the world and a willingness to cede part of their sovereignty for the sake of preserving peace, the peoples of Great Britain, on the contrary, were proud of their victorious state and sought to strengthen it as much as possible. Britain's foreign policy strategy was focused on strengthening relations with the United States of America, for the sake of a joint fight against world communism. At the same time, European affairs occupied a minor place in Britain's strategic policy.

However, the experience of World War II was still difficult in all countries, including Great Britain, which forced it to move away from its traditional policy directions of maintaining the «balance of states» on the European continent. It actively began to support the creation of pan-European organizations, such as the Organization for European Economic Cooperation and Development, the Council of Europe, the Western European Union, and NATO. Great Britain directly believed that an essential prerequisite for European cooperation and integration was the preservation of the sovereignty of countries and an intergovernmental approach to work.

However, what Great Britain wanted and could offer the countries of Western Europe in the economic field was limited to the creation of a free trade zone. As early as 1957–1958, the British government tried to achieve the creation of a free trade zone between all member states of the Organization for European Economic Cooperation and Development. This attempt ended in failure. Then the British government held negotiations with the

states that had not joined the EEC, the result of which was the signing in January 1960 of the Stockholm Convention on the establishment of the European Free Trade Association.

Charles de Gaulle

It was at this time, at the turn of the 1950s and 1960s, that the ruling circles of Great Britain began to realize that the role of a global state they had taken did not correspond to the real economic and military potential of the country.

The evolution of Great Britain's position was also facilitated by some changes in France's approaches to the idea of European integration, associated with the coming to power of Charles de Gaulle.

Unlike the leaders of the Fourth Republic, Charles de Gaulle opposed the supranational nature of European cooperation. This approach coincided with the British position on intergovernmental cooperation in the political, economic, and military spheres. In addition, small EU countries such as the Netherlands continued to be favorable to the participation of Great Britain in European integration.

The reorientation of Great Britain coincided with the coming to power in 1959 of the Conservatives, led by Harold Macmillan, who wanted to achieve the country's accession to the EU by 1963 – the next elections.

The British Prime Minister Harold Macmillan made his historic speech about the «winds of change». The process of decolonization accelerated sharply, and it became obvious that the further orientation of Great Britain's foreign trade towards the Commonwealth countries had no prospects. British industry began to acutely feel its dependence on continental Europe. It is believed that the entry of Great Britain was inevitable, or the so-called «involuntary accession», because if Great Britain had refused to join the EU, it could have lost its influence in Europe, which would have negatively affect the economic and political life of the country.

Harold Macmillan

In most EU countries, the reaction to the prospect of expanding the Community was positive. Officially, negotiations began in 1961 and followed a rather complicated scheme at the initiative of France. Despite this, Great

Britain had a chance to join the EU in 1962, but due to foreign and domestic political reasons, the British tactics of discussing the entire range of issues led to prolonged negotiations in the context of constant changes in the foreign policy of all states and the promotion of tighter economic integration of the EU countries, in particular, the implementation of a common agricultural policy.

As a result, France realized that Great Britain not only continued to insist on its special status in the EU, but also depended quite strongly on the USA. Therefore, in 1963, Charles de Gaulle announced France's negative decision on Great Britain's accession to the EU. At the same time, the status of an associated member of the EU offered to Great Britain by France was regarded by the British government as a humiliation. Moreover, this position of France caused discontent among other EU members, who were shocked both by the fact that France opposed the British candidacy and by the fact that it did not consult the governments of other countries on this issue. France was actually the first to violate the rule of the «united front» of the six EU countries.

The resumption of negotiations on the enlargement of the Community and the accession of Great Britain to it took place after the victory of the Labour Party in the elections in Great Britain in 1964 and the formation of a new government headed by Prime Minister Harold Wilson. The new Prime Minister hoped that the accession negotiations this time would be quite fast, as they would concentrate only on the most important issues for both sides. In 1967, Great Britain submitted its candidacy for accession to the EU, followed by Ireland, Denmark, and Norway.

Once again, as on the first occasion, France, without consulting its partners, expressed a reserved assessment of the prospects for Great Britain's accession to the EU. The second veto by Charles de Gaulle caused great dissatisfaction among France's EU partners, as it revealed a fundamental difference in the approaches of the five countries (parallel negotiations and the recovery of the British economy) and France (opening negotiations only after the economic recovery of Great Britain).

Ultimately, the resignation of President Charles de Gaulle in France and the coming to power in Great Britain in 1970 of the Conservatives, led by Edward Heath, known as a consistent «Europeanist», laid the real foundation for improving France and Great Britain's relations and the first enlargement of the EU.

Negotiations for the accession of Great Britain began in June 1970 in Luxembourg and ended almost a year later in Brussels. The familiar problems of previous British applications soon emerged. However, the negotiations were much less substantive and lengthy than in the early 1960s.

It should be noted that **besides Great Britain, three other countries applied for EU membership: Denmark, Ireland, and Norway**.

Let us consider the integration processes in each of these countries separately.

The issue of membership in the EC was even more controversial in **Norway**, where a small majority of the country's citizens voted against accession in a referendum in September 1972.

Thus, for the first time, the agreement on Norway's accession to the EU was signed in January 1972, but in September 1972, 54% of the Norwegian population voted against joining the European Community due to concerns about the consequences of accession for such sectors of the state's economy as agriculture, fishing, and oil production.

There were also problems with EU accession and public opinion in **Denmark**, but the referendum on accession there was held only a week after Norway's vote, and the obligations to the government led to an impressive percentage ofsupport for Denmark's EU membership.

Like the British, the Danes were and still are skeptical of European integration. However, after Great Britain applied for membership, Denmark had few options but to follow suit. Most of the country's exports were directed to Great Britain and Germany, so it would have been economic suicide for Denmark not to remain outside an enlarged EU.

The Irish referendum in May 1972 showed strong support for EU membership. **Ireland** was much more closely tied to Britain than Denmark. It would have been economically absurd to remain outside the European Community when Britain planned to join. Despite the fact that Ireland became an independent state in 1922, it remained relatively isolated from Europe, instead being closely connected to Britain.

The flag of Ireland

Membership in the EU gave Ireland the opportunity to place Anglo-Irish relations in a broader, multilateral context. Not surprisingly, in the 1972 referendum, 83% of Irish citizens voted to join the EU.

Thus, in 1973, the EU from six member states became a union of nine member states. Of the four applicants who signed accession agreements, only three joined the EU in January 1973.

The ratification drama continued in Britain almost until the last minute. After overcoming a series of procedural obstacles, the accession act was finally approved by the parliament in October 1972.

2.2 Mediterranean (Second and Third) Enlargement of the EU: Greece, Spain, Portugal

Having ended the era of right-wing dictatorships in the mid-1970s, Greece, Portugal, and Spain sought to join the EU as soon as possible in order to end their relative international isolation, stabilize their newly established democratic regimes, and help develop their economies.

This stage of EU enlargement is characterised by the EU's desire to extend democratic freedoms to southern Europe, turning it into a zone of stability and security. There was a priority of political argumentation of the expediency of the Mediterranean enlargement, which took place against the background of a series of crisis phenomena in European economic integration and was accompanied not only by an active revision of the main provisions of the most influential integration theories, but also by a reassessment of the basic communitarian principles laid down by the Treaties of Rome. Thus, a new round of enlargement began while the EU was still «digesting» the membership of Great Britain, Denmark, and Ireland – the first enlargement of the EU.

The flag of Greece

Greece's path to EU integration was not simple and fast. Greece managed to differentiate itself from Portugal and Spain, which posed bigger economic problems for the European Commission. Of the three Mediterranean applicants, the President of the European Commission, Roy Jenkins, considered Greece to be «the least qualified» for accession. On the contrary, the Council considered Greece's case primarily from a political perspective and ignored the advice of the Commission. If the EC had foreseen the problems that Greece's membership would later encounter, the negotiations might not have been concluded so quickly, if at all they had ended with Greece joining the EU.

Greece's initial position in the accession negotiations was based on the thesis that the accession negotiations should be based on the principles of the Association Agreement. The transitional period during which Greece made its way to accession and prepared its political and social system was quite significant. The negotiation process, which lasted 4 years, ended with the signing of the Treaty of Accession of Greece to the EEC in Athens on March 28, 1979.

It was envisaged that Greece would become a full member of the Community on January 1, 1981. This Agreement went down in the history of the EU as the first treaty concluded at that time by the European Economic Community with a state that was not a member of it, which at that time consisted of only six founding states. Greece's accession to the Community was of fun-

damental importance, as it contributed to the improvement of the enlargement mechanism itself. The negotiations on Greece's accession to the EEC demonstrated the effectiveness of the classical enlargement method, which was based primarily on the requirements of the candidate states to comply with communitarian rules and principles during the transition period.

Duly ratified in Greece and the member states, *the accession treaty entered into force in January 1981, when Greece became the tenth member of the EU.*

In contrast, the accession of Spain and Portugal to the EU lasted more than eight years.

The second enlargement of the EU – the accession of Greece

But, for Greece, whose economy was much lower than the G9 countries, which significantly led to Greece's economy lagging behind. The Greek government, trying to reduce the developmental gap between the country and the Community countries, resorted to correcting its economic policy, which somewhat improved the country's position on the European market. Compared to Greece, the economies of Portugal and Spain were higher than the indicators of the European Economic Community as a whole.

Spain considered EU membership as an indispensable condition for effective macroeconomic shifts in the national economy and internal political stabilization.

The flag of Spain

Having realized that the European Commission was afraid of the economic consequences, first of all, of Spain's membership, Portugal also tried to consider its application separately and conclude it quickly.

Portugal applied for accession by March 1977, more than a year before Spain submitted its application. Negotiations on Portugal's accession also began before Spain's, but only four months earlier. Although the EC negotiated separately with each country, the short

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time between the opening of the two negotiation groups indicated the extent to which the European Commission considered them interrelated.

The decisive breakthrough regarding enlargement at the expense of these countries did not occur in the negotiations themselves, but in the internal affairs of the European Commission, in particular through resolving the British budget issue. As if signaling a new stage in the development of the European Commission, national leaders announced at the Fontainebleau summit in June 1984 that the enlargement would take place by January 1986, pending the resolution of unresolved issues.

After that, negotiations between the European Commission and the applicant countries accelerated. However, it was only in March 1985 that the ministers of foreign affairs resolved the issues in the accession negotiations – fisheries, the free movement of Spanish and Portuguese workers within the EU, and the budget contributions of the applicant countries – at a marathon meeting.

For the first time in almost 20 years, the future of the EU looked bright. The inevitable enlargement became a psychological stimulus and an additional justification for institutional reform. After lengthy accession negotiations, everything was prepared for the upcoming European Council in Milan to see, as François Mitterrand declared, «what Europe will become».

The third enlargement of the EU – the accession of Spain and Portugal

It was with the accession of Spain and Portugal that *the principle of «two speeds»* was first applied in the integration process, and that discussions on ways of institutional reform began in practical terms. The issue was the development of a more flexible institutional structure for the Community, the revision of the voting mechanism towards a broader introduction of the qualified majority mechanism.

But the example of Spain's accession to the EU shows that even a fairly strong economic foundation of the country does not improve the conditions for accession and does not shorten the integration time. Spain faced the problem of adapting its national industry and agriculture to the EU's industrial and agricultural complex in accordance with the requirements of market relations.

Although Greece managed to join in a relatively short time, the accession negotiations with Portugal and Spain were difficult. All of these countries

were poor countries, whose total population was 20 percent of the existing population in the EU.

The prospect of the accession of Greece, Portugal, and Spain frightened many member states, not least because of the difficulties caused by the first EU enlargement.

Overall, the enlargement of the European Union to southern Europe confirmed that enlargement was the main test for the EU, both procedurally and substantively.

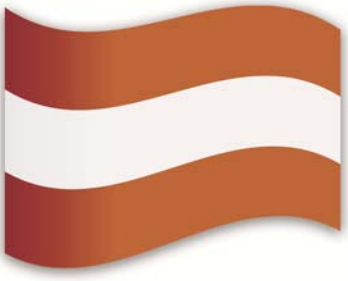
The second and third enlargements are a kind of indicator for other countries that not only the economic situation plays a major role in EU integration, but also how countries can successfully and skillfully use the benefits of participating in the single internal market, what is the system of enterprise mobility, what are the working conditions, the quality of education and qualifications of employees, and so on.

Thus, the second and third stages of the European Union enlargement are associated with the accession of countries such as Greece and Spain together with Portugal. However, the different levels of the economies of the countries led to difficulties in implementing the EU enlargement program. For example, Portugal and Spain were only able to fully join the Customs Union in 1992. There were also complications and problems in the free movement of goods and services.

2.3 The Fourth Enlargement (Sweden, Finland, Austria)

The end of the Cold War led to a change in the geostrategic situation in Northern Europe, which caused a transformation of the conceptual foundations of the international security policy of the countries in the region. The institutional and problematic context that influenced the formation of the security policy of the Scandinavian countries changed: alongside the development of the old ones, new institutions of regional and subregional cooperation were created, new problems and security challenges appeared, requiring new approaches to their solution, and the concept of security itself underwent transformation. As a result, the Scandinavian countries faced the problem of revising the international security policy that was characteristic of them during the Cold War, of finding their own path of development in the rapidly changing and unstable modern world.

Being a fairly homogeneous group of small countries with a high level of economic development and stable democratic traditions, the EFTA countries (Austria, Sweden, Finland) found it relatively easy to adapt to the main requirements for joining the EU. In addition, the fall of communist regimes in Eastern European countries, the reunification of Germany in 1990, and the collapse of the Soviet Union in 1991, which resulted in the dissolution of the world bipolar system of military-political confrontation, led to new assess-



The flag of Austria

The flag of Sweden

The flag of Finland

ments by the neutral EFTA countries of their status. It became practically compatible with full membership in the EU.

A cautious position regarding closer cooperation or accession to the EU was taken by Switzerland and Liechtenstein (EFTA members since 1991). Iceland did not consider the possibility of accession to the EU at all, being wary of opening its resources to the needs of the Community's fishing industry.

Analyzing the integration process of the countries of the fourth enlargement into the EU, it should be noted that this process was based primarily on economic interests, which were mostly mutually beneficial ones. However, political factors also played an important role, including the different positions of the EU member states on the accession of new members.

At the beginning of 1993, after the creation of the European Union, accession negotiations began with the following countries: Austria, Sweden, and Finland. The question of the accession of this «three» did not raise any doubts, because these countries had stable and highly developed economies.

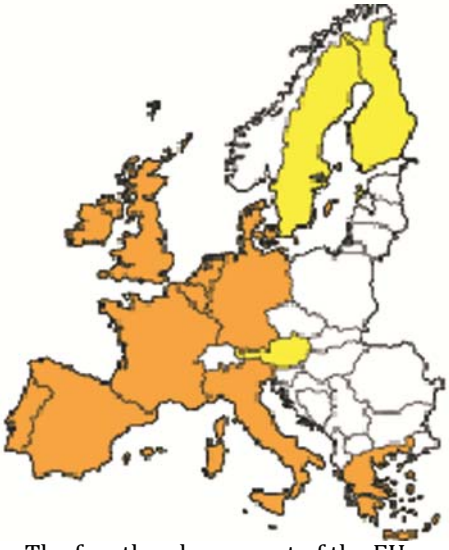
On January 1, 1995, with the accession of Austria, Finland, and Sweden, the «Europe of the Twelve» transformed into the «Europe of the Fifteen».

In 1995, the appearance of these countries in the EU significantly changed the political configuration of the European Union. All three countries supported the course of developing a common foreign policy, increasing the independent role of the EU in international relations, while supporting the UN and its peacekeeping efforts, strengthening global legal order and resolving regional and local conflicts by political methods, and developing EU cooperation with neighboring countries.

Although the new «three» had the same economic and social development as the countries that were close to the «core» of the EU, their accession sharply revealed the problem of imbalance between the economic and geographical balance and the location of EU borders.

It is worth noting that during the fourth wave of EU enlargement, Norway made the second attempt to join the EU after its failure to join the EU through a national referendum during the first wave of EU enlargement in the 1970s.

Thus, **Norway** applied for EU membership for the second time in November 1992. In June 1994, an accession agreement was signed between Norway and the EU.



The fourth enlargement of the EU – the accession of Austria, Sweden, and Finland

However, in November 1994, citizens again voted against EU membership of the country in a national referendum. Energy policy was again a main dispute, as Norway did not want to give up control over its vast reserves of natural gas and oil, and fishing policy was a concern as well, as Norway did not want to lose control over its profitable territorial waters.

Switzerland is another example of how public opinion can negatively affect the outcome of European integration, namely the desire to join the EU**.**

Swiss citizens voted against joining the European Economic Area (EEA) in a national referendum in December 1992, after which the Swiss government decided not to continue the country's European integration policy and not to pursue Swiss membership in the EU.

The EEA was a proposal by the EC to create a large integrated market that would include, at that time, twelve EU member states and seven member states of the European Free Trade Association (EFTA): Austria, Finland, Iceland, Liechtenstein, Norway, Sweden, and Switzerland. In fact, the EEA was the first unofficial step towards integrating half of the EFTA states into the EU, namely Austria, Finland, and Sweden, which became members of the EU in 1995.

In general, not every country in the EU uses national referendums to address European integration issues. Moreover, this form of citizen involvement in the decision-making process in the EU was used for certain aspects, but over time, referendums gradually began to play an increasingly important role in the process of European integration. It is also noticeable that the moral and political pressure for their use in the EU increased, according to D. Dinan. According to his categorization, most referendums on European integration issues fall into two main categories (see table).

National referendums in European states on European integration issues in the 20th century (selected)

Year	State	Issues	Result
1972	Denmark, Ireland, Norway	Accession to the EU Accession to the EU	Yes No
1982	Greenland	Continuation of EU membership	No
1994	Austria, Finland, Sweden Norway	Accession to the EU Accession to the EU	Yes No

Source: Developed by Yu. V. Palahniuk based on: Dinan D. (2010) Ever Closer Union. An Introduction to European Integration. – Forth edition: Lynne Reinner Pub.

It should be noted that the table contains an example of how a territory left the EU: in 1982, the population of Greenland, an autonomous part of Denmark, which joined the EU as part of Denmark in 1973, voted against continuing membership. However, Denmark itself remained a member of the EU.

Denmark and Greenland

Thus, the EU enlargement process confirmed the idea that the positive outcome of the participation of economically less developed countries in integration alongside more developed ones is quite real under relatively favorable conditions in the world economy, assistance to catching-up countries from their rich partners and, thirdly, sound economic policies implemented by the governments of catching-up countries.

2.4 Results of Integration for New Member States and for the EU

The first enlargement took place on January 1, 1973. Six became nine when Denmark, Ireland, and Great Britain officially joined the EU. The second enlargement took place on January 1, 1981. EU membership reached double figures when Greece joined. It was eligible to join until the overthrow of the military regime and the restoration of democracy in 1974. The third enlargement took place on January 1, 1986 when Spain and Portugal joined the EU, bringing the membership to 12.

Thus, the EU initially consisted of the industrially developed countries of Northern Europe, but over time the EU opened its doors to the new democracies of Southern Europe. This happened because democratisation and European integration were factors in political stability and economic development in the Mediterranean region of Europe.

However, the enlargement to Southern Europe also led to an increase in the disparities between the old and new member states, and this increased the need for a common regional policy. Significant economic and social obstacles hindered the integration of these predominantly agricultural countries into a highly industrialized union. Accordingly, protracted negotiations and lengthy transition periods proved necessary for the successful integration of the new member states:

- the first enlargement was driven by the economic and political interests of the «Six» countries – the founding states of the EU;
- the second and third enlargements were quite strongly connected with political considerations. After all, these countries were those that had recently put an end to dictatorial policies, and therefore, the EU viewed the accession of these countries to the EU as a guarantee of democratic policies and the corresponding development of the countries.

The accession of Finland, Sweden, and Austria (the fourth enlargement) contributed to the formulation of the questions of accession to the EU of the Baltic countries and Slovenia in the 21st century in a practical plane.

An important aspect is also that the previous stages of enlargement took place at lower stages of integration:

- the first and second – at the stage of the existence of the common market, in the absence of elements of a political union;
- the third – at the beginning of the transition to the formation of a single internal market, only with the set goals of forming a common foreign policy;
- the fourth – after the formation of the single internal market, but in the absence of the Economic and Monetary Union, the finally formed common foreign and security policy, and cooperation in the field of justice and internal affairs.

Each wave of enlargement had its own social cost:

- the territory increased,
- the population increased,
- the total economic potential of the Union increased,
- economic indicators per capita decreased.

Expanding its socio-economic and political space, the EU accordingly sacrificed the current interests in ensuring the highest possible standard of living for the Community members in order to achieve strategic goals.

EU enlargement is a kind of field for unification and the creation of a powerful, strong «country», both in the economic, political, secure, and social life of the member states of the association.

The successive expansion of the geographical boundaries of the EU was logically accompanied by a complication of the enlargement mechanism in connection with the evolution of integration cooperation towards the gradual dominance of the principles of supranational construction.

In this regard, the following radical steps of integration reforms that accompanied the phenomenon of enlargement can be distinguished:

- EU enlargement in the 70s (first EU enlargement) coincided with the formation of a common policy in new areas (regional policy, environment, technology), the introduction of closer cooperation in the political sphere (ENP system), the implementation of institutional reform (the European Council was established, direct elections to the European Parliament were held);
- The enlargement of the 80s (second and third EU enlargements) was accompanied by the further development of the Structural Funds, the improvement of the mechanism for distributing resources in favor of less favorable regions of the member states, the adoption of the Single European Act, which increased the possibilities of decision-making in the European Council by a majority vote and the expansion of the powers of the European Parliament;
- The enlargement of the 90s (the accession of Austria, Sweden, and Finland to the EU – the fourth enlargement) took place after the ratification of the Maastricht Treaties, which provided for a number of

important steps towards deepening integration, the creation of the European Union, the formation of the Monetary and Economic Union, the development of the Common Foreign and Security Policy, and further expansion of the powers of the European Parliament;

Thus, at different stages of the evolution of the European integration association, the motivations for its enlargement were determined by various political, economic, security and other circumstances and interests.

Thus, during the enlargement in the 20th century, the integration processes were uneven in nature. The emphasis also changed in the discussion on the potential boundaries of integrated Europe and the criteria associated with the accession of new members.

It should be noted that taking into account the opinion of citizens when implementing the European integration strategy is a crucial factor for its success. For example, in the 20th century, Norway twice failed to become a member of the EU, although it applied for membership twice and was organizationally ready for it each time and even signed accession agreements with the EU, because Norway's EU membership was not supported by the country's citizens in national referendums on accession.

To summarize, as a result of four enlargements in the 20th century, there were 15 EU member states: Germany, France, Italy, the Netherlands, Belgium, Luxembourg, Denmark, Ireland, Great Britain, Greece, Spain, Portugal, Austria, Finland, and Sweden. In October 1990, Germany was reunified, and therefore the former East Germany became part of the EU.

QUESTIONS FOR SELF-ASSESSMENT

1. Name the main reasons for the Great Britain's accession to the EU.
2. Why was France negatively disposed towards the Great Britain's accession to the EU?
3. When did the first enlargement of the European Union take place?
4. Why was Greece unable to join the European Union before 1974?
5. What challenges did the European Union face during the integration of the countries of Southern Europe (Mediterranean enlargement)?
6. Name the dates of each enlargement of the European Union in the 20th century.
7. Why did Norway fail to join the EU twice?
8. When Greenland left the EU in 1982, did the number of EU member states decrease?
9. Why were Austria, Finland, and Sweden able to join the EU only in the 1990s, and not earlier?
10. Were the main reasons for EU enlargement in the 20th century only economic? Name other reasons for the enlargements, if any.

RECOMMENDED READING

1. Баймуратов М. О., Хоббі Ю. С. Модифікації державного суверенітету в умовах європейської інтеграції в контексті взаємовідносин Європейського Союзу з державами-членами: монографія. Суми: Університет. кн., 2013. 300 с.
2. Волошин Ю. О. Конституційно-правове забезпечення європейської міждержавної інтеграції: теоретико-методологічні аспекти: монографія. К.: Логос, 2010. 428 с.
3. Копійка В. В., Шинкаренко Т. І. Європейський Союз: історія та засади функціонування: навч. посіб. / за ред. Л. В. Губерського. К.: Знання, 2009. 751 с.
4. Світова та європейська інтеграція: [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. 340 с. http://lib.chdu.edu.ua/pdf/posibnuku/252/7.pdf.
5. Dinan D. (2010) Ever Closer Union. An Introduction to European Integration. Forth edition: Lynne Reinner Pub.
6. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p. http://dspace.chmnu.edu.ua/bitstream/123456789/257/1/English.%20European%20and%20Euro-Atlantic%20Integration.pdf.
7. European Navigator. 1980–1986 Enlargement to the south and the Single European Act. Accessed at http://www.ena.lu/.
8. Офіційний сайт ЄС: www.europa.eu.

TESTS

1. Which countries belong to the first enlargement of the EU?
a) France, the FRG, and Great Britain
b) The Netherlands, Sweden, Hungary
c) Poland, Italy, Spain
d) Great Britain, Denmark, and Ireland

2. Which country had to wait 15 years to join the European Union?
a) Germany b) Austria *c) Great Britain* d) France

3. When did the second enlargement of the EU begin?
a) In 1967 *b) 1981;* c) 1997 d) 1987

4. The main obstacle to the accession of Greece, Spain, and Portugal to the European Communities before the 1980s was:
a) the absence of an association agreement with the EU
b) dictatorial regimes
c) low level of socio-economic development
d) political obstacles

5. How many countries joined the Communities during the third enlargement?
a) 3 b) 5 *c) 2* d) 1

6. Which country conducted renegotiations on accession to the EU simultaneously with Austria, Sweden, and Finland?
a) Italy *b) Norway* c) Denmark d) Portugal

7. Which countries joined the EU during the fourth enlargement?
a) Spain, Sweden, Portugal *c) Austria, Finland, Sweden*
b) Austria, Greece, France d) Ireland, Russia, Finland

8. In the 1980s, Greenland:
a) joined the EU *c) left the EU*
b) became a self-governing state d) lost its autonomous status in Denmark

9. After Greece, the following countries joined the EU:
a) in 1985, Spain and Austria c) in 1986, Portugal and Sweden
b) in 1986, Portugal and Spain d) in 1987, Sweden and Austria

10. How many times did France veto the Great Britain's accession to the EU?
a) 0 b) 1 *c) 2* d) 3

TOPIC 3

Three EU Enlargements in the 21st Century

3.1 The Fall of the Berlin Wall – a New Map of Europe.
3.2 EU Support Programs for Central and Eastern Europe.
3.3 The Copenhagen Criteria for EU Membership.
The Negotiation Process between the EU and Candidate Countries.
3.4 The Fifth and Sixth Enlargements:
Challenges, Outcomes, and Prospects.
3.5 Croatia – the Latest EU Enlargement.
3.6 Brexit – the Withdrawal of the United Kingdom from the EU.

3.1 The Fall of the Berlin Wall – a New Map of Europe

In the mid-1980s, perestroika began in the USSR, which also affected the aspirations of the countries of the so-called «socialist bloc» of Central and Eastern Europe for self-determination, the desire to carry out democratic and market reforms.

The situation in the German Democratic Republic (hereinafter referred to as the GDR) became very tense, but its leadership tried to pretend for a long time that everything was calm, despite Mikhail Gorbachev's calls

for reforms in the GDR. The head of the party and government of the GDR, Erich Honecker, was forced to cede power in 1989 to Egon Krenz, who promised the people quick reforms. But the people were tired of waiting. On November 4, about 400,000 demonstrators gathered in Berlin on Alexanderplatz. The people demanded the resignation of the government, free elections, and freedom of speech.

On November 9, 1989, at a press conference held by the Socialist Unity Party of Germany, in response to a question from the Italian news agency ANSA Ehrmann about the new procedure for the departure of East German citizens from the country, party official Günter Schabowski announced that a new law was being adopted that would allow residents of the GDR to travel abroad. «When will it come into force?» – suddenly a voice was heard from the hall. G. Schabowski replied, «It will come into force as far as I know ... from this moment on.» This news instantly spread throughout East Berlin. And on the same day, many residents of the city went to the Berlin Wall to find out the details for themselves. Border guards, who had not yet heard anything about the new travel rules, tried to block the road. However, they were soon forced to retreat and open the crossings.

This day would later be considered the day of *the fall of the Berlin Wall* throughout the world – a symbol of freedom and the end of the «Cold War».

The unification of Germany became more than just an internal matter for the Germans. According to the results of the GDR elections in March 1990, the East German Christian Democrats won. Their leader, Lothar de Maiziere, became the head of the GDR government. In mid-May, Helmut Kohl, Chancellor of the FRG, and Lothar de Maiziere signed an agreement on the creation of a single economic space. And in May, negotiations began in Bonn under the «2 plus 4» formula with the participation of both German states and four victorious states: the USSR, the USA, France, and Great Britain.

At the next meeting in Zheleznovodsk on July 16, 1990, Helmut Kohl, Chancellor of the FRG, and Mikhail Gorbachev, General Secretary of the Central Committee of the CPSU of the USSR, agreed on all controversial points. M. Gorbachev agreed to the entry of a united Germany into NATO. A deadline was set for the withdrawal of Soviet troops from the territory of the GDR. In turn, the FRG government assumed obligations within the framework of economic cooperation with the Soviet Union. Germany recognized the borders of western Poland along the Oder and Neisse rivers.

Finally, on October 3, 1990, the GDR joined the scope of the Basic Law of the FRG. That is, *Germany finally became a unified country.*

After the end of the Cold War and the first free elections in 1989–1990, the states of Central and Eastern Europe began to form their foreign policy priorities, declaring the **«return to Europe»** the main direction of foreign policy. They began the process of democratic and market transformations and

turned to the EU not only for financial support, market access, and technical assistance, but also for recognition of their «Europeanness».

Thus, after the fall of the Berlin Wall, the process of unification in Europe received new historical opportunities. The EU had the opportunity and responsibility to help neighboring countries develop economically and democratically, while contributing to stability and security across the continent and promoting pan-European integration.

3.2 EU Support Programs for Central and Eastern Europe

Systemic reforms in the post-socialist CEE states, despite certain difficulties, were carried out under the attention and supervision of the EU. The EU used various instruments, including financial ones, to implement the strategy of enlargement to the East. It is known that throughout the entire period of preparation for accession, the CEE states received significant financial assistance from its EU funds, such as PHARE, SAPARD, and ISPA.

PHARE Programme (Community Aid Programme for the Central and Eastern European States) was the main financial instrument of the pre-accession strategy for the Central and Eastern European states that applied for EU membership. This program was established by EU Council Regulation No. 3906/89 dated December 18, 1989, «On economic assistance to the Republic of Hungary and the People's Republic of Poland». Article 2 of the Regulation stated that the amount of Community resources needed to achieve the objective of the Regulation was 300 million ECU for the period up to December 31, 1990.

The aid was to be used mainly to support the reform process in Poland and Hungary, in particular by financing or participating in financial projects aimed at economic restructuring. Such projects or methods of cooperation were to be carried out in the fields of agriculture, industry, investment, energy, training, environmental protection, trade, and services. Their main focus was the private sector (article 3). And one of the concluding articles of this Regulation (article 10) established that from 1990 the European Commission would write reports on the implementation of the Programme, which would be sent to the European Parliament, the Council of the EU, and the Economic and Social Committee.

Since 1994, the above-mentioned PHARE objectives were adapted to the priorities and needs of each CEE country. The renewed Programme, with a budget of over 10 billion euros for the period from 2000 to 2006 (around 1,5 billion euros per year), had two main goals: firstly, the development of institutional capacity, and secondly, the financing of investments.

The budget of the PHARE programme for 2000–2006 was over 10 billion euros. Its objectives during this period were:

- to improve public administration and institutions so that they could operate effectively in the EU;
- to facilitate the adoption of the large-scale EU legal acquis and shorten the transition period;
- to support economic and social convergence.

For the new member states, 2003 was the last year for submitting projects under the PHARE programme, but project implementation and financing continued until 2006.

In general, such countries as Bulgaria, Croatia, the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Romania, Slovakia, and Slovenia received assistance under the PHARE programme during the pre-accession process to the EU. After 2000, during the final stage of the European integration of the CEE countries, PHARE was redirected to the preparation of candidate countries for accession. To help with its tasks, two new instruments were introduced: SAPARD and ISPRA, which we will consider in more detail below.

The PHARE programme was aimed at the countries of the Central and Eastern Europe region, but was later extended to the candidate countries for accession to the EU from the Western Balkan region. Thus, until 2000, the Western Balkan countries (Albania, Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia) also received financial assistance from PHARE, but since 2001, the relevant projects in these countries have been financed from the CARDS programme.

The SAPARD programme was the Community foundation for supporting the sustainable development of agriculture and rural areas in the candidate countries for EU accession in Central and Eastern Europe during the pre-accession period from 2000 to 2006. It was designed to address the problems affecting the long-term adjustment of the agricultural sector and rural areas, and helped to implement the EU legal acquis in the field of the common agricultural policy and related policies. This EU instrument was established by Council Regulation No. 1268/99 dated June 21, 1999, «On Community support for pre-accession measures for the development of agriculture and rural areas in the candidate countries of Central and Eastern Europe during the pre-accession period».

Therefore, due to the fact that the issues of regulating agriculture after the enlargement of the EU became debatable and problematic both for the old agricultural producing members of the EU (for example, France) and for the new candidate countries for accession to the EU (for example, Poland), the EU separately regulated this issue in order to conduct a common agricultural policy in the future that would align with the interests of all EU members.

The ISPRA programme (Instrument for Structural Policies for Pre-Accession) was introduced by the EU Council Regulation No. 1267/99 dated June 21, 1999, «On establishing an instrument for structural policies for the

pre-accession process»: «In order to prepare for the accession of the Central and Eastern European (CEE) countries, the EU provides, through the structural pre-accession instrument, financial support in the areas of economic and social integration, in particular for environmental protection and transport policy for the period 2000–2006», as summarized on the official EU portal.

Thus, throughout the entire period of preparation for accession, the CEE countries of the region received significant financial assistance from EU funds, such as PHARE, ISPA, SAPARD, and also participated in multilateral EU programmes. For example, the Baltic states (the three former republics of the USSR – Lithuania, Latvia, and Estonia) received substantial funds through assistance programs. Thus, the total amount of grants between 1991 and 2001 from the EU through instruments for supporting candidate countries (PHARE, SAPARD, ISPA, etc.) amounted to: Latvia – 319 million euros, Lithuania – 527 million euros, Estonia – 323 million euros. Accordingly, the amount of assistance to the Baltic countries from the EU, when calculated per capita, was the highest compared to other Central and Eastern European countries, and this dynamics continued after the Baltic countries joined the EU. Therefore, the receipt by the CEE countries of significant financial assistance from EU funds for carrying out systemic reforms and adapting to European standards in various areas can be called an important financial mechanism for the integration of the former socialist CEE countries into the European Union.

3.3 The Copenhagen Criteria for EU Membership. The Negotiation Process between the EU and Candidate Countries

Article 49 of the Treaty on European Union (TEU) directly provides for only two criteria for membership in the Union. Thus, a state applying for membership must be European (geographical criterion) and must respect and adhere to the values on which the EU is based (article 2 TEU) (political criterion).

According to article 49, the European Council may extend or add new conditions for membership. Thus, at the meetings of the European Council in the 1990s, additional membership criteria were formulated in order to select more «worthy» applicants for accession to the Union, compliance with which should indicate the state's ability to fulfill the obligations of a member state of the Union.

The criteria that candidate states from CEE had to meet for accession to the European Union were approved at the meeting of the European Council **in Copenhagen in June 1993** and included:

– stability of institutions guaranteeing democracy, the rule of law, respect for human rights, respect for and protection of national minorities (political criteria);

- existence of a functioning market economy and the ability to withstand competitive pressure and market forces within the EU (economic criteria);
- ability to take on the obligations arising from EU membership, including strict adherence to the objectives of political, economic, and monetary union (legal criterion). Membership requires that candidate countries achieved the stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy, and the ability to cope with the competitive pressure of a market economy within the Union.

Political criteria

Guaranteeing democracy and the rule of law:

a) free and fair elections;
b) functioning of the legislative branch of government:
– work satisfactorily:
– its powers must be respected;
– the opposition must fully participate in the work of parliament;
– minorities, if they are in the state, must have the opportunity to be represented in the legislative body of the state.
c) functioning of the executive branch of government:
– creation of a unified civil service system;
– decentralization and structural reform of the public administration system;
– public access to information;
– effective consultation with stakeholders;
– accountability of public administration.
d) functioning of the judicial branch of government:
– independence of the judicial branch of government;
– training and retraining of judges;
– filling vacancies in the judicial branch of government;
– improving people's access to justice;
– improving the resolution of legal cases;
– effective implementation of court decisions.
e) measures to combat corruption:
– protection of human rights,
– respect and protection of minorities.

That is, membership in the EU from the point of view of political standards requires the stability of institutions that guarantee democracy, the rule of law, respect for and protection of minorities from the candidate state. Article 6 of the Treaty on European Union states that «the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law».

States wishing to become EU members must not only enshrine the principles of democracy and the rule of law in their constitutions, but also implement them in everyday life. The constitutions of the applicant states must guarantee democratic freedoms, including political pluralism, freedom of speech and freedom of conscience. They must establish democratic institutions and independent judicial bodies, bodies of constitutional jurisdiction, which create the conditions for the proper functioning of state institutions, holding of free and fair elections, periodic changes in the ruling parliamentary majority, as well as recognition of the important role of the opposition in political life.

In order to assess the fulfilment by the candidate states of the conditions for membership, the European Commission goes beyond the formal description of political institutions and the relations between them in each of its Opinions. It assesses whether democracy is genuine on the basis of a number of detailed criteria. This includes checking how constitutional rights and freedoms are protected, in particular freedom of speech in the activities of political parties, non-governmental organisations, and the media.

Economic criteria

According to the Copenhagen criteria, the requirements for membership in the economic sphere are «both the presence of a functioning market economy and the capacity to withstand competitive pressure and market forces within the EU».

The presence of a functioning market economy is characterised by the following elements:

- equilibrium between supply and demand resulting from the free interaction of market forces;
- liberalisation of prices and trade;
- absence of barriers to market entry and exit;
- presence of sufficient legal framework, including regulation of property rights, enforcement of laws and contracts;
- achievement of macroeconomic stability, including price equilibrium, stability of public finances, and balance of payments;
- public consensus on major economic policy issues;
- sufficient development of the financial sector to direct savings into production investment.

The criterion of the ability to withstand competitive pressure and market forces within the EU requires:

- the presence of a functioning market economy with a sufficient level of macroeconomic stability, which allows market participants to make decisions in an atmosphere of stability and predictability;
- a sufficient number of human and material resources, including infrastructure (energy supply, telecommunications, transport, etc.), the level of education, and research activities;

- the degree of influence of government policy and legislation on competition through trade policy, competition policy, and the provision of state aid;
- the level and pace of the state's integration into the EU before its enlargement;
- a sufficient share of small enterprises in the structure of the economy, since small enterprises benefit from simplified access to the market.

Legal criterion (adaptation of the legislative framework to the norms of the acquis communautaire – the EU legal acquis).

This criterion is the basis for the political and economic integration of the country into the EU structures (i.e. the political and economic criterion).

Ultimately, candidate countries for EU membership must adopt the entire body of EU law, which covers economic, political, and social spheres and consists of 31 chapters, and the chapters contain legislative acts in a particular field. Given that the entire legal acquis of the European Union has almost a fifty-year history of development, its implementation in each country represents a long-term process that continues even after full membership is achieved. Therefore, the harmonization of national law with the acquis communautaire is a complex process, but at the same time one whose results can be clearly assessed.

The European Council concluded that candidate countries must be able to take on the obligations of EU membership in the context of compliance with the objectives of the Treaty on European Union, including political, economic, and monetary union.

The Common Foreign and Security Policy is a key component of the EU's political union.

An important segment of the EU is the European Economic and Monetary Union. However, a distinction should be made between participation in the monetary union, which is mandatory for all EU members, and the adoption of the euro as the single currency. New members are not required to adopt the euro as the single currency, even if they participate in the EMS. Participation in it will contribute to the development of candidate countries, and the eventual adoption of the euro as the single currency for all EU members.

Membership negotiations cannot begin until all EU governments have agreed, in the form of a unanimous decision by the EU Council on a framework or mandate for negotiations with a candidate country. Negotiations are held between ministers and ambassadors of the EU and candidate country in a so-called intergovernmental conference.

At the same time, at the Copenhagen EU Summit (June 1993), it was noted that even if a candidate country meets all the criteria required for EU

membership, the Union may refuse its membership if it is established that such admission would violate the EU's ability to «absorb new members» (i.e. the EU's own readiness to accept new countries).

Negotiations under each chapter are based on the following elements:

– *Screening* – The Commission conducts a detailed examination together with the candidate country in each chapter to determine how well the country is prepared. The results of the chapter are presented by the Commission to the member states in the form of a screening report. The conclusion of this report is a recommendation by the Commission either to open negotiations directly or to require that certain conditions be met first – opening benchmarks.

– *Negotiation positions* – Before negotiations can begin, the candidate country must present its position, and the EU must agree on a common position. For most chapters, the EU will set closing criteria in this position, which must be fulfilled by the candidate country before negotiations in the relevant political area can be closed. For chapters 23 and 24, the Commission proposes that in the future these chapters be opened on the basis of action plans with temporary criteria that need to be fulfilled on the basis of their implementation before closing criteria.

The accession process occurs in four main stages:

1) application – submitting an application for accession;
2) evaluation – reviewing the application and making a positive decision;
3) negotiation – conducting negotiations with the candidate country;
4) ratification – signing the accession agreement and its entry into force.

The pace of negotiations depends on the speed of reforms and the alignment with EU legislation in each country.

Closing the negotiations

1. Closing the chapters. No negotiation process on any individual chapter will be closed until each EU government is satisfied with the progress made by the candidate in that political area, as analysed by the Commission. And the entire negotiation process is finally concluded only after each chapter has been closed.
2. Accession Treaty. This is the document that formalizes a country's membership in the EU. It contains the detailed conditions of membership, all transitional mechanisms and timelines, as well as details of the financial mechanisms and any protection provisions. However, once the treaty is signed, the candidate becomes an acceding country. This means that it must become a full member of the EU

on the date set by the treaty, provided the treaty is ratified. In the meantime, it benefits from special measures such as the possibility to comment on EU draft proposals, notifications, recommendations, or initiatives and «active observer status» in EU bodies and institutions (it has the right to speak but not to vote).

At the Essen Summit on December 9–10, 1994, a program was adopted to assist candidate countries in preparing for accession – the «Pre-Accession Strategy». It constituted the main content of the EU's «Eastern policy» in the 1990s and included four main stages:

1) European agreements;
2) multilateral structured dialogue;
3) preparation of the associated CEE countries for integration into the EU's Single Internal Market, which was regulated by the White Paper (1995);
4) financial assistance to CEE countries.

The EU also developed such documents as «The European Commission. Towards a closer association with the countries of Central and Eastern Europe» and «Agenda 2000». In the document «Agenda 2000», the European Commission formulated the so-called reinforced pre-accession strategy for the candidate countries from CEE. Together with the strategy, the European Commission adopted the «Partnership for Accession» document. The aim of the partnership was to unite all forms of EU support for the candidate countries for accession, to outline the main short-term and medium-term priorities in the adoption of the EU «acquis communautaire». That is, these EU documents outlined the basis of cooperation and the ways of integration of the CEE countries into the European Union.

Thus, the EU used various instruments to implement the strategy of enlargement to the East. As a result of the study, we can distinguish, in our opinion, the main instruments of the EU enlargement to the East. These are, firstly, financial instruments (PHARE, SAPARD, ISPA aid programmes); secondly, a political instrument (multilateral structured dialogue); and thirdly, a legal instrument (signing and implementing Europe Agreements with the CEE countries).

3.4 The Fifth and Sixth Enlargements: Challenges, Outcomes, and Prospects

The enlargement of the European Union is the process of expanding the European Union through the accession of new European countries.

The countries of the Eastern European region were interested in deepening cooperation with the EU and inclusion in the process of European integration in the early 1990s, with which they linked hopes for a quick completion of the process of systemic transformations. In addition, some EU member

states were also interested in the enlargement of the EU to the east, among which Germany should be especially highlighted. It is Germany that was interested in maintaining political stability in the countries located to the east of its borders and where 53% of its exports were sent.

At the beginning of the 1990s, the EU divided the former socialist states of Europe into three groups:

the first group – the states of Central and Eastern Europe (CEE);

The European Union included Poland, Hungary, the Czech Republic, Slovakia, Slovenia, Bulgaria, Romania, and the three Baltic states (Estonia, Latvia, and Lithuania) in the first group (CEE states), and relations with them were built within the framework of the institution of European agreements (association agreements).

the second group – the states of the Balkan region;

The second group (the Balkan states) consisted of the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia, Albania, the FYROM, Bosnia and Herzegovina. The main task of the EU in relation to the states of this group was to promote the peaceful settlement of armed regional conflicts and the cessation of hostilities in the states of this region in the 1990s. After the situation in these states normalized, the EU planned to sign stabilization and association agreements with them.

the third group – Russia and the countries of the Commonwealth of Independent States (CIS)

The states of the third group, Russia and the CIS states (including Ukraine in this group), were considered by the EU as a single political space and received the status of third countries with which partnership and cooperation agreements could be signed. That is, the states of the third group were denied the prospect of full membership or even associated membership at the beginning of the 1990s.

The first step towards expanding the European integration zone to the east was **the conclusion of association agreements between the EU and the CEE countries**, which were called the Europe Agreements, which envisaged the accession to the EU at an indefinite date.

In 1991, association agreements were signed with Hungary and Poland, in 1993 – with Romania and Bulgaria, in 1994 – with the Czech Republic and Slovakia, in 1995 – with Slovenia.

After the conclusion of the association agreements with the EU, the policy of the CEE countries was aimed at adapting national legislation to the norms and standards of the EU, closer economic integration, and cooperation in priority areas of foreign policy. The main goal of implementing these agreements was to create a free trade zone between them and the EU through the abolition of customs duties and other trade barriers by the end of the 1990s.

In 1993, at a meeting of the European Council in Copenhagen, a decision was made that the associated countries of Central and Eastern Europe, if they expressed their will, could become members of the European Union by fulfilling a number of the «Copenhagen criteria» (which were discussed in the previous section).

The establishment of clear membership criteria for the CEE countries served as the basis **for the submission of official applications for EU membership by the following states**:

- Hungary and Poland – in 1994;
- Romania, Slovakia, Latvia, Estonia, Lithuania and Bulgaria – in 1995;
- the Czech Republic and Slovenia – in 1996.

Since then, their state policy was aimed at gaining full membership in the EU by fulfilling the Copenhagen criteria for membership, adopting and implementing government development programs, political dialogue with the EU, and continuing reforms in accordance with European standards in various sectors. Thus, at this stage, the post-socialist CEE countries obtained the status of associated members of the EU and began to actively implement state policies aimed at membership in this Union.

In 1994, the European Union approved a program to prepare these countries for EU accession – the so-called White Paper «Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union». The decisions of the European Council meeting in Madrid in December 1995 were of great importance. At the meeting it was established that upon accession to the EU, candidate countries must have a developed market economy, effective governance, and a stable financial and economic situation.

Additional restrictions were introduced into the accession criteria (when assessing the financial consequences of enlargement for the EU in these areas): the ability of countries to adopt and implement the structural and agricultural policies approved by the EU. During 1997, the European Commission and 11 candidate countries (10 CEE countries and Cyprus) reached an agreement on the conditions and timeline for starting accession negotiations. Based on the recommendations of the EU Commission, in December 1997 at a meeting of the Council of Heads of State and Government of the EU member states in Luxembourg, a political decision on a gradual, large-scale EU enlargement was made.

At the summit, called the enlargement summit, a list of states that came closest to fulfilling the Copenhagen criteria was announced: Cyprus, Poland, Hungary, the Czech Republic, Estonia, and Slovenia.

This decision of the EU caused concern among other CEE states that were not included in the «first wave» of EU enlargement to the East, along with the five states that were included. Therefore, various possible problems

arising from the accession of CEE states in «waves» and other factors led to the fact that such a policy was revised.

Thus, during the Helsinki Summit in December 1999 and the Copenhagen Summit in December 2002, the EU's policy on the accession of Central and Eastern European countries was changed: instead of the «wave» accession strategy, a strategy of «equal opportunities» was adopted. Therefore, accession negotiations began with all 10 candidate countries from CEE, as well as with Cyprus and Malta. Accession Partnership Agreements were already signed with them, which were based on common priorities for cooperation in fulfilling the EU membership criteria.

In the referendums held in the countries regarding EU membership, the results were positive and the level of public support for EU membership was particularly high (see table 3.1). For example, in Slovakia, Lithuania, and Slovenia, 90–92% of the population supported EU membership in national referendums.

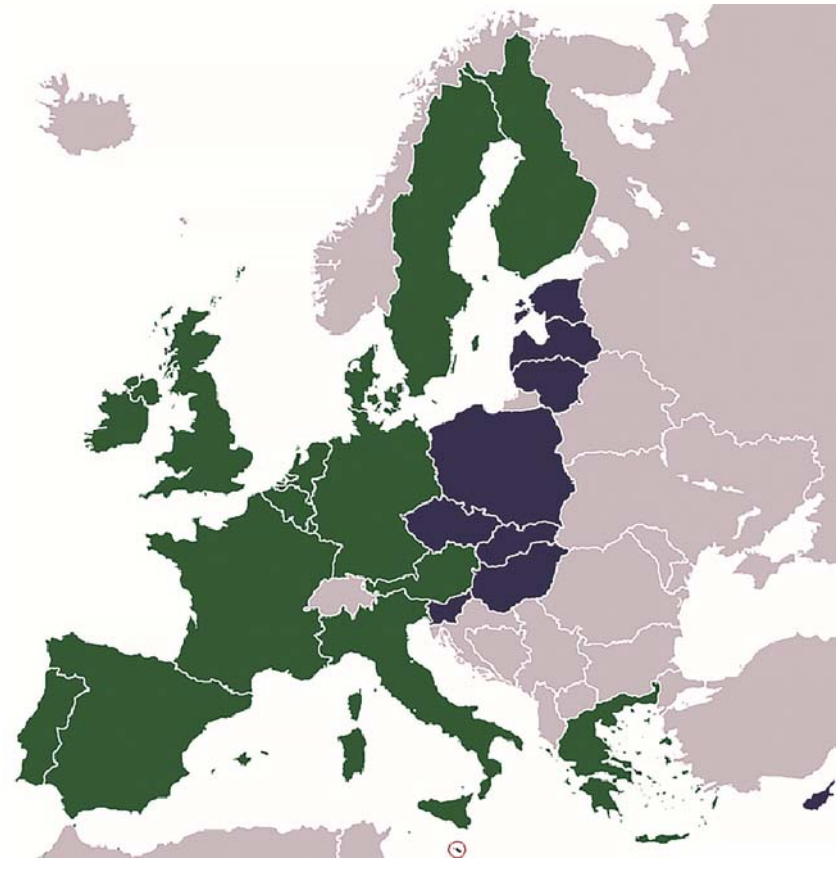
Table 3.1 – **Level of public support for EU membership in national referendums of the «fifth» EU enlargement, in %**

Country	Date of holding	Result, in %	Result (yes/no)
Malta	March 8, 2003	53,6%	yes
Slovenia	March 23, 2003	89,2%	yes
Hungary	April 12, 2003	83,8%	yes
Lithuania	May 11, 2003	91%	yes
Slovakia	May 16–17, 2003	92,5%	yes
Poland	June 8, 2003	77,4%	yes
The Czech Republic	June 13–14, 2003	77,3%	yes
Estonia	September 14, 2003	64%	yes
Latvia	September 20, 2003	67%	yes

Dinan D. (2010) Ever Closer Union. An Introduction to European Integration. Forth edition: Lynne Reinner Pub

On May 1, 2004, the «fifth» enlargement of the European Union, the so-called EU enlargement to the East, took place. For the first time, the European Union was joined by 10 states at once, eight of which were post-socialist countries of Central and Eastern Europe (hereinafter referred to as CEE): Estonia, Latvia, Lithuania, the Republic of Poland, Hungary, the Czech Republic, Slovakia, and Slovenia. Two more countries of the region (Bulgaria and Romania) joined the EU three years later, in 2007, when the «sixth» enlargement of the EU took place.

The fifth enlargement of the EU was an unprecedented event in the history of a united Europe in terms of its scale.



The fifth enlargement of the EU – the accession of Estonia, Latvia, Lithuania, the Republic of Poland, Hungary, the Czech Republic, Slovakia, and Slovenia

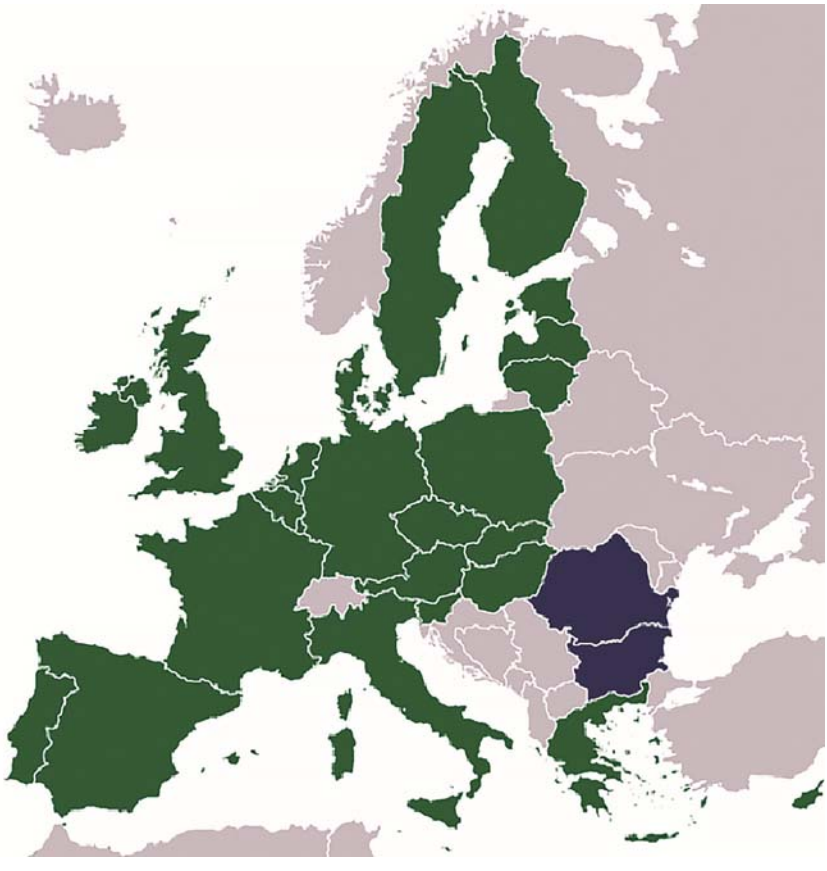
Public opinion of the «old» 15 member states of the union shifted towards greater support for EU enlargement in 2004. For example, in 2000, 44% of the population supported the EU's enlargement to the East, while 35% were against it. However, two years later, in 2002, 55% supported the accession of new states from the CEE region to the EU, while 37% were against it.

After the fifth enlargement, the EU immediately began **the sixth enlargement**. The EU countries did not refuse Bulgaria and Romania, but they were not in a hurry to make a final decision. Bulgaria was considered an ideal country for the development of agriculture, and Romania was considered one of the main sources of labor.

In April 2005, an agreement was signed on the accession of Bulgaria and Romania to the EU. It stated that accession would only take place if the countries fulfilled all the conditions set by January 1, 2007. Bulgaria was mainly required to strengthen laws to combat corruption and crime, improve living

conditions in the country for national minorities, and boost the economy. Romania was required to reform the education and judicial systems, improve social policy towards national minorities, and take a more responsible approach to environmental protection. If these conditions were not met, the European Commission reserved the right to postpone the accession of Romania and Bulgaria for another year. The agreement on the accession of Bulgaria and Romania to the European Union from January 1, 2007 was signed in Neumünster in Luxembourg. The documents were signed by the leaders of Bulgaria and Romania, as well as the foreign ministers of the 25 EU member states.

Thus, the implementation of the project of the fifth and sixth enlargements took place over a period of ten years, but the accession of these countries did not mean the completion of the integration process into the EU. Today, work continues on the economic integration of these countries: harmonious development of economic institutions; stable and balanced economic interpenetration; increasing living standards; high employment rates; economic and monetary stability.



The sixth enlargement of the EU – the accession of Romania and Bulgaria

It should be noted that in the two states that joined the EU in 2007, namely Romania and Bulgaria, national referendums on EU membership were not held due to the high level of public support for European integration, as shown by nationwide surveys in these countries. For example, in 2004, when negotiations on Romania's accession to the EU had already been completed, a public opinion poll showed that 80% of Romanians supported the country's membership in the European Union.

The attitude of Europeans to whether their country's membership in the EU was positive varied between 2001 and 2009: on average, 53–55% had a positive attitude towards it, with a minimum of 48% in 2003–2004, and a maximum of 58% in 2007. Given this, we see that the low assessment of EU membership in 2003–2004 could be explained by the concerns of the population of the EU member states after the enlargement of its borders in 2004 and its possible negative consequences for the «old» 15 member states of the union.

The following features of the fifth and sixth stages of enlargement can be distinguished:

- never before had the European Community grown by so many new and so heterogeneous members at the same time. Throughout the history of enlargements, more than three candidate countries had never been accepted.
- eight out of ten new countries were post-communist countries that had in their historical passive experience (albeit different) of communist rule. They were very different from the existing EU members in terms of economic, social, political status, and mentality.
- for the first time the political basis for the decision to enlarge was so obvious. According to many European politicians, for the first time in many years Europeans had the opportunity to feel like a single whole. In addition, the problem of the post-war split of the European continent was disappearing.
- the fifth enlargement would take place at the highest level of economic integration of the EU countries – at the stage of completing the formation of the Economic and Monetary Union, which significantly complicated the problematic economic aspects of integration.

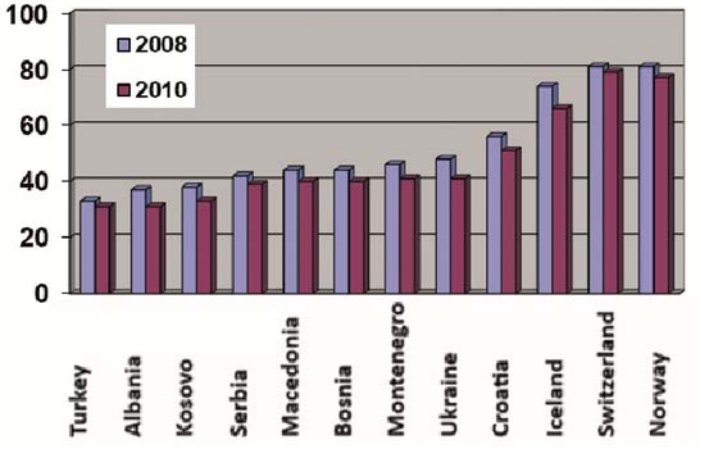
Thus, the fifth and sixth enlargements were enlargements that took place directly at the stage of completing the formation of the economic and monetary union, significant progress towards the formation of the political union, and deepening cooperation in the security sphere. And this made the issue of such enlargement particularly complex – both in political, economic, and legal and procedural aspects.

3.5 Croatia – the Latest EU Enlargement. Candidate Countries for EU Accession

After the enlargements to the east, the public in general became less supportive of the accession of new states to the EU. For example, in 2008, 36% of people in the EU opposed future enlargements of the European Union; since 2009, their number was 40% and reached two peaks – 45% in May 2010 and 50% in November 2011. At the same time, the number of Europeans who supported further enlargement of the EU borders decreased since 2009 to less than 50%. Later, at the end of 2011, on average across the EU, only 39% of Europeans supported EU enlargement; while it was in the Eastern European region that the greatest public support for this process remained.

Mostly citizens of the new EU member states from the CEE region (with the exception of Bulgaria, Hungary, and Latvia) believed that their country had benefited from EU membership.

In fourth place in public support for the EU was **Croatia** in 2010 (about 50%), which joined the EU on July 1, 2013.

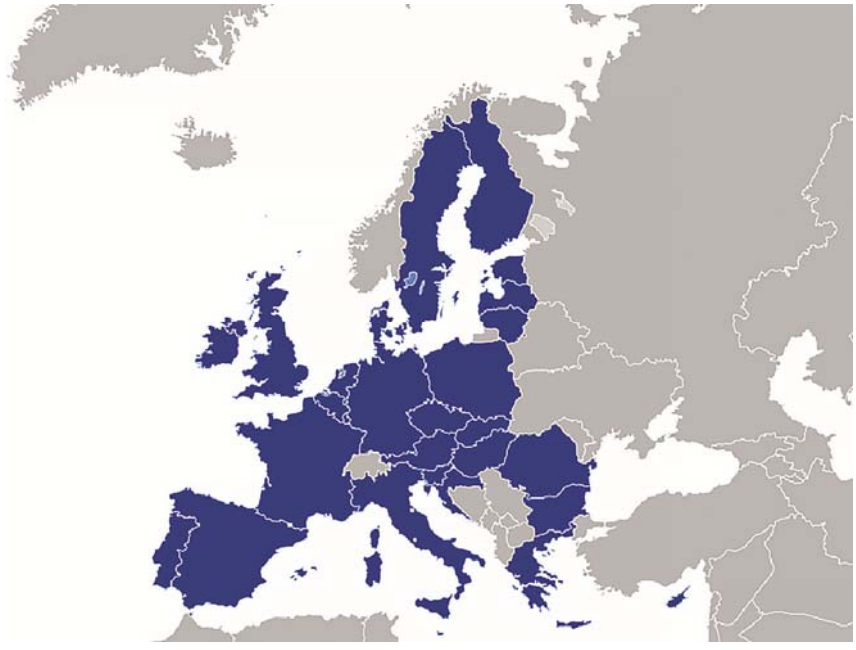


EU's public support for membership of other European countries in the EU, in %
(source: Developed on the basis of Eurobarometer sociological data, 2010)

Croatia's accession to the European Union took place at a difficult time. The community was experiencing the deepest crisis in its history (both financial and economic, and political). The desire to accept new members decreased significantly, especially after the accession of Romania and Bulgaria in 2007, because both of these countries were actually accepted «in advance», because at the time of joining the European Union they did not meet all the requirements of the community, in particular regarding combating corruption. At that time, Brussels hoped that EU membership itself would help solve

existing problems. But everything happened exactly the opposite: having gained membership, the governments of Bulgaria and Romania became complacent instead of continuing reforms.

Such an «in advance» accession was no longer possible for Croatia. The European Union countries were very careful about monitoring Croatia's fulfillment of all accession criteria. After the EU Council adopted a decision on Croatia's accession in December 2011, the ratification process of the relevant agreement by the parliaments of the community countries was made directly dependent on the fulfillment of the requirements of European partners, primarily in the fight against corruption.



The seventh enlargement of the EU – the accession of Croatia

Thus, Croatia became the second former Yugoslav republic in the European Union after Slovenia. With its accession to the EU, there were 28 member states. The gradual addition of countries from the region, where only two decades ago there was a war, to the European community had symbolic significance for Europe.

3.6 Brexit – the Withdrawal of the United Kingdom from the EU

In the referendum on June 23, 2016, Great Britain voted to leave the European Union, and on January 31, 2020, it officially ceased to be a member state of the EU.

Let us briefly analyze the path of Great Britain's withdrawal from the EU. Brexit is a combination of the words Britain and Exit – it means the withdrawal of Great Britain from the EU.

The Brexit referendum was held in Great Britain and Gibraltar on June 23, 2016. At that time, 51.89% of Britons voted to leave the EU with a voter turnout of 72.21%. In March 2017, the United Kingdom of Great Britain and Northern Ireland notified its intention to leave the European Union in accordance with article 50 of the Treaty on European Union. Recall that according to this article of the Treaty, any EU member state can withdraw from the union.

On March 29, 2017, the procedure for Great Britain's official withdrawal from the European Union began. The procedure was difficult, accompanied by political crises, changes in governments after the elections in Great Britain, long negotiations on the terms of withdrawal and future relations between Great Britain and the EU.

27 EU member states
(source: https://european-union.europa.eu/easy-read_en)

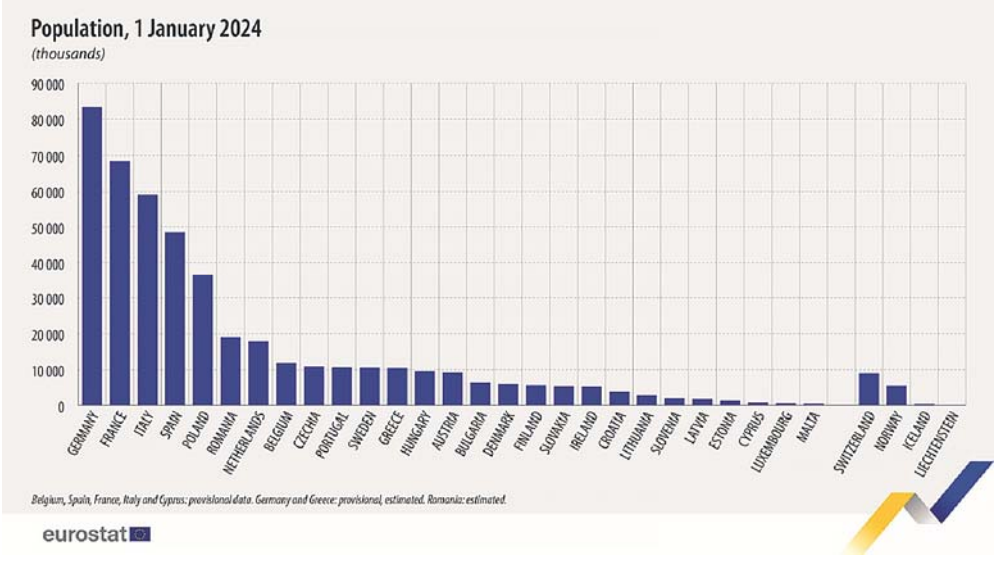
On January 29, 2020, the European Parliament approved the Brexit agreement. Following the European Parliament's decision, the Council of the EU completed the ratification process by voting with a qualified majority on January 30.

As of February 1, 2020, Great Britain was no longer a member of the EU. The EU and Great Britain agreed on the terms of Great Britain's withdrawal from the EU, commonly referred to as the «Withdrawal Agreement» or «Brexit Agreement».

The signing of the Trade and Cooperation Agreement (TCA) between the EU and Great Britain in December 2020, after a period of very intensive negotiations, put an end to the uncertainty about the EU's future relationship with Great Britain. This agreement comprehensively addresses all aspects of this new relationship on a range of issues, including: trade, police and judicial cooperation, energy, digital trade, intellectual property, transport, and social security coordination. The agreement is ambitious in scope and content, but fully protects the EU's interests and reflects Great Britain's status as a third country.

So, **after Great Britain left the EU in January 2020 (so-called Brexit), the EU had 27 member states**.

The population of the EU-27 was **449.2 million people**, with the distribution in the graph by EU member state (as of January 1, 2024):



Population of the EU-27 as of January 1, 2024, distributed by countries
(source: https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240711-1)

The official language of each member state is the official language of the EU. Since several member states have the same official language, this means that there are 24 official languages in the EU. Even after Great Britain left the EU, English remains one of the official languages of Ireland and Malta.

Thus, the three EU enlargements in the 21st century have strengthened the political role of the European Union in the global community, as a result of which the EU has become one of the strongest integration groups in the world.

On May 1, 2004, the «fifth» enlargement of the European Union took place, the so-called EU enlargement to the East. For the first time, the European Union was joined by 10 states at once, eight of which were post-socialist countries of Central and Eastern Europe: Estonia, Latvia, Lithuania, the Republic of Poland, Hungary, the Czech Republic, Slovakia, and Slovenia. As well as two more countries of the region (Bulgaria and Romania) joined the EU three years later, in 2007, when the «sixth» enlargement of the EU took place. For most of the countries of the fifth enlargement of the EU, the implementation of the accession preparation program took about 11 years, and for Bulgaria and Romania – 14–15 years. For the first time, countries to become members of the EU (except Cyprus and Malta) were those that only in the late 1980s began the transition from a socialist economy to a market economy, from an authoritarian state to a European-style democracy. The last EU enlargement took place in 2013, when Croatia joined the EU. Future EU enlargements are also planned from the Balkan region – the countries of the former Socialist Republic of Yugoslavia.

Table 3.2 – **Stages of EU enlargement**

Year	Stage	Countries
1951	Treaty establishing the European Coal and Steel Community	«Founding States»: France, the FRG, Belgium, Luxembourg, the Netherlands, and Italy
1973	First enlargement	Great Britain, Ireland, and Denmark
1981	Second enlargement	Greece
1986	Third enlargement	Spain and Portugal
1995	Fourth enlargement	Austria, Finland, and Sweden
2004	Fifth enlargement	The Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia
2007	Sixth enlargement	Bulgaria and Romania
2013	Seventh enlargement	Croatia

Source: developed by Yu. Palahniuk based on https://ec.europa.eu/

To the new stage of enlargement in the 21st century the EU approached, being in fact at the final stage of economic integration – the creation of an economic and monetary union, and also having largely fulfilled the goals of a political union. This result was achieved over more than 50 years, through a complex and gradual process of integration, the formation of a legal framework, and cooperation mechanisms.

QUESTIONS FOR SELF-ASSESSMENT

1. Why did the fall of the Berlin Wall mark the beginning of a new stage of European integration?
2. What are the main stages in the process of a state joining the EU?
3. Explain the meaning of the slogan «Return to Europe».
4. What is the main purpose of the EU PHARE programme?
5. Name the Copenhagen criteria for EU membership.
6. What is the main problem that the EU SAPARD programme is aimed at solving?
7. What are the main features of the fifth and sixth stages of enlargement, in your opinion?
8. Name the three main problems of accession to the EU of the countries of Central and Eastern Europe.
9. In your opinion, why did Romania and Bulgaria join the EU in 2007, and not in 2004?
10. Why was accession «in advance» impossible for Croatia?

RECOMMENDED READING

1. Офіційний сайт ЄС: www.europa.eu.
2. Палагнюк Ю. В. Основні інструменти розширення Європейського Союзу на Схід. *Ефективність державного управління*: зб. наук. пр. Львівського регіонального інституту державного управління Національної академії державного управління при Президентові України / за заг. ред. чл.-кор. НАН України В. С. Загорського, доц. А. В. Ліпенцева. Л.: ЛРІДУ НАДУ, 2013. Вип. 37. С. 189–196.
3. Палагнюк Ю. В. Механізми інтеграції держав Центральної та Східної Європи у Європейський Союз. *Державне управління і місцеве самоврядування.* 2013. № 4(19). Д.: ДРІДУ НАДУ. С. 115–123. http://www.dridu.dp. ua/vidavnictvo/2013/2013_04(19)/15.pdf.
4. Палагнюк Ю. В. Державна євроінтеграційна політика України: теорія, методологія, механізми: монографія. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2014. 392 с. http://dspace.chmnu.edu.ua/bitstream/123456789/323/1/%D0%9F%D0%B0%D0%BB%D0%B0%D0%B3%D0%BD%D1%8E%D0%BA%20%D0%AE.%20%D0%92.%20%D0%94%D0%B5%D1%80%D0%B6%D0%B0%D0%B2%D0%BD%D0%B0%20%D1%96%D0%

BD%D1%82%D0%B5%D0%B3%D1%80%D0%B0%D1%86%D1%96%D0%B9%D0%BD%D0%B0%20%D0%BF%D0%BE%D0%BB%D1%96%D1%82%D0%B8%D0%BA%D0%B0%20%D0%A3%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D0%B8.pdf.
5. Копійка В. В., Шинкаренко Т. І. Європейський Союз: історія та засади функціонування: навч. посіб. / за ред. Л. В. Губерського. К.: Знання, 2009. 751 с.
6. Світова та європейська інтеграція: [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. 340 с. http://lib.chdu.edu.ua/pdf/posibnuku/252/7.pdf.
7. Dinan D. (2010) Ever Closer Union. An Introduction to European Integration. Forth edition: Lynne Reinner Pub.
8. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p. https://www.researchgate.net/profile/Yuliana_Palagnyuk/publication/338954980_ Problemi_rozvitku_ES_pisla_finansovo_ekonomicnoi_krizi_uroki_dla_Ukraini/links/5e34730092851c7f7f11a7e2/Problemi-rozvitku-ES-pisla-finansovo-ekonomicnoi-krizi-uroki-dla-Ukraini.pdf.
9. Електронний ресурс: https://mfa.gov.ua/yevropejska-integraciya/vidnosini-ukrayina-yes/kopengagenski-kriteriyi-chlenstva-v-yevropejskomu-soyuzi .
10. Електронний ресурс: https://www.epochtimes.com.ua/world/society/povorot-istorii-padinnja-berlinskoi-stiny-67985.html.

TESTS

1. In which year was the EU PHARE programme introduced?
a) 1865 b) 1952 *c) 1989* d) 2006

2. In which year were the Copenhagen criteria for EU membership approved?
a) 1999 b) 1799 c) 1978 *d) 1993*

3. In which year did Bulgaria and Romania join the European Union?
a) 2015 b) 1998 c) 2012 *d) 2007*

4. The largest enlargement since the beginning of the EU integration process took place:
a) in 1999 b) in 2001 c) in 2002 *d) in 2004*

5. During the fifth enlargement, which country did not join the EU?
a) The Czech Republic *c) Georgia*
b) Hungary d) Estonia

6. **The Copenhagen criteria include fulfilling a number of requirements according to the following criteria:**
   a) Central European, Eastern European, Western European
   b) political, economic, «membership»
   c) governance criteria inherent in the EAEU
   d) social, economic

7. **Which program did the EU use to support the sustainable development of agriculture and rural areas in the candidate countries for EU accession from the Central and Eastern European region?**
   a) SAPARD b) NATO c) PHARE d) EEC

8. **In 2013, the following countries joined the European Union:**
   a) Switzerland c) Bosnia and Herzegovina
   b) Croatia d) Italy

9. **When was the Berlin Wall destroyed, marking the reunification of Germany and, in the future, further integration in Europe?**
   a) 1988 *b) 1989* c) 1990 d) 1991

10. **How many official languages were there in the EU after the last EU enlargement in 2013?**
    a) 5 b) 15 c) 27 *d) 24*

TOPIC 4

EU Foreign Policy and Prospects for Further Enlargement

4.1 European Neighborhood Policy.
4.2 Eastern Partnership and Ukraine.
4.3 EU Common Foreign Policy and Security.
4.4 Prospects for Further EU Enlargement. Candidate Countries and Potential Candidate Countries.

4.1 European Neighborhood Policy

The European Neighbourhood Policy (ENP) is an EU initiative established in 2003–2004 aimed at ensuring stability and peace, as well as developing cooperation with neighbouring countries. In the message entitled «Wider Europe – Neighbourhood: A New Dimension in Relations with Our eastern and Southern neighbours», the European Commission defined the aim of the new concept as the creation of an area of prosperity and good neighbourliness – a «circle of friends» with which it would have close peaceful relations and cooperation.

The objectives of the European Neighbourhood Policy are:

- to cooperate with partner countries to facilitate the process of political and economic reforms;
- to support closer economic integration;
- to support sustainable development;
- to provide political support and assistance.

The European Neighbourhood Policy includes the EU's neighbouring countries on its eastern and southern borders: Algeria, Azerbaijan, Belarus, Armenia, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, North Macedonia, the Kyrgyz Republic, Syria, Tunisia, and Ukraine.

The European Neighborhood Policy ensures previously established business relations with Mediterranean partners and Eastern European countries, using technologies and methods that correspond to EU policy.

The concept includes a large number of directions for improving work between countries. The main ones are trade, economic integration, mobility and migration, and reducing conflicts in the regions.

In practice, the European Neighborhood Policy means:

- for EU members – a circle of friends moving in the same direction as them, who in the future will fully benefit from the advantages of the common market and the external potential of all areas of common policy;
- for the EU neighbors – a guarantee that the wave of EU enlargement in 2004 provided new opportunities for relations with the new, larger EU. They would not only remain outside the new union, but they were invited to join the largest market in the world and benefit from it;
- creating a zone of stability based on shared values and common political objectives;
- in the foreseeable future, it is the best opportunity for all parties: to strengthen cooperation between neighbours in a way that does not threaten the internal balance of the EU and does not encourage unrealistic ambitions for those who plan to join the EU one day;
- in the long term, this concept paves the way for stable, strong relations between the EU and its neighbours.

From an economic policy perspective, the European Neighbourhood Policy offers:

- preferential trade relations;
- a share of the EU internal market;
- improved infrastructure links with the EU, in particular in energy, transport and telecommunications;
- the possibility of participating in a number of EU programmes;
- increased financial and technical assistance.

The concept of the European Neighbourhood Policy aims at long-term cooperation between the EU and its partners to fulfil the obligations set out in the «Action Plan for the European Neighbourhood Policy (ENP)».

In its work, the European Neighbourhood Policy uses bilateral Action Plans between the EU and each partner country within the framework of the ENP.

In addition to regular development assistance, neighbouring countries are also eligible for macro-financial assistance (MFA). MFA is a form of emergency financial assistance to countries experiencing a balance of payments crisis:

- partner countries agree to align a medium-term political and economic reform programme set out in the Action Plans;
- hold regular economic policy discussions with the European Commission.

Business relations with neighbouring countries are based on a mutual commitment to shared values in the areas of the rule of law, governance, human rights, including minority rights, and the market economy.

In 2015, the concept of the European Neighbourhood Policy underwent some changes. One of the main objectives was to strengthen cooperation on security issues, as well as greater participation in the policy-making of all partners. *In its activities, the new policy focuses on the following areas:*

- democracy, the rule of law, and human rights;
- economic development to achieve stability;
- security;
- migration and population mobility.

It should be noted that article 49 of the Treaty on European Union provides that *any European state may apply to join the EU*. Future candidates must meet the membership criteria: democracy, the rule of law, respect for human rights, a functioning market economy, and the effective application of EU rules and policies. In some cases, the question of the membership prospect has already been resolved. Accession is excluded, for example, for non-candidate Mediterranean partners that are not geographically located on the European continent. But other cases remain open, such as Ukraine and Moldova, which have clearly expressed their desire to join the EU and are located on the European continent.

Assessing the results of this EU initiative, it can be said that the European Neighbourhood Policy from the very beginning could not become an effective instrument of cooperation between the EU and all its neighboring states due to the different goals of the neighboring states themselves in their relations with the European Union. After all, *the neighboring states of the EU within the framework of the European Neighborhood Policy can be conditionally divided into two groups*:

1) partners on the eastern border of the EU that have the intention and certain prospects of becoming a member of the European Union in the future (for example, Ukraine);

2) southern neighbours that do not have such intentions and prospects (for example, Algeria).

Thus, the task of the European Neighbourhood Policy is to create stable countries on the borders of the EU alongside the EU by encouraging effective governance, economic and social development, modernization, and reforms.

Particular attention is paid to security. This is shown by cooperation in the fields of justice and freedom. During which the EU, together with the states, solve problems of various kinds such as combating organized crime, illegal human trafficking and drug trafficking, and terrorism. In addition, the documents of the European Neighbourhood Policy pay attention to the development of business relations related to migration, expanding cooperation between judicial authorities. The tasks and goals of the neighbourhood policy are related to the development of European security policy. The increase in the number of competitive countries next to the European Union is, in its opinion, a guarantee of peace and security.

4.2 Eastern Partnership and Ukraine

The «Eastern Partnership» is an EU initiative aimed at strengthening relations between the European Union and its eastern neighbours. It is a continuation of the European Neighbourhood Policy.

Understanding the differences in its neighbouring states, which are united within the framework of one EU initiative – the European Neighbourhood Policy – the European Union introduced the Eastern Partnership initiative, which concerns cooperation, including with Ukraine.

In May 2008, the Foreign Ministers of Sweden and Poland submitted a joint position paper on the «Eastern Partnership» concept to the heads of foreign affairs of the EU member states for consideration. For Poland and Sweden, the implementation of the project was of great importance. Poland demonstrated the ability to formulate constructive proposals and achieve their implementation. Sweden sought to reduce the perception of Poland's policy, which had spread in the EU at that time, and had the support of the «old» EU members.

The countries' proposals were supported at the meeting of the European Council on June 20, 2008. On December 3 of the same year, the European Commission adopted the project, emphasizing the creation of a free trade zone, the signing of an association agreement, the simplification of the visa regime for the countries participating in the project, and cooperation for energy security. On March 20, 2009, the EU Council announced *the official start of the project: May 2009*. The EU Council proposed the principle of diversification, which meant that the EU's relations with each of the partner countries would develop in accordance with its aspirations and real capabilities. The

main principle of cooperation is *the slogan «more for more»*. It means that the more progress a partner country shows, the more support it will receive from the European Union.

The following factors influenced the creation of the Eastern Partnership:

– The European Neighbourhood Policy did not take into account the specifics of the development of EU relations with individual neighbouring states and needed to be revised towards regionalization;
– Previous attempts by the European Union to create a single format of relations with all states of Eastern Europe and the Black Sea region were unsuccessful.
– The 8-day war between Russia and Georgia in 2008 prompted Western politicians and analysts to more actively recommend that the EU pay attention to the East.

EU Eastern Partnership
(EU countries – blue, Eastern Partnership countries with the EU – orange)
(source: https://www.consilium.europa.eu/en/policies/eastern-partnership)

The Eastern Partnership includes the EU member states, as well as Ukraine, Moldova, Belarus, Georgia, Armenia, and Azerbaijan.

The Eastern Partnership demonstrates the European Union's intention to:

– support partner countries in moving closer to European norms, standards, and values;

– the EU's willingness to provide the assistance needed to carry out internal political and socio-economic reforms in order to accelerate economic integration between the European Union and the interested countries.

The objectives of the Eastern Partnership are:

– supporting the reform process of Eastern European countries;
– creating a free trade zone with the countries;
– establishing a visa-free regime;
– intensifying cooperation in the economic, energy, cultural, educational, and environmental sectors.

The Association Agreements and the Deep and Comprehensive Free Trade Areas were signed in 2014 and brought relations between the EU and Ukraine, Georgia, and the Republic of Moldova to a new level. Their task is to strengthen political association, economic integration through reforms that should bring the countries closer to the EU by gradually adapting national legislation to European standards and improving the lives of their citizens. For example, this is the liberalization of the visa regime since 2014 for the Republic of Moldova, and for Ukraine and Georgia – since 2017.

The Eastern Partnership is based on common interests and obligations, as well as on the principles of responsibility and accountability.

For Ukraine, the «Eastern Partnership» project included:

– signing of a deep free trade area;
– support for the process of legislative approximation and strengthening of institutional capacity of partner countries;
– promotion of regional development, using the EU regional dimension policy;
– creation of an integrated border management system;
– cooperation in the areas of energy security;
– liberalization of visa procedures.

The European Union pursues its policy within the framework of the «Eastern Partnership» project through the following dimensions: bilateral and multilateral.

For Belarus, the European Union will enhance the development of civil society and support democratic forces in the country. It created the «European Dialogue on Modernization» on March 29, 2012, to support the democratic aspirations of the Belarusian people.

Cooperation within the framework of the Eastern Partnership project is based on four principles:

1) democracy and stability;
2) economic integration with EU sectoral policies;
3) energy security;
4) contacts between citizens.

The European Union has made the greatest progress with Ukraine, Moldova, and Georgia in implementing the Eastern Partnership by signing Association Agreements, creating free trade areas, and establishing a visa-free regime with these countries.

After the EU enlargement in 2007 and the accession of Bulgaria and Romania to the EU, the European Union began to pay more attention to the Black Sea region in its foreign policy, developing new initiatives for this region, for example, the Eastern Partnership, the EU Strategy for the Danube Region (2010), and the Strategy for the Black Sea Region. Now the Black Sea region, which includes Ukraine, is key to the EU's energy security and diversification of energy resource supply to the European market, as well as to security in general. Due to the fact that Ukraine is part of the Black Sea region, it now has more opportunities to expand cooperation and integration with the EU, including within the framework of those initiatives that concern this region.

Therefore, the aim of the «Eastern Partnership» is to strengthen and deepen political and economic relations between the EU, its member states and the six Eastern European partner countries.

4.3 EU Common Foreign Policy and Security

The EU's Common Foreign and Security Policy (CFSP) is linked to the sphere of intergovernmental cooperation. The Maastricht Treaty (Treaty on EU, 1993) states that the European Union pursues a common foreign and security policy, covering all areas of foreign and security policy.

The Treaty of Rome of 1957 set out the Communities' first foreign policy objectives: declarations of solidarity with former colonial countries and the desire to develop their prosperity in accordance with the principles of the UN Charter, and a call for other European nations to participate in European integration.

The main objectives of the common foreign policy of the European Union are:

- to ensure the values of the European Union, independence, and territorial integrity;
- to strengthen democracy, the rule of law, human rights, and the principles of international law;
- to maintain peace, prevent conflicts;
- to support the economic and social development of third countries;
- to use natural resources rationally.

The Lisbon Treaty, which came into force on January 1, 2009, provided the EU with legal personality and an institutional structure for its external service. It also abolished the pillar structure introduced in 1993 by the Maastricht Treaty.

The Lisbon Treaty created:

- a circle of new subjects of the CSFP, including the High Representative of the Union for Foreign Affairs and Security Policy, who also acts as Vice-President of the Commission and the new permanent President of the European Council;
- the European External Action Service (EEAS);
- the Common Security and Defence Policy (CSDP), which is an integral part of the CFSP, has been modernised.

When implementing the CFSP, the powers of the institutions of the European Union are not the same. The EU is represented in it by the High Representative.

The Lisbon Treaty introduced a new position in the European Union – the High Representative of the EU for Foreign Affairs and Security Policy, appointed by a qualified majority of the European Council in agreement with the President of the European Commission and the European Parliament. In 2009, Baroness Catherine Ashton from Great Britain was appointed to this position. Since December 1, 2019, this position has been held by Josep Borrell.

The High Representative of the EU for Foreign Affairs and Security Policy conducts political dialogue with third countries and international organisations, expresses the EU's positions and opinions in international organisations and conferences. He/She is elected by a qualified majority of the European Council for a term of 5 years. The representative is ex officio Vice-President of the European Commission and chairs the Council on foreign policy. The High Representative heads the External Relations Service, as well as the EU Delegations in the three countries.

The High Representative of the EU for Foreign Affairs and Security Policy is assisted by the European External Action Service. It cooperates with the diplomatic services of the member states. It is composed of representatives of the General Secretariat of the Council and of the Commission and staff provided by the national diplomatic services.

The European Commission coordinates the Union's foreign policy and is empowered to prepare proposals for decision-making.

The European Parliament has no formal powers in the field of the EU's Common Foreign and Security Policy. It carries out informational and advisory functions on the main aspects and fundamental priorities of the CFSP.

The Policy and Security Committee is a supporting body of the Council. Its mandate is to monitor the international situation and prepare conclusions for the Council and the High Representative at their request or on its own initiative. In addition, the Committee oversees the implementation of the agreed foreign policy. It ensures and provides strategic leadership for crisis management operations under the CSDP. If the Council empowers it, it may adopt decisions in this regard.

One of the important instruments for the successful implementation of the CFSP is international agreements. Such agreements with third countries or international organisations are concluded by the Union. The European Council plays a key role in this process. Other EU institutions assist in the preparatory stage.

Agreements on the EU's Common Foreign and Security Policy are concluded in accordance with the general procedure regulated by article 218 of the Treaty on the Functioning of the European Union. This procedure involves the High Representative submitting proposals for the submitting proposals for agreements to the Council. The Council's decision to conclude an agreement in the field of the CFSP does not require the prior consent from the European Parliament.

The European Council makes decisions regarding the initiation of the negotiations and appoints a representative. It may also prepare directives for the EU delegation. After the negotiations, the Council, on the proposal of the Head of Delegation, adopts a decision granting the Head of Delegation to sign the international agreement.

Common foreign policy measures take the following forms:

- defining the principles of foreign policy;
- developing cooperation between member states in conducting foreign policy;
- making decisions on a common position of EU members;
- discussing and adopting decisions on conducting a common foreign policy action.

The EU's foreign and security policy focuses on:

- promoting international peace and security;
- cooperation in the field of development;
- human rights and the rule of law;
- responding to humanitarian and climate emergencies.

The Common Security and Defence Policy (CSDP) allows the EU to play a leading role in peacekeeping operations, conflict prevention, and strengthening international security. It is an integral part of the EU's comprehensive approach to crisis management using both civilian and military means.

On the global scale, the EU uses its diplomatic, political, economic, security, and humanitarian instruments to peacefully resolve armed conflicts, including in Libya, Syria, and Ukraine.

Although there is no *EU army and defence remains a matter exclusively for the member states*, the EU has recently taken steps to activate defence cooperation. In 2017, the European Defence Fund was created to promote research and development cooperation for joint industrial defence products and technologies. In April 2019, the European Parliament approved plans for the Fund to receive around €13 billion in the EU's next long-term budget

between 2021 and 2027, and to finance joint research projects mainly through grants.

Through aid and cooperation, the European Union supports developing countries and their transition to economic and social stability.

In 1963, the EU signed its first major international agreement, an agreement to assist 18 former colonies in Africa. By 2005, it had a special partnership with 78 African, Caribbean, and Pacific (ACP) countries. The EU is the world's largest supplier of development aid to poorer countries. Its aid is linked to the respect of human rights by recipients.

The Africa-Europe Alliance for Sustainable Investment and Jobs was launched in September 2018. Its aim is to take the EU's partnership with Africa to the next level by helping to improve job creation in Africa, supporting education and skills, boosting trade, and mobilising investments in strategic economic sectors.

The EU also:

- conducts an ambitious balanced and progressive trade policy in the context of globalisation. New trade agreements were signed with countries such as Canada (2017) and Japan (2018);
- provides development and humanitarian aid;
- has a civil protection mechanism: state aid provided immediately after a disaster;
- implements rescEU, a new system designed to increase the overall capacity to respond to emergencies.

Thus, traditional foreign policy is gradually acquiring the features of multilateral global governance, which in the EU is aimed at creating a zone of stability and security both within the union itself and on its borders. In addition, the EU has developed strategic documents that regulate cooperation with almost all regions of the world. An effective way to take advantage of the benefits of the European Union's common foreign policy is to clearly use its financial instruments: the European Neighbourhood Instrument, the Partnership Instrument, the Instrument supporting Stability and Peace. To do this, it is necessary to constantly maintain contact with the European External Action Service, which is the main body of EU communication with Ukraine.

4.4 Prospects for Further EU Enlargement. Candidate Countries and Potential Candidate Countries

The EU's enlargement policy has become a successful direction of external action. Since 1971 to the present, 22 European states have become EU members as a result of enlargements (however, one country – Great Britain – left the EU in 2020), including 11 countries of the former socialist bloc and the Soviet Union. Therefore, from the six founding member states of the EU in 1950, the European Union has grown to 27 member states. The EU can

now rightfully claim to represent the European continent. Its territory stretches from the Atlantic Ocean to the Black Sea, from the Mediterranean to the North and Barents Seas, having reunited the western and eastern parts of Europe after they were divided by the Cold War until the end of the 20th century.

The EU has already welcomed successive waves of new members. It has also created a single market and a single currency, and has extended its responsibilities from economic and social policy to the coverage of foreign and security policy. Each enlargement added wide cultural and linguistic diversity that is the hallmark of the European Union.

The European Union is open to any European country that is democratic, has a market economy, and has the administrative capacity to deal with the rights and obligations of membership. This means that enlargement is a long-term process.

The latest country to join the European Union was Croatia, on July 1, 2013. It had been on the path to accession since 2005.

The process of European integration is the basis for carrying out reforms that have the intention and the capacity to join the European Union. The prospect of membership is a powerful incentive for democratic and economic reforms in countries seeking to become EU members.

Enlargement is a process by which countries join the EU. One of the goals of the accession of other countries to the EU is to deepen solidarity among the peoples of Europe, while respecting and preserving diversity.

The current candidate countries for EU membership are:

- Albania;
- Bosnia and Herzegovina;
- Georgia;
- Moldova;
- Montenegro;
- North Macedonia;
- Serbia;
- Turkey;
- Ukraine.

A potential candidate country is Kosovo.

Countries of the Western Balkans have a promising perspective for EU enlargement, which will contribute to stability in the region.

A new EU strategy was launched in early 2018 to successfully bring Serbia and Montenegro into the EU as the main candidates for EU membership from the Western Balkans. It is clear that no candidate is 100% ready for accession. Candidates for accession must ensure that the rule of law, justice, and fundamental human rights are their first priority.

Montenegro's accession negotiations with the EU were launched in 2012. In 2018, the European Commission stated that, with stable reforms and a final resolution of disputes with its neighbours, Montenegro could potentially be ready for EU membership.

In 2014, accession negotiations with **Serbia** were launched. Serbia currently does not meet most of the requirements for EU membership.

In May 2020, the EU Council of Ministers for European Affairs endorsed the decision to open negotiations with **North Macedonia and Albania** for the accession of these Balkan countries to the European Union.

On March 12, 2024, the European Council decided to open accession negotiations with **Bosnia and Herzegovina**.

Turkey is one of the longest-standing and most controversial candidate countries for EU membership.

Turkey was granted official EU candidate status in 1999. This was a step in the long and complicated relationship between Turkey and Western Europe after World War II. A country of around 87.5 million people (already more than the EU's most populous country, Germany), most of whom are Muslim by religion, Turkey was a recipient of Marshall Plan aid from the USA after World War II, just like the countries of Western Europe. Turkey has been a member of the Council of Europe since 1949 and NATO since 1952. Since the democratic reforms of Kemal Atatürk in the 1920s, it has been a secular republic in which people are free to practice their religion, but in which Islam has no political status. Thus, Turkey considers itself a European state that should be welcomed in all European bodies, including the EU, and also sees itself as a candidate for EU membership, as a small part of it is geographically located on the European continent.

In the 1990s, the fact that Western Europe seemed to be backing away from previous promises of membership contributed to a sense of betrayal in Turkey. Relations with the EU were very tense as the pre-accession process with the countries of Central and Eastern Europe and Cyprus gained momentum, leaving Turkey on the sidelines. This gave reason to assume that Western European countries were more willing to accept the former socialist countries of Central and Eastern Europe than Turkey, a country that had been a loyal ally throughout the Cold War, in the Gulf War against Iraq in 1990–1991, and subsequently in security and defense issues as a member of NATO as well.

The EU has many concerns about Turkey regarding human rights, freedom of speech, governance reform, and adherence to democratic principles, which prevent it from becoming a member of the EU. But informally, Turkish citizens and authorities have suspected that the EU is not ready for the mem-

bership of such a large non-Christian country. In recent decades, the policy of Turkish President Erdoğan has indicated a gradual distancing from the EU and the formation of Turkey as a regional power, which it had been for many centuries before World War I and Atatürk's democratic reforms.

Negotiations on Turkey's accession to the EU began in 2005, but the EU has set a condition that until Turkey agrees to apply the Additional Protocol to the Ankara Association Agreement to Cyprus, there will be no progress in the negotiations. European Commission President Juncker stated in 2017 that Turkey's non-compliance with membership criteria prevents it from prospects for EU membership in the foreseeable future. In 2018, due to the deterioration of reforms in key areas of the enlargement strategy, in particular in the functioning of the democratic system, respect for fundamental rights, and the independence of the judiciary, the European Council decided that the accession negotiations with Turkey had reached an impasse.

An important aspect for the EU's security policy is that Turkey hosts one of the largest refugee groups in the world (from Syria, Afghanistan, Somalia, Iran, etc.). In a joint statement dated March 18, 2016, the EU and Turkey confirmed their desire to stop illegal migration from Turkey to the EU. The establishment of the EU Facility for Refugees in Turkey was a response to the call from EU member states to allocate significant funds to support refugees in the country. According to the conclusions of the European Council dated June 2021, the EU allocated €3 billion for refugees in Turkey for 2021–2023.

Ukraine, the Republic of Moldova, and Georgia

The EU cooperates with Ukraine, Moldova, and Georgia within the framework of the European Neighbourhood Policy and its Eastern regional dimension (Eastern Partnership), with the aim of bringing these countries closer to the EU.

After the start of Russia's full-scale war against Ukraine on February 24, 2022, Ukraine applied for EU membership *on February 28, 2022. Moldova and Georgia applied for EU membership on March 3, 2022*.

On June 17, 2022, the European Commission published its conclusions regarding the applications submitted by Ukraine, Georgia, and the Republic of Moldova. Based on the European Commission's conclusion, on June 23, 2022, by unanimous agreement of the leaders of all 27 EU member states, Ukraine, Moldova, and Georgia were granted a European perspective.

On December 14, 2023, the European Council decided to open accession negotiations with Ukraine and Moldova. The first intergovernmental conference marking *the official start of EU accession negotiations with Ukraine and Moldova* took place on June 25, 2024.

Kosovo is a potential candidate country for EU membership. In 2008, the EU confirmed its readiness to support Kosovo's economic and political devel-

opment through a clear European perspective. The EU contributes to stability in Kosovo through the EULEX Rule of Law Mission in Kosovo and the EU Special Representative in Kosovo.

Therefore, the current candidate countries for EU membership are the countries of the Western Balkans region (Albania, Montenegro, North Macedonia, Serbia, Bosnia and Herzegovina), Turkey, as well as Ukraine, the Republic of Moldova, and Georgia. Kosovo is a potential candidate for EU membership.

Thus, the European Union is constantly developing in its activities, creating new ideas and opportunities for cooperation with other countries. As practice shows, special attention is paid to security, because the EU was created after World War II with one of the main goals being to promote peace and security on the European continent. The EU, together with other countries, combats organized crime, human trafficking, drug trade, and terrorism.

For countries that have the desire and the opportunity to become a member of the European Union, carrying out reforms to meet the criteria for EU membership is of key importance.

QUESTIONS FOR SELF-ASSESSMENT

1. Describe the purpose of the European Neighbourhood Policy.
2. Name the common features of the countries involved in the European Neighbourhood Policy.
3. Name the main principles of the European Neighbourhood Policy's activities.
4. What factors influenced the creation of the «Eastern Partnership» project?
5. Describe the main goals of the «Eastern Partnership» project.
6. What is planned for Ukraine in the «Eastern Partnership» project?
7. Name the main goals of the common foreign policy of the European Union.
8. What factors are considered when reviewing a country as a potential member of the European Union?
9. Describe the activities of the High Representative in the implementation of the EU Common Foreign and Security Policy.
10. Describe the directions in which the European Union pursues its policy within the framework of the «Eastern Partnership» project.

RECOMMENDED READING

1. Офіційний сайт ЄС: www.europa.eu.
2. Палагнюк Ю. В. Державна євроінтеграційна політика України: теорія, методологія, механізми: монографія. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2014. 392 с.
3. Палагнюк Ю. В. Європейська політика сусідства як інструмент співробітництва ЄС з Україною. *Наукові праці*: Науково-методичний журнал. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2011. Вип. 147. Т. 159. Держав-

не управління. С. 49–53. https://www.researchgate.net/publication/338953221_EVROPEJSKA_POLITIKA_SUSIDSTVA_AK_INSTRUMENT_SPIVROBITNICTVA_ES_Z_UKRAINOU.
4. Палагнюк Ю. В. Зміст та перспективи політики Східного Партнерства як зовнішньополітичної ініціативи ЄС щодо України. *Державне управління і місцеве самоврядування.* № 2(21). Дніпропетровськ: ДРІДУ НАДУ, 2014. С. 13–21. http://www.dridu.dp.ua/vidavnictvo/2014/2014_02(21)/4.pdf.
5. Сидорук Т. В. Європейська політика сусідства як інструмент посилення безпеки на кордонах ЄС. *Сучасна українська політика. Політики і політологи про неї.* К., 2010. Вип. 19. С. 402–411. Бібліогр.: 23 назв. укр.
6. Сидорук Т. Європейська політика сусідства: концептуальні хиби конструкції. *Політичний менеджмент.* 2011. № 1. С. 121–132.
7. Гріненко О. Європейська політика сусідства як підґрунтя для співробітництва Європейського Союзу з Україною. *Європейське право.* 2012. № 2–4. С. 208–214.
8. Шаповалова О. Східне партнерство: асиметрія очікувань і можливостей. *International Review.* 2010. № 3. С. 3.
9. Ільницька У. «Східне партнерство» як вимір європейської політики сусідства та діалоговий рівень співробітництва України з ЄС. *Українська національна ідея: реалії та перспективи розвитку.* 2014. Вип. 26. С. 113–120.
10. Чумаченко О. А. Східне партнерство Європейського Союзу: особливості двосторонніх відносин і багатостороннього виміру. *Проблеми міжнародних відносин.* Вип. 5. К., 2012. С. 328–342.
11. Муравйов В. І. Вступ до права Європейського Союзу: підруч. для студ. вищ. навч. закл. / Київський національний ун-т ім. Тараса Шевченка. К.: Київський університет, 2007. 303 с.
12. Бочарова Н. В. Право Європейського Союзу. Частина 1: навч. посібник. Дніпропетровськ: Дніпроп. держ. ун-т внутр. справ, 2014. 232 с.
13. Рудік О. М. Реформи державного управління в країнах-кандидатах та потенційних кандидатах на вступ в ЄС: стан та актуальні проблеми. *Державне управління та місцеве самоврядування.* 2018. Вип. 2. С. 49–53.
14. Пістракевич О. В. Розширення Європейського Союзу як процес поглиблення європейської інтеграції. *Інвестиції: практика та досвід.* 2014. № 20. С. 137–141.
15. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p. http://dspace.chmnu.edu.ua/bitstream/123456789/257/1/English.%20European%20and%20Euro-Atlantic%20Integration.pdf.
16. Van Oudenaren, John (2000). Uniting Europe: European integration and the post-cold war period. Boston: Rowman & Littlefield Publishers, Inc., 330–334.

TESTS

1. **Choose the years when the European Neighbourhood Policy was developed:**
   a) 1990–1992 b) 2010–2015 *c) 2003–2004* d) 1995–1998

2. **The main common feature of the countries participating in the European Neighbourhood Policy is that they:**
   a) are landlocked
   b) currently cannot become EU members
   c) wish to amend their constitutions
   d) seek to create a joint international organization

3. **In which year was the Eastern Partnership initiative launched:**
   a) 2018 b) 1999 c) 2002 *d) 2009*

4. **Choose the criteria by which a country can join the EU:**
   a) the presence of a competitive market economy
   b) stable institutions ensuring democracy
   c) the presence of bodies that implement EU legislation
   d) all answers are correct

5. **Name the document in which the term «EU foreign and security policy» was introduced:**
   a) the Lisbon Treaty c) the Treaty of Paris
   b) the Treaty on European Union d) the Treaty of Brussels

6. **Choose the institution responsible for the activities of the EU Common Foreign and Security Policy:**
   a) NATO *b) the European Council* c) UN d) UNESCO

7. **In which year was the EU Common Foreign and Security Policy enshrined in the Maastricht Treaty?**
   a) 2017 b) 2003 c) 2010 *d) 1993*

8. **Which countries are included in the European Union's «Eastern Partnership» initiative?**
   a) France, Great Britain, Germany
   b) EU countries
   c) EU countries and Eastern European countries neighbouring the EU
   d) Spain, Italy, Norway

9. **Choose the countries that proposed the «Eastern Partnership» initiative at the 2009 summit:**
   a) Norway and Switzerland c) Spain and Germany
   b) Poland and Sweden d) Italy and France

10. **A potential candidate country for EU membership is:**
    a) Kosovo b) Turkey c) Ukraine d) Israel

TOPIC 5 The Area of Freedom, Security and Justice of the European Union

5.1 The History of the Creation of the Area of Freedom, Security and Justice.
5.2 General Principles of the Functioning of the Area of Freedom, Security and Justice.
5.3 Control, Asylum and Immigration Policy.
5.4 Judicial Cooperation in Civil and Criminal Matters.
5.5 The European Public Prosecutor's Office and Cooperation in the Field of Police Services.

5.1 The History of the Creation of the Area of Freedom, Security and Justice

The first steps in the area of the existing Area of Freedom, Security, and Justice were taken back in the 1970s. Since the mid-1970s, the member states began to cooperate in the field of justice and home affairs on an informal and intergovernmental basis outside the communitarian framework. In 1990, Germany, France, the Netherlands, Belgium, and Luxembourg signed and ratified the Schengen Agreement, which was an important step towards multilateral cooperation between the member states. The creation of the Schengen area made it possible to significantly intensify work in the field of justice and home affairs and to launch deeper cooperation.

The Maastricht Treaty (1993) established the area of cooperation and home affairs as the third pillar of the so-called pillar structure of the EU. It was an intergovernmental element with significantly limited powers for trade union bodies. The Treaty of Amsterdam (1999) moved parts of the third pillar to the first – communitarian pillar. At the same time, the idea of the Area of Freedom, Security, and Justice was first introduced at the European Council meeting in Tampere. Ten years later, in 2009, the Lisbon Treaty abolished the pillar structure, and united the previously divided area under a single name: the Area of Freedom, Security, and Justice.

Through separate agreements, the representatives of the member states' governments adopted programmes aimed at setting specific objectives in the above-mentioned areas. These were, in particular, the Finnish Tampere Programme (adopted in 1999) and the subsequent Hague Programme (2004), which set goals for the period 2005–2009. In connection with the Lisbon Treaty, the Stockholm Programme (2010–2014) was adopted, which focused on protecting citizens' rights.

When the Lisbon Treaty entered into force in 2009, the pillars of the EU, created in 1993 after the adoption of the Maastricht Treaty, were reformatted and ceased to exist. The third pillar, originally called the Area of Justice and

Home Affairs, was shortened and renamed Police and Judicial Cooperation in Criminal Matters as part of the Treaty of Amsterdam in 1999. The policy on asylum, immigration, and judicial cooperation in civil matters were enshrined in the first pillar (the European Community), where it was subject to a communitarian regime. As part of the third pillar, supranational institutions had no decision-making powers, so member states took policy decisions in various fields within the framework of intergovernmental cooperation. In 2009, the third pillar ceased to exist and the areas for which it was responsible (along with some areas of the first pillar) were adjusted in Title V of the Treaty on the Functioning of the EU «Area of Freedom, Security, and Justice» (AFSJ). The Lisbon Treaty empowered supranational institutions to propose and adopt decisions in this field. Article 67 (the Treaty on the Functioning of the EU) states that «The Union shall constitute an area of freedom, security, and justice with respect for fundamental rights and for the different legal systems and traditions of the member states». Its aim is to ensure the free movement of people and to provide a strong level of protection for Union citizens. The scope of policies falling within the AFSJ is quite wide, including:

- immigration policy,
- asylum policy,
- police and judicial cooperation,
- external border protection,
- combating organised cross-border crime.

Other articles important for the EU are article 16 (which concerns the protection of personal data) and articles 18 to 25 (concerning non-discrimination and issues of European citizenship).

The Area of Freedom, Security, and Justice is a sensitive issue for member states; its uniqueness among other EU policies is reflected in the way in which member states can express objections to legislative proposals in this specific area. While for the adoption of other policies, one third of national parliaments is a sufficient condition to start the process (according to the key in Protocol No. 2), in the case of the AFSJ this requirement was reduced to one quarter of national parliaments. Thus, national parliaments were given the opportunity to more easily control the adopted legislation.

5.2 General Principles of the Functioning of the Area of Freedom, Security and Justice

The Lisbon Treaty requires intensified action aimed at enhancing the establishment of a pan-European area, thanks to which people can move freely and enjoy proper legal protection. The creation of such an area is particularly important for those areas where Europeans have high expectations: immigration, fighting organised crime, and terrorism. These problems have a cross-border dimension and require effective cooperation at the European

level. The Lisbon Treaty consolidates issues relating to the area of freedom, security, and justice into four categories, namely:

- border control, asylum, and immigration policies,
- judicial cooperation in civil matters,
- judicial cooperation in criminal matters,
- police cooperation.

Judicial and police cooperation issues were previously within the scope of the third pillar of the European Union (EU) and were managed at the level of intergovernmental cooperation. Under the third pillar, European institutions had no powers and could not issue regulations or directives. The Lisbon Treaty ended such differences and allowed the EU to act in all areas relating to the area of freedom, security, and justice.

Justice and Home Affairs Council
(Configuration of the Council of the European Union)

The Justice and Home Affairs Council is one of the configurations of the Council of the European Union. The Justice and Home Affairs Council develops cooperation and a common policy on various cross-border issues with the aim of building a pan-European area of freedom, security, and justice.

The Justice and Home Affairs Council (JHA) is composed of the Ministers of Justice and Home Affairs from all EU member states. In general, the ministers of justice deal with judicial cooperation in both civil and criminal law and

Justice and Home Affairs Council (JHA)

fundamental rights, while the ministers of home affairs are responsible for migration issues, border management, and police cooperation. However, not all EU member states have the same division of tasks among their ministers. The JHA Council is also responsible for civil protection.

The Justice and Home Affairs Council usually meets every three months. As agreed in the EU treaties, Denmark and Ireland do not fully participate in the implementation of measures relating to justice and home affairs, or can only participate under certain conditions.

In areas related to Schengen legislation, discussions take place in a mixed committee format. This format includes the EU member states as well as four non-EU countries that are part of the Schengen Agreement (Iceland, Liechtenstein, Norway, Switzerland). Regarding legislative measures, after discussion in the mixed committee format, adoption takes place in the JHA Council, except that Ireland does not vote.

The Council adopts legislation, in most cases in cooperation with the European Parliament, aimed at ensuring fundamental rights, guaranteeing the free movement of people throughout the EU, and providing citizens with a high level of protection. The Council is responsible for asylum and immigration policy, judicial cooperation in civil and criminal matters, civil protection, and combating serious and organised crime and terrorism. It also deals with issues related to the Schengen area of Europe, which has no borders.

The Council is also responsible for promoting and strengthening coordination among member states' actions in the field of internal security. This is done by dealing with the protection of external borders and by seeking to strengthen police and customs cooperation.

5.3 Control, Asylum and Immigration Policy

The Lisbon Treaty granted powers to the European institutions, which can take measures to:

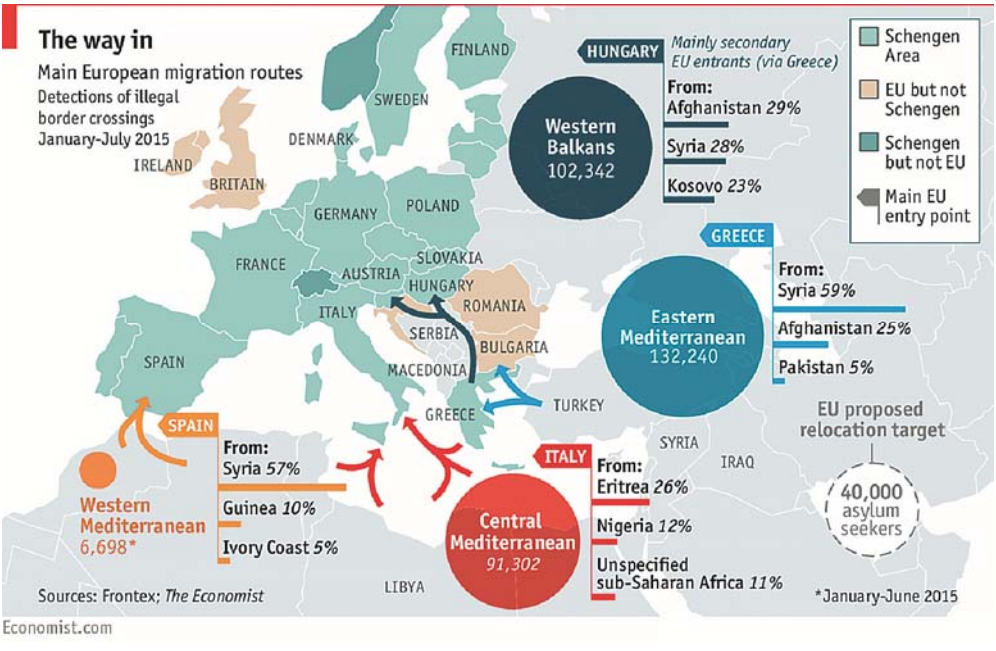
- establish a joint management of the EU's external borders, in particular by strengthening the position of the European Agency for the Management of Operational Cooperation at the External Borders of the member states of the European Union (Frontex);
- create a common European Asylum System based on unified principles and common procedures for granting and withdrawing asylum;
- set rules, conditions, and rights related to legal immigration.

More than 3.2 million asylum seekers have applied for international protection in the EU since 2015, many of whom fled from war in their own country. The EU has developed a common policy on migration and asylum to manage many challenges caused by migration to the EU, including people seeking international protection.

This policy includes the following actions aimed at overcoming the crisis:

- The EU allocated over €10 billion to combat the refugee crisis, funding projects to address the most urgent humanitarian needs of refugees arriving on European shores.
- The EU also provides humanitarian aid to refugees and migrants in non-EU countries. The EU also supports work to address the root causes of irregular migration.
- Based on a proposal from the European Commission, member states agreed to resettle asylum seekers from Greece and Italy to other EU countries. The EU also wants to create safe and legal pathways for asylum seekers to enter the EU.
- A voluntary resettlement program was agreed by member states and envisages the resettlement of 22,500 people from outside the EU to an EU member state.
- The EU works to increase the rate of returns to their country of origin of illegal migrants who do not have the right to stay in the EU.
- The EU and Turkey agreed in March 2016 on certain principles regarding migration procedures for refugees and asylum seekers. Thus, irregular migrants (irregular migration is the movement of people to a new place of residence or transit that occurs outside the regulatory norms of the sending, transitm and receiving countries) and asylum seekers who arrived on the Greek islands from Turkey can be returned to Turkey. However, for every Syrian who returns to Turkey from the Greek islands after an irregular movement, the EU will accept a Syrian from Turkey who did not attempt to make this journey in an irregular manner. This led to a significant reduction in irregular arrivals to the islands. The EU provided €3 billion to meet the needs of refugees accommodated in Turkey.
- Thanks to the operations of Italian and Greek rescuers and the work of the European Border and Coast Guard Agency, established in 2016, more than 620,000 people were rescued in the Aegean and Mediterranean Seas.
- The Commission proposed a profound reform of the current asylum laws in line with current and future needs. The basic principle will remain unchanged: people should apply for asylum in the first EU member state they enter, provided they do not have family elsewhere. However, if a member state cannot accept them under certain conditions, then there should be solidarity and a fair sharing of responsibility within all EU member states.

Each EU member state also has its own guidelines and policies on migration. For example, the Netherlands developed a comprehensive approach to migration. The aim of the comprehensive approach is to make migration safe and manageable. Those who genuinely need protection must be protected.



Main migration routes to Europe

Migration movements should match the needs and capacities of Dutch society. Central government, municipalities, provinces, civil society partners, and countries outside and beyond the European Union will work even more closely to achieve results in this approach.

The comprehensive approach to migration is based on six pillars:

1. Preventing irregular migration.
2. Improving the reception and protection of refugees and displaced persons in the region.
3. Achieving a reliable asylum system based on solidarity in the EU and the Netherlands.
4. Combating illegal residence and increasing returns.
5. Encouraging legal migration routes.
6. Promoting integration and participation.

5.4 Judicial Cooperation in Civil and Criminal Matters

The Lisbon Treaty empowers the European institutions to adopt new measures on:

- implementing the principle of mutual recognition: each judicial system must recognise as valid and applicable decisions made by the judicial systems in other EU countries,
- ensuring effective access to justice,
- developing new ways of resolving disputes,
- training judges and court staff.

European Judicial Network. Plenary session of the European Judicial Network in Luxembourg
(source: https://www.ejn-crimjust.europa.eu/ejn/NewsDetail/EN/427)

With the abolition of the third pillar of the EU, judicial cooperation in criminal matters became an area where all European institutions can adopt legislative provisions. In practice, EU institutions can establish minimum rules for the definition and punishment of the most serious criminal offences. In addition, the EU can participate in defining general rules on the conduct of criminal proceedings, for example on the admissibility of evidence or the rights of individuals.

Furthermore, the Lisbon Treaty strengthens the role of Eurojust EU bodies. Recall that Eurojust's mission is to support the coordination of investigations and judicial proceedings among the relevant authorities of the EU countries. Eurojust currently has the right to make proposals: it can ask national authorities to initiate investigations or trials. The Lisbon Treaty offers the European institutions the possibility of extending the missions and powers of Eurojust in accordance with the ordinary legislative procedure.

The Lisbon Treaty also provides for the possibility of creating a genuine European Public Prosecutor's Office based on Eurojust. The Public Prosecutor's Office would have wide-ranging powers, as it could investigate, prosecute, and hold individuals accountable. The European Public Prosecutor's Office may also bring charges before the relevant courts of the EU countries in a case prosecuted by a public prosecutor.

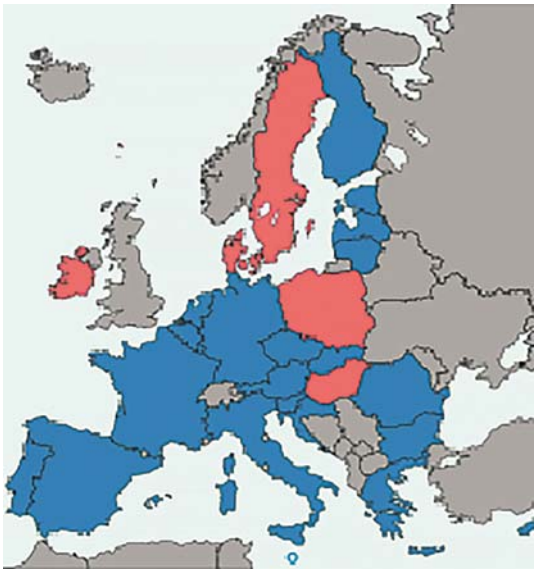
However, the Lisbon Treaty does not yet establish a common public prosecutor's office. The Council merely empowers the Council to adopt unanimously a regulation aimed at establishing such a body. If the Council cannot reach unanimity, at least nine EU countries may establish a European Public Prosecutor's Office among themselves in the framework of enhanced cooperation.

5.5 The European Public Prosecutor's Office and Cooperation in the Field of Police Services

The European Public Prosecutor's Office will be an independent and decentralised public prosecutor's office of the European Union, which will investigate, prosecute, and bring to justice crimes against the EU budget, such as fraud, corruption, or serious cross-border VAT fraud. The Regulation establishing the European Public Prosecutor's Office within the framework of enhanced cooperation was adopted on October 12, 2017 and entered into force on November 20, 2017. In 2020, 22 EU countries participated in this project, namely: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Spain, and Slovenia.

Currently, only national authorities can investigate and prosecute fraud against the EU budget. However, their powers are limited to national borders. Existing EU bodies such as Eurojust, Europol, and the European Anti-Fraud Office (OLAF), do not have the necessary powers to conduct criminal investigations and prosecutions.

The European Public Prosecutor's Office acts as a single authority in all EU member states and combines European and national law enforcement measures, using a unified and effective approach. The European Public Prosecutor's Office is structured at two levels: central and national.



Blue: Countries participating in the European Public Prosecutor's Office. Red: Countries not participating in the European Public Prosecutor's Office (source: https://en.wikipedia.org/wiki/European_Public_Prosecutor)

Table 5.1 – **Structure of the European Union Public Prosecutor's Office**

Structure	Responsibilities
STRATEGIC LEVEL	
European Chief Prosecutor (+ 2 deputies)	Heads the European Union Public Prosecutor's Office. Communicates with EU bodies, EU member states, and third parties
College of Prosecutors (one European prosecutor from each EU member state)	Takes decisions on strategic issues to ensure coherence, consistency, and efficiency within and across cases. Adopts internal rules and procedures
OPERATIONAL LEVEL	
Permanent committees (3 members: 2 European prosecutors + Chief Prosecutor who presides + one of the deputies/another European prosecutor)	Supervise and manage investigations and prosecutions conducted by European Delegated Prosecutors (EDPs). Operational decisions: bringing a case to a court decision, dismissing a case, applying a simplified procedure, transferring a case to national authorities, instructing the European Delegated Prosecutors to open an investigation or exercise the right of evocation. The European Prosecutor from the relevant EU countries supervises the EDP from the Permanent Committee
European Delegated Prosecutors (at least two prosecutors per member state)	Responsible for investigations, prosecutions, and judicial decisions of cases falling within the competence of the EU Public Prosecutor's Office

Table 5.2 – **Levels of functioning of the European Union Public Prosecutor's Office**

Level	Function
EU levels – central office	Overseeing investigations and prosecutions in each EU member state to ensure independence, effective coordination, and a unified approach across all member states
Decentralised level – consists of delegated prosecutors from each EU member state	Conducting investigations and prosecutions in each country using national staff and primarily applying national legislation

The central level will consist of the European Chief Prosecutor, two deputies, 27 European prosecutors (one per EU member state), two of whom are Deputy European Chief Prosecutor and the administrative director. The decentralised level will consist of the European Delegated Prosecutors, who

will be located in the EU member states. The central level will supervise investigations and prosecutions carried out at national level. As a rule, investigations and criminal proceedings in their EU country will be carried out by European Delegated Prosecutors.

The rights of suspects and accused persons will be guaranteed by comprehensive procedural safeguards based on existing EU and national legislation. The European Public Prosecutor's Office will ensure respect for the rights guaranteed by the EU Charter of Fundamental Rights, including the right to a fair trial and the right to a defence. The European Public Prosecutor's Office's procedural acts will be subject to judicial review by national courts. The European Court, under previous decisions, has residual powers to ensure the consistent application of EU law.

Cooperation in the field of police services

As with judicial cooperation, police cooperation has also improved with the abolition of the EU's third pillar. The European institutions now have the power to issue regulations and directives in this area.

The ordinary legislative procedure applies to all non-operational aspects of police cooperation. On the other hand, operational cooperation will be regulated in accordance with a special legislative procedure requiring unanimity in the Council. However, the Lisbon Treaty also provides for the possibility of establishing enhanced cooperation if the Council cannot reach unanimity.

In addition, the Lisbon Treaty calls for the gradual strengthening of the European Police Office (Europol). Like Eurojust, the Lisbon Treaty empowers the Council and Parliament to develop the activities and powers of Europol within the framework of the ordinary legislative procedure. Europol's role is currently limited to facilitating cooperation between the relevant institutions of the EU countries. The Lisbon Treaty adds that new tasks may also concern the coordination, organisation, and execution of operational actions.

Europol
(source: https://www.europol.europa.eu/about-europol)

To prevent and combat serious cross-border crimes and terrorism in the EU, effective cooperation between law enforcement agencies of the EU member states is necessary. Law enforcement agencies of the member states traditionally cooperate on an ad hoc basis, bilaterally or multilaterally. The EU aims to promote cooperation between member states in order to achieve faster, safer, and more structured cooperation.

The Commission and EU law enforcement agencies, such as Europol, do not have autonomous investigative capabilities and are not responsible for operational law enforcement activities. This remains the responsibility of the EU member states.

However, the Commission and EU agencies contribute to the enhancement of law enforcement cooperation within the EU through:

- The proposal for a joint multiannual strategic framework for the EU.
- Improving the exchange of information, in particular through EU legislation such as the EU PNR (Passenger Name Record), through the creation and management of databases such as the Schengen Information System (SIS) or the Visa Information System (VIS), facilitating the exchange of information between member states and Europol through Europol databases and secure links, proposing a pan-European information exchange model (EIXM), and assisting member states in implementing existing legal instruments such as the Prüm Decision or the Swedish Decision.

Facilitating operational cooperation, in particular through:

- the EU policy cycle on organised crime / EMPACT, where member states organise over 200 joint EU operational actions against organised crime each year;
- EU legislation and the organisation of cross-border cooperation between EU member states, such as joint investigations against cross-border crime, joint patrols, cross-border hot pursuits, or surveillance;
- operational support to member states provided by EU agencies such as Europol and the European Police College (CEPOL);
- supporting member states' actions through funding, training, research, and innovation.

However, there are exceptions to the main processes and trends. Denmark and Ireland have different options to opt out of border controls, asylum policy, police, and judicial cooperation, which are part of the area of freedom, security, and justice.

Ireland and Denmark benefit from special arrangements covering all measures taken in the area of freedom, security, and justice. These countries may not participate in legislative procedures in these areas. Therefore, the

measures adopted will not be binding on them. In addition, Ireland and Denmark are subject to two exclusion clauses:

- a participation clause, which allows each country to participate, on a case-by-case basis, in the procedure for adopting a specific measure or in the application of a measure already taken. In such a situation, they will be bound by the same measure as other EU countries;
- an opt-out clause that allows them not to apply the measure at any time.

QUESTIONS FOR SELF-ASSESSMENT

1. What led to the creation of the Area of Freedom, Security, and Justice in the 1970s?
2. What policy issues fall within the scope of the Area of Freedom, Security, and Justice?
3. What functions does the Justice and Home Affairs Council perform?
4. In which areas did the Lisbon Treaty give powers to the European institutions?
5. What are the main policy principles for dealing with the migration crisis in the EU?
6. Describe the structure of the European Public Prosecutor's Office.
7. What is the scope of police cooperation between EU member states and EU institutions?
8. Which countries have the right to opt out of the common policy on border control, asylum policy, police, and judicial cooperation?

RECOMMENDED READING

1. Муравйов В. І., Білоцький С. Д., Гріненко О. О., Медведєва М. О. Європейське право: право Європейського союзу: підручник: у 4 кн. Книга 4: Матеріальне право Європейського союзу. К.: Ін-Юре. 2016. 400 с.
2. Фонтен П. Європа у 12 уроках. К.: Представництво ЄС в Україні, 2013. 84 с. URL: http://publications.europa.eu/resource/cellar/b9d2e9c8-c7fe-48bc-b79a-34679ce744bd.0001.02/DOC_1.
3. European Public Prosecutor's Office. https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/networks-and-bodies-supporting-judicial-cooperation/european-public-prosecutors-office_en.
4. Area of freedom, security and justice. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:ai0022.
5. An area of freedom, security and justice. Fact Sheets on the European Union. European parliament. https://www.europarl.europa.eu/factsheets/en/section/202/an-area-of-freedom-security-and-justice.

TESTS

1. **In which year was the «Area of Freedom, Security, and Justice» created:**
   a) 1970 b) 1986 c) 2001 *d) 2009*

2. **Which treaty authorized supranational institutions to propose and take decisions in the area of freedom, security, and justice?**
   a) the Treaty of Rome
   b) the Maastricht Treaty
   c) the Treaty of Amsterdam
   d) the Lisbon Treaty

3. **Who is part of the EU Council for Justice and Home Affairs?**
   a) Ministers of Home Affairs from all EU member states
   b) Ministers of Justice and Home Affairs from all EU member states
   c) government representatives from all EU member states
   d) government representatives from all EU member states and representatives of non-governmental human rights organisations

4. **What is the principle of asylum applications in EU countries?**
   a) individuals must apply for asylum in the first EU member state they enter
   b) individuals must apply for asylum in the first EU member state they enter, provided they do not have family elsewhere
   c) individuals may apply for asylum in the EU member state that is most suitable for them
   d) individuals may apply for asylum in the EU member state, the final EU member state, in which they stay

5. **In which of the following areas does the Lisbon Treaty not empower the European institutions to take action:**
   a) implementation of the principle of mutual recognition in the judicial system
   b) effective access to justice
   c) development of new ways of resolving disputes
   d) training judges and court staff

6. **The European Public Prosecutor's Office will be an independent and decentralised public prosecutor's office of the European Union, which will investigate, prosecute, and bring to justice crimes related to?**
   a) the EU budget
   b) murders
   c) terrorist activities
   d) all answers are correct

7. **The central level of the European Public Prosecutor's Office includes all EXCEPT:**
   a) the Chief Prosecutor of the European Public Prosecutor's Office
   b) European Prosecutors (one per EU member state)
   c) Delegated Prosecutors located in EU member states
   d) no correct answer

8. **Who is responsible for conducting operational law enforcement activities in the EU:**
   a) national bodies/structures of the member states
   b) Europol
   c) Eurojust
   d) all answers are correct

9. **Which of the following countries have the right to opt out of border controls, asylum policy, police, and judicial cooperation, which are part of the area of freedom, security, and justice:**
   a) Denmark and Ireland
   b) Norway and Denmark
   c) Spain and Italy
   d) Norway and Sweden

10. **Which of the following new powers did the Lisbon Treaty grant to the European institutions:**
    a) the establishment of joint management of the EU's external borders, in particular by strengthening the positions of the European Agency for Operational Cooperation at the external borders of the member states of the European Union
    b) the creation of a common European asylum system based on unified principles and common procedures for granting and withdrawing asylum
    c) the establishment of rules, conditions, and rights regarding legal immigration
    d) all answers are correct

TOPIC 6

The Schengen Area

6.1 Evolution of the Formation of the Schengen Area.
6.2 Schengen Area Countries.
6.3 The European Travel Information and Authorization System.
6.4 Schengen Visa.

6.1 Evolution of the Formation of the Schengen Area

The Schengen Area is one of the most important achievements of European integration. Launched in 1985 as an intergovernmental project of five EU countries, namely the French Republic, the Federal Republic of Germany, the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, it has gradually evolved into a territory of free travel.

The Schengen area without borders guarantees free movement for over 425 million EU citizens, as well as citizens of non-EU countries residing in the EU or visiting the EU as tourists, exchange students, or for business purposes (anyone legally residing in the EU). Free movement of people allows every EU

citizen to travel, work, and live in an EU country without any formalities. Schengen supports this freedom by allowing citizens to move within the Schengen area without going through border checks.

> Note: It is appropriate to mention that the Schengen area is a territory where border controls at internal borders were abolished, and the European Union is an economic and political union of 27 democratic countries. The beginning of post-war European integration was the creation of the European Coal and Steel Community in 1952. In 1958, the European Economic Community was created, the direct successor of which was the European Union. On February 7, 1992, the Treaty on European Union – the Maastricht Treaty – was signed, on the basis of which the European Union was created on November 1, 1993.

On June 14, 1985, Belgium, West Germany, France, Luxembourg, and the Netherlands (five of the ten then-member states of the European Economic Area, now members of the EU) signed the Schengen Agreement on the gradual abolition of internal border controls in the village of Schengen in Luxembourg.

Signing of the Schengen Agreement (June 14, 1985)
(source: https://www.consilium.europa.eu/en/policies/schengen-area/)

Schengen is a village located on the Moselle River, where the borders of Luxembourg, Germany, and France meet. It was here, on a cruise ship sailing down the river, that the Schengen Agreement was signed (1985), and the Convention implementing the Schengen Agreement was signed in 1990. Many places in the surrounding area commemorate the signing of the agreement, including the European Schengen Centre and its museum. Since the signing of the Schengen Agreement, this area has become synonymous with free movement in Europe.

Village of Schengen
(source: https://schengenflightreservationvisa.com/
schengen-agreement-countries-and-history/)

Schengen cooperation evolved from several governments into a full-fledged EU policy area and included the following stages:

Stage I – 1985 – Belgium, West Germany, France, Luxembourg, and the Netherlands signed an agreement on the gradual abolition of internal border controls.

Stage II – 1990 – the same five countries signed the Schengen Convention, which supplemented the agreement and established measures and guarantees for implementing a policy of no internal border controls.

Stage III – 1995 – the implementation of the Schengen program began with the participation of seven EU countries such as Portugal, Spain, Belgium, Germany, France, Luxembourg, and the Netherlands.

Stage IV – 1997 – the Treaty of Amsterdam introduced the Schengen norms into the legal framework of the EU. In the same year, Italy and Austria joined the agreement.

Stage V – starting from 2000 and up to the present day – further expansion of cooperation: Greece, Norway, Finland, Sweden, Iceland, Denmark, Estonia, Slovenia, the Czech Republic, Poland, Hungary, Slovakia, Latvia, Lithuania, Malta, Switzerland, Liechtenstein, Croatia, Romania, Bulgaria joined.

The aim of the Schengen area is to allow European Union residents to travel across the internal borders of the member states without checks or having to show their passports. The opening of internal borders is only one

Schengen Agreement
(source: https://schengenflightreservationvisa.com/
schengen-agreement-countries-and-history/)

aspect. The other is to guarantee the security of its citizens. This includes strengthening and applying unified criteria for checking citizens of non-Schengen countries entering the EU at the common external border, developing cooperation between border control officials, national police, and judicial authorities, and using advanced information exchange systems. Over time, Schengen legislation has changed as new countries have joined and new EU legislation has been implemented.

According to the Convention implementing the Schengen Agreement dated June 14, 1985, internal borders can be crossed at any point without any checks on persons crossing them. However, if public order or national security so require, each party to the agreement may consult the other member states to decide that national border controls may be carried out at internal borders for a limited period, depending on the situation. If public order or national security require urgent actions, a party to the agreement takes the necessary measures and informs the other member states thereof.

More than 1.25 billion journeys are made within the Schengen area each year. Despite the abolition of internal border controls in the Schengen area, countries retained the right to introduce temporary controls in the event of serious threats. Since 2015, due to the migration crisis and the increased terrorist threats, a number of Schengen countries reintroduced such controls and even extended them on several occasions. During the COVID-19 pandemic, many EU countries introduced border controls to stop and prevent the spread of the virus. In December 2021, the European Commission proposed to update the Schengen area rules to use internal border control reintroduction as a measure of last resort. The new rules also aim to support the use of alternative measures, such as targeted police checks and enhanced police cooperation.

6.2 Schengen Area Countries

The Schengen area operates in a similar way to a single country with border controls at entry and exit from the area, but without border controls at the internal borders of the Schengen area countries.

Today, the Schengen area comprises 29 countries: the EU countries, except the Republic of Ireland and the Republic of Cyprus (27 EU countries – 2 = 25); the area also includes four non-EU countries: the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein (25 + 4 = 29 Schengen area countries).

It is worth emphasizing that on December 30, 2023 the Council decided to abolish internal air and sea border controls with the Republic of Bulgaria and Romania. Since March 31, 2024, both states have been applying the Schengen legislation. Internal air and sea border controls have been abolished since that date.

The countries that are part of the area without internal border controls do not carry out border controls between themselves unless there is a specific threat that would require coordinated controls at the external borders of the area based on clear criteria. The rules governing the functioning of the Schengen area are called the Schengen Borders Code (2006), which establishes the principle of free movement within the Schengen area.

For Ukraine, as a state with the status of a candidate for EU membership and with negotiations begun in 2023 as the penultimate stage before joining the European Union, new challenges will arise if a decision is made regarding joining the Schengen area.

When determining the specifics of the functioning of the European Union and the Schengen area, it is worth emphasizing the difference in terms of joining these structures, since there are clear criteria for accession.

Table 6.1 – **Schengen area countries**

№	Country	Capital	Flag
1	Austria	Vienna	
2	Belgium	Brussels	
3	Bulgaria	Sofia	
4	Greece	Athens	
5	Denmark	Copenhagen	
6	Estonia	Tallinn	
7	Iceland	Reykjavik	

№	Country	Capital	Flag
16	Germany	Berlin	
17	Norway	Oslo	
18	Poland	Warsaw	
19	Portugal	Lisbon	
20	Romania	Bucharest	
21	Slovakia	Bratislava	
22	Slovenia	Ljubljana	

8	Spain	Madrid	
9	Italy	Rome	
10	Latvia	Riga	
11	Lithuania	Vilnius	
12	Liechtenstein	Vaduz	
13	Luxembourg	Luxembourg	
14	Malta	Valletta	
15	Netherlands	Amsterdam	

23	Hungary	Budapest	
24	Finland	Helsinki	
24	France	Paris	
26	Croatia	Zagreb	
27	Czech Republic	Prague	
28	Switzerland	Bern	
29	Sweden	Stockholm	

Table 6.2 – **Criteria for joining the EU and the Schengen area**

Countries wishing to join the EU must have:	Countries wishing to join the Schengen area must:
Stable institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities. A functioning market economy and the ability to cope with EU competition. The ability to assume and effectively implement the obligations of membership, including compliance with the objectives of political, economic, and monetary unions	Take responsibility for the control of the EU's external borders. Apply common Schengen rules, such as border controls on land, sea, and air, and the issuance of uniform Schengen visas. To ensure a high level of security within the Schengen area, the country must cooperate with law enforcement authorities of other Schengen countries. The country must connect to and use the Schengen Information System (SIS)

6.3 The European Travel Information and Authorization System

In 2018, the EU Council adopted a regulation establishing the European Travel Information and Authorization System (ETIAS). This will allow visa-free travellers to be checked in advance and, if necessary, refused entry. It will be similar to the systems used in the USA, Canada, and Australia. Eu-LISA is the EU agency that manages large-scale IT systems in the area of freedom, security, and justice, develops ETIAS. ETIAS should be operational by the first half of 2025 at the latest.

It is also worth noting that Ukrainian citizens who use the visa-free regime will be required to provide information about travel documents and personal data (name and surname, date of birth, gender, citizenship) in electronic form before traveling; there may also be additional questions, for example, whether the person has a criminal record and whether he or she has been in conflict zones. This will enable the relevant authorities to determine whether the person poses a threat long before he or she arrives at the Schengen border. The permit will cost 7 euros and will be valid for up to three years. It will be free of charge for persons under 18 and over 70. It is expected that the vast majority of applicants will receive approval for entry almost immediately. The final decision on entry will remain with the border guard of a particular state.

Logo of the European Travel Information and Authorization System (source: https://schengenvisum.info/pl/wprowadzenie-ETIAS-ponownie-prze%C5%82o%C5%BCone/)

Individuals who do not require a visa to the EU will provide information about their travel documents and personal data (name and surname, date of birth, gender, citizenship) in electronic form before traveling.

Schengen Information System (SIS)

This is a large-scale computer database that ensures external border control and law enforcement cooperation between Schengen countries. The SIS contains information on: suspects in crimes, persons who may not have the right to enter or stay in the EU, missing persons, stolen, unlawfully acquired, or lost property. The Schengen Information System is used by national authorities responsible for: border control, police and customs checks, investigations by the public prosecutor in criminal proceedings, and judicial investigations before indictment, visa and residence permit issues. This information may be available to the European Border and Coast Guard Agency, the European Union Agency for Criminal Justice Cooperation, and the European Union Agency for Law Enforcement Cooperation.

Logo of the Schengen Information System (source: https://www.edps.europa.eu/data-protection/european-it-systems/schengen-information-system_en)

Notifications entered into the SIS by one country becomes available in real time in all other countries using the SIS so that the competent authorities in the EU can find this alert. Technically, the SIS consists of the following components: the central system, the national SIS systems in all countries using the SIS, the network between the systems.

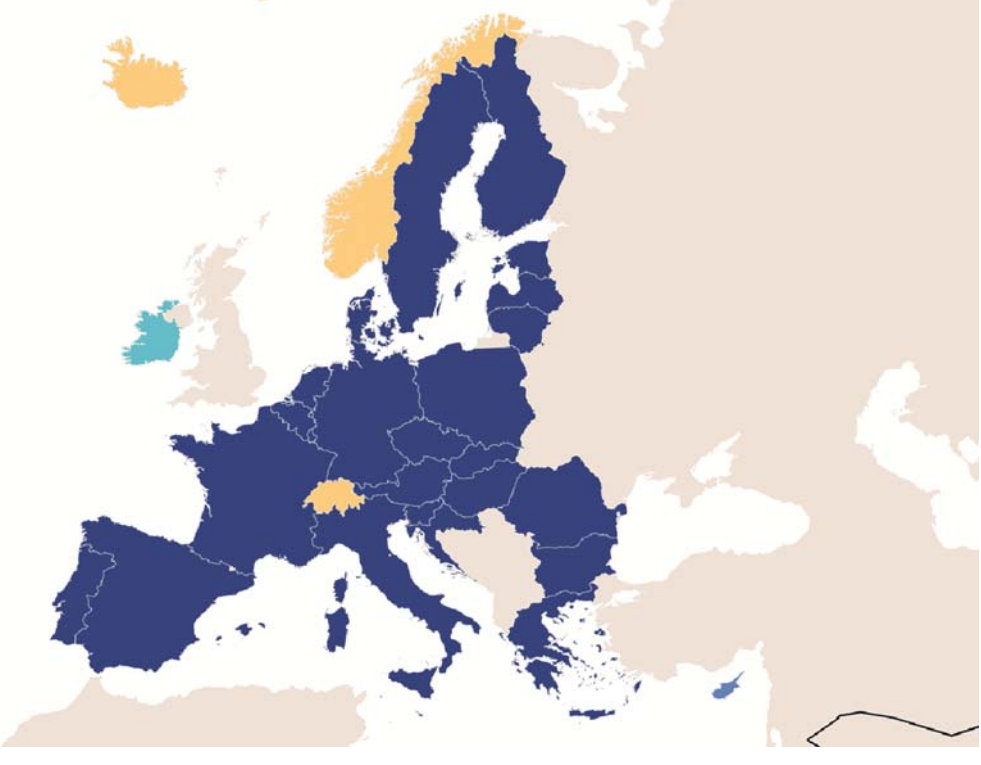
On March 7, 2023, the Schengen Information System became operational in all Schengen countries (source: https://schengenvisum.info/pl/funkcjonuje-odnowiony-system-informacyjny-schengen/)

Since March 2023, the SIS contains the following types of biometrics for the confirmation and verification of persons registered in the system: photographs, palm prints, fingerprints, DNA records (only for missing persons). Fingerprints, palm prints are used for biometric searches through the automated fingerprint identification system in the SIS.

Law enforcement authorities throughout the EU use the SIS to enter or receive alerts on wanted or missing persons and lost property. The system contains almost 86.5 million records.

6.4 Schengen Visa

A Schengen visa is a permit issued by a Schengen country, on the basis of which it is possible to enter the Schengen area for the following purposes: planned short-term stay in the territory of a Schengen state or transit through such territory (short-term visa), transit through the international transit zone of Schengen airports (airport visa). A short-term stay is a stay not exceeding 90 days within any 180-day period. The map below shows the EU and non-EU countries that issue Schengen visas, as well as the EU countries that do not issue Schengen visas.



Map of EU and non-EU countries that issue Schengen visas,
as well as EU countries that do not issue Schengen visas
(source: https://www.consilium.europa.eu/en/infographics/schengen-visa/)

Note:

- EU country that issues Schengen visas.
- EU member state that does not fully apply the Schengen rules.
- EU member state in the process of fully applying the Schengen rules.
- Non-EU country that issues Schengen visas.

The legal act regulating the procedure for issuing visas is Regulation (EC) No 810/2009 of the European Parliament and of the Council of July 13, 2009, establishing a Community Code on Visas (Visa Code).

15.9.2009 EN Official Journal of the European Union L 243/1

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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

REGULATION (EC) No 810/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 13 July 2009
establishing a Community Code on Visas
(Visa Code)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) and (b)(ii) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty (1),

Whereas:

(1) In accordance with Article 61 of the Treaty, the creation of an area in which persons may move freely should be accompanied by measures with respect to external border controls, asylum and immigration.

(2) Pursuant to Article 62(2) of the Treaty, measures on the crossing of the external borders of the Member States facilitating legitimate travel and tackling illegal immigration through further harmonisation of national legislation and handling practices at local consular missions, as defined in the Hague Programme: strengthening freedom, security and justice in the European Union (2).

(4) Member States should be present or represented for visa purposes in all third countries whose nationals are subject to visa requirements. Member States lacking their own consulate in a given third country or in a certain part of a given third country should endeavour to conclude representation arrangements in order to avoid a disproportionate effort on the part of visa applicants to have access to consulates.

(5) It is necessary to set out rules on the transit through international areas of airports in order to combat illegal immigration. Thus nationals from a common list of third countries should be required to hold airport transit visas. Nevertheless, in urgent cases of mass influx of illegal immigrants, Member States should be allowed to impose such a requirement on nationals of third countries other than those listed in the common list. Member States' individual decisions should be reviewed on an annual basis.

Visa Code
(source: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R0810)

The Visa Code applies to travellers from third countries that have not signed an agreement on visa facilitation or visa-free regime. The Code establishes the procedure and conditions for issuing visas for short stays and transit through a Schengen area airport. It lists third countries whose citizens must have an airport transit visa when passing through the international transit zone of EU airports, and also defines the procedures and conditions for issuing such visas. The Visa Code also helps to improve cooperation with

third countries on the readmission of illegal immigrants through the visa leverage mechanism. Under this mechanism, if a third country does not cooperate on readmission, specific restrictions may be applied in relation to the processing of visa applications and the visa fee. Such measures have currently been applied to Gambia and Ethiopia.

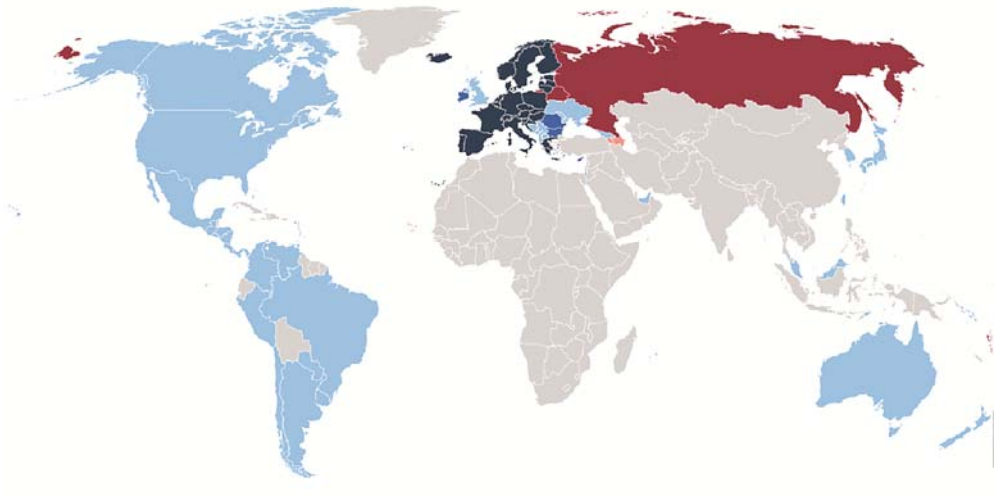
Procedure and conditions for issuing visas

The member state of the European Union whose territory is the sole or main destination of the visit is responsible for processing the visa application. If the main destination cannot be determined, the country of entry into the Schengen area is responsible for processing the application. The visa application is submitted by the applicant, an accredited commercial intermediary, or a professional, cultural, sports, or educational institution or association acting on behalf of its members.

As a rule, the application must be submitted within six months (nine months for seafarers) and at least 15 days before the intended visit. ***A uniform visa*** (valid throughout the Schengen area) may be issued for multiple entries with a maximum validity of five years. ***A visa with limited territorial validity*** (valid in the territory of individual member states) is issued in exceptional cases when the applicant does not meet all the entry conditions due to humanitarian reasons, reasons of national interest, or international obligations, as well as in situations when other Schengen countries oppose the issuance of the visa. ***Multiple-entry visas with a long validity period*** may be issued for one, two, or more entries. The Visa Code contains provisions for issuing multiple-entry visas with a correspondingly longer validity: one year if the applicant has used three visas in the last two years; two years if the applicant has used a multiple-entry visa valid for one year in the last two years; five years if the applicant has used a multiple-entry visa valid for two years in the last three years.

The EU has implemented a visa-free regime for 61 countries, two special administrative regions of China (Hong Kong and Macau), and one territorial entity (Taiwan) that is not recognised as a state by at least one EU member state. Under this system, citizens of third countries holding biometric passports can enter the Schengen area for a short period of time without a visa. The principle of visa reciprocity applies. This means that the same visa-free regime applies to EU citizens travelling to these third countries.

The EU has signed visa facilitation agreements with certain third countries. Under the facilitation, citizens of third countries holding biometric passports benefit from simplified procedures for entering the Schengen area for a stay of 90 days within any 180-day period. Visa facilitations include: simplified documentation requirements, reduced or waived fees for certain categories of applicants, and accelerated processing of visa applications.



EU visa agreements with non-EU countries
(source: https://www.consilium.europa.eu/pl/policies/eu-visa-policy/#0)

Note:

- Visa-free regime.
- Simplified visa procedure.
- Visa agreement suspended.
- Country issuing Schengen visas.
- EU country not issuing Schengen visas.

Suspension of EU visa agreements may suspend the visa-free regime or visa facilitation agreements if a third country no longer fulfils the conditions of the agreement. In such case, the general provisions of the EU Visa Code apply. A member state or the European Commission may request the suspension of a visa agreement. Currently, visa agreements with the following countries are fully or partially suspended: Russia (full suspension of the visa facilitation agreement), Belarus (partial suspension of the visa facilitation agreement), Vanuatu (full suspension of the visa-free agreement).

In March 2023, the Council agreed on a visa-free regime for Kosovo. From January 1, 2024, Kosovo passport holders can travel to the EU without a visa for up to 90 days within any 180-day period. This will in turn allow EU citizens to travel to Kosovo without a visa.

The visa-free regime between the Schengen countries and Ukraine was introduced on June 11, 2017. Since then, Ukrainian citizens can travel to EU countries (except the UK and Ireland) as well as Iceland, Liechtenstein, Norway, and Switzerland without a visa.

Digitalization of Schengen visas

Applying for a Schengen visa is a lengthy process that is largely paper-based. This is burdensome for both travelers and consulates. In April 2022, the European Commission proposed to digitize the Schengen visa application process. The new rules include the following recommendations: replace the visa sticker, introduce an online visa application using an online visa platform, simplify the visa application process, and reduce financial costs in this area for EU countries and applicants. On November 13, 2023, the Council adopted new EU rules on the digitization of the visa process.

The Schengen area therefore operates like a single country with border controls at entry and exit, but without border controls at internal borders between Schengen member states.

Thus, European integration is a long-term process that requires candidate countries, in particular Ukraine, to make thorough preparations and make changes in both the legislative and socio-economic spheres.

QUESTIONS FOR SELF-ASSESSMENT

1. What is the difference between the Schengen area and the European Union?
2. What is the purpose of the Schengen area?
3. Identify the main criteria for a country to join the Schengen area.
4. With which countries have visa agreements been completely suspended? Why?
5. What does the principle of visa reciprocity mean?
6. For what purpose was the European Travel Information and Authorization System introduced?
7. What data is stored in the Schengen Information System?
8. What aspects are regulated by the Visa Code?
9. What does the visa-free regime mean?
10. Describe the procedure for issuing a Schengen visa.

RECOMMENDED READING

1. Bezpieczeństwo granic. https://www.europarl.europa.eu/topics/pl/article/20180628STO06868/bezpieczenstwo-granic-sprawdzanie-podroznych-przed-przybyciem-do-ue.
2. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42000A0922(02).
3. The European Union: Reading on the Theory and Practice of European Integration / edited by: B. F. Nelsen, A. C.-G. Stubb. Second ed. USA: Lynne Rienner Publishers, Inc., 1998. 357 p.

4. The making of the European Union: foundations, institutions and future trends / S. Berglund, J. Ekman, H. Vogt, F. H. Aarebrot. USA: Edward Elgar, 2006. 238 p.
5. The Schengen Area. *European Commission*, 2008. http://biblio.ucv.ro/bib_web/bib_pdf/EU_books/0056.pdf.
6. What are the Schengen countrie? https://web.archive.org/web/20080517121926/http://www.eurovisa.info/SchengenCountries.htm
7. Актуальні питання суспільних трансформацій в Україні: безпековий та євроінтеграційний виміри: колективна монографія / за ред.: Ю. В. Палагнюк. С. І. Шкірчака. Миколаїв : Вид-во ЧНУ ім. Петра Могили, 2018. 300 с.
8. ЄС у кишені: довідник із європейської інтеграції України / [Представництво Фонду Конрада Аденаура в Україні]. К., 2010. 74 с.
9. Короткий посібник про ЄС. Люксембург: Бюро публікацій ЄС, 2023. 36 с. https://op.europa.eu/en/publication-detail/-/publication/1ee943e8-8a7e-11ee-99ba-01aa75ed71a1/language-uk.
10. Лізаковська С. В. Особливості функціонування Шенгенської зони. Перспективи для України: тези Міжнародної наукової конференції «Україна та ЄС: досвід співпраці та перспективи інтеграції в сучасних умовах». Миколаїв: Вид-во ЧНУ імені Петра Могили, 2024. С. 75-77.
11. Програми допомоги Європейського Союзу та співпраця України з ЄС. К.: Представництво Європейської Комісії в Україні, 2009. 35 с.
12. Регламент (ЄС) № 810/2009 Європейського Парламенту та Ради від 13 липня 2009 р. про створення Візового кодексу Співтовариства. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R0810.
13. Сорока С. В. Механізм взаємодії уряду і парламенту в процесі державного управління: досвід країн Європейського Союзу та українська практика. Миколаїв: ФОП Ємельянова Т. В., 2012. 422 с.

TESTS

1. The Schengen area is:
a) an international organization
b) a synonym for the EU
c) a territory in which border control at internal borders has been abolished

2. Does a Schengen country have the right to introduce temporary control at the internal border in the event of serious threats to internal security:
a) yes b) no c) only in case of a pandemic

3. How many days of stay in the Schengen area does the simplified Schengen entry procedure provide for:
a) 90-day stay within any 180-day period
b) 30-day stay within any 180-day period
c) 180-day stay within any 180-day period

4. **The regulatory legal act that governs the procedure for issuing Schengen visas is:**
   a) the Visa Code
   b) the Maastricht Treaty
   c) Association Agreement between Ukraine and the EU

5. **In which year was the Schengen Agreement signed:**
   a) 2000 b) 1993 *c) 1985*

6. **The European Travel Information and Authorization System will allow checking:**
   a) visa-free travelers in advance
   b) security status of third countries
   c) travel documents of travelers

7. **The computer database that ensures external border control and law enforcement cooperation between the Schengen countries is:**
   a) Schengen Information System
   b) Interpol database
   c) European confidential database

8. **A permit issued by a Schengen country, on the basis of which it is possible to enter the Schengen zone, is:**
   a) a Schengen visa b) a diplomatic passport c) an internal passport

9. **The visa-free regime between the Schengen countries and Ukraine was introduced in:**
   a) 1993 *b) 2017* c) 2022

10. **How many trips are made each year within the Schengen area:**
    a) over 1,25 billion b) over 1 million c) less than 1 million

Section 2

LEGAL AND INSTITUTIONAL SYSTEM OF THE EUROPEAN UNION

TOPIC 7

Fundamental Principles of the European Union's Legal System

7.1 Legal Nature and Membership in the European Union.
7.2 Concept and Fundamental Principles of EU Law.
7.3 Primary and Secondary Law of the European Union.
7.4 The Constitutional Process in the European Union and the Adoption of the Lisbon Treaty.
7.5 Principles of Organization and Functioning of the Institutions of the European Union.

7.1 Legal Nature and Membership in the European Union

The legal nature of the European Union is a subject of debate among specialists. The legal literature notes the hybrid nature of the legal nature of the EU and indicates that the EU is both an international and state entity, combining the features of at least three types of state unions: an international intergovernmental organization, a confederation, and a federation. Foreign scholars consider the EU as a federative entity of a special kind Sui generis (combining the features of a confederation and a federation).

According to article 49 of the Treaty on European Union, the procedure for accession (joining) to the EU occurs in four stages:

1. Any European state may apply to become a member of the EU.
2. A preliminary decision by the EU authorities to open accession negotiations. At this stage, the following criteria are important: the candidate's ability to join and the EU's ability and willingness to accept.
3. Negotiations involving the EU member states and the candidate country. The conditions of accession and the changes that this accession will entail for the treaties on which the European Union is based are the subject of an agreement between the member states and the applicant state.
4. Ratification. At this stage, the above-mentioned agreement is subject to ratification by all member states, which takes place in accordance with the constitutional procedure of each country.

The so-called «Copenhagen criteria» for accession, adopted in 1993, are highlighted:

- political criteria – respect and support for the fundamental constitutional values of the EU;
- economic criteria – a competitive social market economy;
- willingness to assume the achievements – the existing level of integration, the so-called «acquis»;
- acceptance of the political goal of European integration;
- geographical location – the candidate is a European state.

According to article 50 of the EU Treaty, any member state may, in accordance with its constitutional provisions, may decide to leave the European Union. An EU member state that decides to withdraw must notify the European Council of its intention. The EU negotiates and concludes an agreement with that state, which defines the arrangements for the latter's withdrawal and the basis for their future relationship with the EU. The agreement is concluded on behalf of the EU by the EU Council after approval by the European Parliament. The founding treaties of the EU cease to apply to the withdrawing state from the date of entry into force of the withdrawal agreement or, in the absence of such an agreement, two years after the date of notification to the European Council. This period may be extended with the consent of the member state concerned.

An example of a state withdrawing from the EU is Great Britain. Great Britain left the European Union on January 31, 2020, at 23:00 London time. The basis for the withdrawal was the result of a consultative referendum on June 23, 2016, when 51.9% of those who voted supported the Great Britain's withdrawal from the European Union.

According to article 7 of the Treaty on European Union, on a reasoned proposal from one third of the EU member states, the European Parliament, or the European Commission, the Council of the European Union, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may declare that there is a clear risk of a serious breach of European values by an EU member state. In addition, the European Council, acting on a proposal from one third of the EU member states or the European Commission and after obtaining the consent of the European Parliament, may declare that there is a serious and persistent violation of European values by an EU member state, after first inviting that member state to submit any comments on the matter.

If such a finding is made, the EU Council, acting by a qualified majority, may decide to suspend certain rights deriving from the application of the founding treaties to the Member State concerned, including the right to vote of the representative of the government of that member state in the EU Council. When taking such a decision, the EU Council takes into account

the possible consequences of such a suspension for the rights and obligations of individuals and legal entities. In any circumstances, the obligations imposed on the EU member state concerned under the founding treaties remain binding on that state. The EU Council, acting by a qualified majority, may subsequently decide to amend or terminate the measures it has adopted in order to take account of changes in the situation which led to its imposition of those measures.

The EU's founding treaties do not provide for the exclusion of a country from the EU. However, some experts believe that this is permissible if an EU member state has consistently violated the principles and values of the EU.

7.2 Concept and Fundamental Principles of EU Law

Servicing the integration processes in Europe required such legal regulation under which the rules of conduct, which are jointly developed, are understood, followed, and applied equally by all, despite the preservation of borders and state sovereignty. As a result, a special autonomous legal system was born at the intersection of national and international law – the law of the European Union. It is not identical to either the national legislation of the states of the region or the regional international legal order, but it incorporates the most important and essential aspects of the practice of functioning of national and international legal institutions.

In recent years, the discussion on the nature of European Union law has not subsided among domestic and foreign lawyers. The starting point of this discussion is the concept of European Union law and its ambiguous terminological interpretation found in various authors.

Currently, the following approaches to this issue are widely used:

1. Quite often in special legal and scientific literature the term «European Communities law» is used, which refers to the set of norms adopted within the framework of these organizations. Along with this term, the synonym «communitarian law» (from the English «community») is used.
2. «European Union law» is a special legal system, the norms of which regulate social relations that develop in the course of integration processes within the framework of the European Communities and the European Union.
3. The term «acquis» (from French «acquis» – achievement) is also often found in the literature, which is used to denote the legal achievements of the European Communities and the European Union and is used in the following three expressions:

– «Acquis communautaires» – the entire complex of legal norms of the European Communities («European Communities law», «communitarian law»);

- «Acquis de l'Union» – a concept that denotes a set of legal norms that emerged in the process of the development of the European Union, and actually coincides in meaning with the term «European Union law»;
- «Schengen acquis» – «Schengen law», which refers to a complex of legal norms that regulate the conditions of entry and movement of individuals within the territory of the member states of the European Union, including the conditions and procedure for obtaining a single (Schengen) visa, as well as the issue of joint combating crime in the countries that are members of the European Union.

However, at present, given the objective need for legal regulation of qualitatively new social relations arising from the processes of European integration, there are sufficient grounds to consider the law of the European Union as an independent legal system, which differs in nature from the systems of international and national (internal state) law. In order to emphasize the uniqueness of EU law and its differences from classical legal systems (internal state and international law), in scientific literature it is often characterized as supranational law. In Western European doctrine, the term «transnational law» has become widespread, which emphasizes the ability of EU norms to operate across state borders.

The law of the European Union is a unique legal system that functions in parallel with the legislation of the EU member states. The norms of EU law have direct effect within the legal systems of its member states and in many areas regulate issues taken into account by national legislation, especially in economic and social policy. The EU is neither an intergovernmental organisation nor a federal state. It establishes a new legal order within the framework of international law with the aim of mutual social and economic growth of the member states. The EU law is based on the aspiration to preserve peace and create better living conditions in Europe by developing closer economic ties.

The citizen of the European Union is the main focus of EU law, which directly affects their daily life. EU law confers rights and obligations on a person who is both a citizen of the European Union and a citizen of a particular member state, and thus creating a hierarchy of legal norms – a phenomenon similar to a federal legal system. The EU legal order ensures the existence of an independent system of legal protection, the purpose of which is to guarantee the implementation of EU law. EU law also defines the foundations for the relationship between the Community and its member states, which must take all necessary measures to ensure the fulfilment of the obligations arising from the EU treaties or from the relevant decisions of the Union institutions. They must contribute to achieving the objectives of the Community and refrain from any action which could create obstacles to the realization of the objectives of the EU treaties. In addition, member states are also liable for infringe-

ments of EU law to their own citizens and are therefore obliged to compensate any damage caused by such actions.

The first treaty that initiated the European Community was the Treaty establishing the European Coal and Steel Community (ECSC) of 1951, which became the foundation of the legal system of the European Union, which has been changing, transforming, and improving for more than half a century. Like any legal system, the legal structure of the EU has its own special structure, however, before moving on to its characteristics, let us consider the general principles of European Community law, which actually permeate the entire legal system and at the same time serve as its basis. Also, the general principles of law are the most important source of EU law, since they allow filling gaps in the legislation and resolving issues regarding its interpretation in the fairest possible way. So, let us define these principles.

Principle of equality. It means that no EU citizen may be discriminated against on grounds of nationality, gender, race, ethnic origin, religion, belief, physical or mental disabilities, age, or sexual orientation. This principle arises from the provisions of the treaties, legal acts, and judgments of the European Court of Justice.

Priority of European Community law over national law. This principle regulates how to act if there is a conflict between a norm of national law and EU law. Under such conditions, EU law takes precedence over national norm. Therefore, in the practice of judicial proceedings of the European Court of Justice, EU law is always recognized as having priority over internal state acts of any type. EU law accordingly takes precedence even over provisions of national constitutions that contradict it. The principle of priority implies that new national legislative acts that are incompatible with EU law lose their legal force. Once a European law norm has entered into force, any previously adopted national legal act that contradicts with it cannot be applied.

Thus, the priority of EU law is reduced to:

1. The obligation of a national judge not to apply national norms if they are not in accordance with EU law.
2. The obligation of member states not to adopt laws that are not in accordance with EU law.

This principle also implies that in the event of a conflict between national and European law, the authorities and courts of the member states must disregard national law. Otherwise, they refer the legal dispute to the European Court of Justice through a preliminary ruling procedure.

Direct application of EU law. This means that the regulatory legal acts of the European Union are directly applicable in the member states without the need for their ratification or incorporation into national law. In other words, Community law directly confers rights and imposes obligations on the community institutions, the member states, and their citizens. In practice, direct

application is characterised by the fact that: first, EU law is applicable in the member states without further approval by national law; second, any individual may request the application of EU law in their case. This principle was acknowledged by the European Court of Justice, despite initial resistance from some member states.

Principle of subsidiarity. One of the fundamental principles of the European Union, aimed at ensuring a decision-making mechanism that is as close as possible to the citizens, and that provides for a constant review of the validity of European Community action from the perspective of the possibilities available at national, regional, and local levels. In other words, it is the principle that any action other than that which falls exclusively within its competence may be taken at Union level only if it is more effective than that taken at national, regional, or local level. This principle is closely connected to the principles of appropriateness and necessity, which require that any action taken by the European Union does not go beyond what is necessary to achieve the objectives of the Union.

At the European Council meeting in Edinburgh in December 1992, the foundations of subsidiarity were defined, and guiding principles for interpreting article 5 (formerly article 3b), which contains this principle in the Treaty on European Union, were established. According to the article, the principle of subsidiarity is formulated as follows: «The Community shall act within the limits of its powers as defined in this Treaty and the objectives assigned to it. In areas which do not fall within the exclusive competence of the Community, it may act in accordance with the principle of subsidiarity. Where the objectives of the proposed action cannot be sufficiently achieved by the member states, they can, by reason of the scale and effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.»

Principle of proportionality. According to it, no action by the community shall go beyond what is reasonably necessary to achieve the objectives of the European Union. In accordance with this principle, the scale of the measure to which the Community may resort is checked.

The following principles of European Union law may also be attributed:

1. Adherence to the general human rights and freedoms.
2. The principle of liability of the European Union for damage caused by actions or decisions of its institutions or officials.
3. The principle of «proportionality», which means that the actions and decisions of the European Union must be timely and necessary, aimed at achieving the objective of the Union, and the negative consequences caused by these actions or decisions cannot exceed the level necessary to achieve the stated goal.

4. The principle of «protection of legitimate expectations», which is based on the impossibility of introducing substantial changes to EU law that have retroactive effect, except in cases where there is an urgent need to resort to such actions.
5. The principle of prohibition of double jeopardy for the same offence, which certifies that when the EU bodies take any decision on the application of sanctions, all decisions on the imposition of sanctions previously taken on this issue by national authorities should be taken into account.

7.3 Primary and Secondary Law of the European Union

The law of the European Union consists of primary or treaty law and secondary or derivative law. Primary law has priority over secondary law, that is, secondary law must comply with primary law. *Primary legislation* is the part of European law that was developed directly by the member states. The most important acts of primary law include:

1. The founding treaties of the European Communities, along with the protocols and annexes:
   - The Treaty establishing the European Coal and Steel Community (ECSC) of April 18, 1951;
   - The Treaty establishing the European Economic Community (EEC) of March 25, 1957;
   - The Treaty establishing the European Atomic Energy Community (Euratom) of March 25, 1957.
2. Treaties amending and confirming the founding treaties:
   - The Convention on certain bodies common to the EEC and Euratom signed along with the Treaties of March 25, 1957;
   - The Treaty merging the executive bodies of the three structures of the EEC, Euratom, and the ECSC signed on April 8, 1965;
   - The Single European Act of February 7, 1986;

– The Maastricht Treaty on European Union signed on February 7, 1992;
– The Treaty of Amsterdam signed on October 2, 1997;
– The Treaty of Nice signed on February 26, 2001;
– The Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community signed on December 13, 2007.

3. Agreements on the admission of new members:
– Denmark, Ireland, Great Britain (from January 1, 1973);
– Greece (from January 1, 1981);
– Spain, Portugal (from January 1, 1986);
– Austria, Finland, Sweden (from January 1, 1995);
– Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic, Estonia, Cyprus, and Malta (from January 1, 2004);
– Bulgaria and Romania (from January 1, 2007);
– Croatia (from July 1, 2013).

All of the above-mentioned treaties contain the main fundamental provisions regarding the objectives of the EU, its organizational structure, procedure for action, as well as the basic principles of EU economic law. Thus, they establish the constitutional structure of the life of the EU, that is, they constitute the basis that is supplemented by legislative and administrative acts adopted in the interests of the community by its bodies.

Secondary legislation of the European Community includes those legal acts that were developed by the institutions of the European Union on the basis of primary law. The adoption of legal acts and the use of other mechanisms is possible only within the framework of treaty provisions. In this case, the authorized bodies must follow formal procedures provided for by them to carry out the relevant actions and formulated in the relevant treaties regarding the content of the legal act, its addressee, the legal norm that should be chosen in each specific case, and the consequences that arise from the above. According to EU law, two types of legal acts are provided for: those that have

Table 7.1 – **General scheme of types of EU legal acts**

	Regulation	Directive	Decision	Recommendations/ Opinions
object	each member state	all or only certain member states	certain member states, specific individuals or legal entities	certain member states, individuals and legal entities
binding force	binding in all its parts, a direct action instrument	binding in terms of the stated objective; the forms and means of implementation are freely chosen	binding in all its parts for the addressee	not having binding force

binding force – regulations, directives, and decisions, and those that do not have binding force – recommendations and opinions. In this case, the bodies of the European Union enjoy the right to freely choose the appropriate legal norm. However, this freedom is limited by the principle of subsidiarity and proportionality.

A regulation is a legal document of general application, which is binding in its entirety and is effective in the territory of each EU member state. This means that this legal act allows the Community to intervene as deeply as possible in the national legal system. When the EU institutions adopt a legal act in the form of a regulation, the member states have no discretion in implementing it, as the regulation must be directly applicable. The authorities and institutions of the member states of the European Union must comply with the regulation in the same manner as with national law. The regulation is binding on all member states, as well as individuals and legal entities in the EU. Member states also do not have the right to apply the provisions of the regulation selectively or incompletely. Nor can they avoid the need to comply with the provisions of the regulation by referring to the norms and rules of their domestic legislation.

A directive is a legal document that is binding on all member states to which it is addressed, in terms of the objective it sets out to achieve. The characteristic feature of a directive is that the public authorities have the right to choose the form and means of its implementation. This means that directives oblige the country to the result, and not to the methods of its implementation. Like regulations, directives are the most important legal acts of the EU, a kind of compromise between the requirements of a unified law operating within the Community, and the need to take maximum account of the specifics of national legal systems. However, the main purpose of a directive remains the harmonization of law, and not its unification, as in the case of a regulation. Given the requirements for the implementation of directives, they are not such detailed regulatory acts as regulations, although in some cases they can be quite detailed. Due to this, member states receive a certain flexibility in their implementation.

Directives are not directly binding, therefore they must be taken into account in national law by introducing relevant regulations into national legislation. Member states have about two years to adapt their domestic law to the requirements of the directives. At the same time, they must act in such a way as to actually ensure the achievement of the objective formulated in the directive. Ordinary administrative acts that can be arbitrarily changed by the executive authorities are not enough. In general, the European Court of Justice formulated a requirement according to which member states must resort to such forms and means that best guarantee the optimal practical effectiveness of the relevant directive.

In contrast to regulations, directives acquire the force of direct action documents, as a rule, only when the period set for their implementation expires. In such a case, direct legal claims arise from the relevant directive against the member state that violates the directive. In this context, it is worth addressing the problem of the binding nature of directives in case where a country fails to adapt its national law to the executive acts within the specified period or fails to implement the directive in full. Practice shows that individuals can refer to directives that are beneficial to them in a given case in national courts, since directives are subject to direct application. However, on the other hand, a country cannot require individuals to comply with these directives if they have not been implemented on time into the legal system of the member states of the European Community. Also, according to articles 226–228 of the Treaty on the EU, the European Commission or any member state may bring such a country before the European Court of Justice for infringement of the Treaty.

Directives approved by the Council and the European Parliament jointly, as well as those addressed to all member states, are published in the Official Journal of the European Community and enter into force either on the twentieth day after their approval or on the date specified therein. Other directives issued by the Council of the EU or the European Commission enter into force after notification to the countries directly affected by this document.

A decision is a form of legal act intended to regulate individual issues, and therefore it can be compared to an administrative act in the system of national law. A decision is binding in all its parts for the entity to which it refers. It may be addressed to member states, bodies of the European Union, individuals or legal entities, and is binding only on those specified in the legal act. Decisions concerning certain member states are binding on those states, and their citizens. When a decision concerns an individual or legal entity, its implementation follows the national procedures in force in that member state.

Recommendations and opinions are not binding. The purpose of these documents is to draw the addressee's attention to the appropriateness of a certain type of behavior without binding them on any legal obligation. They do not require a reason or legal grounds and are not subject to the jurisdiction of the European Court of Justice. However, the lack of binding force does not mean that recommendations and opinions should not be taken into account. They have a certain political force, and their non-implementation must be supported by important arguments. Recommendations and opinions can be adopted by the most important EU bodies, and their addressees can be both member states or EU bodies, as well as individuals and legal entities. A recommendation differs from an opinion primarily in that it not only formulates a certain assessment of the situation, but also proposes specific actions to resolve it.

An important source of secondary law of the European Union are treaties and agreements, in particular, agreements between member states of the European Union and international treaties with third countries and international organizations.

Agreements between EU member states are concluded when the issue that needs to be resolved falls within the sphere of community interests, but the EU bodies are not empowered to address it. Such agreements usually have limited territorial applicability and are used in the field of private international law.

International treaties with third countries and international organizations concluded by the European Community are binding both on EU bodies and member states. If such a treaty contains rules that have direct consequences for citizens, it should be regarded as a source of European law. Such agreements cover a wide range of relations – from trade, industry, technical, and scientific cooperation to trade agreements on specific goods. Along with the growth of the economic power and trade activity of the EU member states, the number of international treaties concluded by the community with countries that are not part of this organization has increased significantly in recent years. The following types of international treaties can be distinguished: *commercial agreements, agreements on associated membership, and treaties on partnership and cooperation*. All these agreements become binding after their adoption in accordance with the norms of constitutional law of the EU member states and countries or organizations joining them.

Let us take a closer look at the last two categories of international treaties. *Agreements on associated membership* establish a special type of relationship between the EU and other countries, which goes beyond trade and also includes close economic cooperation and financial assistance. There are two different types of such agreements: first, agreements that establish special ties between individual EU member states and non-member countries; and second, agreements aimed at preparing for EU accession or establishing a customs union. The main reason for concluding association agreements of the first type is the existence of close economic, historical, and political ties between EU member states and other countries. For example, the introduction of a unified tariff system without preferences within the community would have seriously hampered the development of trade relations with such countries. In view of this, special agreements were concluded to limit the effect of certain provisions regarding free trade in relation to these countries and at the same time reduce tariffs on their goods. Association agreements can also play the role of a preparatory stage for accession to the EU. They serve as a preliminary stage in the accession process, during which a country wishing to join the EU can carry out social, political, and economic transformations in accordance with community standards. Therefore, the task of such agree-

ments is to help countries create the necessary prerequisites for gaining membership in the Union. However, it is worth noting that this experience is not successful for all countries, for example, the association agreement with the Republic of Turkey was concluded back in 1964, but it has not lead to the country's accession to the European Community.

Partnership and cooperation agreements do not set such a far-reaching goal as association agreements, they are mainly focused on intensifying economic cooperation. A vivid example of such agreements are the treaties concluded with the former USSR states, including Ukraine, as well as with the Maghreb countries (Algeria, Morocco, and Tunisia), and the Mashriq countries (Egypt, Jordan, Lebanon, and Syria), as well as with Israel.

7.4 The Constitutional Process in the European Union and the Adoption of the Lisbon Treaty

At the end of the 20th century and the beginning of the 21st century, European integration processes reached a qualitatively new level. The process of accepting a significant number of new states into the EU demonstrated the need to make adjustments to the mechanisms of functioning and reforming the legal foundations of the Community, as well as simplifying the decision-making procedure. At present, the issue of developing a Constitution for the European Union, which would incorporate all previous founding treaties of the Community and make changes to the legal and institutional system in light of deepening the process of European integration, is being widely discussed. The decision to create a constitution for the European Union was made at the EU summit in Nice in 2000.

At the end of 2001, the EU summit in Laeken approved a Declaration entitled «The Future of the European Union». The purpose of this document was to set the guidelines for further transformations in the structure of the EU in accordance with new geopolitical realities and future enlargement. The Laeken Declaration was actually the first high-level statement about the prospects for adopting a unified Constitution for the European Union in the future, which was to replace the existing founding treaties. In order to prepare and democratically discuss the reform package in accordance with the approved declaration, a temporary representative body was created, called the Convention of the European Union. The former President of the French Republic Valéry Giscard d'Estaing was appointed as the Chairman of the Convention, and his deputies were Jean-Luc Dehaene (Belgium) and Giuliano Amato (Italy). In total, the advisory body consisted of 105 members. These were representatives of the European Commission, the European Parliament, the governments and parliaments of the 15 EU member states, as well as 13 candidate countries.

The Convention followed the path of «constitutionalization» of the legal foundations of the Union, opting for the maximum option – replacing the existing founding treaties with a single document called the Constitution or Constitutional Treaty. The work of the Convention began in February 2002, and in December 2003, the first preliminary version was approved. However, it was rejected by Spain and Poland, which did not agree with the proposed voting by qualified majority. Objections were also raised by the absence of information in the text about the Christian roots of Europe. The document was sent for revision and finally approved by the European Council in Brussels on July 18, 2004.

The Treaty establishing a Constitution for the European Union was signed on October 29, 2004, in Rome by the heads of state and government of 25 member states of the Community. At the same time, the Final Act was signed, which approved the text of the Constitution and the additional protocols and declarations that clarified specific provisions and articles of the Basic Law and the procedure for its entry into force. The leaders of the three candidate countries for EU accession – Bulgaria, Turkey, and Romania – signed only the Final Act on that day.

The Treaty establishing a Constitution for the European Union is a new founding treaty of the European Union without a limited period of validity, which clearly defines the powers, rights, and obligations of the Union and member states, its institutional structure, procedures, objectives, and policy areas. It simplifies the legal structure of the Union and introduces a number of institutional changes to improve the efficiency of its work. The EU Constitution is a rather large document of 378 pages, consisting of 448 articles, divided into four sections: the EU institutions, the competence of the EU institutions and its exercise, EU policy in various areas, and the procedure for revising the Basic Law. The text of the Constitution includes the European Charter of Fundamental Rights and Freedoms of Citizens. The main goal of the EU Constitution is to make the Union of states more effective and democratic. The Constitution introduces the following changes to the legal and institutional system of the European Union:

- a new position is introduced – the President of the European Union, who is to be elected for a two-and-a-half-year term with the possibility of re-election, which will allow him to work with a longer-term perspective;
- the powers of the President of the European Commission are expanded, the position of deputy – the Minister for Foreign Affairs, who must coordinate and officially represent the foreign and security policy outside the Community, is introduced;
- the European Union becomes a subject of international law, and therefore has the right to conclude international treaties and be a member of international organizations;

- the number of European Parliament members cannot exceed 750;
- the number of European Commission members is limited to 18;
- EU laws will be adopted through the following procedure: the European Commission develops a draft law and submits it to the European Parliament, which must approve it by a simple majority, after which it is forwarded to the EU Council, which must approve it by a qualified majority;
- a new voting system was introduced, based on the principle of «double majority», according to which, in a qualified majority vote, a decision is considered adopted if 55% of the representatives of the member states, representing at least 65% of the Community population, voted for it;
- the powers of the Parliament are expanded, enabling it not only to approve the budget, but also to deal with issues related to the state of civil liberties, border control and immigration, cooperation between judicial and law enforcement structures of all the Community countries;
- for the first time, the possibility for countries to leave the European Union was foreseen, if they expressed such a wish;
- the Constitution can only be revised by unanimous decision of all the member states.

The Treaty establishing a Constitution of the EU was to enter into force only after its ratification by each of the member states, in accordance with their own constitutional procedures. Moreover, it was necessary to achieve full consensus – if at least one country did not ratify the Constitution, the document would not enter into force. It was originally expected that the EU Constitution should be ratified by all member states by 2006, but after the draft was rejected in referendums in France and the Netherlands in 2005, despite ratification by the other nineteen EU member states, it became clear that the document in its current form was unlikely to be adopted.

Denmark, Portugal, and Ireland announced after the events of 2005 that they would postpone their national referendums indefinitely, and Sweden declared that it would not ratify the EU Basic Law until France and the Netherlands had held repeat referendums. In this situation, the «Declaration of the Heads of State or Government of the Member States of the European Union on the Ratification of the Treaty establishing a Constitution for Europe» was adopted on June 16, 2005. This document, on the one hand, served as an official response to the negative results of the referendums in the two countries, on the other hand, it set guidelines for further action in the light of the new realities. The declaration confirmed the commitment of all member states to the values of European integration and the text of the European Constitution, but the difficulties in ratifying the Constitutional Treaty, according to govern-

ment officials, showed the fears and concerns of Europeans regarding the deepening of integration processes, and therefore they must be taken into account. Therefore, it was announced that it was necessary to hold a broad debate in each member state with the participation of citizens, their associations, national parliaments, and political parties.

The question of the future of the European Constitution became the main issue at the EU Summit in June 2006. The European Union countries expressed support for preparing a mechanism that would allow to adopt the Basic Law of the Community. It would take time to develop it, so it was decided to extend the ratification period of the European Constitution. However, it became obvious that amendments to the Constitutional Treaty were necessary. France and the Netherlands declared that they would not be able to accept the terms of the Constitution without making significant changes. Great Britain insisted on signing a clarifying treaty, which would have to be approved by the country's parliament, and not through a referendum. Realizing the urgent need to amend the basic treaties, as well as the desire to preserve as many provisions of the Constitution as possible, work began on a treaty designed to reform the main sources of EU law. This process gained particular momentum during Germany's Presidency of the EU Council in the first half of 2007.

The new document, developed on the basis of the Treaty establishing a Constitution for the EU, was called the «Lisbon Treaty Amending the Treaty on European Union and the Treaty Establishing the European Community». It was approved on October 18-19 and formally signed by representatives of the EU member states on December 13, 2007. The treaty has a total of 323 pages and consists of a preamble, 7 articles, 13 protocols, and 59 declarations. The purpose of the Treaty is to strengthen the decision-making procedure in the EU, consolidate the Union's internal democracy and European foreign policy. The new treaty retains many provisions of the EU Constitution, but it does not contain the concept of a «Constitution» or any references to the constitutional symbols of the European Union such as the flag, the anthem, and the single currency. The main difference between the two treaties is as follows: the Constitution was to replace all previous agreements of the European Community and become the main source of primary EU law, while the Lisbon Treaty supplements and clarifies existing legal acts – the Treaty of Rome of 1957 and the Maastricht Treaty of 1992, and is the third revision treaty (after the Treaty of Amsterdam of 1997 and the Nice Treaty of 2001).

The Lisbon Treaty entered into force on December 1, 2009. The importance of the treaty lies in the fact that it reformed the EU institutions and improved the decision-making process, strengthened the democratic dimension of the EU, and reformed both internal and external political dimensions of the EU. The institutional changes made it possible to adapt the EU structure for

the effective functioning of the Union amid the increasing number of member states.

The key changes contained in the Lisbon Treaty are the following: **first**, clearer centers of EU power are created in the form of long-term posts of the President of the European Union and the High Representative for Foreign Affairs and Security Policy – the de facto Minister of Foreign Affairs of a unified Europe. They are designed to significantly simplify the structure of collective bodies, the principles and procedure of their work, and make their activities more understandable and «transparent».

The Permanent representative of the European Council is elected by the heads of state and government for a term of 2.5 years with the possibility of re-election for a second term. He/She will represent the European Union in foreign policy within the framework of his/her powers and on issues of common foreign and security policy.

The High Representative of the EU for Foreign Affairs and Security Policy is appointed by the European Council in agreement with the President of the European Commission by a qualified majority. He heads the Council on Foreign Relations.

Somewhat differently, according to article 13 of the Treaty on European Union, as amended by the Lisbon Treaty, the institutional mechanism of the EU is set out, designed to implement the objectives of the Union, its interests and the interests of its citizens, and to ensure the consistency and effectiveness of policies. In this article, the institutions (governing bodies) of the European Union are listed in the following order:

- the European Parliament;
- the European Council;
- the Council of the EU;
- the European Commission;
- the Court of Justice of the European Union;
- the European Central Bank;
- the Court of Auditors.

At the same time, each institution acts within the powers granted to it by the Treaties, in accordance with the procedures, conditions, and objectives provided for by the Treaties. The institutions maintain loyal cooperation with each other. The European Parliament, the Council of the EU and the Commission are assisted by the Economic and Social Committee and the Committee of the Regions, which perform advisory functions.

Secondly, the Lisbon Treaty strengthens the democratic foundations of life in Europe by expanding the functions of the European Parliament (elected directly by the citizens of the Union). The treaty increases the number of areas of activity in which the European Parliament will have a decisive vote. These include agriculture, justice, coordination of political structures and

other areas, and also it expands the right to vote of Europeans themselves – any initiative signed by at least 1 million citizens will oblige the European Commission to make an official decision on this issue.

In this regard, it should be mentioned that together with the Lisbon Treaty, the Protocol on the Role of National Parliaments in the European Union was adopted, which:

a) reminds that the way in which national parliaments exercise control over their governments on issues related to the activities of the European Union is determined within the framework of each member state's own constitutional organization and practice;
b) draws attention to the need to increase the participation of national parliaments in the life of the EU, including in the process of discussing (considering) draft legislative acts of the Union;
c) envisages to transmit to national parliaments draft legislative acts addressed to the European Parliament and the Council by the European Commission (including the transmission of the annual legislative work programme of the Commission).

Thirdly, it is also important that the Lisbon Treaty enters into force together with the EU Charter of Fundamental Rights, which covers a wide range of civil, political, economic, and social rights, which enhances the protection of citizens of the European Union. However, Poland, Great Britain, and the Czech Republic are fully exempted from its implementation.

It is important to note that now article 6 of the Treaty on European Union, as amended by the Lisbon Treaty, directly indicates that the Union recognises the rights, freedoms, and principles set out in the Charter of Fundamental Rights of the European Union of December 7, 2000, approved on December 12, 2007, which has the same legal force as the Treaties. The provisions of the Charter do not in any way expand the competence of the Union as defined in the Treaties. It is also important to note that, according to this article of the Treaty on European Union: «The European Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the competence of the Union as defined in the Treaties. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the member states, shall constitute general principles of the law of the European Union.»

Charter of Fundamental Rights of the European Union

December 7, 2000 – proclamation of the Charter
Since 2001 – public discussion of the Charter
December 12, 2007 – re-proclaimed in Strasbourg
December 1, 2009 – became part of the founding documents of the EU

Table 7.2 – **Structural scheme of human rights and freedoms enshrined in the EU Charter of Fundamental Rights**

Individual civil rights and freedoms	Political and informational rights of citizens Political and informational rights of citizens
Chapter 1. Dignity Art. 1. Human dignity Art. 2. Right to life Art. 3. Right to integrity of the person Art. 4. Prohibition of torture and inhuman or degrading treatment or punishment Art. 5. Prohibition of slavery and forced labour **Chapter 2. Freedoms** Art. 6. Right to liberty and security Art. 7. Respect for private and family life Art. 8. Protection of personal data Art. 9. Right to marry and right to found a family Art. 10. Freedom of thought, conscience, and religion Art. 11. Freedom of expression and information Art. 12. Freedom of assembly and of association Art. 13. Freedom of the arts and sciences Art. 14. Right to education Art. 17. Right to property Art. 18. Right to asylum Art. 19. Protection in the event of removal, expulsion or extradition **Chapter 3. Equality** Art. 20. Equality before the law Art. 21. Non-discrimination Art. 22. Cultural, religious, and linguistic diversity Art. 23. Equality between men and women **Chapter 5. Citizen's rights** Art. 45. Freedom of movement and of residence	**Chapter 5. Citizen's rights** Art. 39. Right to vote and to stand as a candidate at elections to the European Parliament Art. 40. Right to vote and to stand as a candidate at municipal elections Art. 41. Right to good administration Art. 42. Right of access to documents Art. 43. European Ombudsman Art. 44. Right to petition Art. 46. Diplomatic and consular protection

Social and economic rights of citizens of the European Union		
Right to work and freedom	Right to social security. Social protection of the entire population	Special protection of the population not employed in the labor market
1	2	3
Chapter 1. Dignity Art. 5. Prohibition of slavery and forced labour	**Chapter 4. Solidarity** Art. 34. Social security and social assistance Art. 35. Health care Art. 36. Access to services of general economic interest	**Chapter 3. Equality** Art. 24. The rights of the child Art. 25. The rights of the elderly Art. 26. Integration of persons with disabilities

Continuation of the table 1

1	2	3
Chapter 2. Freedoms Art. 15. Freedom of trade unions and the right to work Art. 16. Freedom to conduct a business Art. 17. Right to property **Chapter 3. Equality** Art. 23. Equality between men and women (including in matters of employment, occupation, and occupational safety and health) **Chapter 4. Solidarity** Art. 27. Workers' right to information and consultation within the undertaking Art. 28. Right of collective bargaining and action Art. 29. Right of access to placement services Art. 30. Protection in the event of unjustified dismissal Art. 31. Fair and just working conditions Art. 32. Prohibition of child labour and protection of young people at work	Art. 37. Environmental protection Art. 38. Consumer protection	
Fundamental procedural rights and freedoms of EU citizens	Scope of application of the Charter and the framework for restrictions on the rights and freedoms of EU citizens	Fundamentals of judicial procedure in the European Union
Chapter 6. Justice / rights in the field of judicial proceedings Art. 47. Right to an effective remedy and to a fair trial Art. 48. Presumption of innocence and right of defence	**Chapter 7. General provisions** Art. 51. Field of application Art. 52. Scope and interpretation Art. 53. Level of protection Art. 54. Abuse of rights	**Chapter 6. Justice / rights in the field of judicial proceedings** Art. 49. Principles of legality and proportionality of criminal offences and penalties Art. 50. Right not to be tried and punished twice in criminal proceedings for the same criminal offence

Fourthly, the decision-making mechanism changes somewhat, a new voting system is introduced – the so-called qualified majority system. This means that the votes of at least 55% of the members of the EU Council (this is at least 15 out of 27 countries), representing at least 65% of the population of the European Union, will be taken into account. Four member states of the Council become the blocking minority.

Fifthly, for the first time in the history of the European Union, the Lisbon Treaty defines the conditions for leaving the Union – it must be agreed with all EU members. The terms and procedure for leaving the EU are contained in article 50 of the Treaty on European Union (this requires, in accordance with the legislation of the country, notification to the EU Council and a decision of the Council itself, adopted by a qualified majority).

Sixthly, the Lisbon Treaty includes such innovations as the prescription of mandatory collective responsibility of the member states of the European Union (including in the field of defense policy); contains an article on a common energy policy; indicates that every citizen of a member state of the European Union additionally becomes a citizen of the EU, etc. At the same time, if a state has become a victim of aggression, other states are obliged to provide assistance and support «by all possible means». Mutual assistance concerns terrorist attacks and disasters, their prevention and elimination. Article 42 of the Treaty on European Union, as amended by the Lisbon Treaty states: «The common security and defense policy includes the progressive development of a common defense policy of the Union. It will lead to a common defence as soon as the European Council unanimously decides so. For the implementation of the common security and defence policy, the member states shall make civilian and military capabilities available to the European Union. ... The member states commit to gradually improve their military capabilities.»

Seventh, the EU gains the right, in accordance with the Treaty, to define models for coordinating the economic policies of the eurozone member states. The European Commission (which acts as the EU government) may issue a warning to a state that its economic policy does not comply with the general framework of the EU's economic policy.

Eighth, the Lisbon Treaty clarifies the competences of the European Union and national governments. The EU has exclusive competence in defining and implementing a common foreign and security policy, and in defining actions to support, coordinate, or supplement actions taken by member states, but without limiting their competences in these areas. Issues related to the functioning of the customs union and the internal market; monetary policy of member states whose official currency is the euro; general commercial policy and the conclusion of international treaties in most cases also fall within the competence of the European Union. The Treaty includes the following areas to joint competences: functioning of the internal market, social policy,

economic, social and territorial policy of the union, agriculture and fisheries, environmental issues, consumer protection, transport, energy, the area of freedom, security and justice, general public health issues, research, technological development, space, development of cooperation and humanitarian aid, coordination of employment and social policy in member states. The Union will provide support to member states in the following areas: healthcare, industry, culture, tourism, education, youth and sport issues.

Ninth, the EU has the right to define objectives, which include a more successful functioning of the energy market, supply of energy resources, and development of alternative energy sources. The European Union is responsible for defining and implementing research and development programs in this area (although its competence overlaps with that of national governments). Energy policy is determined by the European Parliament and the Council of the EU in accordance with the ordinary legislative procedure. In this regard, the articles of the Lisbon Treaty do not limit «the right of member states to take the necessary measures to ensure energy resource supplies.»

Tenth, the new Treaty gives priority to combating global climate change. The EU must «take action at international level to combat regional and global environmental issues, in particular climate change» (article 174 of the Treaty of Rome). The Union's energy policy must be conducted «in accordance with the need to preserve and improve the environment» (article 176a of the Treaty of Rome). It is also worth noting that the Lisbon Treaty foresees the creation of a European Research Area, complements social policy, and gives the Union «stimulating» powers in matters of education, sport, youth policy, and the development of culture in Europe.

Finally, «the European Union becomes a legal entity» (article 32 of the Treaty on European Union). This means that the EU can conclude international treaties in all areas of its competence in four cases:

- if this is provided for in the founding EU treaties;
- if it is required to achieve the objectives set out in the treaties;
- if it is required by a legally binding EU document;
- if this treaty is likely to «affect or amend general EU rules» (article 188L of the Treaty of Rome).

Member states have the right to conclude any international treaty provided that it does not contradict agreements signed by the EU or does not fall within the area of competence of the European Union.

7.5 Principles of Organization and Functioning of the Institutions of the European Union

The principles of the EU institutional structure were at the centre of attention during the creation of the European Communities. The procedure for forming the internal organisation of the EU institutions, their place, and

role are enshrined in the EU founding treaties and in specific EU regulatory legal acts. A special place is occupied by the regulations of each of the EU institutions.

The following general principles of the organization and activities of EU institutions are distinguished:

- balance;
- unity;
- proportionality and subsidiarity;
- collectivity in decision-making;
- openness and transparency.

The general principles determine the role, purpose, and place of each of the EU institutions in achieving the tasks and goals of European integration. Balance of institutions and bodies of an intergovernmental (interstate) and supranational nature.

The intergovernmental bodies include the Council of the EU and the European Council. They consist of official representatives of the member states, who act as authorized persons. Intergovernmental bodies and EU institutions ensure the coordination of pan-European interests (for example, common foreign policy, security policy).

The supranational bodies include the European Commission, the European Parliament, and the Court of Justice of the EU. These bodies are formally independent from member states. In their activities, supranational bodies are obliged to be guided by the interests and legal provisions of integration entities. Member states are obliged to refrain from giving instructions to their citizens holding positions in supranational bodies. Independence is ensured by the presence of a special oath and premature termination of powers. The status of a supranational body, the scope and procedure for exercising their powers by them should contribute to the establishment of the principle of balance of the EU institutions.

The principle of balance provides that the distribution of powers and competences among the EU institutions creates a system of checks and balances. Cooperation between them is of paramount importance. European practice confirms that effectiveness depends on the interaction of supranational and intergovernmental bodies.

The principle of proportionality has several aspects. First, the EU must exercise its powers in accordance with and for the achievement of the objectives and tasks assigned to it by the founding treaties. Second, each of the EU institutions is obliged to act strictly within the limits of its competence, which is determined by the founding treaties and the norms of secondary law. In this case, a violation of competence is grounds for declaring the corresponding decisions invalid.

The principle of subsidiarity means that in cases when a solution to a particular problem can be achieved more effectively at the level of national member states, the EU should refrain from intervention. In the same cases where a problem can be solved more successfully at the EU level, its solution should be transferred to the supranational level.

The principle of collectivity (collegiality) in discussion and decision-making means that the general trend of EU law is a gradual transition to making responsible decisions by a qualified majority, that is, the principle of greater openness and transparency in decision-making (democratic principles) is expanding.

The principles of organization and activity of EU bodies and institutions can be divided into two groups:

1. Enshrined in the EU founding treaties and officially emerged with them:

- the principle of democracy;
- the principle of freedom;
- the principle of respect for human rights;
- the principle of the rule of law;
- the principle of equality of EU citizens;
- the principle of free movement of persons, services, and capital;
- the principle of free movement of goods;
- the principle of mutual obligations (responsibilities of member states).

2. General legal principles that have arisen as a result of the daily activities of the EU (including the activities of the Court of Justice of the EU):

- the principle of legal certainty, which includes the requirement of non-retroactivity of any provisions that worsen the legal position of legal entities and individuals;
- the principle of supremacy of EU law in relation to the national law of member states;
- the principle of unity in relation to the legal norms of member states.

The principles of EU law can be divided into two groups by functional purpose (goals):

1. Guiding (programmatic) principles that are recorded in the founding documents of the EU:

- the principle of equality;
- the principle of free movement of goods, persons, services, capital;
- the principle of an open market economy.

The role of programmatic principles is that they form not only the moral and political foundation of the EU, but also determine the main directions of EU development.

2. The corrective principles, which are formed by the Court of Justice of the EU and introduce certain semantic changes, additions, «open» new principles along with the system of already existing ones. For example, the principle of non-discrimination was specified through the principle of free movement of goods, free competition, and the principle of free trade.

The EU institutions are called upon to implement the values of the EU, acheive its objectives, serve its interests, the interests of its citizens and member states, and ensure the consistency, effectiveness, and continuity of its policies and actions. Each EU institution acts within the powers granted to it in the founding treaties of the EU, in accordance with the procedures, conditions, and objectives provided for by these treaties.

QUESTIONS FOR SELF-ASSESSMENT

1. Name the 4 stages of the procedure for accepting (accessing) a country to the European Union.
2. Define the criteria for a country's accession to the EU (Copenhagen criteria).
3. On what grounds can a country exit the European Union? Can a country be excluded from the EU?
4. What is the uniqueness of EU law and its difference from classical legal systems (national and international law)?
5. Define the general principles of European Union law.
6. What legal acts are included in the primary EU legislation? What legal acts are included in the secondary EU legislation?
7. What are the main changes introduced by the Lisbon Treaty to the Treaty on European Union and the Treaty on the Functioning of the EU?
8. Why was the EU Constitution not adopted in 2005–2006?
9. Name the general principles of organization and functioning of EU institutions.
10. Which EU institutions are interstate (intergovernmental), and which are supranational?

RECOMMENDED READING

1. Амплеева Е. Е., Шубин Ю. П. Право Европейского союза: учебное пособие. СПб.: АНО ВО СЮА, 2018. 88 с.
2. Глотов С. А. Право Европейского Союза в редакции Лиссабонского договора: учебное пособие. М.: Издательство Международного юридического института, 2010. 452 с.
3. Європейська інтеграція: навчальний посібник для студентів вищих навчальних закладів та слухачів магістерської підготовки за напрямом «Державне управління» / кол. авт.; за заг. ред. проф. І. А. Грицяка та Д. І. Дзвінчука. Івано-Франківськ: Місто НВ, 2013. 464 с.
4. Сорока С. В. Правова та інституційна система Європейського Союзу і проблеми прийняття Конституції. *Світова та європейська інтеграція*:

[навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. С. 94–119.
5. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p. https://eugov.chmnu.edu.ua/wp-content/uploads/2016/05/English.-European-and-Euro-Atlantic-Integration.pdf.
6. Kirpsza A. Legislative Challenges for the European Union after the Treaty of Lisbon Entered into Force. *Przegląd Zachodni.* 2013. № 1. S. 185–209.
7. The ABC of EU law, by Klaus-Dieter Borchardt, December 2016 https://op.europa.eu/en/publication-detail/-/publication/5d4f8cde-de25-11e7-a506-01aa75ed71a1.

TESTS

1. European Union law is a unique legal system that operates:
a) in parallel with the legislation of EU member states
b) must comply with the legal systems of EU member states
c) cannot contradict the legal systems of EU member states

2. The Treaty establishing a Constitution for the European Union was signed on:
a) February 26, 2001, in Nice
b) October 29, 2004, in Rome
c) December 13, 2007, in Lisbon

3. The Lisbon Treaty entered into force on:
a) October 29, 2004 b) December 13, 2007 *c) December 1, 2009*

4. The principle of subsidiarity means:
a) that in cases where a problem can be solved more effectively at member state level, the EU should refrain from intervening
b) that in case where a problem can be solved more effectively at EU level, the EU cannot delegate the solution of this issue to the national level
c) that the regulatory legal acts of the European Union are directly applicable in member states without the need for their ratification or incorporation into national law

5. The direct applicability of EU law means:
a) that the legal acts of the European Union are directly applicable in member states, but they must be ratified or incorporated into national law
b) that the legal acts of the European Union are directly applicable in member states without the need for their ratification or incorporation into national law
c) that the legal acts of the European Union are not directly applicable in member states, but they must be ratified or incorporated into national law

6. The primary EU legislation includes:

a) the founding treaties, treaties amending and confirming the founding treaties, and agreements with third countries

b) the founding treaties, treaties amending and confirming the founding treaties, and agreements on the accession of new members

c) the founding treaties, treaties amending and confirming the founding treaties, and agreements on association with the EU

7. The secondary EU legislation includes:

a) legal acts that were developed by the Parliament of the European Union based on the primary law

b) legal acts that were developed by the Court of Justice of the European Union based on the primary law

c) legal acts that were developed by the institutions of the European Union based on the primary law

8. The supranational bodies include:

a) the European Commission, the European Parliament, and the Council of the EU

b) the European Commission, the European Council, and the Court of Justice of the EU

c) the European Commission, the European Parliament, and the Court of Justice of the EU

9. The intergovernmental bodies of the EU include:

a) the Council of the EU and the European Council

b) the Council of the EU and the European Commission

c) the European Council and the European Commission

TOPIC 8

Institutional Development of the European Union

8.1 Supranational Institutions in the Coal and Steel Community.
8.2 Development of Institutional Capacity of the European Economic Community.
8.3 The European Community and Further Development of the EU Institutions.
8.4 The Treaty of Amsterdam, the Treaty of Nice, and the Lisbon Treaty, and their Impact on the Functioning of EU Institutions.

...The countries of Europe are not strong enough individually to guarantee prosperity and social development for their peoples. The states of Europe must therefore create a federation or a European structure which would transform them into a common economic unit.

Jean Monnet, address to the Committee of National Liberation of France, August 5, 1943.

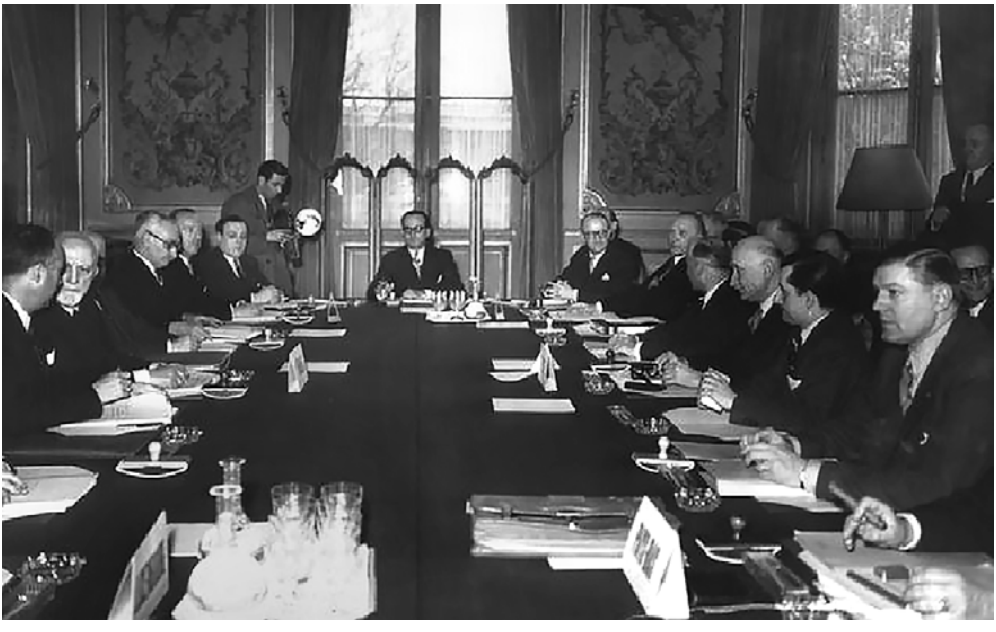
8.1 Supranational Institutions in the Coal and Steel Community

The «founding fathers» of the European Union perceived Europe as a future federal state. Currently, the institutional structure of such a Union embodies successive compromises between «federalists» who prefer supranational integration schemes for Europe and «sovereignists» for whom the EU should be based on «intergovernmental» cooperation that preserves national sovereignty as much as possible. The compromises gave rise to a rather unique entity, a supranational non-state policy that continues to be an «experiment in transnational politics.»

In 1951, France, West Germany, Italy, the Netherlands, Belgium, and Luxembourg created the «Coal and Steel Community,» which later transformed into the European Union. The initiators of such an association were the French Foreign Minister Robert Schuman and the economist Jean Monnet. The Coal and Steel Community existed until 2002, and Jean Monnet became its first secretary.

Signatory countries of the «Coal and Steel Community»

The first body to jointly managed the coal and steel industries in the Community was the High Authority. The introduction of a joint supranational management body ensured an increase in the efficiency of these industries, but also removed these industries from national control. Given the desire of European countries for peace, the creation of the Community also made any attempts to start a war in Europe between countries a much more difficult task. After all, steel and coal were essential resources both for the reconstruction of a war-torn Europe and for the further development of military industries. Under the conditions of supranational control, misuing these resources was quite difficult.



Signing of the Treaty establishing the Coal and Steel Community (1951)

The High Authority consisted of nine members, eight of whom were appointed for 6 years by the member states, and the ninth was the President of the High Authority and was elected by the other eight members. All members were to represent not national interests, but the interests of the Community.

During 1953–1954, a common market for coal, iron ores, scrap metal, and steel was created. For the member states of the Community, common regulation of production volumes and price levels was introduced, customs duties and national discriminatory measures were abolished, a ban on state subsidies was introduced, but access to various investment programs was granted.

The High Authority had broad control over the activities of the Community. For example, compliance with regulatory measures adopted by the High Authority was mandatory for all members of the Community. The High Authority also introduced antitrust rules for certain enterprises. Decisions in the High Authority were made by a simple majority of votes.

In addition to the High Authority, the treaty also established a Council, which included: representatives of the government, of the Parliamentary Assembly, and of the Court of Justice. The Council's functions were limited to the power to block or sanction the actions of the High Authority in certain cases. It did not make independent decisions. The High Authority voted in three ways, depending on the issue: by simple majority, qualified majority, or unanimity.

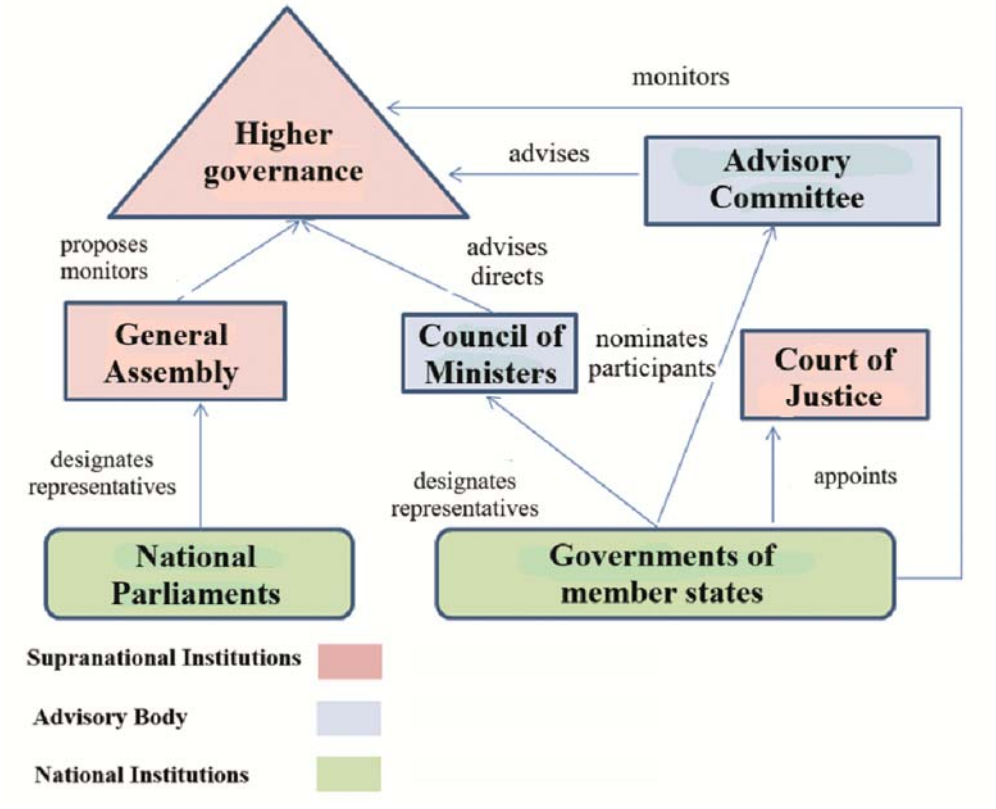
The Council of Ministers consisted of representatives of national governments. The Council was chaired by a representative from a country, which changed every 3 months in alphabetical order. The main task of the Council of Ministers was to harmonize the work of the High Authority and national governments.

Other early institutions included the General Assembly and the Court of Justice. The General Assembly was composed of members appointed by national parliaments. It did not have the functions typically associated with such bodies today. It was to advise the High Authority and had the power to dismiss it by a vote of no confidence.

The Court of Justice was responsible for the judicial control of the High Authority. It also settled disputes that arose between member states and between a member state and the High Authority. The High Authority also acted as a public prosecutor, since it was responsible for detecting violations of the treaty by member states.

Another body was the Consultative Committee, which consisted of a minimum of 30 and a maximum of 50 workers, representatives of producers, consumers, and dealers in the coal and steel industries, who were appointed for a two-year term by their organizations. The High Authority was obliged to consult with the committee only in cases specified in the Treaty, in other cases consultations were not mandatory. The High Authority was also obliged to inform the committee about its goals, programs, and areas of activity.

In the late 40s, representatives of European countries had ideas about creating a European army. In 1952, France, the Federal Republic of Germany, Italy, Belgium, the Netherlands, and Luxembourg signed a treaty establishing the European Defense Community. It was also planned to create a Political Community. However, the French National Assembly refused to ratify the treaty. In 1954, the Western European Union was created on the basis of the Brussels Treaty.



Structure of the Coal and Steel Community

8.2 Development of Institutional Capacity of the European Economic Community

Over time, the positive results of the Community's activities contributed to the emergence of ideas for deeper integration of the member states and the creation of new unions. In 1957, the so-called Treaties of Rome were signed and entered into force: the Treaty establishing the European Economic Community (EEC) and the Treaty establishing the European Atomic Energy Community (Euratom).

In 1958, the Assembly changed its name on its initiative. Thus, it first became the European Parliamentary Assembly and then declared itself the European Parliament in 1962.

In 1963, the member states agreed to merge the executive bodies of the three communities (the Coal and Steel Community, the European Economic Community, and the European Atomic Energy Community). To avoid duplication of functions, the executive bodies of the communities were only formally merged with the Brussels Treaty (1965), which entered into force in 1967.

Signing of the Treaty establishing the European Economic Community

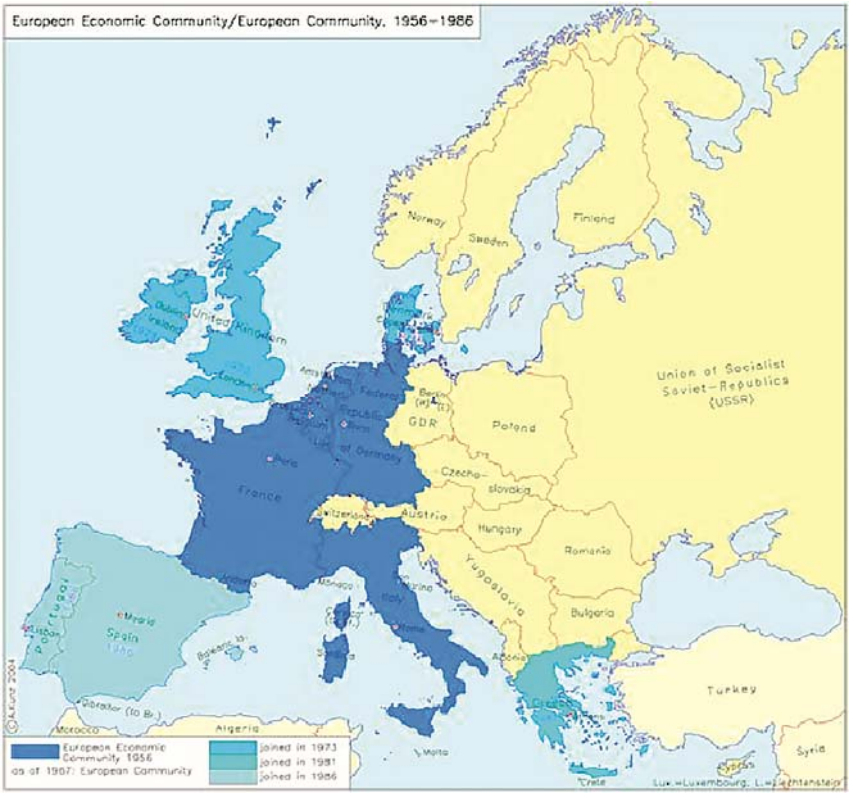
The Merger Treaty created a joint Commission and Council of the European Communities and introduced a common budget. Moreover, in 1970 a system of community-owned resources was established, replacing the financial contributions of the Member States.

The Commission and the Council of the European Economic Community replaced the bodies that had performed the corresponding functions in Euratom and the Coal and Steel Community. It was agreed that the joint Commission would have nine members: two from each of the larger countries, France, Germany, and Italy, and one from each of the smaller countries, Belgium, the Netherlands, and Luxembourg.

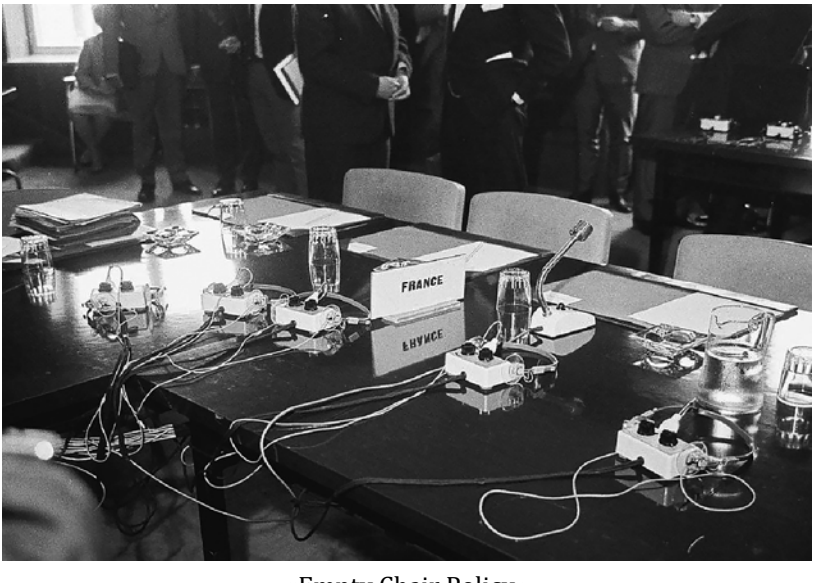
The European Economic Community aimed to create a common market based on the four freedoms of movement (goods, people, capital, and services). Euratom aimed to ensure the coordination of the supply of special materials, the exchange of research programs initiated or prepared by the Member States on the peaceful use of nuclear energy, etc.

In 1966, there was a political crisis when the Council was to switch from the rule of unanimity to qualified majority voting on certain issues. France opposed several Commission proposals, which included measures to finance the common agricultural policy, and stopped attending the main meetings of the Community. This situation became known as the «empty chair» policy.

Finally, an agreement known as the Luxembourg Compromise was reached. When a policy affected the vital interests of one or more member states, the members of the Council would try to reach decisions that could be accepted by all, respecting their mutual interests.



European Economic Community
(source: IEG-MAPS, Institute of European History, Mainz / © A. Kunz, 2004)



«Empty Chair Policy»
(source: European Union)

The Summits of the Heads of State or Government of the member states also played an important role. Although they took place outside the institutional context of the Community, they very often found solutions to problems that the Council of Ministers could not cope with.

1970–1979. The next decade saw the enlargement of the European Union and the improvement of its institutional system. Denmark, Ireland, and the United Kingdom would join the European Union on 1 January 1973, bringing the number of member states to nine.

The Treaty of Luxembourg (April 22, 1970) gave Parliament certain budgetary powers, and the Treaty of Brussels (July 22, 1975) gave Parliament the right to reject the budget and to grant the Commission discharge. The same Treaty established the Court of Auditors. The Court became responsible for scrutinizing the accounts and financial management of the Community.

The Act of 20 September 1976, adopted by the Council of the European Communities, introduced elections to the Parliament by direct universal suffrage (adopted the Act concerning direct universal suffrage to the European Parliament in nine Member States of the Community). The Act was revised in 2002 and introduced the general principle of proportional representation and other framework provisions for national legislation on European elections. The first elections to the Parliament were held in 1979, with a total voter turnout of 63%. This was one of the largest expressions of the will of European citizens. Since then no other elections and referendums have had such a wide participation of citizens.

During 1980–1986, the second and third enlargements of the EEC took place. Greece (1981), Portugal (1986) and Spain (1986) joined the community. In 1987, Turkey formally applied to join the EU, but to this day (2024) it has not yet become a member.

After the first EU enlargement, it became clear that budget and internal market reforms required urgent action. In 1979, the European Council agreed on a package of additional measures in the financial sphere. The agreements signed at the Fontainebleau meeting in 1984 stated that «any member state which has a budgetary burden which is excessive concerning its relative prosperity may benefit from a correction at the appropriate time». Correction mechanisms and numerous exceptions can be found on the expenditure and revenue sides of the budget.

At Fontainebleau, the European Council decided to set up a special committee of personal representatives of the Heads of State or Government, which would be able to draw up recommendations for improving the functioning of the European Community system and political cooperation. In 1985, the European Council in Milan decided by a majority vote to convene an intergovernmental conference to discuss the existing powers of the institu-

tions, the possible extension of the Community's fields of activity, and the creation of a functioning internal market. As a result, in 1986 the Member States signed the Single European Act (SEA) ratified by the national parliaments in 1987.

The Single European Act (SEA) extended the powers of the Union, creating a large internal market. The voting procedure of the Council of Ministers was also changed contributing to increasing its efficiency. Thus, «qualified majority voting» replaced unanimity in four existing areas of Community responsibility (amendments to the Common Customs Tariff, freedom to provide services, free movement of capital, and common maritime and air transport policies).

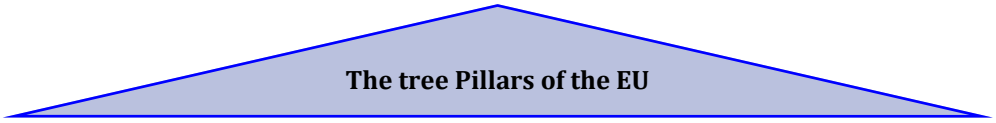
Qualified majority voting was also introduced in several new areas of responsibility, such as the internal market, social policy, economic and social cohesion, research and technological development, and environmental policy. Qualified majority voting was the subject of an amendment to the Council's internal rules of procedure, to reflect the President's previous declaration that in the future the Council could be called upon to vote on the initiative of its President and at the request of the Commission or a Member State, provided that a simple majority of the Council members voted for it.

The adoption of the EEA Agreement also increased the powers of the European Parliament. The European Parliament had to give its consent to the conclusion by the Community of treaties, association agreements, or further enlargements. A mechanism for its cooperation with the Council was introduced too.

8.3 The European Community and Further Development of the EU Institutions

In 1993, the Community transformed into the European Community (EC) combining various aspects of cooperation: from economic to cultural and environmental. On November 1, 1993, the Maastricht Treaty entered into force. The Treaty created the European Union and a three-pillar system. The powers of many institutions were changed and expanded, and a single institutional structure of the EU was created, consisting of the Council, the European Parliament, the European Commission, the Court of Justice, and the Court of Auditors.

The first «pillar» consisted of the European Communities (the European Economic Community, the European Coal and Steel Community, and the European Atomic Energy Community) and determined the main powers within which the Community institutions carried out their activities. The second «pillar» was foreign and security policy. The third «pillar» was about cooperation in the fields of justice and home affairs. The treaty provided for interstate cooperation using common institutions, with certain supranational features, such as involvement in the Commission and consultation with parliament.



The European Community	Common Foreign and Security Policy	Justice and Internal Affairs
Treaty of Rome (revised by the Single European Act). Democratization of institutions European citizen Common monetary policy: *Single currency. European Central Bank. Common monetary policy coordination of economic policies*	Common foreign policy: *Systematic cooperation; Common positions and action.* Possible common defense policy based on the Western European Union	Cooperation: *Asylum policy rules for crossing external borders; immigration policy of the participating countries; fight against drugs; fight against international fraud; cooperation in the customs, law, enforcement and judicial spheres*

The tree Pillars of the EU

The powers of the European Parliament were significantly expanded. The co-decision procedure was introduced. The Parliament and the Council could no longer adopt a legislative decision without the other party's consent. If one institution did not agree with the decision after two readings, then a conciliation committee was set up. The committee consisted of an equal number of representatives of the Council and Parliament, who were supposed to change the situation. After that, the voting procedure in the Council and Parliament took place again. If the participants could not reach a joint decision, then the Council had the opportunity to propose the initial version of the text again, and Parliament could simply adopt it in full or reject it. Within the framework of the treaty, Parliament received the right to ask the Commission to submit a certain legislative proposal for consideration, which created the basis for full legislative activity.

In 1995, three new countries were added to the EU: Austria, Finland, and Sweden. In 1995, the Schengen Agreement came into effect in Belgium, France, Germany, Luxembourg, the Netherlands, Portugal, and Spain. The agreement allowed travel between countries without passport control.

8.4 The Treaty of Amsterdam, the Treaty of Nice, and the Treaty of Lisbon, and their Impact on the Functioning of the EU Institutions

The Treaty of Amsterdam. In 1997, the Treaty of Amsterdam was signed, building on the achievements of the Maastricht Treaty. The Treaty entered into force in 1999. The Treaty of Amsterdam provided for an expansion of the powers of the Parliament.

Signing of the Treaty of Amsterdam

The Parliament gained the power to approve the candidate for the President of the Commission. The cooperation procedure was simplified. It became one of the most widely used legislative procedures applied to the new provisions enshrined in the Treaty on employment, equal opportunities and equal treatment, health protection, transparency, the protection of the Community's financial interests, customs cooperation, statistics, and data protection, as well as to many other provisions. The Treaty provided for a limit of 700 delegates in the European Parliament. The limit was intended to prevent the creation of an overly branched and complex governance structure with such a large number of people in the event of possible future enlargements of the EU. Parliament was given the power to establish a standard procedure (a set of principles common to all Member States) for the election of MEPs by direct universal suffrage. However, there were still no provisions allowing for the development of political parties at the European level.

The Commission's activities were also changed. In addition to the Parliament's approval of its President, its members were to be appointed with the agreement of the governments of the member states and appointed by the Commission President. The Commission was to work under the political guidance of its President and was responsible for ensuring that all EU institutions respected fundamental human rights.

The changes also affected the Council's activities. Qualified majority voting was extended to new Treaty provisions and some existing provisions. According to the Treaty, qualified majority voting applied to employment rules and incentive measures, social exclusion, equal opportunities and treatment of men and women, health, transparency, the fight against fraud, statistics, the establishment of an independent advisory body on data protection, the outermost regions and customs cooperation. However, some important areas required unanimity by all Council members, namely: free movement of people, right of residence, social security for migrant workers, amendments to the legal principles governing the pursuit of professions in the Member States, culture, industry, certain aspects of environmental policy, social policy and policy on economic and monetary union and subsidiary powers.

As the third pillar, the Court of Justice was given jurisdiction under certain conditions, namely in the police and judicial cooperation in criminal matters and enhanced cooperation. The Court of Auditors was given increased supervisory powers, namely the right to audit the finances of the entire EU.

Treaty of Nice. The Treaty was signed on 26 February 2001 and entered into force on 1 February 2003. It was intended to make the EU institutions more effective and legitimate and prepare the EU for the next major enlargement.

The Treaty of Nice increased the maximum number of MEPs to 732. A qualified majority in the Council must adopt the regulations and general conditions governing the performance of the duties by Members of the European Parliament. The regulations governing political parties at the European level may be adopted following the decision-making procedure.

The Parliament no longer needed to show a specific interest in bringing proceedings to adopt acts by the institutions declared invalid. It is also empowered to request a prior decision on the compatibility of an international agreement with the Treaty. Furthermore, there were certain changes to the decision-making procedures. The co-decision procedure applied to a wider range of issues and Parliament's consent was required to establish enhanced cooperation in an area covered by co-decision. The Parliament should express its opinion when the Council proposes to determine a clear risk of a serious breach of fundamental rights.

The Treaty provided a new distribution of votes in the Council considering the consequences of the fifth enlargement. Thus, from 1 January 2005, a qualified majority was established if a decision was supported by several votes and if the decision was supported by the majority of the Member States. Furthermore, any member of the Council had the possibility of submitting a request to verify and establish whether the qualified majority represented at least 62% of the total population of the Union. If this requirement was not met, the decision was not adopted. However, under the Treaty of Accession signed in Athens, the provision on qualified majority voting was to apply only from 1 November 2004.

The number of votes allocated to the Member States was also increased. A significant increase in votes occurred for the Member States with the largest populations. The qualified majority threshold, which was to be adjusted in the event of the accession of new Member States, was changed and different thresholds were applied until 2013, when Croatia joined the EU.

It should be noted that the Treaty also provided for a gradual change in the composition of the Commission. Since 2005, the Commission has been composed of one national representative from each Member State. After the accession of the 27th State, the number of Commissioners will be fewer than the number of Member States. Commissioners will be elected according to a system of rotation based on the principle of equality. However, no agreement was reached on the number of Commissioners and the rotation system based on equality. However, the Treaty provided that the Council should resolve any outstanding issues after the accession of the 27th Member State.

The Union's judicial system was also amended. Panels of judges may be set up to hear and determine certain classes of actions or proceedings at first instance. The Council may amend the Court of Justice Statute at the request of the Court of Justice or the Commission. The Procedure Rules of the Court of Justice and the Court of First Instance will be further adopted by a qualified majority. The Treaty also amends the division of powers between the Court of Justice and the Court of First Instance.

Under the terms of the Treaty, the Court of Auditors is composed of one citizen from each Member State. It may also set up internal chambers responsible for adopting certain categories of reports or opinions.

The total number of members in the Region Committee may not exceed 350. In addition, members must hold an electoral mandate from regional or local authorities or be politically accountable to elected assemblies.

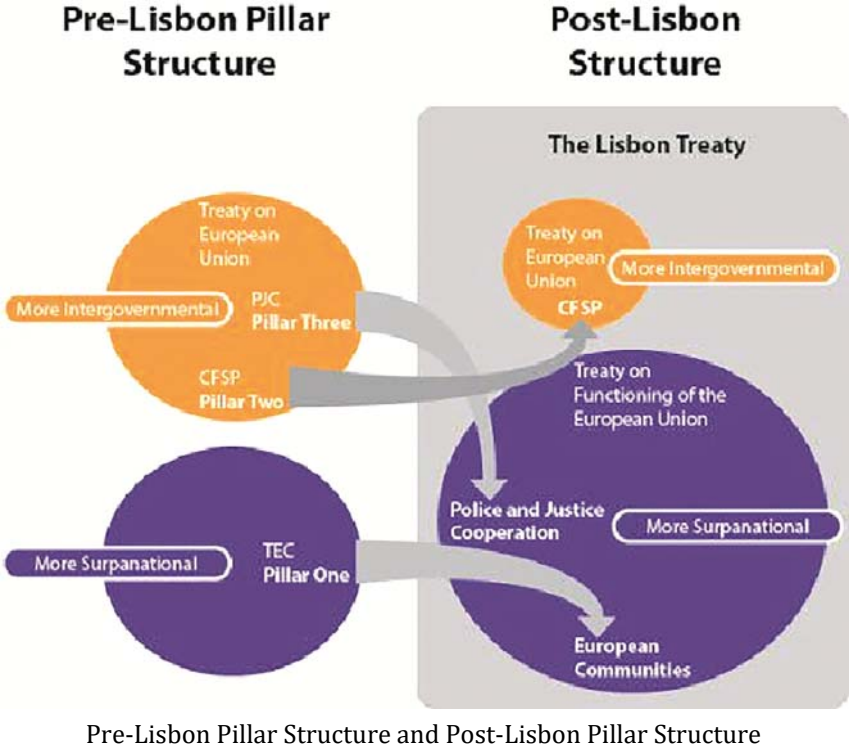
The Forum, known as the European Convention, was convened based on the conclusions of the European Council meeting held in Leuken (Brussels) on 14 and 15 December 2001. During the Forum, chaired by Valéry Giscard d'Estaing and attended by representatives from 28 countries (15 member countries, 12 candidate countries, and one applicant country) and representa-

tives of the Commission and the European Parliament, proposals for necessary reforms were presented to the European Council to prepare the work of future intergovernmental conferences. The Convention's decisions proved very effective in drawing up the draft Charter of Fundamental Rights of the European Union, signed in Nice on 7 December 2000.

The Convention format involved a change in meetings of state officials: closed meetings were replaced by public sessions involving all parties with a political interest. In this way, the European Convention drafted the Treaty establishing a Constitution for Europe (also known as the «Constitutional Treaty» or «European Constitution»), which was signed in Rome on 29 October 2004.

Although the ratification of the Constitution had been initiated, following the results of the popular vote in France (55% against) and the Netherlands (61% against), the ratification process was halted, and the idea of a European Constitution was subsequently abandoned.

Treaty of Lisbon *(2009 – present).* The way out of the political «Constitutional» crisis was the development and signing of a new treaty – the Treaty of Lisbon (2007) ratified by all EU member states. It entered into force on 1 December 2009 and significantly changed the institutional structure of the EU.



Pre-Lisbon Pillar Structure and Post-Lisbon Pillar Structure

The Treaty increased the powers of the European Parliament by introducing the «ordinary legislative procedure», which replaced the former decision-making procedure. The new procedure now applies to more than 40 new policy areas, bringing the total to 73. The assent procedure continues to exist as «consent», while the consultation procedure remains unchanged. The new budgetary procedure creates full parity between Parliament and the Council for adopting the annual budget. Long-term financial policy must be agreed upon and approved by Parliament.

The European Parliament now elects the President of the Commission by a majority of its members, on a proposal from the European Council, which is required to elect the candidate by a qualified majority, considering the results of the European elections. The maximum number of MEPs was set at 751, and the representation of citizens was progressively proportional. The maximum number of seats per member state is 96 (Germany), while the minimum number increases to 6 (Malta, Cyprus, Estonia, Luxembourg). In February 2018, Parliament voted to reduce the number of seats from 751 to 705 following the UK's withdrawal from the EU and to distribute some seats to be vacated among those member states that are somewhat underrepresented. The UK left the EU on 1 February 2020. In 2024, the number of MEPs was increased from 705 to 720. This decision was taken because of changes in the population of the EU member states.

The Treaty of Lisbon formally recognizes the European Council as an EU institution. The European Council has no legislative functions, and the long-term presidency replaces the previous system of six-month rotation. The President is elected by a qualified majority of the European Council for five years. The President coordinates the work of the European Council, which should help to make its work more consistent and coherent. The President also chairs informal summits of the Member States that use the euro as their currency. In addition, the President ensures the external representation of the Union on foreign and security policy, when such representation is required at the level of Heads of State or Government, while not duplicating the responsibilities of the High Representative of the Union for Foreign Affairs and Security Policy.

The Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy is appointed by a qualified majority of the European Council with the agreement of the President of the Commission. He or she is responsible for the EU's common foreign and security policy and has the right to submit proposals. In addition to being the President of the Foreign Affairs Council, he or she also acts as Vice-President of the Commission, assisting the European External Action Service made up of staff from the Council, the Commission, and national diplomatic services.

The Treaty of Lisbon supports the principle of double majority voting (citizens and Member States). A qualified majority is reached when 55% of the Council members (in practice 15 out of 27), representing at least 65% of the population, support a proposal. The required majority of Member States increases to 72% if the Council does not act on a proposal from the Commission or the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy. At least four Member States must vote against the proposal to block legislation.

The Council meets publicly when it discusses and votes on draft legislative acts. To do this, each Council meeting is divided into two parts to deal with legislative acts or non-legislative activities. The President of the Council is elected for a six-month term, but there is an 18-month group presidency of three Member States to ensure better continuity of work. As an exception, the Foreign Affairs Council is permanently chaired by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy.

According to the Treaty of Lisbon, the President of the Commission must be elected considering the results of the European elections. This increases the political legitimacy of the office. The President is responsible for the internal organization of the Commission (appointment of Commissioners, allocation of portfolios, resignation in certain circumstances).

As stipulated in the Treaty of Lisbon, the Court of Justice of the European Union includes two courts: the European Court of Justice and the Court of General Jurisdiction. The Court's jurisdiction extends to all Union activities, except for the common foreign and security policy.

QUESTIONS FOR SELF-ASSESSMENT

1. Why was the Coal and Steel Community created?
2. What was the role of the Council of Ministers in the Coal and Steel Community?
3. Clarity of the concept of the four freedoms of movement in the European Economic Community.
4. Explain the concept of the «empty chair policy»? What is this policy about?
5. What pillars was the European Community based on?
6. What were the consequences of signing the Treaty of Amsterdam for the European institutions?
7. List the main achievements of the Treaty of Lisbon.

RECOMMENDED READING

1. Консолідовані версії Договору про Європейський Союз та Договору про функціонування Європейського Союзу з протоколами та деклараціями. Європейський Союз. URL: https://zakon.rada.gov.ua/laws/card/994_b06.

2. The Treaty of Lisbon. Fact Sheets on the European Union. European Parliaement. https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon.
3. Origin and development of the European Union. University of Luxembourg. https://www.cvce.eu/en/education/unit-content/-/unit/d5906df5-4f83-4603-85f7-0cabc24b9fe1/2f31100f-c3d2-42ee-ad52-3f3f07822fd7.
4. Europe without frontiers. European Union. https://europa.eu/european-union/about-eu/history/1990-1999_en.
5. EU treaties. European Union. https://europa.eu/european-union/law/treaties_en.

TESTS

1. Which of the following countries were the founding countries of the European Coal and Steel Community?

a) France, West Germany, Italy, the Netherlands, Belgium, and Luxembourg
b) France, West Germany, Spain, Greece, Portugal, and the Netherlands
c) France, Great Britain, West Germany, Belgium, Italy, and the Netherlands
d) France, Great Britain, West Germany, East Germany, Italy, and the Netherlands

2. Which body in the European Coal and Steel Community was entrusted with the duties of «prosecutor», i.e., detecting the treaty violations by the Community's member states?

a) Court of Justice *c) Executive Board*
b) Council of Ministers d) General Assembly

3. When was the European Economic Community's resources system established, replacing financial contributions from the member states?

a) 1957 b) 1958 c) 1967 *d) 1970*

4. What is the «empty chair» policy?

a) When representatives of one of the member states of the Community do not come to the meeting to vote
b) When representatives of one of the member states of the Community do not vote on important decisions during the meetings
c) When representatives of the member states can appeal the position of one member state with which they disagree and vote on the decision
d) When important issues during the meetings are not put to the vote until everyone is present

5. Which Treaty established the Court of Auditors?

a) Maastricht b) Luxembourg *c) Brussels* d) Amsterdam

6. Which of the following are the «three pillars» of the EU?

a) European Community
b) Common Foreign and Security Policy
c) Justice and Home Affairs
d) All answers are correct

7. Which agreement allowed travel between some countries without passport control?

a) Treaty of Amsterdam
b) Treaty of Lisbon
c) Treaty of Nice
d) Schengen Agreement

8. The Treaty establishing the European Constitution (for the EU member states) was signed in Rome on 29 October 2004 and subsequently ...:

a) the Constitution was ratified by all EU member states and entered into force in all EU countries
b) the Constitution was not ratified by all EU member states and entered into force only in those countries that ratified it
c) the Constitution was not ratified by all EU member states, and its implementation in the EU was refused
d) the Constitution was not ratified by all EU member states and its implementation was postponed until 2021

9. Which Treaty officially recognized the European Council as one of the EU institutions?

a) Amsterdam *b) Lisbon* c) Nice d) Rome

10. What is the opinion of the «sovereigntists» regarding the further existence of the EU?

a) the EU should be based on «intergovernmental» cooperation that preserves national sovereignty as much as possible
b) supranational schemes for institutional integration in Europe should be more widely implemented
c) the EU should transform into a single state
d) there is no correct answer

TOPIC 9 Bodies and Institutions of the European Union: their Composition, Powers and Functioning

9.1 General Description of the EU Institutions and their Functions

The European Union has an institutional framework aimed at promoting and protecting its values, objectives, and interests, the interests of its citizens, and the interests of its Member States. The established structure also helps to ensure the coherence, effectiveness, and continuity of EU policies and actions. According to article 13 of the Treaty on European Union, there are 7 institutions in the EU:

1) European Parliament;
2) European Council;
3) Council of the European Union;
4) European Commission;
5) Court of Justice of the European Union;
6) Court of Auditors;
7) European Central Bank.

Institutions and structures of the European Union. Each institution acts within the limits of its competencies according to the Treaties following the procedures, conditions, and objectives laid down therein.

The European Parliament, the Council, and the Commission are assisted by the European Economic and Social Committee and the Committee of the Regions, which have an advisory function. The unique institutional structure of the European Union is as follows:

- the EU's priorities are defined by the European Council, which brings together leaders at national and EU level;
- directly elected MEPs represent European citizens in the European Parliament;
- the EU's interests as a whole are promoted by the European Commission, whose members are appointed by national governments;
- governments defend their country's national interests in the Council of the European Union.

The European Council sets the general political direction of the EU but has no power to make laws. The President of the European Council, the Heads of State or Government, and the President of the Commission meet as often as necessary, but at least twice every 6 months.

Lawmaking in the EU takes place through three main institutions:

1. The European Parliament represents EU citizens and is directly elected by them.
2. The Council of the European Union represents the governments of individual member states. The presidency of the Council of the EU rotates between member states.
3. The European Commission represents the interests of the Union as a whole.

Together, these three institutions develop policies and laws that apply throughout the EU, using the «common legislative procedure». The Commission proposes new laws and the Parliament and Council adopt them. The Commission and the Member States then implement them, and the Commission ensures that the laws are correctly applied and enforced.

Two other institutions play vital roles in the area of judicial power:

1. The Court of Justice of the European Union upholds the rule of European law;
2. The Court of Auditors examines the financial management of EU activities.

The powers and responsibilities of all these institutions are laid down in the Treaties, which are the basis for everything the EU does. They also set out the rules and procedures for the EU institutions to follow. The Treaties are agreed by the presidents and/or prime ministers of all EU countries and ratified by their parliaments.

The EU has many other institutions and interdepartmental bodies with specialized roles, including:

- The European Central Bank is responsible for European monetary policy;
- The European External Action Service assists the High Representative of the Union for Foreign Affairs and Security Policy. The High Representative chairs the Foreign Affairs Council and conducts the common foreign and security policy and ensures the coherence and coordination of the EU's external action;
- The European Economic and Social Committee represents civil society, employers, and civil servants;
- The European Committee of the Regions represents regional and local authorities;
- The European Investment Bank finances EU investment projects and helps small businesses through the European Investment Fund;
- The European Ombudsman investigates complaints about maladministration by EU institutions and bodies;
- The European Data Protection Supervisor protects people's privacy;
- Publications Office of the European Union;

- The European Personnel Selection Office recruits staff for the EU institutions and other bodies;
- The European School of Administration provides training in specific areas for staff of the EU institutions;
- other specialized agencies and decentralized bodies which carry out a range of technical, scientific, and administrative tasks.

9.2 Institutional Framework of the European Union

The European Parliament (EP) is the only directly elected body of the EU and one of the largest democratic assemblies in the world. The Parliament has 720 members representing around 400 million EU citizens. They are elected every 5 years by voters from all 27 EU countries. Its representatives are called Members of the European Parliament.

All MEPs are members of 7 political groups organized not by nationality but by political affiliation. MEPs participate in 23 committees to prepare the work for the Parliament's plenary sessions. The Parliament's 44 delegations maintain relations and exchange information with the parliaments of non-EU countries.

Each country decides how the elections to the European Parliament will be held. However, each country must guarantee gender equality and a secret ballot. EU elections are held on a proportional basis. The voting age is 18, except in Austria, where it is 16. Seats are allocated based on the population of each member state. Just over a third of MEPs (39.5%) are women. The youngest MEP is 21, the oldest is 83, and the average age is 50. MEPs divide their time between their constituencies, Strasbourg, where 12 plenary sessions are held yearly, and Brussels, where they attend additional plenary sessions and committee and political group meetings.

The European Council determines the number of MEPs in a country unanimously on a proposal from the EP. In 2024, no country had fewer than 6 or more than 96 MEPs: Germany – 96, France – 81, Italy – 76, Spain – 61, Poland – 53, Romania – 33, the Netherlands – 31, Belgium – 22, Czech Republic – 21, Portugal – 21, Greece – 21, Hungary – 21, Sweden – 21, Austria – 20, Bulgaria – 17, Denmark – 15, Finland – 15, Slovakia – 15, Ireland – 14, Croatia – 12, Lithuania – 11, Latvia – 9, Slovenia – 9, Estonia – 7, Cyprus – 6, Luxembourg – 6, Malta – 6.

The main functions of the EP are as follows:

- legislative power: the European Parliament is a co-legislator. To adopt most legal acts, legislative power is shared between the EP and the EU Council through the ordinary legislative procedure;
- budgetary power: the EP shares budgetary powers with the Council when voting on the annual budget, which it makes enforceable through the signature of the President of the Parliament and monitors its implementation;

– power of control over the EU institutions, in particular the Commission. The EP can grant or refuse to appoint commissioners and has the power to dismiss the Commission as an institution by passing a censure motion. It also exercises control over the EU activities through written and oral questions addressed to the Commission and the Council. It sets up temporary committees and committees of inquiry, whose mandate is not necessarily limited to the activities of the EU institutions but may extend to actions taken by EU countries in implementing EU policies.

European Council. According to the Treaty of Lisbon, the European Council became an EU institution and created a new position of President. The European Council is comprised of the heads of state or government of the EU countries. It meets at least four times a year and includes the President of the European Commission as a full member.

The role of the European Council is to provide impetus, general political guidelines, and priorities for the development of the EU.

The European Council does not have any legislative function. However, it can be consulted on criminal matters (articles 82–83 of the Treaty on the Functioning of the European Union – TFEU) or on social security matters (article 48 TFEU) when an EU country opposes a legislative proposal in these areas. Its decisions are taken by consensus or, where the Treaties provide, by unanimity, by a qualified majority, or by a simple majority. The conclusions of the European Council's deliberations are published after each meeting.

The Council of the European Union (the «Council») is one of the main decision-making bodies in the EU. It brings together ministers from the 27 EU countries. In the Council, countries make laws and coordinate policies. The Council is headquartered in Brussels, but some meetings are held in Luxembourg. Council meetings (except for the Foreign Affairs Council) are convened by the country holding the presidency at the time, which sets the agenda.

The Council meets in 10 configurations, bringing together the relevant ministers from the EU countries: general affairs; foreign policy; economic and financial affairs; justice and home affairs; employment, social policy, health and social services; competitiveness; transport, telecommunications, and energy; agriculture and fisheries; environment; education, youth and culture. The General Affairs Council coordinates the work of the different Council configurations, with the assistance of the Commission.

Decisions are prepared by the Committee of Permanent Representatives of the EU countries with the assistance of working groups of government officials.

The Council and the European Parliament act in legislative and budgetary areas. It is also the leading institution for decision-making on common

foreign and security policy and economic policy coordination (intergovernmental approach). It also has executive powers, which are generally delegated to the Commission.

In most cases, the Council's decisions, based on proposals from the Commission, are adopted jointly with the European Parliament under the ordinary legislative procedure. Depending on the area of the matter, the Council takes decisions by simple majority, qualified majority, or unanimity. The qualified majority is widely used in decisions concerning agriculture, the joint market, the environment, transport, employment, health, etc.

The European Commission was established in 1957 and currently consists of 27 Commissioners, including its President. It acts in the general interest of the EU with complete independence from national governments and is accountable to the European Parliament.

The European Commission proposes laws in a wide range of policy areas. In spheres of justice and home affairs, it shares the right of legislative initiative with the EU countries. Like the European Parliament and the Council, EU citizens can call on the Commission to propose laws through the European Citizens' Initiative.

The Commission can adopt non-legislative acts, including delegated and implementing acts and has important powers to ensure fair competition between EU businesses.

The Commission supervises the implementation of EU law. It implements the EU budget and manages funding programs. It also carries out coordination, executive, and management functions as provided for in the Treaties, representing the EU worldwide in areas not covered by the common foreign and security policy, such as trade policy and humanitarian aid.

The Commission is made up of Directorates-General (departments) and Services, which are mainly located in Brussels and Luxembourg.

The Court of Justice of the European Union was established in 1952. The Treaty of Lisbon significantly extended its jurisdiction and the European Union now includes 2 other courts:

- the European Union Court of Justice: this court continues to issue preliminary rulings, review certain cases brought by EU member states against EU institutions, and handle appeals from the General Court. Additionally, it now adjudicates freedom, security, and justice matters. It makes decisions regarding police and judicial cooperation in criminal matters, and issues related to the Charter of Fundamental Rights.
- General Court: this court has jurisdiction to hear cases against the EU institutions brought by citizens and, sometimes by EU countries. It also adjudicates disputes related to employment relations between EU institutions and their staff.

The Court of Auditors was established in 1975 in Luxembourg. It is the EU's independent external auditor and financial body. It operates following the rules laid down in the Treaty on the Functioning of the EU (articles 285–287).

It is composed of 1 member from each EU country. Members are appointed for 6 years (renewable). They designate a President for a renewable three-year term. All members must carry out their duties in the general interest of the EU and be completely independent.

The Court checks that the EU's revenue and expenditure (including bodies set up by the EU and external bodies managing EU funds) are legal and regular. This ensures sound financial management. It assures the European Parliament and the Council that the accounts are reliable and that the underlying transactions are legal and regular. At the end of each fiscal year, it publishes a report in the Official Journal of the European Union. If the Court detects fraud or irregularities, it must inform the European Anti-Fraud and Abuse Prevention Office.

The European Central Bank (ECB) is the central bank of the Eurozone and an EU institution, located in Frankfurt am Main, Germany. Together with the national central banks of the Eurozone, it forms the Eurosystem, which conducts monetary policy in the Eurozone. Its primary objective is to maintain price stability, i.e. the value of the euro. In addition, the ECB carries out banking supervision in the Eurozone and other Member States within the Single Supervisory Mechanism (SSM), in cooperation with national supervisory authorities.

9.3 Other Institutions and Bodies of the European Union

The Committee of the Regions (CoR) was established in 1992 under the Maastricht Treaty and became operational in 1994. The European Commission, the Council of the EU, and the European Parliament must consult the Committee of the Regions on the adoption of legislative acts of local or regional interest (article 307 of the Treaty on the Functioning of the European Union). These topics include: economic and social cohesion, employment, social policy, energy and telecommunications, vocational training, and, since the entry into force of the Treaty of Lisbon, also issues such as climate change and civil protection. When the Committee of the Regions receives a legislative proposal, it prepares and draws up an opinion and transmits it to the relevant EU institutions. The Committee of the Regions can also draw up opinions on legislative matters on its initiative.

As set out in the Treaty, the maximum number of CoR members is 350, and the Council of the EU appoints members for a five-year term.

The Committee of the Regions has the right to bring legal actions before the Court of Justice of the European Union in two cases:

- to defend its institutional rights;
- to request the annulment of new EU legislation on matters on which consultations are required and on which the principle of subsidiarity has been violated.

The European Economic and Social Committee (EESC) is the advisory body of the EU. It was set up in 1957 to represent the interests of the various economic and social groups in the EU countries.

According to the Treaty on the Functioning of the European Union, the EESC has a maximum of 350 members, and each EU country has between 5 and 24 members.

The members are divided into three interest groups: 1) employers, 2) workers, and 3) people of specific activities (such as farmers, small businesses, professions, consumers, cooperatives, families, and environmental groups). EESC members are appointed for a renewable term of 5 years.

The EESC consults the European Parliament, the Council, and the Commission in the cases provided for in the EU Treaties. It can also issue opinions on its initiative.

The Committee allows groups of interest to make a formal statement on EU legislative proposals. Its three main tasks include:

- to ensure that EU policies and laws are guided by a consensus-building approach that serves the common good;
- to promote participation in EU processes by allowing workers' and employers' organizations and other interested groups to express their views and by ensuring dialogue with them;
- to promote the values of European integration and to foster participatory democracy and civil society organizations.

The European Investment Bank was founded in 1958 and is based in Luxembourg. It provides financing for projects that help achieve EU objectives, both within and outside the EU. Its Board of Directors consists of one director from an EU country and one from the European Commission.

The EU countries jointly own the European Investment Bank (EIB). It aims to:

- increase Europe's potential for jobs and growth;
- support action to mitigate climate change;
- promote EU policies outside the EU.

The bank borrows money on the capital markets and lends it on favorable terms to projects that support EU objectives. Around 90% of its loans are made within the EU, but the money does not come from the EU budget.

The EIB provides 3 main types of products and services:

- lending – around 90% of total financial commitments. The Bank provides loans to clients of all sizes to support growth and jobs;
- «Service mix» – allows clients to combine EIB financing with additional investments;
- advice and technical assistance – maximum value for money;
- The EIB directly provides loans above EUR 25 million. If smaller loans are required, the Bank opens credit lines to financial institutions providing funds to lenders.

The European Ombudsman investigates complaints against EU institutions, bodies, offices, and agencies. The office was established in 1995 and is based in Strasbourg, France. Complaints about maladministration by EU institutions or other EU bodies can be lodged by citizens or residents of EU countries, associations, or businesses based in the EU.

The Ombudsman investigates various types of maladministration, such as:

- misconduct;
- discrimination;
- abuse of power;
- lack of information or refusal to provide it;
- excessive delays;
- incorrect procedures.

The European Parliament elects the Ombudsman for a five-year renewable term. The Ombudsman opens inquiries in response to complaints or on his initiative. He is an impartial body and does not take instructions from any government or organization.

The Ombudsman can resolve a problem simply by informing the institution concerned. If more is needed, every effort is made to reach an amicable solution that will put the situation right. If this fails, the Ombudsman may make specific recommendations to the institution. If these are not accepted, the Ombudsman may draw up a special report to the European Parliament, which must then take appropriate action.

The European External Action Service, established in 2011 and based in Brussels, manages the EU's diplomatic relations with other countries outside the bloc and conducts the EU's foreign and security policy.

The European External Action Service is the EU's diplomatic service. It aims to make the EU's foreign policy more coherent and effective, thereby increasing Europe's global influence.

The European External Action Service:

- supports the High Representative of the European Union for Foreign Affairs and Security Policy in conducting the EU's foreign and security policy;
- manages diplomatic relations and strategic partnerships with non-EU countries;

– cooperates with the national diplomatic services of the EU countries, the UN, and other leading states.

The High Representative is also Vice-President of the European Commission. He or she represents the EU's foreign and security policy worldwide, coordinates the work of the European Commission on EU external relations, and chairs meetings of EU foreign affairs, defense, and development ministers. The High Representative/Vice-President implements EU foreign and security policy together with EU countries and uses national and EU resources. This helps to ensure the coherence of foreign policy within the European Union.

Outside its borders, the European Union is represented by several representations in countries – EU delegations, which have a role similar to an embassy.

The European Data Protection Supervisor ensures that EU institutions and bodies respect people's right to privacy when processing their data. The office was established in 2004 and is located in Brussels, Belgium.

EU institutions and bodies sometimes process citizens' personal information (in electronic, written, or visual format) while performing their duties. Processing includes collecting, recording, storing, retrieving, transmitting, blocking, or erasing data. The European Data Protection Supervisor ensures these activities comply with strict privacy rules.

Who is the European Data Protection Supervisor?

The Supervisor's responsibilities include:

– monitoring the processing of personal data by the EU administration to ensure compliance with privacy rules;
– advising EU institutions and bodies on all aspects of personal data processing and related policies and legislation;
– handling complaints and submitting requests;
– cooperating with EU national authorities to ensure consistency in data protection;
– monitoring new technologies that may have an impact on data protection.

The Supervisor is appointed for a five-year term. To carry out day-to-day operations, the Supervisor has 2 main areas of work:

1. Supervision and enforcement. The Supervisor has to assess the data protection compliance by EU institutions and bodies.
2. Policy and advice. The Supervisor advises EU legislators on data protection issues in various policy areas and new legislative proposals.

The European Data Protection Board, established in 2018 and based in Brussels, ensures that the General Data Protection Regulation and the Data Protection Directive are applied consistently across the EU countries and in Norway, Liechtenstein, and Iceland.

The European Data Protection Board ensures that EU legislation in this area – particularly the General Data Protection Regulation and the Data Protection Directive – is applied consistently across all the countries it covers and promotes cooperation between national data protection authorities.

The European Data Protection Board is an independent body that:

- provides general guidance (including guidelines, recommendations, and best practices) to clarify the General Data Protection Regulation;
- issues consistent opinions designed to ensure a consistent interpretation of the General Data Protection Regulation by all national regulators, for example in cases involving 2 or more countries;
- advises the European Commission on data protection issues and any proposed new EU legislation relevant to personal data protection; encourages national data protection authorities to work together and exchange information and best practices.

National data protection authorities can conduct investigations and impose penalties where necessary. The Board meets regularly in Brussels to discuss and decide on data protection issues. Decisions are taken in plenary sessions, bringing together the heads of national authorities, based on preparatory work by expert subgroups and the Secretariat of the European Data Protection Board.

Inter-agency bodies

Computer Emergency Response Team. The team became fully operational in September 2012. It helps combat threats to the computer systems of EU institutions by supporting the IT security teams in each institution and establishing links with civil society partners in EU countries.

The European School of Administration was established on 10 February 2005. Its mission is to train staff in specific areas of EU work. Its courses are open to staff from all EU institutions, helping to promote common values, foster better understanding between EU staff, and achieve economies of scale. The School works in close cooperation with the training departments of all institutions to avoid duplication of effort.

European Personnel Selection Office was established in January 2003. Its tasks include establishing competitive examinations for staff recruitment to all EU institutions. This is more efficient than each institution organizing its recruitment competitions. The Office's annual budget is around €21 million, 11% less than the budget spent by the EU institutions on recruitment.

Publications Office of the European Union. The Office acts as the publishing house for the EU institutions, producing and distributing all official publications of the European Union in paper and digital form.

QUESTIONS FOR SELF-ASSESSMENT

1. What institutions constitute the institutional framework of the European Union?
2. Which EU institutions are involved in the law-making process?
3. What are the functions of the Court of Auditors?
4. What does the Committee of the Regions do? In what cases does the Committee of the Regions have the right to bring legal actions before the Court of Justice of the European Union?
5. What are the main services of the European Investment Bank?
6. What steps does the European Ombudsman have the right to take to examine and respond to complaints?
7. List and explain the duties of the European Data Protection Supervisor.
8. What function does the European School of Administration perform?

RECOMMENDED READING

1. Європейський Союз. Що це таке і що він робить. Київ: Представництво ЄС в Україні, 2018. URL: https://eu-ua.org/sites/default/files/inline/files/pro.yesdf.pdf.
2. Інституції Європейського Союзу. Хто робить політику в Європейському Союзі? http://www.goethe.de/ins/ua/prj/eur/nst/ukindex.htm.
3. Committee of regions. http://cor.europa.eu.
4. EU institutions and bodies in brief. European Union. https://europa.eu/european-union/about-eu/institutions-bodies_en.
5. Euroepan Ombudesman. http://ombudsman.europa.eu.
6. European Central Bank. http://www.ecb.int.
7. European Court of Auditors. http://eca.europa.eu.
8. European Court. http://curia.europa.eu.
9. European Economicand Social Committee. http://www.eesc.europa.eu.
10. European Institutions. https://eur-lex.europa.eu/summary/glossary/eu_institutions.html.
11. European Investment Bank. http://eib.europa.eu.
12. Members of the European Parliament from February 2020. At a Glance. European Parliament. https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/646202/EPRS_ATA(2020)646202_EN.pdf.

TESTS

1. Which of the institutions of the European Union have the right to adopt laws?

a) European Parliament
b) Council of the EU
c) European Commission
d) European Parliament and Council of the EU

2. In the European Parliament, members are united together and work according to:
a) national identity, representing their country
b) political parties from which to run
c) mixed system (national identity and political affiliation)
d) all answers are correct

3. The Court of Justice of the European Union includes all courts, except:
a) Court of Justice of the European Union
b) General Court
c) Court of Auditors
d) There is no correct answer

4. To provide loans to its clients, the European Investment Bank:
a) will receive money from the EU budget
b) borrow money on the capital markets
c) asks the European Central Bank to issue money specifically for lending
d) does all of the above

5. How can the European Ombudsman resolve a problem:
a) inform the institution concerned about the problem
b) try to reach an amicable solution that will remedy the situation
c) make recommendations to the institution to remedy the situation
d) draw up a special report to the European Parliament, which must then take appropriate activities to remedy the situation
e) all of the above

6. Before adopting legislative acts affecting local or regional interests, the European Commission, the Council of the EU and the European Parliament:
a) must consult the Committee of the Regions
b) may consult the Committee of the Regions
c) inform the Committee of the Regions
d) there is no correct answer

7. The tasks of the European Economic and Social Committee are:
a) to ensure that EU policies and laws are directed towards economic and social issues while seeking consensus for the common good
b) to facilitate participation in EU processes by allowing workers' and employers' organizations and other interested groups to express their views and to ensure dialogue with them
c) to promote the values of European integration and to promote participatory democracy and civil society organizations
d) all of the above

8. The main objectives of the European Central Bank are:
a) to promote EU policies outside the EU
b) to create conditions for economic development in the EU Member States
c) to maintain price stability, i.e. to maintain the value of the euro
d) to provide credit to businesses in the EU Member States

9. Which of the institutions of the European Union supervises the implementation of EU legislation?
a) European Parliament
b) Council of the EU
c) European Commission
d) European Council

10. Which of the following EU bodies assists in combating threats to the computer systems of the EU institutions:
a) European Data Protection Board
b) Computer Emergency Response Team
c) European Data Protection Supervisor
d) European Ombudsman

TOPIC 10

Features of the Functioning of the European Parliament

10.1 Evolution of the Formation and Structure of the European Parliament.
10.2 Powers and Procedures in the European Parliament.
10.3 National Parliaments and the European Parliament.
10.4 The European Parliament after the Adoption of the Treaty of Lisbon.

10.1 Evolution of the Formation and Structure of the European Parliament

Over the years, the European Parliament has developed as an EU institution, acquiring additional functions and powers and becoming increasingly important in the system of Community bodies. Today, the Parliament is the only directly elected EU institution representing the people's interests. In addition to formulating and adopting new legislation, it also analyzes the activities of the EU institutions and promotes human rights in Europe and beyond.

In 1951, after the creation of the first European supranational organization – the European Coal and Steel Community (ECSC), the General Assembly preceded the European Parliament. Its powers were quite limited and were mainly limited to controlling the activities of the ECSC Supreme Body and individual areas of activity of the Association. The procedure for forming this

body was also far from perfect: although the Treaty establishing the ECSC stipulated that the Assembly's deputies should be elected directly by citizens of the member states, the formation of this representative body was carried out through indirect elections – 78 deputies were elected from among the members of national parliaments.

On 25 March 1957, a series of treaties were signed in Rome, establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). With the entry into force of the Treaty of Rome in 1958, the relevant organizations began their activities. Subsequently, a decision was made to create a single representative body for all economic organizations existing in Europe (EEC, EEC, and Euratom) – the European Parliamentary Assembly. The powers of this body included exercising control over the executive bodies of the relevant regional organizations and performing advisory functions. The Parliamentary Assembly met with 142 members for its first meeting in Strasbourg on 19 March 1958. On 30 March 1962, the Members of the European Parliamentary Assembly decided to change its name to the European Parliament.

Under the terms of the Treaty of Rome, members of the European Parliamentary Assembly were to be elected by citizens of the states that had joined the Community, based on direct and universal suffrage, according to a procedure uniform for all states. A similar approach to determining the procedure for forming the Assembly was enshrined in the relevant convention of the European Parliamentary Assembly, adopted in 1960. However, in practice, until 1979, deputies of the EEC representative body were elected indirectly: each national parliament of the member states, within the quotas allocated to the respective country, elected representatives to the European Parliamentary Assembly from among its members according to the system established by national legislation. And only in September 1976, the EEC Council approved the Act «On elections to the European Parliamentary Assembly by direct universal suffrage», the provisions of which, however, were enshrined in the domestic legislation of the member states only in 1979.

Structure of the European Parliament

The President is elected for a renewable term of two and a half years, i.e. half of the parliamentary term. The President represents the European Parliament vis-à-vis the outside world and in relations with the other EU institutions. The President supervises the work of Parliament and its constituent bodies, chairs the debates in plenary, and ensures that Parliament's rules are observed. At the beginning of each meeting of the European Council, the President of the European Parliament sets out Parliament's views and positions on the items on the agenda and other matters. Once the Parliament has adopted the European Union budget, the President signs it and puts it into

European Parliament building

European Parliament President Roberta Metzola

effect. The President of the EP and the President of the Council sign all legislative acts adopted under the ordinary legislative procedure.

The European Parliament consists of 720 members elected in the 27 Member States of the European Union. Since 1979, MEPs have been elected by direct universal suffrage for a five-year term.

Members of the European Parliament are organized into political groups organized not by nationality but by political affiliation. There are currently 8 political groups in the European Parliament. 25 members are required to form a political group, and at least one-quarter of the Member States must be represented in the group. Members cannot belong to more than one political group. Some members do not belong to any political group and are called non-attached members.

Each political group establishes its internal organization, appointing a chairman (or two vice-chairmen in the case of some groups), a bureau, and a secretariat. Before each vote in plenary, the political groups carefully examine

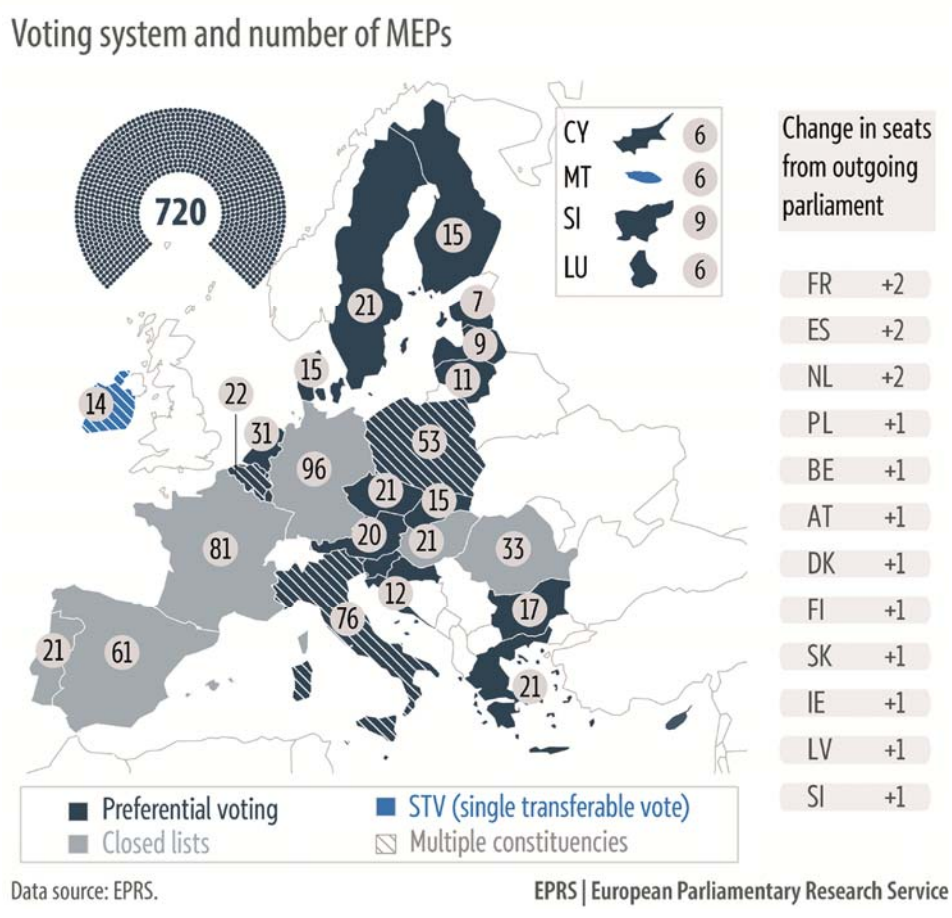


Figure 10.1 – European Parliament electoral systems and number of members per country

Political groups in the European Parliament 2024–2029

Political groups in the European Parliament	Number of seats	% of seats
EPP – Group of the European People's Party (Christian Democrats)	188	26.11%
S&D – Group of the Progressive Alliance of Socialists and Democrats in the European Parliament	136	18.89%
PfE – Patriots for Europe	84	11.67%
ECR – European Conservatives and Reformists Group	78	10.83%
Renew Europe – Renew Europe Group	77	10.69%
Greens/EFA – Group of the Greens/European Free Alliance	53	7.36%
The Left – The Left group in the European Parliament - GUE/NGL	46	6.39%
ESN – Europe of Sovereign Nations	25	3.47%
NI – Non-attached Members	33	4.58%

the reports drawn up by the parliamentary committees and make amendments to them. The position adopted by the political group is put forward for discussion within the group. No member of a political group can be forced to vote in a particular way.

Political groups: To carry out the preparatory work for the plenary sessions of Parliament, the Members of Parliament (MEPS) are divided between some specialized standing committees. A committee includes 25–73 MEPs and has a chairman, a bureau, and a secretariat. The political composition of the committees reflects the structure of the plenary session. There are 22 committees in the parliament in the following areas: Foreign Policy, Human Rights, Security and Defense, Development, International Trade, Budgets, Budgetary Control, Economic and Monetary Affairs, Employment and Social Affairs, Environment, Health and Food Safety, Industry, Research and Energy, Internal Market and Consumer Protection, Transport and Tourism, Regional Development, Agriculture and Agricultural Development, Fisheries, Culture and Education, Legal Affairs, Civil Liberties, Justice and Home Affairs, Constitutional Affairs, Women's Rights and Gender Equality, Petitions.

Parliamentary committees meet once or twice a month in Brussels. Their debates are held in public. The committees draft, amend, and adopt legislative proposals and reports on their initiative. They examine proposals from the Commission and the Council and, if necessary, draw up reports to be presented to the plenary session.

Parliament can also set up subcommittees and special temporary committees to deal with specific issues, and it is empowered to set up formal committees of inquiry, following its supervisory competence, to investigate breaches of EU law.

Parliament has 44 delegations, which maintain relations and exchange information with the parliaments of non-EU countries.

Bodies of the European Parliament

The Conference of Presidents is the political body in Parliament responsible for:

- organizing the business and legislative planning of Parliament;
- defining the responsibilities and composition of committees and delegations;
- relations with other EU institutions, national parliaments, and non-EU countries.

The Conference of Presidents prepares the timetable and plenary sessions of Parliament and allocates seats in the chamber. It is composed of the President of the European Parliament and the leaders of the political groups. The Conference of Presidents makes its decisions by consensus or by weighted votes based on the number of members in each political group. It normally meets twice a month and is not held in public.

The Bureau is the body that lays down Parliament's rules. It draws up Parliament's preliminary draft budget and decides on all administrative, staff, and organizational matters. The Bureau is composed of the President of the European Parliament, 14 Vice-Presidents, and five Treasurers, elected by Parliament for a term of two and a half years (renewable). In the event of a joint vote in the Bureau, the President has the casting vote. The Treasurers are members of the Bureau in an advisory capacity. The Bureau carries out numerous administrative and financial duties in the parliament. It is responsible for all matters relating to the internal administration of the parliament. It appoints the Secretary-General, who manages the parliament's administration and determines the Secretariat's composition and organization.

The Conference of Committee Chairs is a political body in Parliament that works to improve cooperation between committees. It includes the Chairs of all standing and temporary committees, who elect their Chairs. The Conference of Committee Chairs usually meets monthly in Strasbourg during plenary sessions.

10.2 Powers and Procedures in the European Parliament

Legislative powers. Working in one of the parliamentary committees, Members of the European Parliament draw up a report on a proposal for a «legislative text» presented by the European Commission, the only institution empowered to initiate legislation. The parliamentary committee votes on this report and possibly amends it. Parliament establishes its position when the text has been examined and approved in a plenary session. This process is repeated one or more times, depending on the type of procedure and whether or not an agreement is reached with the Council.

When adopting legislative acts, a distinction is made between the ordinary legislative procedure (co-decision), which puts Parliament on an equal footing with the Council, and special legislative procedures, which apply only in specific cases where Parliament has only a consultative role.

On certain issues (for example, on taxation), the European Parliament gives only an advisory opinion («consultation procedure»). The Treaty provides that in some cases, consultation is mandatory (required by the legal basis) and the proposal cannot become law unless Parliament has sent an opinion. In this case, the Council does not have the power to decide on its own.

Consultation. The European Parliament can approve or reject a legislative proposal or propose amendments to it. The Council is not legally obliged to consider Parliament's opinion, but according to the case law of the Court of Justice, it must not decide without receiving it.

The Single European Act (1986) and the Treaties of Maastricht, Amsterdam, Nice, and Lisbon have successively extended the prerogatives of Parlia-

ment. It can now adopt common legislation on an equal footing with the Council in many areas (see Ordinary legislative procedure), and consultation has become a special legislative procedure used in a limited number of cases. This procedure is now used in limited legislative areas, such as exceptions to the internal market and competition law. Consultation of Parliament is also required as a non-legislative procedure when international agreements are adopted under the Common Foreign and Security Policy (CFSP).

Assent. Introduced by the Single European Act of 1986 in two areas: association agreements and agreements governing accession to the European Union. All subsequent amendments to the Treaties extended the scope of the procedure.

As a non-legislative procedure, it is usually used for the ratification of certain agreements negotiated by the European Union or is most commonly used in cases of serious breach of fundamental rights under article 7 of the Treaty on European Union (TEU) or for the accession of new EU members or withdrawal agreements. As a legislative procedure, it must be used when new anti-discrimination legislation is adopted, and it gives the European Parliament the right to veto.

Legislative initiative. The European Commission has the legislative initiative. However, under the Maastricht Treaty, as strengthened by the Treaty of Lisbon, the European Parliament has the right of legislative initiative, which allows it to ask the Commission to submit a proposal.

Annual and multiannual action program. Following the Treaty, the Commission initiates the annual and multiannual programming of the European Union. To achieve this objective, the Commission prepares its work program, which constitutes its contribution to the annual and multiannual programming of the EU. The European Parliament already cooperates with the Commission in drawing up the Commission work program, and the Commission must consider the Parliament's priorities expressed at this stage. Following its adoption by the Commission, a trilateral dialogue between the European Parliament, the Council, and the Commission is envisaged to reach an agreement on the program of activities of the European Union.

Parliament adopts a resolution on the annual programming. The President requests the Council to provide its opinion on the Commission's work program and Parliament's resolution. If an institution cannot meet the timetable set, it must inform the other institutions of the reasons for the delay and propose a new timetable.

Initiative under article 225 of the Treaty on the Functioning of the European Union. Based on a report from one of its committees, Parliament, acting by a majority of its members, may request the Commission to submit any appropriate legislative proposal. Parliament may also establish a deadline for

submitting such a proposal. The committee responsible must first ask the Conference of Presidents for authorization. The Commission may agree or refuse to submit the proposed proposal.

A proposal for a Union act based on the right of initiative conferred on Parliament under article 225 of the Treaty on the Functioning of the European Union may also be tabled by an individual Member of the European Parliament. Such a proposal shall be submitted to the President of Parliament, who shall refer it to the committee responsible. He may decide to table it in plenary.

Own-initiative reports. In areas where the Treaties grant the European Parliament the right of initiative, its committees can prepare a report on the relevant subject and propose a motion for a resolution to Parliament. They must seek authorization from the Conference of Presidents before preparing the report.

Budgetary Authority. Following the entry into force of the Treaty of Lisbon, the European Parliament now shares the power to decide on the entire annual EU budget with the Council of the European Union, and it has the final say.

Multiannual financial cooperation. The decisions of the Parliament and the Council on annual expenditure and revenue must be subject to the annual expenditure ceilings set out in the EU's long-term financial framework, the multiannual financial plan negotiated every seven years.

Budgetary control. Once the EU budget is adopted, the European Commission is responsible for its implementation (the other institutions are responsible for their administrative budgets). As a directly elected institution representing EU taxpayers, the European Parliament exercises democratic oversight to ensure that the Commission and other institutions handle European money properly. Parliament takes its decisions after a thorough examination by the Committee on Budgetary Control of the Commission's financial accounts and its annual activity report for the current year. It also considers the annual report of the Court of Auditors and the Commission's answers to specific questions that Members of the European Parliament may have.

Supervisory powers. The European Parliament has several powers of supervision and control. They allow for supervising other institutions, monitoring the correct use of the EU budget, and ensuring the implementation of EU law correctly.

European Council. The President of the European Parliament has the right to speak at the beginning of each European Council, setting out Parliament's position on the issues to be decided by the Heads of State or Government. After each summit, the President of the European Council presents a report on the results to the European Parliament.

Council of the EU. At the beginning and end of each six-month presidency, the President of the Council of the European Union discusses his program with MEPs in plenary. MEPs can put written and oral questions to the Council and can propose that it initiate new policies.

The High Representative for Foreign Affairs and Security Policy permanently chairs the Foreign Affairs Council. He or his representative attends plenary debates on foreign, security, or defense policy. The High Representative presents a report to the European Parliament on this policy and its financial implications twice a year.

European Commission. The European Parliament can approve the composition and dismiss the European Commission. Since 1994, the members of the Commission have had to appear before the European Parliament for hearings. According to the Lisbon Treaty, EU heads of state nominate a candidate for the Commission President, considering the results of the European elections. The European Parliament then elects the candidate.

The Parliament can vote on the Commission and dismiss it definitively. So far, none of the eight motions of censure submitted to Parliament have been adopted. In 1999, the Jacques Santer Commission resigned before Parliament could vote on it. The European Parliament ensures democratic control over the Commission, which regularly reports to Parliament, including an annual report on the activities of the EU and the implementation of the budget. Once a year, the President of the Commission makes a statement on the activities of the European Union in plenary. Parliament regularly invites the Commission to initiate new policies, and the Commission must answer oral and written questions from MEPs.

Court. Parliament can ask the Court of Justice to take action against the Commission or the Council if they have acted in a way that is contrary to the spirit of EU law. Parliament and the Council can ask the Court to set up specialized courts. For example, the European Union Civil Service Tribunal was set up in 2005 to settle disputes between the EU and its civil service.

European Ombudsman. The Parliament elects the European Ombudsman. The Ombudsman reports to the European Parliament and presents an annual program. The Ombudsman may be dismissed by the Court of Justice of the European Union at the request of Parliament in exceptional circumstances. The Ombudsman may open inquiries on his initiative. The European Ombudsman investigates complaints about maladministration in EU institutions and bodies.

Petitions, committees of inquiry. Any EU citizen, resident, company, or organization can submit a petition to the European Parliament about EU law. Parliament can set up a committee of inquiry to investigate breaches of EU law by Member States.

10.3 National Parliaments and the European Parliament

The Treaty of Lisbon defined the role of national parliaments within the European Union for the first time. For example, national parliaments can review draft EU laws to ensure compliance with the principle of subsidiarity, participate in revising EU treaties, and evaluate EU policies on freedom, security, and justice.

European Parliamentary Week. The Treaty of Lisbon also specified that the European Parliament and national parliaments should jointly determine the organization and promotion of effective and regular interparliamentary cooperation within the EU. In this context, the European Parliament passed resolutions in 2009 and 2014 specifically focusing on the development of relations between the European Parliament and national parliaments.

Bringing the right people together at the right time. Interparliamentary cooperation can take many forms. The presidents or speakers of each national parliament and the European Parliament meet annually to define the broad guidelines for this cooperation. The EU affairs committees of national parliaments and MEPs meet regularly in the Conference of Parliamentary Committees for Union Affairs (COSAC). More in-depth discussions on foreign policy or economic governance issues take place in the recently created interparliamentary conferences, which bring together members of the competent committees of each parliament.

European Parliament committees and national parliaments often invite their colleagues to debate specific EU proposals. In addition, video conferences allow parliamentarians to stay in touch and discuss current issues.

The primary goal is to consistently unite the right people, on the right topic, at the right moment.

Interparliamentary cooperation networks. The European Parliament actively supports two main networks that promote cooperation between parliaments. The Interparliamentary Exchange of Information on the EU (IPEX) allows the parliaments of the European Union to exchange EU-related documents. The European Centre for Parliamentary Research and Documentation (ECPRD) acts as a channel for information requests when a parliament wants to learn more about practices and policies in other EU countries.

10.4 The European Parliament after the Adoption of the Treaty of Lisbon

The Treaty of Lisbon, which entered into force at the end of 2009, gave the European Parliament new law-making powers and put it on an equal footing with the Council of the EU in deciding on the functioning of the EU and financial matters. It also reshaped Parliament's collaboration with other insti-

tutions and enhanced MEPs' influence over EU governance. All these reforms guaranteed that by voting in the European elections, you could shape the direction of Europe.

More powers. The Treaty of Lisbon enhanced the EU and its Parliament's ability to act and implement their decisions. It expanded the Parliament's full legislative power to over 40 new areas, including agriculture, energy security, migration, justice, and EU funds, placing it on an equal footing with the Council of the EU, which represents the governments of the member states. The Parliament also acquired the power to approve the entire EU budget alongside the Council.

MEPs were given the power to annul international agreements and did not hesitate to use this to stop the controversial Anti-Counterfeiting Trade Agreement (ACTA), which could harm fundamental freedoms. This episode proved that with increased powers, the decisions taken by MEPs have an even greater impact on the daily lives of Europeans.

A more powerful role. The Treaty of Lisbon granted Parliament the same legislative powers as the Council of the EU and empowered it to shape Europe's political direction. Under these changes, Parliament elects the President of the Commission, the EU's executive body, and this decision must align with the results of the European elections, reflecting the voters' choice.

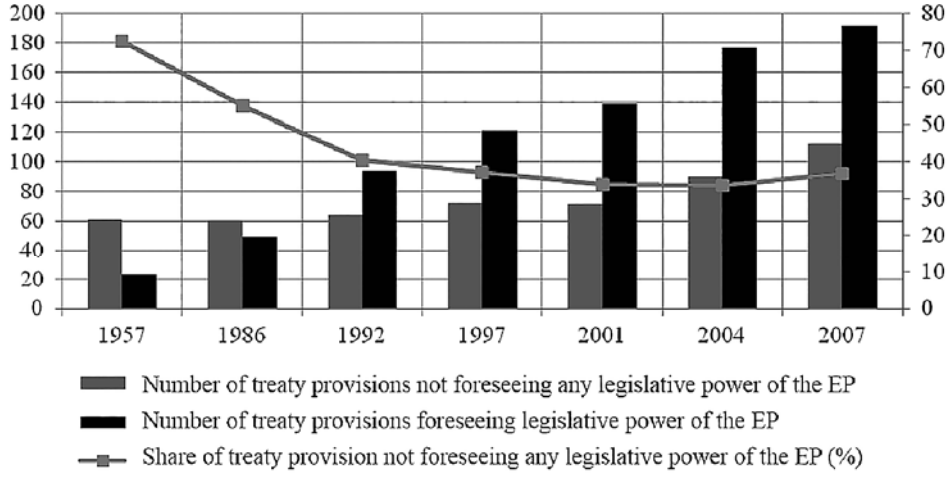
A stronger voice for citizens. As the only EU institution directly elected by citizens, Parliament has the power to hold EU institutions to account. Parliament is the guardian of the Charter of Fundamental Rights enshrined in the Treaty of Lisbon, and the newly created right of citizens' initiative allowing people to request new policy proposals if one million people sign a petition asking for it.

The legislative role of the European Parliament after the Treaty of Lisbon. Many European Union scholars argue that the Lisbon Treaty's entry into force ushered in a new phase in the European Parliament's functioning. Most of them highlight that the European Parliament is becoming an increasingly active participant in the legislative process, alongside the continued strengthening of its role within the EU governance framework.

The Treaty indeed reinforced the legislative role of this institution by expanding the co-decision procedure (renamed the ordinary legislative procedure) to areas such as agriculture, fisheries, the common agricultural policy, transport, structural funds, comitology, intellectual property, and more. The Treaty of Lisbon also reformed the assent procedure in the legislative process to strengthen the European Parliament's role, particularly through the introduction of article 218 of the Treaty on the Functioning of the European Union. According to this article, international agreements in areas gov-

erned by the ordinary or special legislative process require the Parliament's assent. The Lisbon Treaty also eliminated the cooperation procedure, under which the European Parliament held the weakest position after consultation. As a result, the European Parliament is expected to play a central role in the EU legal system.

However, if we consider the provisions on the legislative competence of the Parliament or their absence, the conclusion may be completely different (fig. 10.2). Paradoxically, the Treaty of Lisbon did not only expand the general legislative competence of the Parliament but also weakened it. Thus, since the entry into force of the Single European Act on 17–28 February 1986, the percentage of articles of primary law that did not grant legislative powers to the European Parliament gradually decreased, only increasing in the Treaty of Lisbon (from 33.8% in the Treaty of Nice to 36.8% in the Lisbon Agreement). Therefore, while the Lisbon Treaty significantly expands the powers of the EU legislature, it simultaneously excludes the European Parliament from some areas of decision-making, with the latter effect being dominant.



Explanations: Left Y axis – absolute number of provisions, right Y axis – relative number (percentage).

Figure 10.2 – The absolute and relative number of treaty provisions that do and do not confer legislative powers on the European Parliament (source: Kirpsza A. Legislative Challenges for the European Union after the Treaty of Lisbon Entered into Force. *Przegląd Zachodni.* 2013. № 1. S. 188)

Parliament is excluded from many areas of EU decision-making, and as a result, the Council of the EU is the most important legislator. It participates in all legislative procedures and in some cases, such as consultation or information, it has a formal legislative monopoly. Full access to information about the

decision-making process in the Council of the EU is essential for ensuring the transparency of EU institutional law. Since only the EU Council meetings are open to the public, the public can only review legislative proposals at the final adoption stage. Public oversight is impossible if a legislative proposal is agreed upon at lower levels of the EU Council's decision-making process. A working party and COREPER meetings are held behind closed doors, and the documents they review, are mostly confidential.

The next aspect relates to the gradual distortion of the legislative process, caused by using the Trilogue procedure for decision-making. This involves informal meetings between representatives of the Council of the EU, the Parliament, and the Commission during the early stages of the legislative process to reach an agreement. While the Trilogue fosters cooperation and interdependence among the participating institutions, it also has notable side effects: it shifts negotiations outside the formal structures of these institutions, restricts access to the legislative process to an elite group, assigns a small group of representatives the role of «legislative mediators,» creates asymmetry between the Council of the EU and Parliament in shaping EU legislation, reduces transparency, complicates the coordination and oversight of negotiations, and heightens the significance of national ties between Council and Parliament representatives in the legislative adoption process. This phenomenon undermines the formal legislative procedure that follows from the EU treaties.

The trend towards taking most policy decisions in separate Trilogies runs counter to open decision-making, which prompted the European Ombudsman to open an own-initiative inquiry into the openness of decision-making in the three Trilogues in 2015. Furthermore, she examined when and to what extent Trilogues are publicly announced, what institution documents are produced, and whether these documents are accessible to the public. Practice has shown that these requirements have not been met. Despite a joint interinstitutional declaration made in 2007, which states, among other things, that Trilogues will be announced «to the general public», they are not announced publicly. The European Parliament keeps records of when Trilogues are held for each draft law, but these records are not published, and the meeting documents are not accessible to the public. Progress in negotiations is recorded in so-called four-column documents, but they do not have a standard format for the content of the fourth column, which usually lists political compromises on the text, potential solutions, or points of disagreement. They are unofficial working documents and are not published online by the institutions. Those who want to see them depend on cumbersome access to document requests with long processing times and access is only granted once the legislative files have already been closed.

The third aspect that weakens the role of the parliament is the acceleration of legislative procedures by adopting early agreements and the virtual elimination of second and third readings. In 1999–2000, 17% of legislative acts were approved at first reading, in 2008–2009 their number increased to 80%, and even 85% during 2009–2014. The EU Council and Parliament Members have become politically and formally limited in their ability to amend legislative proposals. Public control over the legislative process at the plenary level of both institutions has also decreased. The time for discussions, debates with social partners, and political bargaining on the final version of the legislative proposal has been significantly reduced. The right of national parliaments to control the emergence of a law has also been blocked.

Another challenge for the European Parliament is the diminishing role of its committees in the legislative process. The percentage of committee amendments approved in the EP plenary session decreases from 90% to 31% if a Trilogue is held after the committee has adopted its opinion on a legal act, allowing for early approval. Parliament committees continue to lose influence on the legislative process due to the Trilogue, whose composition and negotiating structure are controlled by group coordinators. The weakening of the status of committees means that the participants in Trilogue meetings move away from the powers of the parliament, which violates the consensual way of adopting amendments. Thus, the possibility of legitimizing amendments by all, even the smallest parliamentary groups, is reduced. MEPs do not have access to expert opinions, which puts them in a difficult situation during the Trilogue negotiations, and therefore the democratic deficit is increasing.

QUESTIONS FOR SELF-ASSESSMENT

1. What institutions formed the basis of the European Parliament?
2. Describe the structure of the European Parliament.
3. How is each EU country represented in the European Parliament?
4. What political groups are represented in the European Parliament?
5. Identify the main powers of the European Parliament.
6. On what issues does the European Parliament cooperate with other bodies of the European Union?
7. Name the areas of cooperation of the national parliaments of the EU member states with the European Parliament.
8. What has changed in the functioning of the European Parliament after the adoption of the Treaty of Lisbon?
9. How has the Treaty of Lisbon affected the legislative role of the European Parliament?

RECOMMENDED READING

1. Brandsma G. J. Co-decision after Lisbon: The politics of informal trilogues in European Union lawmaking. *European Union Politics.* 2015. Volume 16, issue 2. P. 300–319.
2. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p. https://eugov.chmnu.edu.ua/wp-content/uploads/2016/05/English.-European-and-Euro-Atlantic-Integration.pdf.
3. Handbook of European Policies. Interpretive Approaches to the EU (2018) / Edited by Hubert Heinelt, Sybille Munch: Edward Elgar Publishing Limited, UK.
4. European Parliament. https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en.
5. European Parliament. https://www.europarl.europa.eu/portal/en.
6. Kirpsza A. Legislative Challenges for the European Union after the Treaty of Lisbon Entered into Force. *Przegląd Zachodni.* 2013. № 1. S. 185–209.
7. Європейська інтеграція: навчальний посібник для студентів вищих навчальних закладів та слухачів магістерської підготовки за напрямом «Державне управління» / кол. авт.; за заг. ред. проф. І. А. Грицяка та Д. І. Дзвінчука. Івано-Франківськ: Місто НВ, 2013. 464 с.
8. Право Європейського Союзу: підручник / за ред. В. І. Муравйова. К.: Юрінком Інтер, 2011. 704 с.
9. Сорока С. В. Законодавча роль Європейського Парламенту після прийняття Лісабонського договору. *Лісабонський договір – 10 років після набуття чинності. Що змінилося у функціонуванні ЄС?*: Науково-практична конференція: тези доп., (Миколаїв, 2 грудня 2019 р.) / ЧНУ ім. Петра Могили. Миколаїв, 2019. С. 28–31.
10. Сорока С. В. Правова та інституційна система Європейського Союзу і проблеми прийняття Конституції. *Світова та європейська інтеграція*: [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. С. 94–119.

TESTS

1. The predecessor of the European Parliament was:

a) the European Parliamentary Assembly

b) the European Coal and Steel Community

c) the Bundestag

2. The President of the European Parliament is elected for:

a) 5 years b) 4 years *c) 2.5 years*

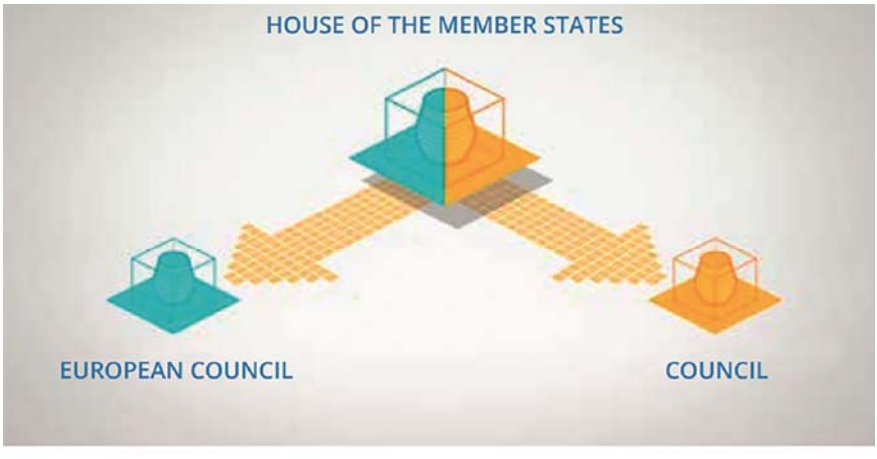
3. **The Members of the European Parliament are elected by direct universal suffrage for a term of:**
   a) 5 years b) 4 years c) 2.5 years
4. **What is the number of members in the European Parliament after the UK leaves the EU:**
   a) 751 b) 748 *c) 705*
5. **Which body does the European Parliament share the power to decide on the EU budget with?**
   a) the European Commission
   b) the European Council
   c) Council of the European Union
6. **The European Parliament has the right to approve the composition and dismiss:**
   a) the European Council
   b) the European Commission
   c) the Council of the European Union
7. **The right of citizens' initiative on EU legislation requires the signature of the following number of citizens:**
   a) 200 thousand people b) 500 thousand people *c) 1 million people*
8. **Which is the largest political group in the European Parliament:**
   a) Group of the European People's Party (Christian Democrats)
   b) Group of the Progressive Alliance of Socialists and Democrats
   c) Group of European Conservatives and Reformists
9. **The Trilogue procedure is:**
   a) informal meetings of representatives of the Council of the EU, Parliament, and the Commission to reach an agreement
   b) legislative procedure in the European Parliament
   c) decision-making process in the Council of the European Union

TOPIC 11 The European Council and the Council of the European Union in the Structure of EU Bodies

11.1 The Place and Role of the European Council and the Council of the EU in the Institutional Structure.
11.2 The European Council: Composition, Functions and Powers.
11.3 The Council of the European Union as a Key EU Body.

11.1 The Place and Role of the European Council and the Council of the EU in the Institutional Structure

The European Council and the Council of the EU, also known as the Council of Ministers, are the two key players in the EU's decision-making process. The activities and decisions of the European Council and the Council of the EU affect the lives of all European citizens and go far beyond Europe. The European Council comprises the Heads of State or Government and is led by a permanent President. The EU Council sets the political direction and priorities of the EU's work. Its origins can be traced back to the summit meetings of Heads of State or Government, which were first held in Paris in February 1961. The European Council was established in December 1974 and was formalized as an EU institution by the Treaty of Lisbon in 2007. Throughout its long history, the European Council has played a crucial role in European integration. Its history reflects that of the EU as a whole: its policies and ambitions, its crises, and its progress.



European Council and the Council - two EU institutions under the same roof

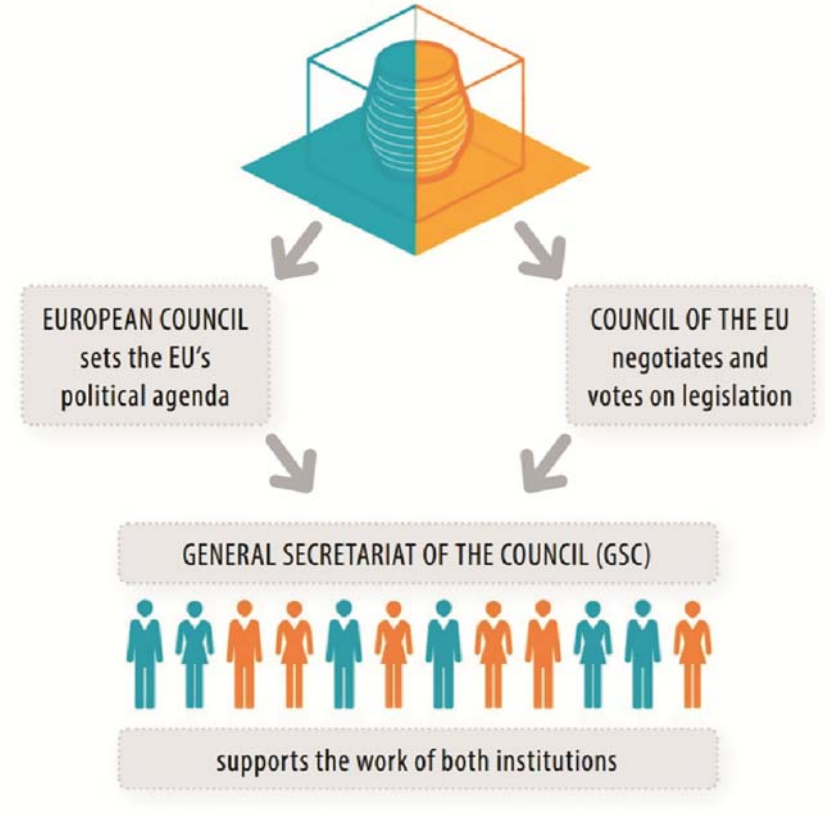
The Council of the EU, made up of representatives of the Member States, examines and adopts EU legislation, and negotiates and coordinates EU policies. In most cases, it takes decisions together with the European Parliament.

In political and administrative terms, there is a close organic link between the Council of the EU and the European Council. However, the European Council is not an extension of the Council of the EU, nor is it a Council at a higher level. Each has its distinct role in the EU's institutional architecture.

Working session at the Summit conference of 9-10 December 1974 in Paris, France

European Council and Council - different tasks

The Council of the EU in close cooperation with the European Parliament and the European Commission develops the real content and the European Council adopts the action program. It is this triad that essentially determines all current EU policy. At the same time, the legislative function is performed jointly by the Council of the EU and the European Parliament, and the executive function is performed by the Council of the EU and the European Commission. This unique opportunity for the Council of the EU to combine the functions of a legislative and executive body allows it to remain the informal leader of the EU, play a leading role in the process of European integration, and occupy a central place in the structure of the European Union.



General Secretariat of the Council. The main task of the General Secretariat is to assist the Council of the EU and its preparatory bodies in all their activities (indivisibility of the General Secretariat). The General Secretariat is at the service of the Council of the EU and, since the entry into force of the Treaty of Lisbon, also assists the European Council, which has become a separate institution.

At its first meeting in September 1952, the Coal and Steel Council established a Secretariat under the authority of the Secretary-General. When the

two Treaties of Rome entered into force (EEC and Euratom), the General Secretariat continued its activities accordingly. The Secretariat and the Secretary-General were thus referred to in subsequent versions of the Treaties. The Secretary-General is responsible for the General Secretariat management and is appointed by the Council acting by a qualified majority. The principle of a single Council also applies to its General Secretariat, which assists the Council and its preparatory bodies in all their activities.

The Secretary-General usually attends Council meetings on general matters. He is responsible for maintaining the continuity and advancement of the Council's activities and offering guidance to the Council. He is also in charge of managing the General Secretariat. The Secretary-General signs the minutes of Council meetings. The Secretary-General officially sends the acts for publication in the Official Journal. The Secretary-General of the Council is also the Secretary-General of the European Council. He attends European Council meetings and takes all necessary measures to organize its activities.

The General Secretariat is both the Council's «recordkeeper» (taking notes, organizing materials and planning meetings, producing, translating, and distributing documents and archiving them) and its advisor. It is constantly involved in organizing, coordinating, and ensuring the coherence of the Council's work and implementing its 18-month program. The General Secretariat, which employs around 3100 officials and other staff, nationals of EU Member States, is divided into seven Directorates-General, in addition to the Secretary-General's private office and the Council's legal service.

The Legal Service assists the Council and its preparatory bodies, the Presidency, and the General Secretariat in ensuring the legality and clarity of the drafting Council acts. It has the right and duty to intervene when it considers it necessary, orally or in writing, both at the working party and committee level, giving completely independent opinions on any legal question, whether at the request of the Council or on its initiative. It also represents the European Council and the Council of the EU before the Court of Justice of the EU. It is also responsible for checking the quality of the preparation of proposals and draft acts, and for formulating proposals for the Council and its bodies. It also advises the Intergovernmental Conferences of the Member States, if requested.

11.2 The European Council: Composition, Functions and Powers

The European Council is the EU institution that defines the general political direction and priorities of the European Union. It consists of the Heads of State or Government of the Member States, together with its President and the President of the European Commission. It is not one of the EU's

legislative institutions, so it does not negotiate or adopt EU laws. Instead, it sets the EU's political agenda, traditionally by adopting «conclusions» during European Council meetings that identify issues of concern and actions to be taken. More recently, the European Council has adopted a «strategic agenda» of priorities for the EU's long-term action and focus.

European Council meeting on 9 March 2017

President of the European Council Charles Michel

President of the European Council. The position of President of the European Council became a permanent and fully-fledged role after the entry into force of the Treaty of Lisbon in 2009. Previously, the European Council was an informal body and the President of the European Council held an informal position. The role was held by the Head of State or Government of the Member State holding the rotating presidency of the Council of the EU.

On 2 July 2019, EU leaders elected Charles Michel as President of the European Council. He took office on 1 December 2019.

The role of the President is defined in article 15 of the Treaty on European Union (TEU). In particular, the President of the European Council is responsible for:

- chairing meetings of the European Council;
- ensuring the preparation of meetings of the European Council and the continuity of their work, in cooperation with the President of the Commission and based on the work of the Council on general issues;
- helping to foster cohesion and consensus within the European Council;
- presenting a report to the European Parliament after each meeting of the European Council.

The President of the European Council also ensures the external representation of the EU at the level of Heads of State or Government on matters relating to the EU's common foreign and security policy (CFSP), alongside the High Representative of the Union for Foreign Affairs and Security Policy, who helps to implement the CFSP and ensure its unity, consistency, and effectiveness; at international summits, usually alongside the President of the European Commission.

Appointment of the President. The President of the European Council is elected by the European Council by a qualified majority for a term of 2.5 years, renewable once. By established practice, the rotating presidency coordinates the electoral process. During the European Council, which discusses the election of the President, this part of the meeting is chaired by the Head of State or Government representing the Presidency. The President may not simultaneously hold a national office. The General Secretariat of the Council of the EU assists the European Council and its President. The President also has a private office. Its staff and office are located in the Council of Europe building in Brussels, Belgium.

11.3 The Council of the European Union as a Key EU Body

The Council of the European Union is the main decision-making institution of the European Community. On the one hand, the Council of the EU acts as a Community body, on the other hand, it is a kind of forum within which the Member States of the European Union can voice their national interests. The Council approves Union legislation, concludes international agreements, and is responsible for coordinating the common economic policy of the Member States. It is composed of one representative at the ministerial level from each Member State. What does the Council of the EU do?

1. Negotiates and adopts EU laws.

The Council of the EU negotiates and adopts legislative acts in most cases with the European Parliament through the ordinary legislative procedure, also known as «co-decision». The co-decision procedure is a central legislative process in the Community's decision-making system. It is based on the

principle of parity, which means that neither institution (the European Parliament or the Council) can legislate without the consent of the other. It applies to decision-making in policy areas where the EU has exclusive or shared competence with the Member States. In these cases, the Council adopts legislative decisions based on proposals submitted by the European Commission.

2. Coordinates the policies of the Member States

The Council is responsible for coordinating the policies of the Member States in specific areas, such as:

- economic and fiscal policy: The Council coordinates the economic and fiscal policies of the Member States to strengthen economic governance in the EU, monitors their budgetary policies and strengthens the EU fiscal system, and addresses the legal and practical aspects of the euro, financial markets, and capital movements;
- education, culture, youth, and sport: The Council adopts policy decisions and EU work plans in these areas, which set out the priorities for cooperation between the Member States and the Commission;
- employment policy: The Council draws up annual guidelines and recommendations for the Member States based on the European Council conclusions on the employment situation in the EU.

3. Develops the EU's common foreign and security policy

The Council defines and implements the EU's foreign and security policy based on guidelines laid down by the European Council. This also includes the areas of development and humanitarian aid, defense, and EU trade. Together with the High Representative of the European Union for Foreign Affairs and Security Policy, the Council ensures the unity, consistency, and effectiveness of the EU's external action.

4. Concludes international agreements

The Council authorizes the Commission to negotiate on behalf of the EU between the EU and non-EU countries and international organizations. Once the negotiations have been concluded, the Council decides on the signing and conclusion of the agreement based on a proposal from the Commission. When the Parliament has given its consent to the agreement conclusion and has ratified it, the Council can make the final decision. These agreements may cover broad areas such as trade, cooperation, and development, or concern specific subjects such as textiles, fisheries, customs, transport, science and technology, etc.

5. Adopts the EU budget

The Council adopts the EU budget jointly with the Parliament. The budget period covers the calendar year. It is usually adopted in December and enters into force on 1 January of the following year.

6. Appoints members of the EU's subsidiary bodies – the Economic and Social Committee, and the Committee of the Regions.

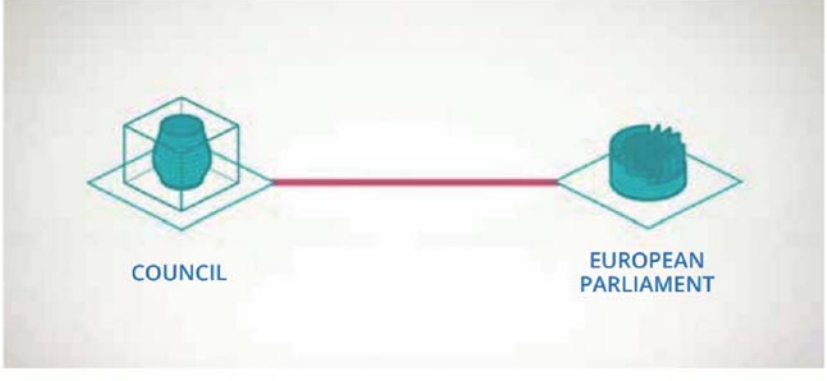
7. Requests the resignation of a member of the European Commission.

Chairs the Council of the EU. Rotating presidency

The Presidency of the Council is held every 6 months by one of the EU Member States. During these 6 months, the country holding the Presidency chairs the Council meetings at all levels, helping to ensure the continuity of the Council's work. The Member States holding the Presidency work closely together as a trio, known as a «trio». This system was introduced by the Treaty of Lisbon in 2009. The trio sets long-term objectives and prepares a joint agenda, which identifies the themes and main issues to be addressed by the Council over 18 months. Based on this program, each of the three countries prepares its own more detailed 6-month program.

Decision-making process in the Council of the EU

The Council is the main decision-making body in the EU. It negotiates and adopts new EU legislation, adapts it where necessary, and coordinates policies. In most cases, the Council makes decisions with the European Parliament through the ordinary legislative procedure, also known as «co-decision». The co-decision process is used in policy areas where the EU has exclusive or shared competence with the Member States. In these cases, the Council adopts legislative decisions based on proposals submitted by the European Commission. In certain areas, the Council makes decisions through special legislative procedures – the assent and consultation procedures – where Parliament's role is restricted.



Under the ordinary legislative procedure, the European Parliament and the Council legislate together

Consent: The European Parliament may adopt or reject a legislative proposal by an absolute majority, but cannot amend it. Under the assent procedure, the Council may adopt legislative proposals after obtaining the consent of the European Parliament. Parliament therefore has the power to adopt or reject a legislative proposal by an absolute majority, but cannot amend it. The Council does not have the right to reject Parliament's opinion.

As a legislative procedure, assent is used for adopting new legislation on combating discrimination, and for giving Parliament a veto when the general legal basis of a subsidiary nature is applied under article 352 of the Treaty on the Functioning of the EU.

Parliament's consent is also required as a non-legislative procedure when:

- the Council adopts certain international agreements negotiated with the EU;
- in cases of serious violations of fundamental rights (article 7 of the Treaty on European Union);
- for the accession of new EU members;
- arrangements for the withdrawal of the EU.

Consultation: The European Parliament may approve, reject, or propose amendments to a legislative proposal.

Legal basis: article 289(2) of the Treaty on the Functioning of the European Union.

Under the consultation procedure, the Council adopts a legislative proposal after Parliament has delivered its opinion. In this procedure, Parliament may approve, reject, or propose amendments to the legislative proposal. The Council is not legally obliged to consider Parliament's opinion, but according to the case law of the Court of Justice, it must not decide without receiving it. The procedure applies in several areas, such as exceptions to internal market rules and competition law. Consultation of Parliament is also required as a non-legislative procedure when international agreements are adopted under the common foreign and security policy.

More than 150 working parties and committees help prepare the work of ministers examining proposals in the various configurations of the Council. These working parties and committees consist of officials from all the Member States.

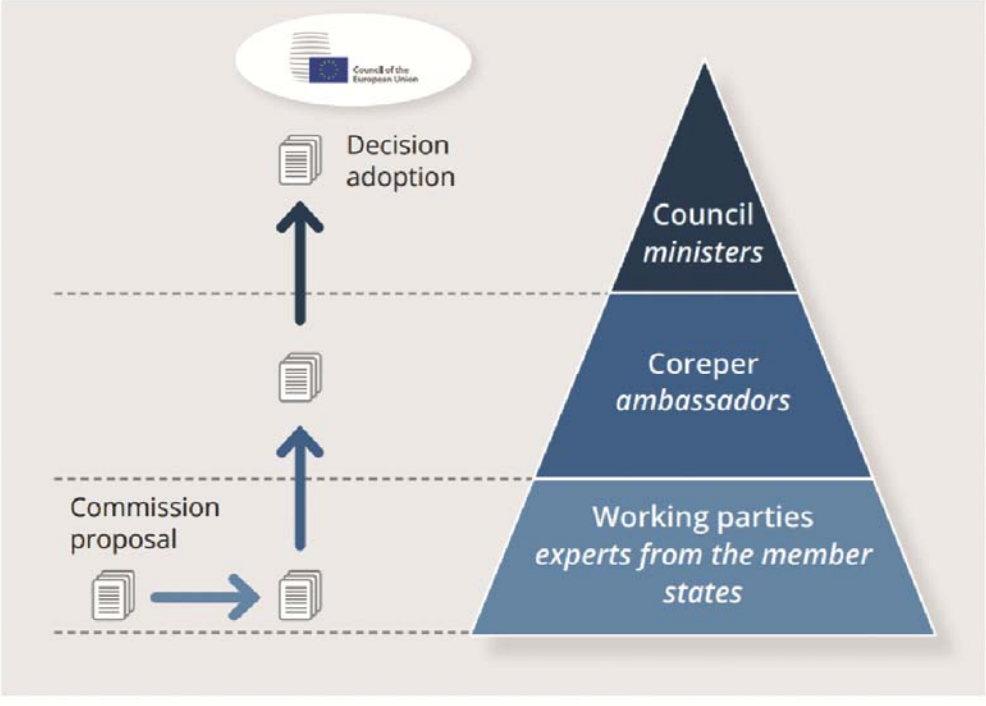
After receiving the Commission's proposal, the Council and the European Parliament review the text simultaneously. This examination is known as a «reading». There can be up to three readings before the Council and Parliament agree or reject the legislative proposal.

The Council can sometimes adopt a political agreement while awaiting Parliament's position at first reading, also known as a «general approach». The Council gives Parliament an opinion on its position on a legislative proposal submitted by the Commission. This political agreement is usually used to speed up the legislative procedure and facilitate agreement at first reading between Parliament and the Council. A general approach agreed in the Council can help speed up the legislative procedure and even facilitate agreement between the two institutions, as it gives Parliament an indication of the Council's position before their first reading. However, the Council's final position cannot be adopted until Parliament has delivered its opinion at first reading.

During each reading, the proposal passes through three levels in the Council:

1. Working group.
2. Committee of Permanent Ambassadors (Coreper)[1].
3. Council configuration.

This ensures technical scrutiny of the proposal at the working party level, its political ownership at the ministerial level, and scrutiny by ambassadors in Coreper, who combine technical expertise with political considerations.



Decision-making in the Council

1. Working group

The Council Presidency with the assistance of the General Secretariat determines and convenes the relevant working group to consider the proposal. The working party starts with a general examination of the proposal and then examines it step-by-step. There is no formal time limit on the time within which the working party can complete its work, the time taken depends on the nature of the proposal. The working group is also not obliged to present an agreement, but the outcome of its discussions is presented to Coreper.

[1] Coreper – «Committee of Permanent Representatives of the Governments of the Member States to the European Union». Coreper is the main preparatory body of the Council. It is not a decision-making body. Main tasks: coordinates and prepares the work of the different configurations of the Council, ensures the coherence of EU policies, develops agreements and compromises, which are then submitted to the Council meetings.

2. Committee of Permanent Ambassadors (Coreper)

The basic attitude towards a proposal depends on the agreement reached at the working group level. If a consensus is possible without debate, the items are listed in Part I of the Coreper agenda. However, if further discussion is required due to unresolved aspects in the working party, the items are moved to Part II of the Coreper agenda. In this case, Coreper may:

– try to negotiate a settlement;
– refer the proposal back to the working party, possibly with compromise proposals;
– refer the matter to the Council.

Most proposals are put on the Coreper agenda several times as representatives try to resolve differences that the working group has not overcome.

Coreper 1 (deputy permanent representatives) prepares the Council	Coreper 2 (permanent representatives) prepares the Council
Agriculture and fisheries	Economic and financial affairs
Competitiveness (industry, research)	Foreign affairs
Education, youth, culture and sport	General affairs
Employment, social policy, health and consumer affairs	Justice and home affairs
Environment	
Transport, telecommunications and energy	

3. Council configuration

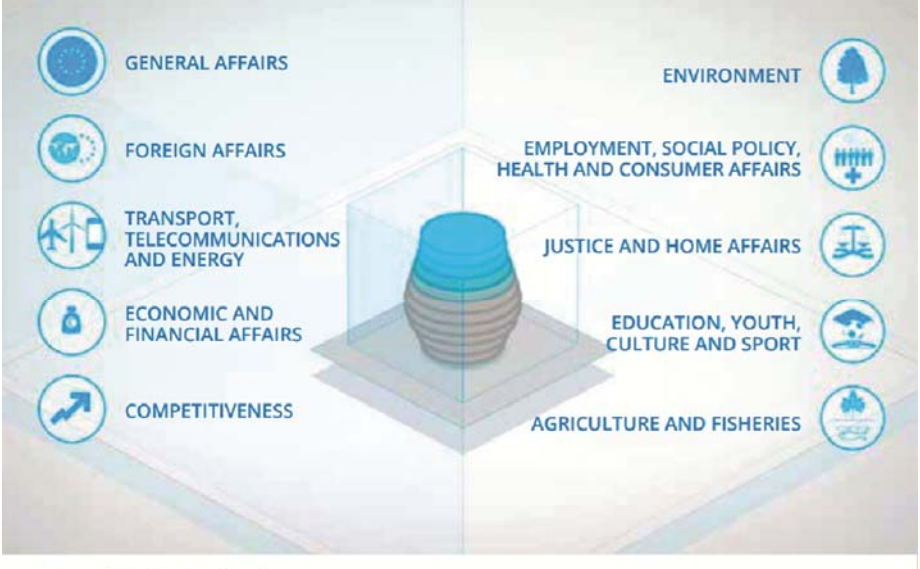
If Coreper concludes its discussion on the proposal, it will be classified as an «A» item on the Council agenda, indicating that approval is anticipated without further debate. As a rule, around two-thirds of the items on the Council agenda will be adopted as «A» items. These items may still be reconsidered if one or more Member States request a reopening of the discussion.

The «B» section of the Council agenda includes items:

– leftover from previous Council meetings;
– on which no agreement has been reached either in Coreper or at the working group level;
– which are too politically sensitive to be resolved at a lower level.

The results of Council votes are automatically made public when the Council acts as a legislative body. If a Council member wants to attach an explanatory note to their vote, it will be made public if the legislative act is approved. In other cases where explanations of votes are not automatically published, they may be made public at the author's request.

Configurations of the EU Council. The Council of the EU is a single legal entity, but it meets in 10 different «configurations», depending on the subject under discussion. There is no hierarchy between the Council's structures, although the General Affairs Council has a specific coordinating role and is responsible for institutional, administrative, and communication issues. The Foreign Affairs Council also has special competence. Any of the 10 Council configurations can adopt an act that falls within the scope of another configuration. The Council therefore makes no reference to the configuration in any legislative act.



The ten Council configurations

Voting system. Depending on the issue under discussion, the Council of the EU makes its decisions by voting in the following ways:

1) the simple majority (14 member states vote «in favor»);
2) the qualified majority (55% of member states representing at least 65% of the EU population vote «in favor»);
3) unanimous vote (all votes «in favor»).

1. The simple majority

A simple majority shall be obtained if at least 14 members of the Council vote in favor.

The Council voting system includes 3 types of voting

The Council shall act by a simple majority:

– on procedural matters, the adoption of rules governing the work of committees;
– in cases where the Commission is invited to conduct studies or submit proposals.

2. The qualified majority:

– 260 votes cast by a majority of its members, on a proposal from the Commission;
– 260 votes cast by at least two-thirds of its members, in other cases at the request of a member: verification that the Member States voting in favor constitute at least 62% of the population of the European Union.

Qualified majority or «double majority»:

– 55% of the Member States, comprising at least 16 members out of 28, when they act on a proposal from the Commission and/or the High Representative;
– 72% of the Member States, comprising at least 21 members out of 28, in other cases the Member States voting in favor represent at least 65% of the population of the Union («reinforced qualified majority»).

Qualified majority is the most widely used voting method in the Council. It is used when the Council makes decisions under the ordinary legislative procedure, also known as co-decision. A blocking minority must include at least four members of the Council representing more than 35% of the EU population. Around 80% of all EU legislation is adopted using this procedure.

3. Unanimity

The Council must vote unanimously on several issues that the Member States consider sensitive. For example:

– common foreign and security policy (except in certain clearly defined cases requiring a qualified majority, such as the appointment of a special representative);

- citizenship (granting new rights to EU citizens);
- EU membership;
- harmonization of national legislation on indirect taxation;
- EU finances (own resources, multiannual financial framework);
- certain provisions in the area of justice and home affairs (European Public Prosecutor, family law, operational police cooperation, etc.);
- harmonization of national legislation on social security and social protection.

In addition, the Council should vote unanimously to reject Commission proposals when the Commission cannot agree on amendments to its proposal. This rule does not apply to acts requiring adoption by the Council based on a recommendation from the Commission, particularly in the area of economic coordination.

In the case of a unanimous vote, abstentions do not prevent a decision.

How the different voting systems in the Council work

The Council can only vote if a majority of its members are present. The Council can vote on a legislative act 8 weeks after the draft act has been sent to national parliaments for consideration. National parliaments must decide whether the draft law complies with the principle of subsidiarity. An early vote is only possible in cases of particular urgency. The President of the Council initiates the vote. A member of the Council or the Commission may also initiate the voting procedure, but most Council members must approve this initiative. The results of the Council's vote are automatically made public when the Council acts as a legislative body. If a member wishes to add an explanatory note, it will also be made public if the legislative act is adopted. In other cases, where explanations of votes are not automatically published, they may be made public at the author's request.

Council conclusions and resolutions

The Council of the EU agrees and adopts legislative acts, and such documents as conclusions, resolutions, and declarations, which do not have legal force. The Council uses these documents to express a political position concerning the EU's areas of activity. These documents only set out political commitments or positions – they are not provided for in the treaties. Therefore, they do not have legal force.

Other EU institutions have similar ways of expressing their position. For example, the Commission publishes Green Papers to facilitate debate on topics at the EU level. A Green Paper invites relevant organizations or individuals to discuss Commission proposals that may later become legislative acts. Parliament can also draft resolutions and recommendations on matters within the EU's competence.

Council conclusions are adopted after debates during a Council meeting. They may contain a political position on a particular subject. It is important to distinguish between Council and Presidency conclusions in the Council of the EU. The Council issues Council conclusions. Presidency conclusions in the EU Council only express the position of the country holding the Presidency of the EU Council and do not represent the Council as a whole.

Council resolutions usually announce future action in a particular policy area. They have no legal force, but they may invite the Commission to submit a proposal or to take further action. If the resolution is not fully within the EU's competence, it is issued as a «resolution of the Council and the representatives of the governments of the Member States.»

Conclusions and resolutions are used for different purposes, such as:

- to propose to a Member State or another EU institution to take action on a specific issue. These conclusions are often adopted in areas where the EU has the power to support, coordinate, and supplement, such as health or culture;
- to ask the Commission to prepare a proposal on a specific topic. This is outlined in article 241 of the Treaty on the Functioning of the European Union (TFEU);
- to coordinate the actions of the Member States. These conclusions are used when the Council pursues the objective of political coordination through a process. In such cases, conclusions or resolutions are drafted to establish objectives or evaluate progress;
- to set out the EU's position on a specific event or country, within the Common Foreign and Security Policy (CFSP) framework. They express a political position or assess an international event on behalf of the EU;
- to establish a coordinated position between the EU and its Member States in international organizations. For example, the Council may draft conclusions for the EU's participation in international fora;
- to express comments and possible solutions to problems identified in special reports of the Court of Audit.

Before being adopted, the conclusions go through three levels in the Council:

1. Working group.
2. Permanent Ambassador Committee (Coreper).
3. Council configuration.

The relevant Council configuration then adopts the text. Council conclusions must be adopted by consensus between all member states. If ministers disagree with the text, amendments can still be proposed. In exceptional cases, the Council may not be able to agree on the conclusions. In such cases, the text is sometimes adopted as «Presidency conclusions», which do not require agreement by the member states.

QUESTIONS FOR SELF-ASSESSMENT

1. Identify the place and role of the European Council and the Council of the EU in the institutional structure of the European Union.
2. What are the main tasks and functions of the Council's General Secretariat?
3. What are the composition and functions of the European Council?
4. Describe the procedure for electing and the powers of the President of the European Council.
5. What are the composition and functions of the Council of the European Union as a key EU body?
6. How is the presidency of the Council of the EU, the so-called rotating presidency, carried out?
7. What are the powers of the Permanent Representatives Committees Coreper 1 and Coreper 2?
8. Identify the 10 main configurations of the Council of the European Union.
9. Analyze the voting system in the Council of the EU.
10. How is qualified majority voting carried out in the Council of the EU?
11. What issues require unanimous voting in the Council of the EU?

RECOMMENDED READING

1. Comments on the Council's rules of procedure. European Council's and Council's rules of procedure, 2016. https://www.consilium.europa.eu/media/29824/qc0415692enn.pdf.
2. Guide to the ordinary legislative procedure, 2016 https://www.consilium.europa.eu/media/29872/qc0415816enn.pdf.
3. The European Council and the Council of the EU through time. Decision and law-making in European integration, 2016. https://www.consilium.europa.eu/media/33261/qc0418220enn.pdf.
4. The European Council and the Council. The House of the member states, 2018. https://www.consilium.europa.eu/media/33114/2016-8008_en_web.pdf.
5. Офіційний сайт Європейської ради та Ради ЄС: https://www.consilium.europa.eu/en/.
6. Право Європейського Союзу: підручник / за ред. В. І. Муравйова. К.: Юрінком Інтер, 2011. 704 с.
7. Сорока С. В. Законодавча роль Європейського Парламенту після прийняття Лісабонського договору. *Лісабонський договір – 10 років після набуття чинності. Що змінилося у функціонуванні ЄС?*: Науково-практична конференція: тези доп., (Миколаїв, 2 грудня 2019 р.) / ЧНУ ім. Петра Могили. Миколаїв, 2019. С. 28–31.
8. Сорока С. В. Правова та інституційна система Європейського Союзу і проблеми прийняття Конституції. *Світова та європейська інтеграція*: [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. С. 94–119.

TESTS

1. **The European Council was established:**
   a) 1961 *b) 1974* c) 2007
2. **The European Council is an EU institution that:**
   a) sets the general political direction and priorities of the EU
   b) examines and adopts EU legislation
   c) negotiates and coordinates EU policies
3. **The following were elected as President of the European Council in 2019:**
   a) Herman van Rompuy b) Donald Tusk *c) Charles Michel*
4. **During each reading, a proposal goes through three levels in the EU Council:**
   a) working party, Committee of Permanent Representatives (Coreper), Council configuration
   b) Council configuration, working party, Committee of Permanent Representatives (Coreper)
   c) Committee of Permanent Representatives (Coreper), working party, Council configuration
5. **How many configurations of the EU Council are there:**
   a) 5 b) 8 *c) 10*
6. **The Presidency of the Council of the EU in the second half of 2020 is held by:**
   a) Croatia *b) Germany* c) Finland
7. **Qualified majority voting in the Council of the EU occurs when:**
   a) 72% of the Member States representing at least 55% of the EU population are in favor
   b) 35% of the Member States representing at least 80% of the EU population are in favor
   c) 55% of the Member States representing at least 65% of the EU population are in favor
8. **A blocking minority for a decision in the Council of the EU must include:**
   a) at least 4 members of the Council representing more than 35%
   b) at least 16 members of the Council representing more than 35%
   c) at least 21 members of the Council representing more than 35%
9. **On which issues must the Council of the EU vote unanimously:**
   a) on procedural matters, the adoption of rules governing the activities of committees
   b) common foreign and security policy
   c) in cases where the Commission is instructed to conduct studies and submit proposals

TOPIC 12 The European Commission: composition, functions and powers

12.1 Organizational Structure of the European Commission.
12.2 Appointment Procedure of the European Commission.
12.3 Activities and Main Priorities of the European Commission.

12.1 Organizational Structure of the European Commission

The European Commission is one of the main EU institutions of a supranational nature, which occupies a leading place in the EU governance system. In the literature, this body is often compared to the government institution in each national state. However, such a comparison is only partially fair. In terms of its status, place, and role in the mechanism of the European Union, and many other parameters, the European Commission is similar to the government of a state. However, one of the most important attributes of a responsible government – forming the European Commission on a party-political basis – is completely absent in the EU.

The European Commission, as the executive body of the European Union, promotes the general interest of the Union and takes appropriate initiatives to that end. It ensures the application of the Treaties and supervises the application of EU law under the supervision of the Court of Justice of the European Union. The Commission carries out coordination, executive, and management functions, implements the budget, and manages programs. The internal functioning of the Commission is based on several key principles that underpin effective governance: clear roles and responsibilities, compliance with the criteria of good governance and compliance with the legal framework, clear accountability mechanisms, a high-quality and comprehensive regulatory framework, openness and transparency, and high standards of ethical conduct.

The Commission has a unique governance system with a clear distinction between political and administrative oversight structures and clearly defined lines of responsibility and financial accountability. The origins of this system lie in the Treaties, but the structure has evolved to adapt to changing circumstances and to reflect best practices set by relevant international standards. The College of Commissioners represents the pinnacle of this architecture and assumes collective political responsibility for the work of the Commission. It consists of 27 Commissioners, appointed for a term of 5 years.

The President is the President of the European Commission. Following the EU Treaties, the President decides on the organization of the Commission and allocates portfolios to individual Commissioners. The President also sets the Commission's policy agenda. The President represents the Commission at European Council meetings, at G7 and G20 summits, at summits with non-EU countries, and major debates in the European Parliament and the Council of the EU.

Composition of the European Commission, headed by President Ursula von der Leyen

Role of the Commissioners. The Commission includes one Commissioner from each EU country, but their job is to protect the interests of the EU as a whole, not national interests. Commissioners are officials who, among other things, decide on the Commission's strategy and policies, propose laws, funding programs, and the annual budget for discussion and adoption by the Parliament and the Council.

College of Commissioners. The Treaty on European Union (article 17) and the Treaty on the Functioning of the European Union (articles 244–250) outline in detail the legal requirements for Commissioners, both individually and as a collective body. Article 17 of the Treaty on European Union states that the Members of the Commission shall be elected based on their general competence. They shall be politically responsible and the Commission shall be accountable to the European Parliament. The Members of the Commission

shall be completely independent in performing their duties, i.e. they shall not take instructions from any government, body, office, or institution. They shall refrain from any action incompatible with their duties or the performance of their tasks. The Code of Conduct for Commissioners clarifies the obligations of Commissioners arising from the Treaties, in particular the principle of independence, possible conflicts of interest, and their obligation to carry out their duties in the general interest of the European Union. An independent ethics committee advises the Commission on the compatibility of their actions with EU law and any ethical issues related to the Code.

Members of the Commission shall resign at the request of the President. Furthermore, if Commissioners no longer fulfill the conditions required for performing their duties or if they have been guilty of serious misconduct, the Court of Justice may, on application by the Council or the Commission, compulsorily dismiss them.

Both the College and the Commission work under the political authority of their President. The President decides on the internal organization of the Commission to ensure its coherence, efficiency, and collegiality of action. The principle of collegiality, which governs all the work of the Commission, means that all Members of the Commission participate equally in the decision-making process and bear collective political responsibility for all decisions and actions taken by the Commission. The President may also appoint Vice-Presidents from among the Members of the Commission, in addition to the High Representative of the Union for Foreign Affairs and Security Policy. The Vice-Presidents assist the President in exercising his or her functions and powers in their areas of responsibility. They are entrusted with clearly defined projects and coordinate the Commission's work by the priorities set out in the President's political recommendations.

The Members of the Commission are responsible for implementing the political priorities set out in the Commission's Work Program, with the assistance and support of their cabinets and Commission services. Those Vice-Presidents who do not have a service reporting directly to them are supported in their functions by the Secretariat-General, which is the President's main service. Through the Secretariat-General, Vice-Presidents can contact any service in the Commission whose work is relevant to their area of responsibility. Their leadership and coordination role in their area of responsibility involves bringing together several delegates and different parts of the Commission to formulate a coherent policy and achieve results.

The Commission also carries out an important range of financial and management tasks. The internal arrangements of the College provide a framework for sound control and management tools that allow the College to take political responsibility for making decisions, and for its coordination, executive, and management functions, as provided for in the Treaties.

The Commission is accountable to the European Parliament, which may pass a censure motion on the Commission (article 234 of the Treaty on the Functioning of the European Union). If such a motion is passed, the Members of the Commission resign. The Parliament decides annually, based on a recommendation from the Council, on the Commission's implementation of the EU budget (article 319 of the Treaty on the Functioning of the European Union).

Departments and agencies. The Commission is organized into policy departments, known as Directorates-General, and responsible for different policy areas. Directorates-General develop, implement, and manage EU policy, law, and funding programs. In addition, service departments deal with certain administrative matters. Executive agencies manage programs set up by the Commission. The total number of departments and agencies today is 55.

Statistical Bulletin for COMMISSION on 01/01/2020

Staff by Job Locations

	Officials	Temporary staff	Contract staff	Others	Total
Belgium	15 715	1 423	4 458	32	21 628
Outside EU	600	2	1 043	2 543	4 188
Luxembourg	3 006	94	547	75	3 722
Italy	940	12	777	8	1 737
Spain	138		226	12	376
Germany	223	3	50	7	283
Netherlands	138	2	93	2	235
Ireland	155	3	20	1	179
France	29		21	2	52
Greece	22	1	26		49
United Kingdom	14		14	7	35
Poland	11	1	22		34
Austria	12		11	2	25
Finland	11		13		24
Cyprus	9	1	13		23
Czechia	10		13		23
Hungary	10		13		23
Portugal	12		10		22
Romania	6	2	14		22
Croatia	8		12		20
Denmark	10		10		20
Sweden	9		10		19
Slovakia	7		11		18
Slovenia	9		8		17
Bulgaria	5		11		16
Lithuania	7		9		16
Estonia	5	2	8		15
Latvia	5		8		13
Malta	6		7		13
Total	21 132	1 546	7 478	2 691	32 847

Others include: Temporary staff;Officials;Local staff;Contract staff;Special advisers;Agents under national law

European Commission staff at work

Commission offices. The Commission has representations around the world. Within the EU, representations act as the voice of the Commission in the host country. Offices outside the EU, known as delegations, are managed by the European External Action Service. They help promote EU interests and policies and run several outreach programs.

European Civil Service. The staff of the European Commission are part of the European Civil Service. Around 33,000 permanent and contract staff work for the Commission. This includes politicians, researchers, lawyers, and translators.

Code of conduct. European civil servants are governed by and must comply with a code of conduct in performing their professional duties, both during their office term and after leaving office. These rules are set out in the Staff Regulations and the Code of Good Administrative Behavior. If a citizen considers that a Commission employee has breached the Code of Conduct, he or she may complain.

12.2 Appointment Procedure of the European Commission

Election of the President. Every five years, the European Council, consisting of the Heads of State or Government of the EU, proposes a candidate for President of the Commission from the European Parliament. This candidate for President is proposed based on the political composition of Parliament following the elections to the European Parliament. As a rule, he or she is elected from the largest political group in Parliament. The candidate requires the consent of an absolute majority of the Members of Parliament.

Evolution of the procedure for electing the President of the European Commission. Initially, the European Parliament did not play a role in appointing the President of the European Commission. The 1992 Maastricht Treaty gave it a consultative role in this process for the first time. The European Parliament also gained the right to approve the composition of the European Commission. According to the 1997 Treaty of Amsterdam, the European Parliament gained the power to approve the candidacy of the President of the European Commission. At the same time, the power to nominate a candidate for this high position remained in the hands of national governments. Until the Treaty of Nice in 2001, the President of the European Commission was appointed by common accord of the governments of the member states, and after that – formally by a qualified majority (in practice, consensus was still necessary). As a result, the appointment process continued to be opaque, or rather, hostage to «backroom bargaining» between governments.

With the Treaty of Lisbon in 2007, the relevant provisions underwent further changes. The founding Treaties now require the European Council to nominate the President of the European Commission by a qualified majority,

«taking into account the elections to the European Parliament» and «after appropriate consultations», and provide that the proposed candidate must be «elected» by the European Parliament by a majority of its members (376 out of 751 votes) or 353 out of 705 if the UK MEPs are not included. The Treaties also state that the European Parliament and the European Council «share responsibility» for the smooth running of the process leading to the election of the President of the European Commission, in particular by paying due regard to respecting the «geographical and demographic diversity» of the EU and its Member States in this process. Finally, as required by the Treaties, if the European Parliament does not obtain the required majority, the European Council, acting by qualified majority, must propose a new candidate within one month, who will be elected by the European Parliament, following the same procedure.

In practice, the «best candidate» procedure (Spitzenkandidaten in German) is used to determine the candidate for the position of President of the European Commission. Before the elections to the European Parliament, European parties select a candidate who will be the face of the party and a potential future President of the European Commission. After the elections, a European party that can lead a coalition or a majority can expect that its Spitzenkandidat may become President of the Commission. It should be noted that the Lisbon Treaty does not explicitly mention the process by which European political parties nominate candidates for the position of President of the European Commission, nor the process known as Spitzenkandidaten. It can therefore be called a creative interpretation of the Treaty, both on the part of the European Parliament and the European Commission.

The Spitzenkandidat procedure was first used in 2014 to elect the President of the European Commission. Each political group in the European Parliament selected a lead candidate for the 2014 European Parliament, expecting the largest political group would have the mandate to lead the Commission. As a result, Jean-Claude Juncker was elected President of the Commission, as he was the lead candidate from the center-right European People's Party (EPP), which had won the most seats. The system aimed to increase the transparency of the process of electing the President, whose candidacy had previously been chosen by the European Council before requiring the approval of the European Parliament. The European Parliament campaigned in 2014 under the slogan «this time it's different»: by voting in the European elections, European Union citizens would not only elect the Parliament but could influence who would lead the EU's executive branch, the European Commission. Recall that in the 2014 European elections, the European People's Party won 221 seats (29.43% of the vote) and became the largest group in the parliament. It was followed by the Progressive Alliance of Socialists and Democrats with 191 seats (25.43% of the vote). On 26-27 June 2014, the

European Council nominated J. C. Juncker as the candidate for President of the European Commission by a qualified majority (the United Kingdom and Hungary voted against). The Prime Minister of the United Kingdom, D. Cameron, objected to how J. C. Juncker was nominated, noting that this is a «sad moment for Europe», and expressed «disappointment that it has come to this point». In the past, such appointments were made by EU leaders – the European Council – unanimously. On July 15, 2014, the European Parliament elected J. C. Juncker as President of the European Commission with 422 votes in favor, 250 against, and 47 abstentions. He took office on November 1, 2014.

The May 2019 European elections have made the European Parliament more fragmented. The European People's Party won 23.8% of the seats, and the Progressive Alliance of Socialists and Democrats 20.37%. Analysts viewed the election results as a factor that could negatively impact the selection of leaders for the key institutions of the European Union, including the President of the European Commission. The main issue was whether it would be possible to apply the Spitzenkandidaten process.

The candidate for the President of the Commission was to be proposed by the European Council by a qualified majority. The European Council has discussed the appointment many times at its informal and formal meetings since February 2019, but none of the party candidates has found a response among the «elites». On 28 May 2019, a group of six national leaders – representatives of the largest political groups in the new European Parliament – was submitted for further discussion. Despite lengthy negotiations, no agreement was reached at the summit on June 20.

A special meeting of the European Council was held on 30 June – 2 July 2019. Ursula von der Leyen's candidacy, which was not presented in the official race, was announced among other candidates. It is important that A. Merkel, the only one among the heads of government of the EU member states, abstained from voting on the candidacy of U. von der Leyen. After debates on 16 July, the European Parliament approved U. von der Leyen as President of the European Commission (383 votes in favour, 327 against). The Brussels-born German mother of seven, who previously served as Minister for Family Affairs (2005–2009), Minister for Labor and Social Affairs (2009–2013), and Minister of Defense (2013–2019) in Germany, became the ideal candidate for the majority, the embodiment of the European way of life, European values, and European security.

The procedure for electing the President of the European Commission marked a departure from the Spitzenkandidaten approach, which was successfully replaced by the principle of the «candidate of political expediency.» Indeed, all the «lead candidates» from the European political groups – Manfred Weber, Frans Timmermans, Margrethe Vestager, Ska Keller, Nico Cu, and Jan Zagradil – were not elected to the position. The election of Ursula von der

Leyen as President of the European Commission is an occasion to draw attention to the vicissitudes of the institutional development of the European Union, which operates in conditions of a permanent deficit of democratic control and an equally permanent struggle of institutions for their powers.

Team selection. The President-elect of the European Commission selects potential Vice-Presidents and Commissioners based on proposals from EU countries. The list of candidates must be approved by all EU heads of state or government at meetings of the European Council. Each candidate must appear before the relevant parliamentary committee. The committee members then vote on the candidate's suitability for the position. Once the 27 candidates are approved, the European Parliament votes on whether to approve the entire team. After Parliament's vote, the European Council formally appoints the Commissioners.

Accountability. The European Commission is democratically accountable to the European Parliament, which has the power to approve and dismiss the entire political leadership of the Commission. The European Commission is also responsible for the implementation of the EU budget. Each year, Parliament decides whether or not to grant the European Commission a discharge for implementing the EU budget. Parliament bases its decision on several reports from the European Court of Auditors and the European Commission, including the annual report on the management and performance of the EU budget.

Decision-making. All members of the Commission are equal in the decision-making process and bear equal responsibility for these decisions. The Commission makes collective decisions on its work through written or oral procedures.

12.3 Activities and Main Priorities of the European Commission

The main powers of the European Commission are:

- ensuring compliance with and implementation of the provisions of the founding treaties and implementing initiatives taken for these purposes;
- monitoring compliance with EU law, participating in law-making activities;
- exercising leadership, coordination, and management functions in the field of internal policy;
- powers in the financial and budgetary sphere;
- powers in the field of external relations.

Weekly meetings of the Commissioners. The Board consists of 27 Commissioners and normally meets at least once a week. This weekly decision-making procedure is called the oral procedure. In practice, the Commission-

ers meet every Wednesday morning in Brussels. However, during the plenary sessions of the European Parliament in Strasbourg, the meeting takes place on Tuesday. In addition to the weekly meetings, the President of the Commission can also request extraordinary meetings of the Commission when circumstances require. They are held to discuss a specific topic or event.

Commission agenda. The President of the Commission sets the agenda for each meeting, which is closely aligned with the Commission's annual work program. Each item on the agenda is presented by the Commissioner responsible for the area concerned. A collective decision on the matter is then taken by all Commissioners present.

Collective decision-making. The Commission operates on the principle of collegiality. Decisions are taken collectively by the College of Commissioners, which is accountable to the European Parliament for the decisions taken. Each of the 27 Commissioners has an equal voice in the decision-making process and is equally responsible for the decisions.

Guaranteeing collegiality:

- quality of decisions taken, as each Commissioner must be consulted on each proposal;
- institutional independence, as decisions are taken without any pressure;
- distribution of political responsibility among all Commission members, even when decisions are made by majority vote.

The College makes decisions by voting. For a decision to be adopted, a majority of the members of the College must vote in favor of it. Each member of the Commission has one vote and may only vote in person.

Attendance at meetings. Commissioners are required to attend all College meetings. If they are late, they must inform the President in good time. Any absence from College meetings must be justified by exceptional circumstances and be justified.

Weekly meeting reports. A written report of each College meeting is drawn up and published online.

Initiatives agreed by the Commission. The Commission has the right of initiative in legislative matters. Once the Board has collectively adopted a legislative proposal, it moves on to the next stage in the law-making process. In most cases, it is forwarded to the European Parliament for consideration and adoption (under the ordinary legislative procedure, also known as co-decision). At the same time, national parliaments of EU member states are invited to express their opinion on the proposal and confirm that it is more effective to address this issue at the EU level, rather than at the regional or local level.

European Citizens' Initiative. With the adoption of the Lisbon Treaty in 2007, it is possible to launch a Citizens' Initiative to ask the European Commission to propose a new law. The European Citizens' Initiative allows Europeans to actively engage in the EU policy-making process. If you want the EU to address a particular issue, you can start a Citizens' Initiative, urging the European Commission to introduce new legislation on the matter. You need to collect 1 million signatures in support from citizens across the European Union for the Commission to consider the initiative.

How to organize an initiative? Before launching your initiative, you need to set up a group of organizers. The group must have at least 7 EU citizens residing in at least 7 different EU countries. You must then submit a request for registration to the Commission. Before registering your proposed initiative, the Commission will check several legal criteria, including that your proposal falls within the area where it is entitled to act. Once your initiative is registered, you can set a start date for collecting signatures of support from citizens across the EU.

Your initiative must meet certain conditions, including:

– at least 1 million valid signatures;
– signatories from at least 7 EU countries (including a minimum number of signatures from each).

If your initiative meets all the conditions, the Commission will examine it within 1 month. EU representatives will meet with you within 3 months. You will have a public hearing in the European Parliament to explain your initiative within 6 months. The Commission will issue a formal response – and explain why it will or will not propose a new law based on your proposal.

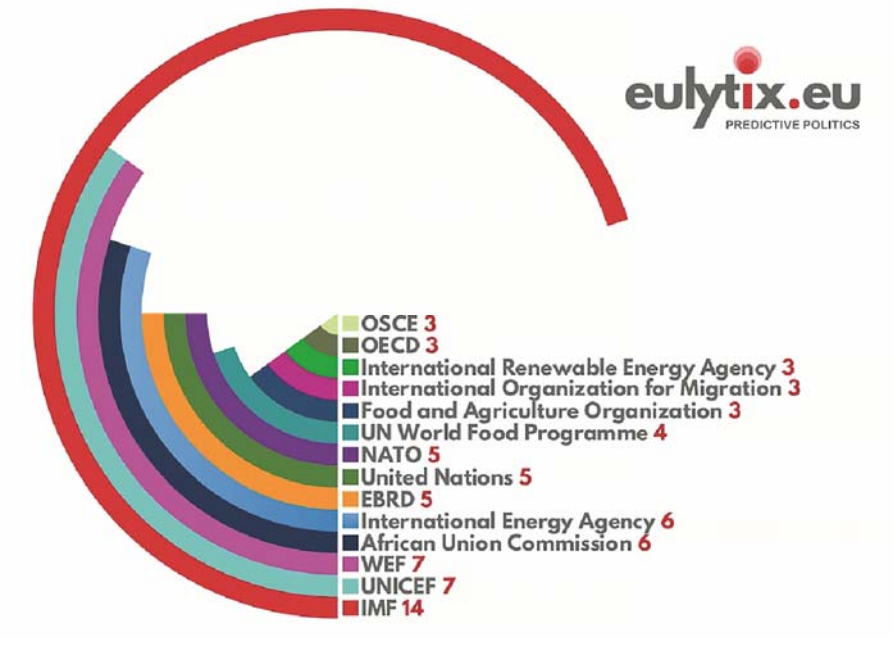
You can find out more about registered and adopted citizens' initiatives in the EU at: https://europa.eu/citizens-initiative/home_en

The European Commission's six priorities for 2019–2024 are:

1. A European Green Deal. Aiming to be the first climate-neutral continent.
2. An economy that works for people. Working for social justice and prosperity.
3. A Europe for the digital age. Empowering people with a new generation of technologies.
4. Promoting the European way of life. Building a Union of equality, where all Europeans have equal access to opportunities.
5. A stronger Europe in the world. Europe aims for more, strengthening its unique brand of responsible global leadership.
6. A new impetus for European democracy. Nurturing, protecting, and strengthening its democracy.

European Commission meetings and activities in 2019–2020. In terms of meetings with international organizations over the past six months, EU Com-

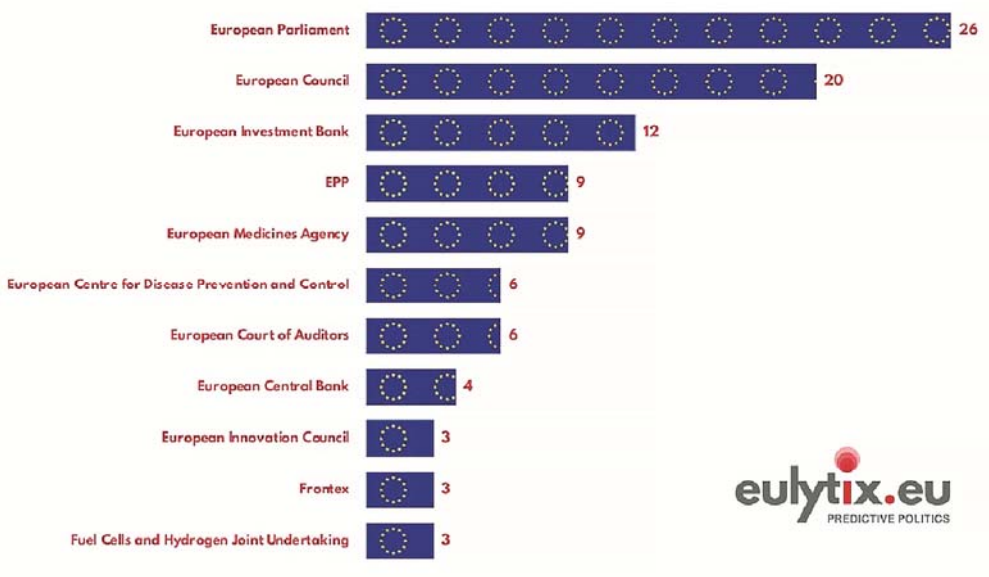
missioners met most frequently with representatives of the International Monetary Fund (14 meetings). UNICEF and the World Economic Forum are the second place (7 meetings each). Von der Leyen's visit to Africa to meet with representatives of the African Union Commission brought her to third place, together with the International Energy Agency (6 meetings each). There were 5 meetings with specialized agencies of the United Nations. Attention to security policy at both the international and European levels is represented by meetings with both NATO and the Organization for Security and Cooperation in Europe, respectively. Energy policy discussions are highlighted through meetings with the International Energy Agency and the International Renewable Energy Agency. Meetings with the Food and Agriculture Organization and the UN World Food Program present a review of the agriculture and food sector.



Number of meetings held by the European Commission with international organizations between December 2019 and May 2020

Regarding the meetings of the European Commission with other EU bodies and agencies over the last six months, we can see that the European Commission meets most frequently with both the European Parliament and the European Council, with 26 meetings and 20 meetings respectively. The European Investment Bank is in third place. In light of the COVID-19 pandemic, European Commissioners have had regular meetings with pharmaceutical industry organizations, it is not surprising that the European Medicines

Agency is in joint fourth place (together with the European People's Party, which is the largest party in the European Parliament). Accordingly, the European Centre for Disease Prevention and Control is in fifth place.

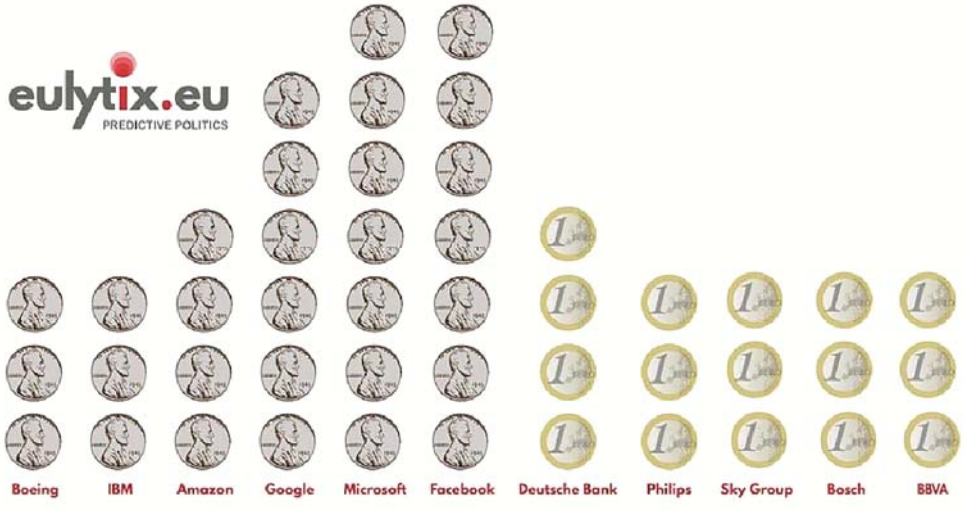


Number of meetings held by Commissioners with EU institutions between December 2019 and May 2020

Meetings of the European Commission members with stakeholders in international corporations and NGOs around the world were active.

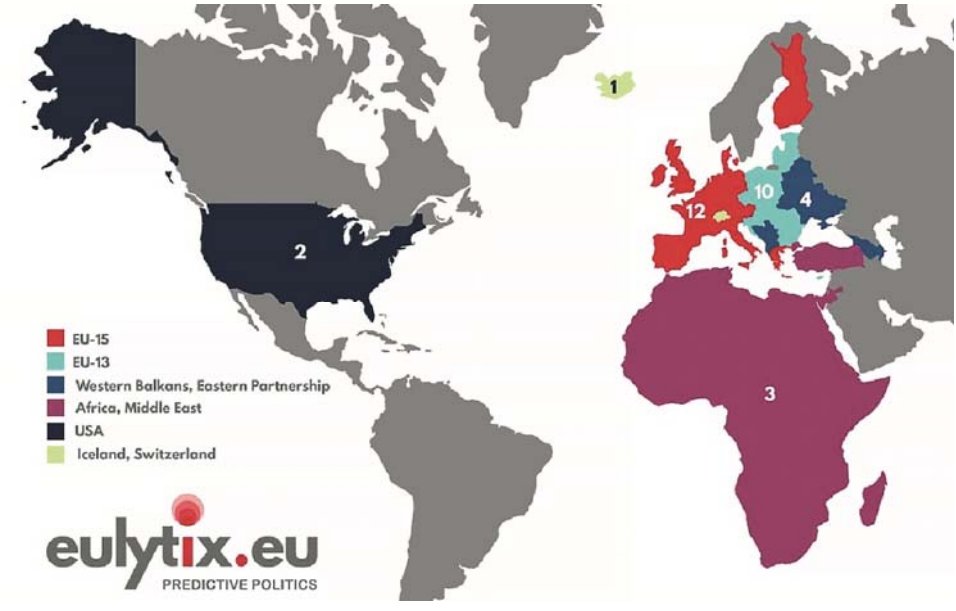
The ranking of business meetings of Commissioners is led by American tech companies, in particular Microsoft and Facebook (7 meetings each in six months), with 6 meetings with Google. Amazon occupies the 4th position in the ranking, tied with Deutsche Bank, the highest-rated European company. Of the 46 meetings listed in the TOP-11, 30 meetings were held with American companies or their European branches. In addition, all registered European companies come from EU – 14 (former EU – 15) member states.

As for meetings between Commissioners and NGOs, we see that umbrella organizations of different business sectors top the list. Representatives of pharmaceuticals and medical products (including the European Federation of Pharmaceutical Industries and Associations) had the most meetings with Commissioners. They are followed by the European Trade Union Confederation in 2nd place and Business Europe in 3rd place. Agriculture and the food industry are represented by two organizations: COPA-COGECA and FoodDrinkEurope. In the top 10, only two social organizations make it to the top 10, namely the European Disability Forum and the Social Platform.



Number of meetings held by EU Commissioners with multinational corporations between December 2019 and May 2020

Number of meetings held by European Commissioners with NGOs between December 2019 and May 2020



The current European Commission, which took office in December 2019, highlighted the importance of a new «Geopolitical Commission» in its policy program. It aimed to strengthen the EU's role on the world stage. Using publicly available data on the weekly program and agenda of the President of the European Commission, several conclusions can be drawn about its activities and political priorities in the first six months of its existence.

The Commission President held 39 high-level visits and bilateral meetings with leaders in Europe and beyond. 54% (21 visits and meetings) were with EU leaders, the rest with non-EU countries. Most of the meetings outside the EU were with the Eastern Partnership countries (4), the Western Balkans (4) and the Middle East (3). Ursula von der Leyen also met with US President Donald Trump. Africa is also high on the Commission President's agenda, with meetings with the African Union Commission and the Sahel G5 countries (Burkina Faso, Mauritania, Mali, Niger, Chad).

Breakdown of meetings outside the EU:

- Western Balkans 22.2%.
- Eastern Partnership 22.2%.
- Africa 16.7%.
- Middle East 16.7%.
- USA 11.1%.
- Iceland 5.6%.
- Switzerland 5.6%.

It is noteworthy that Ursula von der Leyen did not hold bilateral talks with the leaders of Russia, China, India, or any Latin American countries. Therefore, the BRICS countries were completely ignored.

Although Ursula von der Leyen also participated in the G7, G20, Munich Security Forum, and World Economic Forum based on her meetings, the current EU Commission is not geopolitical, but mainly focused on the EU and its neighborhood. As for the intra-European meetings of the Commission President, we see a balanced view of the EU-15[1] (55 %) and the EU-13[2] (45 %). However, in the first six months of her term, she did not meet with the Heads of State or Government of the 12 EU Member States.

EU countries with which the Commission President held meetings
in December 2019 – May 2020

As a result, the Commission President did not meet with all EU leaders in the past six months, as the chart above clearly illustrates which countries had the opportunity to discuss their programs.

[1] The EU-15 consisted of 15 countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom. Today, this is the conventional designation for the number of EU member states before the accession of the candidate countries on 1 May 2004.

[2] Countries that have joined the EU since 2004. These are the 13 new member states: Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, and Slovenia.

QUESTIONS FOR SELF-ASSESSMENT

1. Name the composition and structure of the European Commission.
2. What are the functions and powers of the European Commission?
3. Who is the College of Commissioners and what is the role of this institution?
4. How are the elections of the President of the European Commission and the appointment of Commissioners carried out?
5. What is the Spitzenkandidaten procedure and when was it used?
6. How does the decision-making process in the European Commission take place?
7. What are the main principles of collegial decision-making in the European Commission?
8. What is the European Citizens' Initiative and what is the procedure for its application?
9. Identify the six priorities of the European Commission for 2019–2024.
10. Describe the international and internal activities of the European Commission in 2019–2020.

RECOMMENDED READING

1. Веселовський А. Вибори до Європарламенту 2019: наслідки для ЄС та України, Аналітична записка, Центр міжнародних досліджень, Дипломатична академія України імені Геннадія Удовенка при МЗС, липень 2019. http://da.mfa.gov.ua/wp-content/uploads/2019/07/lypen-_2019_-A.Veselovskyi.pdf.
2. Офіційний сайт Європейської комісії https://ec.europa.eu/info/index_en.
3. Право Європейського Союзу: підручник / за ред. В. І. Муравйова. К.: Юрінком Інтер, 2011. 704 с.
4. Сорока С. В. Правова та інституційна система Європейського Союзу і проблеми прийняття Конституції. *Світова та європейська інтеграція*: [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. С. 94–119.
5. Communication to the Commission. Governance in the European Commission, Brussels, 21.11.2018. https://ec.europa.eu/info/sites/info/files/file_import/governance-european-commission_en.pdf.
6. EU backs Juncker to head Commission in blow to UK, 27 June 2014 https://www.bbc.com/news/uk-politics-28049375.
7. European elections 2019: What is a spitzenkandidat? https://www.euronews.com/2019/04/24/european-elections-2019-what-is-a-spitzenkandidat.
8. Who are the Commissioners' most important institutional partners? https://eulytix.eu/commissioners-most-important-institutional-partners/?utm_source=eulytix.eu&utm_campaign=d0a239e177-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_712824ec6e-d0a239e177-353289890.

TESTS

1. **The European Commission consists of:**
   a) one commissioner from each EU country
   b) two commissioners from each EU country
   c) three commissioners from each EU country

2. **How many permanent and contract staff work in the European Commission?**
   a) 18,000 b) 23,000 *c) 33,000*

3. **For what term is the European Commission elected?**
   a) 4 years *b) 5 years* c) 6 years

4. **Which body is the European Commission democratically accountable to?**
   a) The European Council
   b) The Council of the European Union
   c) The European Parliament

5. **For a European citizens' initiative to be considered by the European Commission, it is necessary to attract the signatures of**
   a) 1 million citizens b) 500 thousand citizens c) 250 thousand citizens

6. **The Spitzenkandidaten procedure was first used:**
   a) in 2009 *b) in 2014* c) in 2019

7. **Which international organization did EU Commissioners meet with most often between December 2019 and May 2020?**
   a) UNICEF
   b) World Economic Forum
   c) International Monetary Fund

8. **Which international corporations did EU Commissioners meet with most often between December 2019 and May 2020?**
   a) Facebook b) Google c) Amazon

TEMA 13 The Court of Justice of the European Union as the highest judicial authority

13.1 The Role and Place of Judicial Bodies in the System of Institutions of the European Union.
13.2 The Court of Justice.
13.3 The General Court.

13.1 The Role and Place of Judicial Bodies in the System of Institutions of the European Union

The EU judicial system acts as an independent supranational institution of a non-political nature and is one of the most important legal instruments of European integration. The EU experience confirms that only with an independent legal system, creating a judicial mechanism designed to protect and ensure the application of EU law is the successful and stable development of integration entities possible.

The main purpose of the EU judicial bodies is to ensure the uniform understanding and application of the EU founding treaties and legal acts issued on their basis. This approach has been a consistent feature in nearly all of the EU's founding treaties since their creation and has seen minimal changes throughout the history of the European Community and the European Union. However, as the integration process develops and deepens, the judicial system is being improved and complicated, and measures are being taken to establish the conditions and rules of judicial proceedings, and to increase its efficiency.

The EU judicial bodies play a crucial role in shaping and evolving EU law, reinforcing its importance and establishing it as a key factor in the integration process. The decisions of the EU judicial bodies formulate and decipher the content and main qualifying features of EU law, formulate the conceptual principles and conditions for the evolution of European integration, and clarify the procedure for the activities and competence of EU institutions and bodies. The rulings of the EU judicial bodies are regarded as an independent source of EU law.

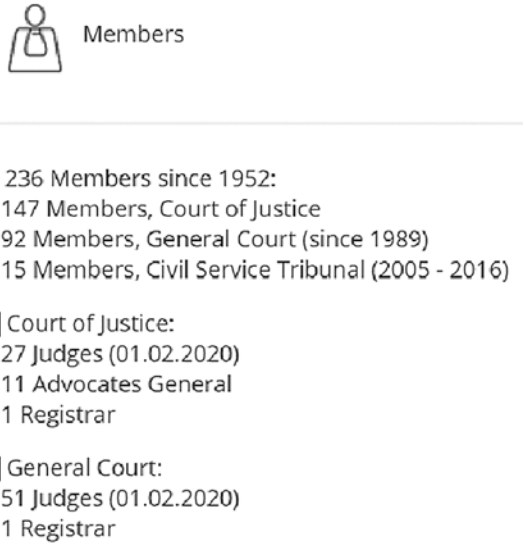
The term «Court of Justice» refers to the EU body exercising a judicial function and is used as a collective term covering all the EU judicial bodies and referring to the highest court only.

Since its creation in 1952, the Court of Justice of the European Union has had to ensure «compliance with the law» «in the interpretation and application» of the Treaties. In the context of this mission, the Court of Justice of the European Union:

- reviews the legality of acts of the institutions of the European Union;
- ensures that Member States fulfill their obligations under the Treaties;
- interprets European Union law at the request of national courts and tribunals.

The Court is thus the judicial body of the European Union and, in cooperation with the courts and tribunals of the Member States, ensures the uniform application and interpretation of EU law.

The Court of Justice of the European Union, headquartered in Luxembourg, consists of two courts: the Court of Justice and the General Court. The Civil Service Tribunal, created in 2004, ceased to operate on 1 September 2016 following the transfer of its powers to the General Court in the context of the reform of the judicial structure of the European Union.



Composition of the Court of Justice of the EU

The Court of Justice of the European Union interprets EU law to ensure consistent application across all EU countries and resolves legal disputes between national governments and EU institutions. The most common types of cases heard by the Court are:

1. Interpretation of law (preliminary rulings). National courts in the EU must ensure that EU law is applied correctly, but courts in different countries may interpret it differently. If a national court is uncertain about the interpretation or validity of EU law, it can seek clarification from the Court. This mechanism can also be used to assess whether national law or practice aligns with EU law.
2. Enforcement of law (infringement proceedings). This case is brought against a national government for failing to comply with EU law. It can be brought by the European Commission or an EU country. If a country is found guilty, it must put things right immediately or risk a fine.
3. Annulment of EU legal acts (actions for annulment) – if an EU act is considered to infringe the EU Treaties or fundamental rights, the Court can ask the Court to annul it – by the Council of the EU, the European Commission, or (in some cases) the European Parliament. Individuals can also ask the Court to annul an EU act that directly concerns them.
4. Ensuring that the EU acts are taken (actions for failure to act) – Parliament, the Council, and the Commission must make certain

decisions in certain circumstances. If they fail to comply, EU institutions or, in certain cases, individuals or companies can file a complaint with the Court.

5. Sanctioning the EU institutions (actions for damages) – any person or company whose interests have been harmed by an action or omission of the EU or its staff can bring a case against them through the Court.

Cases

▸ 38 866 judgments and orders delivered since 1952:
- Court of Justice, roughly 22 568
- General Court, roughly 14 749 (since 1989)
- Civil Service Tribunal, 1 549 (2005 - 2016)

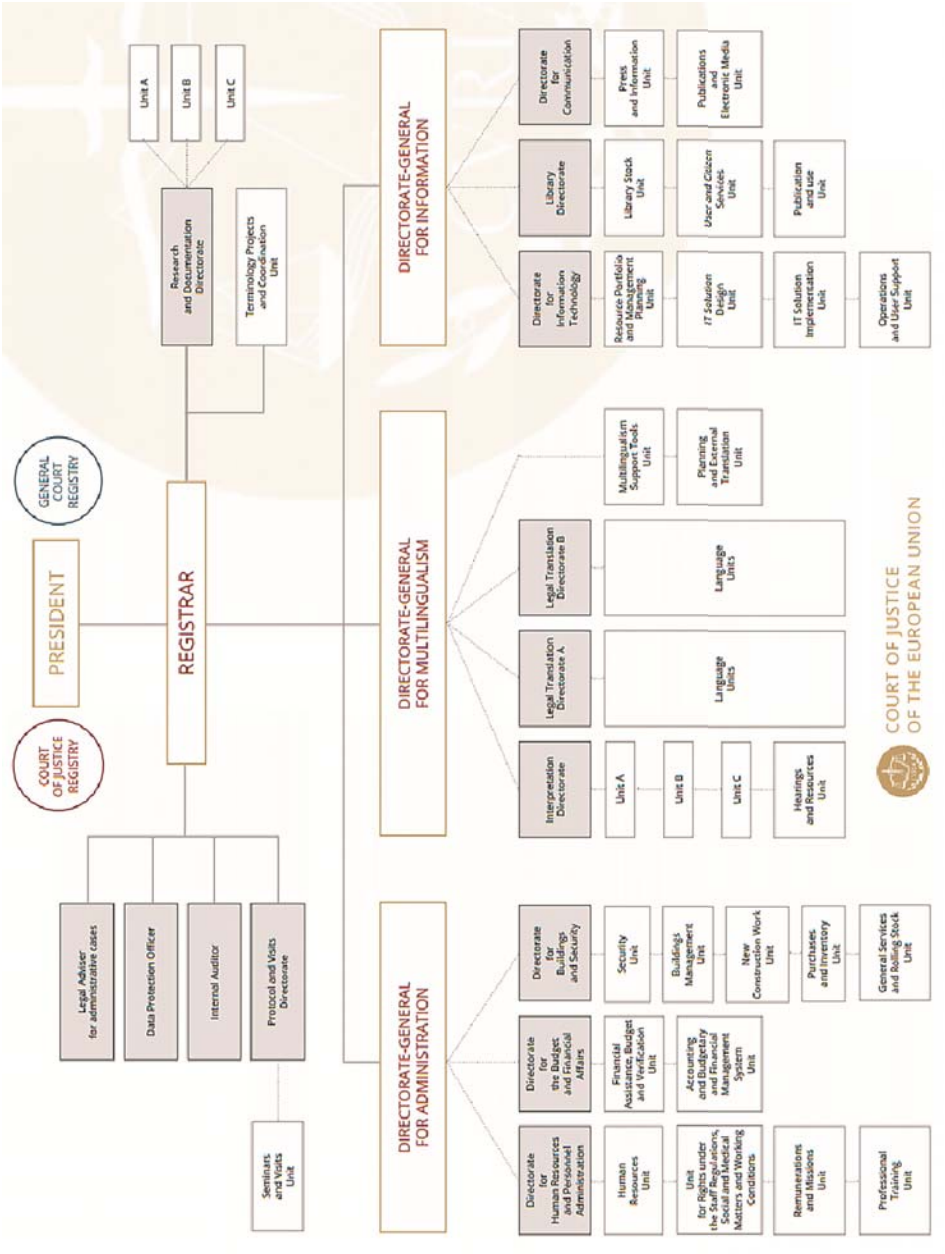
▮ Court of Justice:
- 966 Cases introduced
- 865 Cases closed
- 1102 Pending cases
- Average duration of proceedings: 14,4 months

▮ General Court:
- 939 Cases introduced
- 874 Cases closed
- 1398 Pending cases
- Average duration of proceedings: 16,9 months

Number of cases dealt with by the Court of Justice

Since each Member State has its own language and specific legal system, the Court of Justice of the European Union is a multilingual institution. These language rules are unique to the Court of Justice of the European Union, as any of the official languages of the EU can be used for a case, which is not the case in any other court worldwide. The Court is obliged to respect the principle of multilingualism to the full extent, due to the need to communicate with the parties in the language of the proceedings and to ensure the dissemination of its case law in all Member States.

Departments of the Court of Justice. The Registrar of the Court, under the authority of the President of the Court, is responsible for all the departments of the Court. The departments are divided into three main groups: the administrative support services in the Directorate-General for Administration; the language services in the Directorate-General for Multilingualism; and the information services in the Directorate-General for Information. The Research and Documentation Department and the Protocol and Visits Department are under the direct supervision of the Registrar of the Court. These departments support the work of both courts, each has its own registry. The registries are responsible for the efficient management of cases and the receipt, notification, and storage of all procedural documents.



Structural Divisions of the Court of Justice of the EU

13.2 Court of Justice

Composition. The Court consists of 27 judges and 11 advocates-general. The judges and advocates-general are appointed by common accord of the governments of the member states after consultation with a panel responsible for giving an opinion on the candidates' suitability to perform the duties. They are appointed for a renewable term of six years. They are chosen from among persons whose independence is beyond doubt and who possess the qualifications required for appointment in their respective countries, belong to the highest judicial services, or are of recognized competence.

The judges of the Court elect a President and a Vice-President from among their number for a renewable term. The President directs the work of the Court and presides over its meetings, the plenary session, or the Grand Chamber. The Vice-President assists the President in performing his duties and, if necessary, takes his place.

The Advocates-General assist the Court. They are responsible for giving a completely impartial and independent «opinion» in the cases assigned to them. The Registrar is the general secretary of the institution and manages its departments under the direction of the President of the Court. The Court may sit as a full court, in a Grand Chamber of 15 judges, or chambers of three or five judges.

Procedure. At the Court of Justice of the European Union, 1 judge (the «Judge Rapporteur») and 1 Advocate General are assigned to each case. Cases are handled in 2 stages:

1. Written stage. The parties involved submit written statements to the Court, and observations may be provided by national authorities, EU institutions, and occasionally private individuals. All this is summarized by the Judge Rapporteur and then discussed in a plenary session of the Court, which takes the decision:

- How many judges will hear the case, 3, 5, or 15 judges (the whole Court), depending on the importance and complexity of the case. Most cases are heard by a panel of 5 judges, and it is quite rare for the entire Court to hear a case.
- It is determined whether a hearing (oral stage) is necessary and whether a formal opinion from the Advocate General is needed.

2. Oral stage – public hearings. Lawyers for both sides may submit their cases to the judges and lawyers, who may question them. If the Court decides that an Advocate General's opinion is necessary, it is given a few weeks after the hearing. The judges then deliberate and deliver their judgment.

Special procedures. Simplified procedure. Where the action brought for a preliminary ruling is identical to an action on which the Court has already given a ruling, or where the ruling is beyond a reasonable doubt or can be de-

Hearings in the Court of Justice

duced from existing case law, the Court may, after hearing the Advocate General, give its judgment by reference to a previous judgment on the matter or to the relevant case-law.

Expedited procedure. The expedited procedure enables the Court to give its judgments rapidly in cases of great urgency by reducing the time limits as much as possible and by giving such cases absolute priority. At the request of one of the parties, the President of the Court may decide, on a proposal from the Judge-Rapporteur and after hearing the Advocate General and the other parties, whether the case requires the application of the expedited procedure.

Application for interim measures. Applications for interim measures seek the suspension of measures that an institution has adopted and that are the subject of the action, or any other interim order necessary to prevent serious and irreparable harm to the party.

The Court in the legal order of the European Union. In its case law, the Court has established the obligation of administrations and national courts to apply EU law to the full extent of their competence to protect the rights conferred on citizens (direct application of EU law) and to set aside any conflicting national provision, whether before or after the adoption of an EU legal act (primacy of EU law over national law).

The Court of Justice has also recognized the principle of liability of Member States for breaches of EU law, which, firstly, plays an important role in consolidating the protection of the rights conferred on individuals by EU provisions and, secondly, can contribute to a more conscientious application of EU law by Member States. Infringements by Member States are thus likely to

give rise to obligations to pay compensation, which in some cases can have serious consequences for their national budgets. Moreover, any infringement of EU law by a Member State may be brought before the Court of Justice and, if a decision finding such an infringement is not complied with, the Court may order paying a periodic penalty payment and/or a fixed sum.

The Court of Justice works with national courts, which are the ordinary courts applying EU law. Any national court or tribunal called upon to rule on a dispute concerning EU law may, and sometimes must, refer a question to the Court of Justice for a preliminary ruling. The Court must then interpret or review the legality of EU law. The development of the case law illustrates the Court's contribution to creating a legal environment for citizens by protecting the rights that European Union law confers on them in the various areas of their daily lives.

Key principles established by case law. In its case law (starting with Van Gend & Loos in 1963), the Court has introduced the principle of direct effect of Community law in the Member States, which now enables European citizens to rely directly on rules of European Union law before their national courts.

The transport company Van Gend & Loos imported goods from Germany to the Netherlands and had to pay customs duties which, in its view, were incompatible with the rule of the EEC Treaty prohibiting increases in customs duties in trade between Member States. The action raised the issue of a conflict between national law and the provisions of the EEC Treaty. The Court resolved the issue raised by the Dutch court by setting out the doctrine of direct effect, thereby giving the transport company a direct guarantee of its rights under Community law before the national court.

In 1964, the Costa judgment established the primacy of Community law over national law. In this case, an Italian court referred to the Court of Justice the question of whether the Italian law nationalizing the production and distribution of electricity was compatible with the relevant provisions of the EEC Treaty. The Court introduced the doctrine of the primacy of Community law, relying on the specific nature of the Community legal order, which must be uniformly applied in all Member States.

In 1991, in the case Frankovich vs. Italy, the Court developed another fundamental concept: the liability of a Member State to individuals for damage caused to them by a breach of Community law. Since 1991, European citizens have been able to bring an action for damages against a State that has infringed Community rules.

Two Italian citizens, who were not paid by their bankrupt employers, filed a lawsuit claiming that the Italian State failed to enforce EU regulations safeguarding workers when their employers become insolvent. In its reply to

the Italian court, the Court of Justice emphasized the need to ensure that individuals were granted the rights they had been denied due to the State's failure to implement an EU directive. The Court thus opened up the possibility of an action for damages against the State itself.

13.3 General Court

Composition. The General Court is composed of two judges from each Member State. The judges shall be appointed by common accord of the governments of the Member States after consultation with the panel responsible for giving an opinion on the candidates' suitability to perform the duties of a judge. Their term of office shall be six years and shall be renewable. They shall appoint their President from among themselves for a three-year term. They appoint a Registrar for a term of six years. The judges perform their duties with complete impartiality and independence. Unlike the Court of Justice, the General Court does not have a permanent advocate. However, this task may be performed by a judge in exceptional circumstances.

Cases in the General Court are heard by chambers of five or three judges or, in certain cases, by a single judge. He may also be a member of the Grand Chamber (fifteen judges) depending on the legal complexity or importance of the case.

Jurisdiction. The General Court has jurisdiction to hear and determine:

- actions brought by natural or legal persons against acts of the institutions, bodies, offices, or agencies of the European Union (addressed to them or concerning them) and against regulatory acts (addressing them directly) or against failure to act on the part of those institutions, bodies, offices or agencies; for example, an action brought by a company against a Commission decision imposing a fine on that company;
- actions brought by Member States against the Commission;
- actions brought by Member States against the Council concerning acts adopted in the field of State aid, measures to protect trade (dumping), and acts by which it exercises implementing powers;
- actions seeking compensation for damage caused by the institutions or bodies, offices or agencies of the European Union or their staff;
- actions based on treaties concluded by the European Union which expressly confer jurisdiction on the General Court;
- intellectual property claims brought against the European Union Intellectual Property Office and the Community Plant Variety Office;
- disputes between the institutions of the European Union and their staff concerning employment relations and the social security system.

Decisions of the General Court may be appealed to the Court of Justice of the EU within two months.

Procedure. The General Court has its procedure, which includes a written and an oral phase. An application, drawn up by a lawyer or agent and lodged with the Registry, opens the proceedings. The main details of the action are published in a notice in all the official languages in the Official Journal of the European Union. The Registrar sends the application to the other party to the proceedings, who has two months to lodge a defense. Any person who can show an interest in the outcome of the case before the General Court, as well as the Member States and the institutions of the European Union, may intervene in the proceedings. He/she applies to intervene in support of or in opposition to the form of order sought by one of the parties, to which the parties may then reply.

A public hearing is held during the possible oral phase of the proceedings. The judges may question party representatives when the lawyers represent the case. The Judge-Rapporteur summarises in a report on the hearing the facts relied on and the arguments of each party. This document is available to the public in the language of the case. The judges then deliberate on the draft decision prepared by the judge-rapporteur and deliver the decision to the public.

Interim measures. An action brought before the Court of First Instance does not suspend the operation of the contested act. However, the Court may order its suspension or other interim measures. The President of the Court of First Instance or, where necessary, the Vice-President, shall decide on interim measures in a reasoned manner.

Interim measures shall be granted only if three conditions are met:

– the action in the main proceedings must be well-founded;
– the applicant must show that the measures are urgent and that failure to apply them would cause serious and irreparable harm;
– the interim measures must consider the balance of interests between the parties and the public interest.

This decision of the Court is provisional and in no way prejudices the decision of the Court of First Instance in the main proceedings. In addition, an appeal against it may be lodged with the Vice-President of the Court.

Expedited procedure. This procedure allows the General Court to rule quickly on the merits of cases that they consider to be particularly urgent. The applicant or the defendant can request the expedited procedure. It may also be adopted by the General Court of its own motion.

Case law

Environment and consumer protection

Within the EU, genetically modified organisms (GMOs) may only be marketed after authorization. In 2010, the Commission authorized the marketing of the genetically modified Amflora potato after receiving a scientific opinion

showing that the Amflora potato did not pose a risk to human health or the environment. The General Court annulled that authorization on the grounds of procedural errors, in particular the Commission's failure to submit a draft authorization to the competent committees.

Hungary v Commission, T-240/10, 13 December 2010

Freedom to provide services

Under EU law, events that a Member State considers to be of social importance cannot be shown only on pay TV channels but must also be broadcast on television free of charge. In 2011, the Court of Justice confirmed that a Member State may require free broadcasting of all World Cup and the European Football Championship matches. This decision is based on the public's right to information and the need to ensure wide access to the television broadcast of these events.

FIFA v Commission, T-385/07, 17 February 2011

Laws on the EU institutions

In 2007, the European Personnel Selection Office (EPSO) published a notice for recruiting contract staff by European institutions. The notice was written only in German, English, and French. The General Court annulled the recruitment on the grounds of linguistic discrimination. Its publication in three languages prevented some potential candidates from being aware of it and, as a result, preference was given to German, English, and French-speaking candidates.

Italy v Commission, T-205/07, 3 February 2011

Trademarks – intellectual and industrial property

In 2012, the General Court ruled that VIAGUARA could not be registered as a trademark for beverages in the Community because of the existing trademark VIAGRA for medical products. Recognizing that beverages and medical products are different goods, the General Court considers that VIAGUARA may take unfair advantage of the reputation of the VIAGRA trademark. The consumer could be induced to buy beverages because he/she would believe that they have similar qualities to the medical product (in particular, increasing libido).

Viaguara v OHIM, T-332/10, 25 January 2012

Apple Corps, the company that created the Beatles brand, opposed the registration of the word «BEATLE» for electric mobility devices for people with reduced mobility. The General Court agreed with Apple Corps, considering that the word «BEATLE» could take unfair advantage of the reputation of the (THE) BEATLES brand owned by Apple Corps. People with reduced mobility could be attracted to the positive images of freedom, youth, and mobility associated with the Apple Corps brands.

You-Q v OHIM, T-369/10, 29 March 2012

In 2010, Monaco applied to the EU to protect the international trademark «MONACO», which was refused registration for entertainment, sports, and hospitality. The General Court upheld this decision, holding that the term «MONACO», in particular, because of the fame of its royal family, the organization of the Formula 1 Grand Prix, and the circus festival, designates a geographical area and is purely descriptive of the origin or geographical destination of the services concerned. It cannot therefore be protected as a trademark in the EU.

MEM v OMIH (MONACO), T-197/13, 15 January 2015

Competition.

In 2004, the Commission imposed a fine of €497 million on Microsoft for abusing its dominant position by refusing for several years to disclose to its competitors the information necessary to develop and distribute alternative solutions compatible with Windows. The General Court upheld the fine in a 2007 judgment. In 2008, the Commission imposed a further fine of €899 million on Microsoft for failing to comply with the 2004 judgment. The General Court upheld the Commission's judgment and reduced the second fine to €860 million because the Commission had allowed Microsoft to continue to apply certain practices on a transitional basis.

Microsoft v Commission, T-201/04, 17 September 2007 and T-167/08, 27 June 2012

In 2009, the Commission imposed two fines of EUR 553 million on the German company E.ON and the French company GDF Suez. The Commission claimed that they had entered into an agreement prohibiting each of them from selling gas transported from Russia to Germany and France on the national markets of the other countries. The General Court upheld the Commission's assessment that reduced each fine to EUR 320 million to take account of the Commission's error in the duration of the agreement (which was one year shorter than the Commission had claimed).

E.ON Energie AG v Commission, T-360/09 and GDF Suez v Commission, T-370/09, 29 June 2012

In 2011, the Commission decided that Microsoft's planned acquisition of Skype was compatible with EU law. Two of Skype's competitors brought an action before the General Court, claiming the takeover would have anti-competitive effects. However, the General Court upheld the Commission's decision. It found that the merger would not restrict competition in the Internet markets of consumer and business communications.

Cisco Systems and Messagenet v Commission, T-79/12, 11 December 2013

State aid.

ING is a Dutch banking and insurance financial institution. During the financial crisis, the Netherlands provided ING with capital injections, the repayment terms of which were changed over time. The Commission found that these new terms resulted in additional State aid of EUR 2 billion. However, the General Court decided that the existence of State aid could not be established because the Commission had not examined whether a private investor in the same situation as the Dutch State would have granted such a change in the capital return, which would have conferred an additional advantage on ING.

Netherlands v Commission, T-29/10, T-33/10, 2 March 2012

The Italian airline Alitalia, which was facing serious financial difficulties, received a €300 million loan from the Italian State in 2008. The Italian State also decided to sell its stake in the company. The Commission classified the loan granted to Alitalia as illegal (since a private investor in the same situation would not have granted such a loan) allowing the sale of the airline's assets made at market price. Ryanair complained that Alitalia had received an advantage from the State incompatible with EU law and brought an action before the General Court. The Court agreed with the Commission, upholding its decision on all points.

Ryanair v Commission, T-123/09, 28 March 2012

Agriculture.

In 2011, the Commission introduced mandatory labeling for citrus fruits processed with preservatives or other chemicals after harvest. Spain asked the General Court to annul these rules because they only apply to producers of citrus fruits – and not to fruit producers that are also processed after harvest – and are therefore discriminatory. However, the General Court found that, unlike other fruits (bananas, watermelons, melons), citrus peels can be used in cooking, so the labeling requirements ensure a high level of consumer protection and are not discriminatory.

Spain v Commission, T-481/11, 13 November 2014

Public health.

Orphacol is a medicine intended to treat infrequent but serious liver diseases that can lead to the death of infants. In 2009, the French laboratory CTRS asked the Commission to authorize the medicine. The Commission refused because CTRS had not produced the results of the clinical trials. The General Court annulled this decision, finding that under the current provisions, CTRS was not required to present such results, considering that the active substances of the medicine had been in medical use in the EU for at least 10 years.

Laboratoires CTRS v Commission, T-301/12, 4 July 2013

EU external relations.

Restrictive measures or «sanctions» are a key instrument of foreign policy by which the EU aims to change the policies or behavior of a country. They may be arms embargoes, asset freezes, restrictions on entry into and travel within the EU, import or export bans, etc. Such measures may be directed at governments, companies, individuals and groups, or organizations (e.g. terrorist groups).

The Council of the EU froze the assets of Iyad Makhlouf (cousin of Syrian President Bashar al-Assad) because he is the brother of Rami Makhlouf (one of the most powerful Syrian businessmen) and an officer of the General Intelligence Directorate involved in the brutal repression of the Syrian civilian population. The General Court upheld this decision, finding that Mr. Makhlouf had not provided evidence that would cast doubt on his support for the Syrian regime. Furthermore, Mr. Makhlouf's rights of defense had not been infringed, as he had been allowed to defend himself effectively against the Council of the EU.

Makhlouf v Council, T-383/11, 13 September 2013

In 2010, the Iranian company Fulmen and its director were subject to freezing of their funds because they were, according to the Council of the EU, involved in the installation of electrical equipment at a secret site linked to Iran's nuclear program. However, the General Court annulled that decision. It found that the Council had based its reasoning solely on unsubstantiated allegations and had failed to provide evidence of Fulmen or its director's involvement in the case. The General Court ruled that the Council was required to provide such proof.

Fulmen and Fereydoun Mahmudyan v Council, T-439/10 and T-440/10, 21 March 2012

Economic policy.

«Central counterparties» are financial institutions that provide clearing for transactions by managing the credit risk of the parties. In 2011, the European Central Bank (ECB) required central counterparties (CCPs) involved in euro transactions to be located in the euro area. The United Kingdom, which is not a Euro area member, sought to lift this requirement because it had authorized British CCPs. The General Court agreed with the United Kingdom, finding that the ECB lacked the competence to impose such a location requirement.

United Kingdom v ECB, T-496/11, 4 March 2015

Access to documents.

In 2009, Dutch MEP Sophie Veld asked the Council for documents from the Legal Service concerning the negotiations between the EU and the US on the future SWIFT agreement (an agreement allowing US authorities to access European banking data to combat terrorism). The Council refused access to

the documents. The General Court partially annulled that refusal (so far as it did not concern the specific content of the agreement and the negotiating directives). It found that the Council had not demonstrated by specific evidence that there was a risk of undermining the protection of legal opinions and had not considered that the opinion concerned a specific area of personal data protection.

In case T-529/09 Veld v Council, 4 May 2012

QUESTIONS FOR SELF-ASSESSMENT

1. Define the role and place of the Court of Justice in the system of institutions of the European Union.
2. Describe the structure of the Court of Justice of the European Union.
3. What are the powers of the Court of Justice of the European Union?
4. Describe the composition and procedure of the Court of Justice.
5. What special procedures does the Court of Justice use?
6. Describe the basic principles established by the case law of the Court of Justice of the European Union.
7. Describe the composition and procedure of the Court of Justice of the European Union.
8. What cases does the Court of Justice have the right to consider?
9. Give examples of the European Court of Justice of the European Union case law.
10. Identify the features of the case law of the Court of Justice of the European Union in the field of external relations.

RECOMMENDED READING

1. Кротінов В. Суд Європейського Союзу як учасник європейського врядування: правові аспекти. *Державне управління та місцеве самоврядування.* 2013. № 4 (19). С. 43–50.
2. Офіційний сайт Суду Європейського Союзу https://curia.europa.eu/.
3. Сорока С. В. Правова та інституційна система Європейського Союзу і проблеми прийняття Конституції. *Світова та європейська інтеграція*: [навч. посіб.] / за ред. М. О. Багмета. Миколаїв: Вид-во МДГУ ім. Петра Могили, 2008. С. 94–119.
4. Тучина М. В. Реформа Суда Европейского Союза 2015 года: причины и последствия. *Вестник экономической безопасности.* 2019. № 4. С. 203–208.
5. Annual report 2018 of Court of Justice of the European Union. Judicial activity. https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-04/_ra_2018_en.pdf.
6. Blaubergera M. and Schmidt S. K. The European Court of Justice and its political impact. *West European Politics.* 2017. № 40(5). P. 907–918.

TESTS

1. **The headquarters of the Court of Justice of the European Union is located:**
   a) in Brussels b) in Paris *c) in Luxembourg*

2. **How many judges are in the Court of Justice?**
   a) 27 b) 36 c) 51

3. **How many judges are in the General Court?**
   a) 27 b) 36 *c) 51*

4. **The main stages of the hearing of a case at the Court of Justice of the European Union:**
   a) Oral and written
   b) Written and oral
   c) Application for interim measures, written, oral

5. **What special procedures can be applied by the Court of Justice of the EU:**
   a) simplified procedure, accelerated procedure, application for interim measures
   b) simplified procedure, application for interim measures
   c) simplified procedure, accelerated procedure

6. **Interim measures during proceedings before the Court of Justice of the EU are granted only if three conditions are met, including:**
   a) the interim measures must not concern persons who are not parties to the case
   b) the interim measures must comply with the law of the country in which they are applied
   c) the interim measures must take into account the balance of interests of the parties and the public interest

7. **Decisions of the General Court may be appealed to the Court of Justice of the EU within:**
   a) one month *b) two months* c) three months

8. **In which precedent case did the General Court decide that the granting of state aid for 2 billion euros to the financial institution ING is unlawful:**
   a) Spain v Commission, T-481/11, 13 November 2014
   b) United Kingdom v ECB, T-496/11, 4 March 2015
   c) Netherlands v Commission, T-29/10, T-33/10, 2 March 2012

9. **Can geographical names be protected as a trademark in the European Union? What case law has addressed this aspect?**
   a) MEM v OMIH (MONACO), T-197/13, 15 January 2015
   b) Italy v Commission, T-205/07, 3 February 2011
   c) Hungary v Commission, T-240/10, 13 December 2010

10. **In which precedent case did a Member of the European Parliament request access to documents of the Council of the EU Legal Service concerning negotiations between the EU and the US on the future SWIFT agreement (an agreement allowing US authorities to access European banking data to combat terrorism):**
    a) Weld v Council, T-529/09, 4 May 2012
    b) Ryanair v Commission, T-123/09, 28 March 2012
    c) Microsoft v Commission, T-201/04, 17 September 2007 and T-167/08, June 27, 2012

Section 3

DEVELOPMENT OF SOCIAL POLICY AND SOCIAL PROTECTION IN THE EU: HISTORICAL ASPECTS AND THE PATH OF UKRAINE'S INTEGRATION

TOPIC 14

Social Policy and Social Protection in the EU

14.1 Instruments and Mechanisms of EU Social Policy.
14.2 Social Policy and Employment in the EU.
14.3 Modern Social Protection Programs in the EU.

14.1 Instruments and Mechanisms of EU Social Policy

Social policy and social protection in the European Union are important elements of this supranational association's functioning. They ensure a high standard of living, social justice, and equality of opportunities for citizens of all member states.

The main objectives of EU social policy are to reduce social inequality, combat poverty, support employment, and ensure social integration. The EU is trying to create common social standards that allow every citizen access to social services, regardless of the national characteristics of the member states.

EU social policy covers many areas, including employment support, labor market development, health care, social protection, and combating discrimination. An important document that defines the basic principles of social policy is the European Pillar of Social Rights, which includes 20 fundamental rights and principles, including equal access to work, social protection, education, and healthcare. Through programs such as the European Social Fund (ESF), the EU provides financial support for programs that promote employment, social inclusion, and poverty reduction.

EU social policy is also important in tackling demographic challenges such as population aging and migration, which require additional social spending. In addition, differences in the level of economic development between Member States lead to social inequalities. The EU is developing mechanisms to bridge these differences and support social cohesion.

The main objectives of EU social policy are:

1. ***Supporting employment and job creation.*** The EU implements programs for increasing employment, in particular through initiatives such as the Youth Guarantee, and helping reduce youth unemployment.
2. ***Combating poverty and social exclusion.*** The European Social Fund (ESF) and the Fund for European Aid to the Most Deprived (FEAD) finance programs are aimed to support the most vulnerable.
3. ***Ensuring equal opportunities and non-discrimination.*** The EU works actively to ensure gender equality, combat discrimination, and protect the rights of minorities and vulnerable groups, including people with disabilities and migrants.
4. ***Improving working conditions and social protection.*** The EU sets minimum occupational safety and health standards, working time, and social security for all EU citizens.

Key instruments and mechanisms of EU social policy:

1. **European Social Fund (ESF):** the EU's main financial instrument to support employment, social inclusion, and the fight against poverty.
2. **European Pillar of Social Rights:** a document setting out 20 key principles and rights to support fair labor markets and social protection systems.
3. **EU Directives and Regulations:** legislation setting minimum standards in employment, social protection, and equal opportunities.

EU social policy is an important tool for ensuring the well-being of citizens and promoting equality and social justice. Through its initiatives, programs, and funds, the EU contributes to reducing poverty, improving working conditions, and ensuring the protection of social rights. However, the EU faces some challenges, in particular due to economic, demographic, and social changes, which require social policy to adapt to ensure its effectiveness in the future, namely:

1. Demographic change. Population aging is one of the biggest challenges for the EU. The increasing proportion of older people leads to an increase in social expenditure on pensions, healthcare, and long-term care. This situation puts pressure on social protection systems, requiring new approaches to financing social benefits and services.

2. Social inequality and economic disparities between Member States. There are significant differences in living standards, incomes, and social protection between EU Member States. More developed countries have better social standards and a higher level of social protection, while in less developed countries economic instability affects the ability to provide adequate social protection.

3. Migration processes and integration of migrants. The influx of migrants into the EU requires additional resources for their social adaptation

and integration into society. Social systems must be able to provide migrants with adequate housing, healthcare, education, and the opportunity to integrate into the labor market.

4. Changes in the labor market and digitalization. The advancement of automation and digital technologies is reshaping the qualifications and skills demanded from workers, potentially resulting in job reductions in conventional industries. To support employment, the EU must adapt social policies to the new realities, promoting retraining and the development of digital competencies among the population.

5. Economic instability and financial crisis. Economic crises, such as the 2008 financial crisis or the consequences of the COVID-19 pandemic, have shown that economic instability seriously impacts social systems. During crises, unemployment and poverty levels increase, which puts additional pressure on public social programs.

6. Sustainable development and environmental challenges. Climate change and environmental problems also affect social policies. For example, environmental disasters and climate change can lead to the loss of housing or jobs, which creates a need for additional social guarantees and support. The EU is committed to integrating sustainable development principles into social policy to ensure its long-term effectiveness.

7. Ensuring equality and social inclusion. The issue of gender equality, and support for vulnerable groups such as people with disabilities, ethnic minorities, and LGBT+ communities is an important challenge for EU social policy. Ensuring equal rights and access to social services requires improving social standards and strengthening legislation.

The systematization of key documents that have shaped social policy and social protection in the EU from 1957 to the present day clearly shows that these are dynamic areas that are constantly evolving in response to the challenges of the modern world, ensuring sustainability, equality, and a decent life for all Europeans.

Therefore, the EU's social policy focuses on enhancing citizens' living and working conditions, promoting social justice, ensuring equal opportunities, and addressing poverty and social exclusion. EU social policy supports fundamental rights, such as the right to decent work, equality between women and men, and protection of the rights of children and people with disabilities.

Based on the above, the key areas of EU social policy can be outlined as follows:

1. **Labour market and employment:**
   - Creating conditions for stable and quality employment.
   - Supporting labor mobility between EU countries.
   - Combating unemployment, particularly among young people, through vocational training and employment programs.

EU social policy instruments and mechanisms

Year	Document	Description
FROM THE TREATY OF ROME TO THE TREATY OF MAASTRICHT		
1957	Treaty of Rome	Establishment of the European Economic Community (EEC) included the first provisions on social policy. The first institutions were created to protect workers' rights, in particular in the context of labor mobility and equal opportunities for men and women
1986	Single European Act	It introduced new policy areas, including health and safety at work, social dialogue between employers' organizations and trade unions, and economic and social cohesion
1989	Community Charter of the Fundamental Social Rights of Workers	A document that enshrines basic social rights for workers, including the right to a minimum wage, job security, equal opportunities, and protection against social exclusion
1992	Maastricht Treaty (Treaty on European Union)	It creates a single political framework for the EU and extends its powers in social policy. It includes articles on health protection, safety at work and social inclusion
FROM THE TREATY OF AMSTERDAM TO THE TREATY OF LISBON		
1997	Treaty of Amsterdam	It expands the provisions of the Maastricht Treaty emphasizing the fight against social exclusion, and discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation
1997	European Employment Strategy (EES)	The main strategy objective is to create more and better jobs across the EU. In 2010, the Employment Strategy became part of the Europe 2020 strategy for socio-economic development. Since 2011 the strategy has been integrated into the European Semester – the annual cycle of economic policy coordination
2000	Directives	Two directives have been adopted: on equal treatment between persons irrespective of racial or ethnic origin and a general framework for equal treatment in employment and occupation
2000	Lisbon Strategy	The EU's program for economic growth, employment, and social inclusion. It aims to make the EU the most competitive economy in the world with a high level of social protection
2000	Charter of Fundamental Rights of the EU (Social Charter)	It enshrines the social rights of EU citizens, including the rights to work, social assistance, social protection, and decent working conditions

Continued

Year	Document	Description
2007	Treaty of Lisbon	It updates the EU's treaty framework, expanding the EU's powers in social policy, and includes social protection as one of the Union's main objectives
2007	European Globalization Adjustment Fund	The fund is designed to support workers made redundant due to changing global trade patterns
	AFTER THE TREATY OF LISBON	
2010	Europe 2020 Strategy	It is a strategy for economic and social development aimed at reducing poverty and fostering social inclusion by 2020. The strategy sets five headline targets, including a major social objective (reducing the risk of poverty for at least 20 million people by 2020) and a renewed commitment to employment (a target of 75% employment for the 20–64 age group)
2010	European Platform against Poverty and Social Exclusion	It is a part of the Europe 2020 strategy that sets out targets for reducing poverty, promoting social inclusion, and combating social exclusion
2017	European Pillar of Social Rights (EPSR)	It is a comprehensive initiative outlining 20 key principles and rights in areas such as equal opportunities and access to the labor market, fair working conditions, social protection, and inclusion
2019	European Labour Authority	It aims to help Member States and the Commission ensure fair, simple, and effective implementation of EU rules on labor mobility and social security coordination
2019	Directive on work-life balance for parents and caregivers	It aims to improve access to family leave and flexible working arrangements, contributing to further strengthening equality between men and women in the labour market
2019	Directive on transparent and predictable working conditions	It aims to provide workers with an additional set of core rights, including more specific information on the main aspects of their work, setting limits on the length of probationary periods, expanding the possibilities to find additional work by prohibiting exclusivity clauses, prior notification of control hours and providing free compulsory training
2019	European Council Recommendation on access to social protection for workers and the self-employed people	The Recommendation aims to address formal coverage gaps
2021	European Pillar of Social Rights (EPSR) Action Plan	It implements the provisions of the European Pillar of Social Rights. The Action Plan aims to ensure a fair recovery from the COVID-19 pandemic and further develop EU social policy

Continued

Year	Document	Description
2022	European Social Fund Plus (ESF+)	The main EU financial instrument for investment in human capital, employment, social protection and the fight against poverty
2022	EU Minimum Wage Directive	It aims to ensure that minimum wages provided for in national law and/or collective agreements are adequate and also improves workers' effective access to a minimum wage to protect

Source: https://www.europarl.europa.eu/factsheets/en/sheet/52/social-and-employment-policy-general-principles

2. Social protection and inclusion:

– Protecting the most vulnerable, including supporting people with disabilities, the unemployed, and the elderly.
– Combating poverty and social exclusion through financial assistance, social housing, and support for families with children.

3. Equality and non-discrimination:

– Promoting equality between women and men in all areas of life, including equal pay for work of equal value.
– Preventing sex, race, age, religion, sexual orientation, or disability discrimination.

4. Working conditions and health:

– Regulating working conditions, including occupational safety and health.
– Protection of workers' rights to decent working conditions, including the right to rest, paid leave, and working hour restrictions.

5. Workers' rights and social dialogue:

– Supporting workers' rights to collective bargaining and strike.
– Promoting social dialogue between employers, workers, and governments to resolve industrial disputes and improve working conditions.

6. Family support and equal opportunities policies:

– Measures to support work-life balance, including maternity leave and flexible working arrangements for parents.
– Initiatives to support children and adolescents, ensuring their rights to education and a safe environment.

Thus, EU social policy plays an important role in creating a stable and fair society, where citizens' rights are protected and social support is available to all who need it and also responds to modern challenges such as population aging, migration crises, globalization, and economic and environmental changes that affect social structures. In this regard, particular emphasis should be placed on programs that support the integration of internally displaced persons and refugees while safeguarding the rights of the most vulnerable groups in society.

14.2 Social Policy and Employment in the EU

The general principles of regulation in the field of social policy and employment are set out in article 3 of the Treaty on European Union (TEU), in articles 9, 10, 19, 45–48 and 145–161 of the Treaty on the Functioning of the European Union (TFEU) and in Titles IX on employment (articles 145–150), X on social policy (articles 151–161), and XI on the European Social Fund (articles 162–164).

The preamble to the Treaty on the Functioning of the European Union declares that the EU shall strive to improve the living and working conditions of all those residing within the territory of the Union. Article 3 of this Treaty states that the EU shall strive to develop a highly competitive social market policy, aiming at full employment and social progress by:

- economic growth and price stability;
- a highly competitive social market economy aiming at full employment and social progress;
- a high level of protection and improvement of the quality of the environment;
- promoting scientific and technological progress;
- combating social exclusion and discrimination;
- promoting social justice and protection;
- equality between women and men;
- solidarity between generations and protection of the rights of the child;
- promoting economic, social and territorial cohesion and solidarity between Member States.

Article 151 of the Treaty on the Functioning of the European Union states that the EU and the Member States, taking into account fundamental social rights, shall: promote employment, improve living and working conditions, provide adequate social protection, promote dialogue between employers and workers, develop human resources with a view to high employment and combat unemployment.

To achieve the objectives of article 151, the EU shall support and complement the activities of the Member States in the following areas:

- protection of the health and safety of workers;
- improvement of working conditions;
- social security and social protection of workers;
- protection of workers in the event of termination of the employment contract;
- information and consultation of workers;
- representation and collective defense of the interests of workers and employers;
- employment conditions for third-country nationals legally residing in the EU;

- integration of persons excluded from the labour market;
- equality between men and women concerning labour market opportunities and treatment at work;
- combating social exclusion.

The social acquis (chapter 19) includes minimum standards in the labor law, equality, health and safety at work, and anti-discrimination. Member States participate in the social dialogue at the European level and in EU policy processes in the employment policy, social inclusion, and social protection. The European Social Fund is the main financial instrument through which the EU supports implementing its employment strategy and promotes social inclusion efforts (the implementation rules are described in chapter 22, which applies to all structural instruments).

In 2017, the European Commission presented a communication establishing the so-called European Pillar of Social Rights. The social component aimed to improve living and working conditions in the European Union (EU) defines 20 key principles and rights (see figure).

These principles and rights cover three themes:

- equal opportunities and access to the labor market (e.g. skills, education and lifelong learning, equal opportunities, gender equality, and active employment support);
- fair working conditions (e.g. secure and adapted employment, wages, information on employment conditions and protection in the event of dismissal, social dialogue, and work-life balance);
- social protection and inclusion (e.g. childcare, minimum income, unemployment benefits, integration of people with disabilities, support for homelessness, access to essential services, healthcare, and long-term care).

In 2021, the Commission adopted an Action Plan for the European Pillar of Social Rights. The Plan contains the following three headline targets to be achieved by 2030:

- at least 78% of the population aged 20–64 should be in employment;
- at least 60% of all adults should participate in learning each year;
- a reduction of at least 15 million people at risk of poverty or social exclusion.

The plan also sets out a set of measures to be taken in the areas of more and better jobs, skills, equality, social protection, and inclusion.

In 2022, the EU adopted the Minimum Wage Directive, which reflects the right of EU workers to fair pay that ensures a decent standard of living (Principle 6 of the Social Pillar). It also adopted the Gender Balance on Boards Directive, which includes the following principles: equal treatment and opportunities for women and men, in particular concerning participation in the labor market, employment conditions, and career progression.

European Pillar of Social Rights
(source: https://employment-social-affairs.ec.europa.eu/european-pillar-social-rights-20-principles_en)

Following article 145 of the Treaty on the Functioning of the European Union, Member States and the Union must work towards developing a coordinated employment strategy and promote a skilled, trained, and adapted workforce.

In 1997, the European Employment Strategy (EES) was adopted. Its main objective is to create more jobs across the EU. Since 2010, the Strategy has

been part of the Europe 2020 growth strategy. It is implemented through the European Semester and policy coordination between the EU Member States and the EU institutions.

The implementation of the European Employment Strategy, supported by the Employment Committee, involves the following four steps of the European Semester:

1. Adoption of the Employment Recommendation. These are the general priorities and objectives of employment policy proposed by the Commission, agreed upon by national governments, and adopted by the Council of the EU. The Employment Recommendations address four key areas, namely: increasing labor demand, in particular, guidance on job creation, labor taxation, and wage setting; increasing labor supply and skills by addressing structural weaknesses in education and training systems, as well as tackling youth and long-term unemployment; better functioning of labor markets, with a particular focus on reducing labor market segmentation and improving active labor market measures and labor market mobility; and fairness, combating poverty and promoting equal opportunities for all.
2. Assessing the employment situation in Europe, implementing the Employment Recommendations, and assessing key employment and social indicators as reflected in the Joint Employment Report (JER). The report is published by the Commission and adopted by the Council of the EU.
3. National governments submit National Reform Programs (NRPs), which the Commission evaluates to ensure their alignment with the Europe 2020 strategy.
4. Based on the assessment of the National Programs, the Commission publishes a series of country reports analyzing the economic policies of the Member States and issues country-specific recommendations.

In 2000, the Employment Committee (EMCO) was established by a Council Decision based on article 150 of the Treaty on the Functioning of the EU. The Employment Committee plays an important role in ensuring the stability and development of the EU labor market. Its efforts focus on establishing uniform employment standards, boosting employment rates, lowering unemployment, and guaranteeing fair working conditions for all citizens of the EU Member States.

Main functions of the EU Employment Committee:

Monitoring and evaluating employment policies. The Committee monitors the implementation of the objectives and targets of the European Employment Strategy in the EU Member States. EMCO examines labor market data, evaluates policy impacts, and formulates recommendations to enhance employment across the EU.

Development of recommendations. EMCO develops and provides recommendations to the Member States on improving employment policies. For example, the Committee may recommend activities reducing youth unemployment, improving working conditions, or stimulating vocational training.

Coordination and exchange of experience. The Committee promotes the coordination of employment policies between member countries and provides a platform for exchanging experience and best practices. EMCO organizes meetings where member countries discuss employment problems and solutions.

Supporting the European Semester. EMCO actively participates in the European Semester, the annual EU economic and social policy coordination cycle. The Committee analyses the employment policies of the Member States, giving recommendations within the framework of the European Semester to align employment policies with the EU's economic and social objectives.

Assessing the implementation of EU recommendations. The Committee regularly assesses the implementation of EU recommendations by the Member States. It tracks each country's progress meeting employment and working conditions targets, ensuring alignment with the EU's strategic priorities.

The European Commission has set **three headline targets** that the EU wants to achieve by 2030 in the areas of employment, skills and social protection. They are designed to promote economic growth, increase employment levels and improve social protection for all citizens of the European Union. These targets are:

Goal 1. ***Increase employment rate***

Target: Achieve an employment rate of at least 78% among the population aged 20–64.

Implementation methods: Promote economic growth by generating new jobs and enhance employment opportunities for youth, women, and older adults. Particular attention is paid to reducing youth unemployment and supporting long-term employment.

Goal 2. ***Invest in upskilling and digital skills***

Target: Ensure that at least 60% of adults participate in annual training or upskilling programs.

Implementation methods: Create opportunities for lifelong learning, develop digital skills, and ensure access to educational programs focused on professional growth and retraining. Upskilling programs include supporting workers in developing the skills needed to adapt to digitalization and changes in the labor market.

Goal 3. ***Combat poverty and promote social protection***

Target: Reduce the number of people at risk of poverty or social exclusion by 15 million, including 5 million children.

Means of implementation: Implement social support programs, expand access to social services, and improve social protection for the most vulnerable. Particular attention is paid to children and families in difficult circumstances.

The EU aims to reduce poverty by supporting the most vulnerable, including children, the elderly, the unemployed, and people with disabilities.

Main directions and instruments of combating poverty in the EU

1. Financial programs and funds

The European Social Fund Plus (ESF+) serves as the primary financial tool, uniting various support programs to fight poverty and social exclusion. The ESF+ finances initiatives for retraining, employment, child support, and support for vulnerable groups.

The Fund for European Aid to the Most Deprived (FEAD) is a fund that provides food and material assistance to the most deprived groups, as well as access to basic social services.

2. Youth Guarantee Program

The Youth Guarantee is a program designed to reduce youth unemployment and promote social integration. The program provides young people under 25 with an offer of a job, traineeship, or continued education within four months of leaving school or becoming unemployed.

3. Integration and social inclusion

The EU works to integrate migrants, people with disabilities, and other vulnerable groups. Social inclusion is supported through access to housing, healthcare, education, and the labor market. An important part of this policy is supporting the adaptation and socialization of such groups in EU Member States.

4. European Pillar of Social Rights

This document enshrines the fundamental social rights of EU citizens, including access to social protection, the labor market, education, healthcare, and housing. The Europe 2020 strategy aims to reduce poverty by promoting social protection and inclusion for EU citizens.

5. Employment support and retraining

The EU funds retraining and skills development programs to increase competitiveness in the labor market. This helps to reduce poverty by providing citizens with employment and development opportunities.

Several directives have been adopted in this area:

1. Racial Equality Directive (2000/43/EC).
2. Employment Equality Directive (2000/78/EC).
3. Equal Treatment Directive (2006/54/EC), which brings together several previous directives on equal opportunities for men and women.

4. Directive (EU) 2019/1158 on work-life balance for parents and caregivers, which addresses the sharing of caring responsibilities between women and men more broadly.
5. Directive (EU) 2022/2381 on improving the gender balance among directors of listed companies and related measures.
6. Directives on standards for equality bodies.
7. Directive (EU) 2024/1385 on combating violence against women and domestic violence.

Addressing poverty and social exclusion in the EU is a complex, multifaceted challenge that demands a comprehensive approach and diverse instruments. The EU aims to create a socially oriented economy, where every citizen has access to a decent standard of living, social protection, and development opportunities. Achieving these goals helps build a unified and socially just European Union, where protecting social rights and ensuring the well-being of every citizen is a priority.

14.3 Modern Social Protection Programs in the EU

Employment support, retraining, and vocational training programs are the basis for creating a modern labor market adapted to the digital economy. Programs such as the European Social Fund Plus (ESF+) and the Youth Guarantee provide professional development opportunities, particularly for young people, people seeking new career opportunities and workers affected by technological change and globalization.

The EU also implements initiatives to tackle social inequalities, ensure inclusion, and combat poverty, which aim to support those facing social exclusion and poverty. Measures implemented under the ESF+ and the Fund for European Aid to the Most Deprived (FEAD) help to ensure equal access to employment opportunities and improve social conditions for vulnerable groups.

Supporting migrants, refugees, and socially vulnerable groups is another key area of EU social policy. Given the migration challenges, the EU has introduced programs that promote the integration of migrants into society and the labor market, and support refugees in adaptation to new living conditions.

European Social Fund Plus (ESF+)

The ESF+ is the main instrument for financing EU social policy for 2021–2027. It consolidates multiple previous funds and programs, including the European Social Fund, the Youth Employment Initiative, and the Fund for European Aid to the Most Deprived. The main areas of ESF+ activity include:

- ***Employment support:*** funding programs for creating jobs and reducing unemployment, especially among young people and the long-term unemployed.
- ***Vocational training and retraining:*** developing training programs that enable workers to adapt to labor market changes, particularly digitalization and the transition to a green economy.

– ***Social inclusion:*** supporting vulnerable groups, including migrants, people with disabilities, and people at risk of poverty.

The Youth Guarantee is a European Union initiative to combat youth unemployment. Its goal is to ensure that all young people under 25 receive a quality offer of employment, further education, training, or a traineeship within four months of leaving school or becoming unemployed.

Key aspects of the program:

– Target audience: Young people under 25, including unemployed or not engaged in education or training (NEET).
– Offers: Quality opportunities for employment, continued education, training or a traineeship, tailored to the individual needs and situation of the young person.
– Support: Personalized advice, guidance, and support for successful integration into the labor market.

Since its launch in 2013, the Youth Guarantee has helped millions of young people in EU countries access the labor market, reducing youth unemployment and promoting social inclusion. Implementing this initiative in Ukraine will increase employment among youth and develop the country's economy.

The **Erasmus+ program** is one of the most well-known initiatives of the European Union, which aims to support academic exchange, vocational training, and education for young people and adults. Launched in 1987, Erasmus+ covers students and teachers, professionals, volunteers, and young entrepreneurs. The program aims to promote international mobility, skills development, and the exchange of experience, making it an important tool for developing European society.

Although Erasmus+ is mostly associated with academic exchanges, the program supports vocational training and adult development. It provides opportunities for:

1. Workers' mobility. The program allows workers and teachers to participate in traineeships and exchanges to develop their professional skills and improve their qualifications. Workers' mobility promotes the exchange of best practices between EU countries, stimulating innovation and adaptation to new challenges in their fields.
2. Partnerships for cooperation. Erasmus+ supports cooperation projects between educational institutions, businesses, NGOs and public institutions. These partnerships focus on creating new teaching methods, vocational training, and innovative approaches to developing skills needed in the labor market.
3. Adult education and training projects. The program provides an opportunity for adults (in particular those without formal education) to acquire new skills and knowledge necessary for professional growth.

Erasmus+ promotes the development of digital and innovation-related skills, which is particularly important in a rapidly changing labour market.

4. Support for youth projects and volunteering initiatives. The Erasmus+ program also covers youth projects and volunteering initiatives that promote the development of leadership qualities, social skills, and active citizenship among young people. This helps young people gain experience that will be useful for their future careers.
5. Entrepreneurship training. Erasmus+ offers programs to develop entrepreneurial skills for young people and adults, encouraging them to create businesses, innovate, and become entrepreneurs. This is particularly important in today's economy, where flexibility and innovation are essential for workers.

The impact of the Erasmus+ program on European society is significant, as it develops education and vocational training and contributes to creating cultural and social ties between EU countries. The program helps to adapt the European workforce to modern labor market requirements, increasing competitiveness and ensuring social inclusion.

The Digital Skills and Jobs Coalition is an EU initiative designed to enhance the digital skills of citizens, workers, and entrepreneurs across the EU. This coalition unites governments, the private sector, educational institutions, and civil society organizations to develop effective training programs that help citizens adapt to the requirements of the digital economy.

The main objectives of the program are:

1. **Developing basic digital skills for all citizens.** The program aims to increase the digital literacy among the EU population, including children, adults, and the elderly. This ensures that every citizen acquires the essential skills to participate in the digital society.
2. **Upskilling the workforce.** The coalition supports vocational training and retraining of workers in sectors undergoing technological change. The program offers training to acquire and improve digital competencies that help workers meet the modern demands of the labor market.
3. **Training professionals in the field of digital technologies**. The Digital Skills and Jobs Coalition supports skill development in programming, data analysis, cybersecurity, and other high-demand industries. The program stimulates the creation of courses and training programs to train highly qualified IT specialists.
4. **Supporting digital entrepreneurship.** The initiative promotes the development of entrepreneurial skills among young people and owners of small and medium-sized businesses. The program provides training in using digital tools for business management, marketing, and creating innovative products.

5. **Inclusion and equal access.** The Digital Skills and Jobs Coalition is focused on making digital skills accessible to all, in particular to vulnerable groups. The initiative seeks to ensure equal opportunities for all citizens, regardless of their age, social status, or level of education.

The program is supported through grants, public-private partnerships, and cooperation between EU Member States. It also encompasses initiatives from individual countries and European regions to develop educational materials, training courses, and platforms for enhancing digital literacy.

The program greatly impacts the European society, as digital skills are increasingly essential in today's economy. The development of these competencies contributes not only to professional growth but also to the integration of citizens into the digital world, which is necessary for the effective functioning of the European economy and society as a whole.

The Just Transition Fund is an EU initiative designed to support regions, communities, and workers experiencing economic challenges during the transition to a carbon-neutral economy. The fund is part of the European Green Deal and aims to ensure a just and inclusive transition to a climate-resilient economy, leaving no region or worker behind.

The main objectives of the program are:

1. **Supporting regions dependent on the carbon economy.** The Just Transition Fund aims to assist regions that rely heavily on fossil fuels and carbon-intensive industries, including the coal sector. The funding is aimed at helping these regions diversify their economies and transition to more sustainable activities.
2. **Retraining and support for workers.** The program provides funding for training and retraining programs for workers who have lost their jobs due to the closure of carbon-intensive enterprises. This helps to create new job opportunities in growing sectors such as renewable energy and the green economy.
3. **Support for small and medium-sized enterprises (SMEs).** The fund stimulates the creation and development of SMEs in regions affected by the transition to a green economy. This supports creating new jobs, fosters innovation, and promotes entrepreneurship in environmentally sustainable sectors.
4. **Investment in sustainable economic growth.** The Just Transition Fund funds projects to minimize climate impact and facilitate the shift to low-carbon technologies. This may include support for the modernization of enterprises, investments in renewable energy infrastructure, and energy efficiency solutions.
5. **Support for communities and social inclusion.** The fund finances social programs that assist communities in adapting to new economic conditions. It promotes the development of community initiatives, improving the quality of life of local populations and increasing social cohesion.

The Just Transition Fund is part of the broader financial framework of the European Green Deal, which aims to make Europe the first climate-neutral economy by 2050. To achieve this goal, the fund works with national governments, regional institutions, and local communities to develop just transition plans that consider the specific needs of each region.

The program's impact on European regions is crucial, as the Just Transition Fund mitigates the economic and social effects of moving away from carbon-intensive industries. The program ensures a smooth transition to an environmentally sustainable economy while protecting workers' well-being and social stability.

The European Union emphasizes employment, social protection, and inclusion, implementing programs to uphold high social standards for all citizens. Current challenges, including economic crises, changes in the labor market, migration flows, and growing social inequalities, require decisive action. The EU has introduced various initiatives to support employment, retraining, reduce social inequalities, and assist vulnerable groups.

QUESTIONS FOR SELF-ASSESSMENT

1. What is the main objective of the European Union's social policy?
2. What instruments does the EU use to combat poverty and social exclusion?
3. What is the European Pillar of Social Rights?
4. What main principles of social policy are defined by the European Pillar of Social Rights?
5. What is the role of the European Social Fund (ESF) in EU policy?
6. What program is aimed at reducing youth unemployment in the EU?
7. What are the main challenges facing EU social policy regarding population aging?
8. How does the EU support the social integration of migrants?
9. What is the role of the Employment Committee in the EU?
10. What are the main objectives of EU social policy in the field of ensuring equal opportunities?
11. What are the main areas of EU action for improving working conditions?
12. How does the EU support the citizens' vocational training and retraining?
13. What EU directives regulate equality in the workplace?
14. What is the Fund for European Aid to the Most Deprived (FEAD)?
15. What are the three main EU objectives for 2030 regarding employment and social protection?

RECOMMENDED READING

1. Договір про функціонування Європейського Союзу https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016E151.

2. Європейська стратегія зайнятості (EES) https://ec.europa.eu/social/main.jsp?catId=101&langId=en.
3. Комітет з питань зайнятості та соціальних питань https://www.europarl.europa.eu/committees/en/empl/home/highlights.
4. План дій Європейської основи соціальних прав https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/en/.
5. Рішення Ради (ЄС) 2022/2296 від 21 листопада 2022 року щодо керівних принципів політики зайнятості держав-членів https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018D1215.
6. Стандарти ЄС у сфері соціального забезпечення: впровадження в Україні та Європі https://jurfem.com.ua/standarty-yees-u-spherisotszabezpechennya/.
7. Соціальна політика і зайнятість: наскільки Україна готова до вступу в ЄС https://cedos.org.ua/researches/soczialna-polityka-i-zajnyatist-naskilky-ukrayina-gotova-do-vstupu-v-yes/.
8. Хартія Співтовариства про основні соціальні права працівників https://zakon.rada.gov.ua/laws/show/994_044#Text.
9. European Commission. (2021). *The European Pillar of Social Rights*. Retrieved from https://ec.europa.eu/social-pillar.
10. European Social Fund Plus. (2020). *European Social Fund Overview*. Retrieved from https://ec.europa.eu/social/esf.
11. Ferrera, M. (2017). *The European Social Union: A Missing but Necessary 'Political Good'*. Italian Journal of Social Policy, 4, 93–117.
12. European Parliament. (2003). *Working Time Directive*. Retrieved from https://www.europarl.europa.eu.
13. European Regional Development Fund. (2019). *Supporting Regional Development in the EU*. Luxembourg: Publications Office of the European Union.
14. Vandenbroucke, F., Barnard, C., & De Baere, G. (2017). *A European Social Union after the Crisis*. Cambridge: Cambridge University Press.
15. Andor, L. (2014). *Europe's Social Challenges*. Luxembourg: Publications Office of the European Union.
16. European Commission. (2013). *Youth Guarantee*. Retrieved from https://ec.europa.eu/social
17. European Social Dialogue. (2016). *Social Dialogue as a Tool for Social Change*. European Commission.

TESTS

1. What is the main goal of EU social policy?

a) Increasing the EU's military power
b) Ensuring a high standard of living and equal opportunities
c) Reducing spending on the social sphere
d) Expanding the EU's territory

2. Which fund is the main instrument for financing EU social policy?
a) European Social Fund (ESF+)
b) Infrastructure Development Fund
c) EU Research Fund
d) Youth Employment Fund

3. What is the European Pillar of Social Rights?
a) A set of directives on economic growth
b) A program to increase military spending
c) A document enshrining the basic social rights of EU citizens
d) A business support fund

4. Which of the programs is aimed at reducing youth unemployment?
a) Horizon 2020
b) Youth Guarantee
c) Erasmus+
d) European Pillar of Social Rights

5. What is the role of the Fund for European Aid to the Most Deprived (FEAD)?
a) Funding research
b) Providing food and material assistance
c) Investing in infrastructure
d) Developing information technology

6. What employment rate does the EU plan to achieve for people aged 20–64 by 2030?
a) 78% b) 85% c) 90% d) 95%

7. What changes in the labor market pose the greatest challenges for EU social policy?
a) Increasing number of jobs
b) Digitalization and automation
c) Decreasing the number of vocational trainings
d) Rapid wage growth

8. Which of the following programs is aimed at retraining and training adults?
a) Erasmus+ b) Horizon 2020 *c) ESF+* d) EURES

9. What is the EU target for adult participation in training programs by 2030?
a) 20% b) 40% *c) 60%* d) 80%

10. Which program supports worker mobility within the EU?
a) PROGRESS b) FEAD *c) EURES* d) Horizon Europe

TOPIC 15 Historical Aspects of the Development of Social Protection of Children in the EU Countries in the 17th–21st Centuries

15.1 Historical Aspects of the Development of Social Protection of Children in the European Countries in the 17th–20th Centuries

Protecting children's rights is constantly in the focus of attention due to their special vulnerability and insecurity. Children's rights are considered one of the most important components of modern international and national law. The safeguarding and enforcement of these rights serve as the foundation for stability and harmony in societies across the globe.

Children are a special socio-demographic group of the population, which, having age limits from birth to 18 years, has its own specific needs, interests, and rights, but does not have sufficient ability to defend and protect them before society. Children cannot be equated with adults in any way, including in legal aspects. A child must be granted specific rights and protection, designed with a particular purpose and limited by time. This is due to his physical, mental, moral, and spiritual immaturity. For a child to fully mature in every aspect, they require specific extra opportunities and support. Children's rights are specific privileges and protections essential for individuals under 18 to grow, develop, and reach maturity.

In every country, the protection of children is of great importance for their further development and life. Children whose sense of self-esteem, security, and trust is undermined at an early age remain in danger, both physically and psychologically, throughout their lives. Children who have been sold, abused, or involved in hazardous work will not be able to develop their abilities and take an active part in the life of society when they become adults. They are the ones who most often suffer from a loss of self-esteem, dignity, and distrust and have poor psychological and physical health. Therefore, the issue of children's social protection remains relevant in every society and necessitates a thorough analysis of the historical development of social protection systems for children in leading European countries.

The modern era brought forth diverse educational concepts designed to improve teaching and upbringing, helping individuals develop into knowledgeable, independent, and well-rounded individuals.

First and foremost, during the 17th and 18th centuries, previously established Latin schools began to develop and expand, becoming known as gymnasiums in German-speaking countries, colleges in France, and grammar schools in England. These schools prioritized the study of Latin, gradually broadening the curriculum to incorporate subjects like history, geography, mathematics, astronomy, and more.

Nobles who did not want to send their children to Latin schools, sent them to knightly or noble academies, which began to emerge in the first half of the 18th century. In these educational institutions, children were taught various languages, general history, the history of law, and morality. New subjects were added, including mathematics, mechanics, construction, and military affairs. Great emphasis was also placed on horse riding, dancing, and fencing.

However, the beginning of the New Age brought changes in the education system and a variety of new socio-pedagogical ideas that educators in different countries started to emphasize.

Jan Amos Comenius

Jan Amos Comenius became the founder of new ideas. His main socio-pedagogical teaching is that raising children is preparation for independent working life in society. According to scientists, the primary agents of socialization are the state, the church, and the family. Teachers were the first to address and seek solutions for the interaction between family and school in children's education. J. A. Comenius believed that the family prepares the child for school, while the school supports parents by guiding upbringing.

Johann Fichte

Representatives of the Enlightenment played a key role in shaping new socio-pedagogical ideas. Educational issues became a major focus of scientific research. For instance, Johann Fichte stressed the importance of integrating learning with productive work as a fundamental condition for the national education and upbringing development.

Johann Bernhard Basedow believed that education should prepare children for a socially useful, patriotic, and fulfilling life. Joachim Heinrich Campe argued that society must respect each individual's rights and ensure opportunities for their free development.

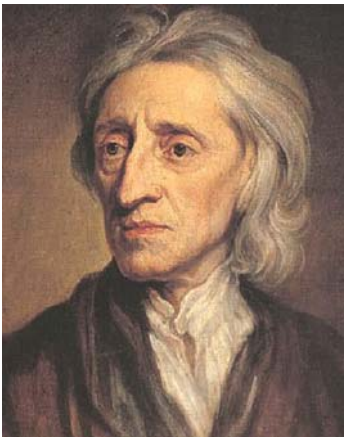
Representatives of the French Enlightenment fought against feudal ideas and institutions of

education and training. For example, Claude Henri Helvetius believed that all people are equal by nature, and the political system determines the basis of education. The philosopher defended social education and education.

French educators called social education the main priority of social progress, and therefore they saw the main condition for education in the cooperation of school and society. For example, Etienne Condillac argued that school education should be built on the historical sequence of human discoveries.

Denis Diderot considered education and upbringing as countervailing forces between the individual and the social in the individual. He also defended the principle of free primary education.

The pedagogical ideas of John Locke had a profound impact on the development of education in the 18th and 19th centuries. He viewed the family as the primary agent of socialization, but he believed it underwent significant changes in the socio-pedagogical context with the inclusion of educators and governesses. The teacher tried to eliminate the disadvantage of family upbringing, namely the pedagogical incompetence of parents. It was such views on upbringing and education that put the name of J. Locke among the innovators of social education.



John Locke

The outstanding Swiss educator Johann Heinrich Pestalozzi believed that the goal of socio-pedagogical activity was the social dimension and the all-round improvement of representatives of the poorest strata of society. A well-structured educational approach served as the key to achieving this goal, enabling reforms in the public education system, enhancing its quality, and transforming society as a whole.

Henry VIII

Each national system of child and youth social protection in Europe has its own established traditions of formation and development. For example, in Great Britain, the first decrees addressing social issues emerged as early as the 16th century during the reign of Henry VIII (1531). It was proposed to register persons who lived on alms and to oblige local authorities to make deductions to funds for the poor. This marked the state's first attempt to transition from church-led charitable activities to a centralized social protection system.

In 1607, Queen Elizabeth made a certain codification of laws and decrees on social protection, uniting them into a single «Poor Law», which existed for several centuries. Since the mid-19th century, England has implemented targeted assistance programs, prioritizing children and youth for protection. Beginning in 1909, new laws were introduced, reflecting shifts in state social policy and establishing key principles of social assistance, including universality, mandatory provisions, and a focus on addressing social issues. Specifically, the National Insurance Act was passed in 1911, followed by the Old Age Pensions and Assistance for Widows and Orphans Act in 1925. To analyze the stages of the formation of the English system, it is essential to examine the Local Administration Act of 1929. This act led to the establishment of social assistance committees, which were accountable to local administrations (county councils) and provided social support at the local level.

Otto von Bismarck

In other European countries, such as Germany, Sweden, Denmark, and Finland, social protection was established as a system of legislative, economic, and social guarantees by the late 19th century. In Germany, Chancellor Otto von Bismarck introduced several social laws that ensured state protection in cases of disability, illness, industrial accidents, and other risks. Certain measures were also envisaged for young people working in enterprises: age restrictions, prohibition of using young people's labor in harmful working conditions, etc.

In Sweden, as in Germany, the provision of social assistance by the state also focused on labor rights, but in 1929 the country passed the Social Services Act, which included all areas of state social activity. The categories of social services were clearly defined, including orphans, disabled children, working youth, and mothers with young children.

A distinctive feature of social protection in Sweden is that the concept of an «ombudsman» first emerged in this country. Sweden pioneered the establishment of independent bodies to oversee government actions in safeguarding individual rights, and in 1809, the world's first ombudsman was appointed there. Following Sweden, similar institutions were established in Finland (1919), Denmark (1955), and Norway (1962).

While the «ombudsman» remained primarily a Scandinavian concept throughout the 19th century, it began spreading globally from the mid-20th century. Today, similar institutions, with varying competencies, legal statuses, organizational structures, and levels of influence, exist in the legal and state systems of about a hundred countries worldwide.

Each country chooses the name of the institution independently («authorized person», «representative», «commissioner», «delegate», «protector»), in terms of the content of their activities, they are similar. Their functions are reduced to protecting the rights and legitimate interests of a person who considers himself a victim of unfair actions on the part of individual officials, departments, and the state.

Due to the unique nature and specific requirements of children's rights protection, an independent institution known as the «Ombudsman for Children» was established. The first Ombudsman for Children was established in Norway in 1981 to protect the rights and interests of children at all levels of society, and to introduce necessary changes in child protection policies.

Following the adoption of the UN Convention on the Rights of the Child in 1989, the expansion of institutions dedicated to protecting children's rights became a key aspect of implementing this international agreement. Governments of ratifying countries, committed to fulfilling their obligations, began developing a network of independent services for safeguarding children's rights.

The «Ombudsman for Children» (the term «Authorized person» is interchangeable) is usually called in these countries a statutory body established to protect the rights and interests of children. This mission can be fulfilled by an independent institution, a specialized department, or another unit within a broader human rights framework, such as the Office of the Ombudsman General for Human Rights. There are disadvantages and advantages to both options. However, a dedicated Ombudsman for Children can prioritize children's rights and utilize the most effective methods and tools for their protection.

During this time, a charitable system emerged to support terminally ill children, individuals with physical and mental disabilities, and the elderly.

In France, as early as the first half of the 19th century, special colonies were established for poor, homeless, and wandering children, along with houses of mercy. Under the 1850 law, correctional colonies for minors were created by the state. One example was the colony in Mettre, which combined an asylum, a prison, a school, a workshop, and a military regiment. Educators played a crucial role in these institutions, serving as judges, teachers, craftsmen, officers, and parental figures, essentially becoming «specialists in shaping children's behavior.»

In the mid-19th century, institutions such as orphanages and shelters were established to care for abandoned and destitute children.

By the mid-19th century, workers' schools for street children emerged in Great Britain. They were founded on the belief that laziness led to moral corruption and that work was the best remedy. As a result, these schools primarily focused on teaching various crafts.

Religious groups and charitable organizations also played a role in disciplining the masses, addressing religious (spiritual guidance), economic (providing aid and promoting employment), and political (managing social discontent) objectives. This is evident from the regulations of Parisian parish charitable institutions established at the turn of the 18th and 19th centuries.

Thus, the practice of «isolation» was replaced by the «carceral» system of charity, which included orphanages, charitable schools, schools for adults, free hospitals, almshouses, etc. It provided specialized assistance to the needy. Within the «carceral system,» the principle of complete isolation from society was not strictly maintained. Instead, the principle of receiving benefits allowed the exploitation of cheap labor and opportunities for assistance and compassion. Healthy poor people were completely excluded from this system.

A special place in the «carceral» system of care was occupied by institutions for young children: nurseries and kindergartens, created primarily for the poorest segments of the population. Nurseries first appeared in the mid-1840s in Paris on the initiative of M. Marbaud. In his opinion, the nurseries should replace the mother for the child and protect it from the harmful conditions of living in poverty. In 1855, the network of nurseries in France consisted of 400 institutions.

Another form of charitable institution was day shelters, designed to provide care and supervision for children whose parents were employed. One of the first such shelters appeared in 1780 in Steinhal (Alsace, France) on the initiative of the local priest Oberlin. He rented a room at his own expense, where he gathered abandoned children (mostly girls), and the older ones were taught sewing and weaving. Later, similar institutions appeared in Germany.

Over time, daycare centers, known as «kindergartens,» became widely established in European countries due to the efforts of the German educator Friedrich Froebel.

In the latter half of the 19th century, kindergartens were introduced in other European countries, such as France, Belgium, and the Netherlands. Meanwhile, the adaptation of F. Froebel's methodology resulted in modifications to align with national characteristics.

A special type of charitable institution was schools for children with physical and mental disabilities. The first institution for blind children was established in Paris in 1784 on the initiative of V. Gueni and T. Paradis. A century later, in the mid-1880s, there were more than 120 institutions for children with visual impairments in Western Europe. The first institutions for deaf-mute children were established in the early 1760s in Paris and Leipzig.

In the early 19th century, specialized institutions for children with intellectual disabilities began to appear. In 1841, the first school for such children was founded in Abendberg, Switzerland, and in 1842, a similar facility was established at the Berlin Institute for the Deaf-Mute.

Thus, the development of the child social protection system in Europe during the 19th and 20th centuries was marked by evolving attitudes toward children, the segregation of those facing various challenges, and the introduction of social assistance programs to support them. No less important is the opening of various charitable institutions, schools, and correctional colonies, which helped children change, as well as the emergence of social services that protected the rights and interests of children.

15.2 Legislative Framework for Protecting Children's Rights in Europe

Today, the problems of children's rights and freedoms occupy an important place in international relations.

Children's rights are part of general human rights. The concept of children's rights is a fundamental factor that shapes the conditions and well-being of children worldwide. Until recently, the protection of children's rights and interests was not addressed internationally, with relevant issues being handled primarily at local and national levels.

The children's rights protection is largely determined by the extent to which society is informed about children's rights, implementation mechanisms, and protection issues. Today, the situation of children has become more complicated: illegal trade, illegal transportation, kidnapping, sexual exploitation, and commercial use of children's health have become an everyday reality around the world. Therefore, the issue of children's rights is relevant and requires the development of a legislative framework.

As UN research shows, millions of children in the modern world are engaged in work that interferes with their development and education and even deprives them of the means to survive in the future. Many children are involved in the worst forms of child labor, which cause physical or psychological harm or even threaten their lives. All this is a global violation of children's rights. The future of humanity depends on the younger generation, therefore ensuring children's rights and their legal protection is an integral part of international human rights law.

The formation of universal legal norms on the protection of children is associated with implementing large-scale measures by the UN from the first year of its existence to create a legal basis for protecting human rights and freedoms. The first and most authoritative document in the field of children's rights protection can be considered the Universal Declaration of Human Rights of 1948, which states that the enjoyment of fundamental human rights does not depend on age, emphasizes the need for special protection of motherhood and childhood (article 25) and for the first time formulates the basic requirements for education (article 26). It also stated that children should be the object of special supervision and assistance.

In 1949, the session of the Council of the International Democratic Federation of Women in Paris declared the establishment of International Children's Day. «International Children's Day» was first celebrated in 1950 across 51 countries worldwide. The UN endorsed this initiative, recognizing the protection of children's rights, lives, and health as a key priority. On this day, numerous activities are organized for children, including contests with prizes, concerts, exhibitions, and educational events.

In 1959, the UN adopted the Declaration of the Rights of the Child, which has 10 short declarative articles, and programmatic provisions that called on parents, individuals, state bodies, local authorities, and governments to recognize the rights and freedoms set out in it and observe them. These were 10 social and legal principles that significantly influenced the policies and affairs of governments and people around the world. However, the declaration is not legally binding and serves only as a recommendation without obligatory enforcement. Changing times and the worsening conditions for children necessitated more concrete laws, measures, and international agreements to safeguard and uphold children's rights.

Simultaneously, international initiatives within the ILO conventions were introduced to restrict the exploitation of child labor. One of the most significant international legal documents for protecting children's rights is the Convention on the Rights of the Child, adopted on November 20, 1989, outlining the fundamental principles of modern society regarding the role of children. To monitor and evaluate the progress of States Parties in meeting their commitments under the Convention, article 43 established the Committee on the Rights of the Child.

A child is defined as «any human being under 18 unless the applicable law grants majority status at an earlier age.»

The basic legal principle for the protection of children's rights is the equality of rights for all children «without any exception or distinction or discrimination based on race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status of the child or his or her family.»

By ratifying the Convention, governments guarantee that children are raised in safe and supportive environments, with access to quality education, healthcare, and a decent standard of living.

The Convention contains a comprehensive list of the rights of the child: to life, to a name, to acquire a nationality, to be cared for by parents, to preserve his or her individuality, to be heard in any proceedings concerning the child; the right to freedom of conscience and religion; the right to private and family life; inviolability of the home; privacy of correspondence; the right to the enjoyment of the highest attainable standard of health; the benefits of social security; a standard of living adequate for the child's development; educa-

tion; leisure; special protection: from abduction and sale, from physical forms of exploitation, physical and mental violence, participation in hostilities; the right for the State to take all necessary measures to promote the physical and mental recovery and social integration of a child who has become a victim of abuse or crime.

Since the establishment of the United Nations (1945), children, their well-being, and rights have always been the object of its special concern and assistance. One of the first results of the UN's activities was the decision, adopted by the UN General Assembly in 1946, to establish the United Nations Children's Fund (UNICEF) as one of the UN bodies to assist children in Europe after the Second World War. In 1950, when the fund's mandate was set to expire, countries from Asia, Africa, and Latin America requested its continuation. In response, the UN General Assembly incorporated UNICEF into the United Nations system as a permanent agency dedicated to addressing the long-term needs of children in developing countries. While the words «international» and «emergency» were removed from its name, the widely recognized abbreviation «UNICEF» was retained.

Emblem of the United Nations Children's Fund (UNICEF)

Over time, even with the progress made by individual countries in improving children's well-being, UNICEF's mission has remained unchanged: to advocate for children's interests, address their needs, and ensure support without discrimination. It is important to note that to this day UNICEF is the main mechanism for international assistance to children in difficult conditions. The importance of UNICEF's role as a global advocate for children's rights under the UN Convention on the Rights of the Child lies primarily in its efforts to raise awareness about the necessity of protecting minors' rights and interests, and in mobilizing resources to enhance their well-being.

Human rights are a natural belonging, an inalienable property of every member of society from birth. The exercise of rights and freedoms serves as a means of expressing individual uniqueness, allowing each person to realize their creative potential and capabilities, which in turn plays a crucial role in the overall development of society.

It is not by chance that the Universal Declaration of Human Rights opens with the assertion that acknowledging the equal dignity and inalienable human rights serves as the foundation for freedom, justice, and global peace.

Human rights represent one of the most fundamental and invaluable human values, which must be upheld, protected, and respected.

The future of both individuals and humanity as a whole largely depends on the younger generation. Therefore, safeguarding children's rights and ensuring their legal protection is undoubtedly a crucial task of our time, requiring the active engagement of the global community.

In view of the above, further arguments seem unnecessary. A key achievement of the international human rights protection system is the global acknowledgment that «the child, due to physical and mental immaturity, requires special safeguards and care, including appropriate legal protection both before and after birth,» and the recognition of children as independent rights-bearing individuals.

The above theoretical analysis of the legislative framework for protecting children's rights in the EU allows for drawing several general conclusions.

Our study of children's rights protection in Europe revealed that the legislative framework on this matter emerged in the first half of the 20th century. Initially, the focus was on safeguarding motherhood and childhood, and ensuring access to education.

Our analysis of regulatory legal acts revealed that a «child» is universally defined as «every human being under the age of 18 unless, under the applicable law, they attain majority earlier.» The main legal principle of protecting children's rights is the equality of rights of all children «without any exceptions and distinction or discrimination on the grounds of race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or other circumstance affecting the child himself or her family.»

Today, a sufficient number of documents have been established worldwide, serving as a foundation for many countries in safeguarding children's rights. This has already led to a shift in approaches to ensuring children's rights, creating better opportunities for their development, and providing essential protection in numerous nations. Despite the aforementioned advancements in the regulatory and legislative framework, new challenges concerning children continue to arise and spread globally, driving the need for further research and exploration.

15.3 Issues of Childhood Protection in the EU Countries in the 21st Century

Children's rights have been violated almost at all times. However, in the era of mass media, when information has become publicly available, and in light of the UN Convention on the Rights of the Child, which came into force a little over two decades ago, the issues of violation of children's rights are becoming more frequent and acute. This applies to children's rights in almost all countries of the world.

Naturally, each country has its legislation regulating children's rights. Increasing attention is now being given to the children's rights protection at

the international level, recognizing that relevant provisions and existing experiences should be widely known and, most importantly, accessible to activists and organizations dedicated to addressing human rights violations.

Numerous global challenges hinder the complete fulfillment of children's rights.

One of the main such problems is war. Since the Convention on the Rights of the Child came into force, there have been over 80 wars and military conflicts. On average, about four wars break out in the world annually. And if we take into account that many military conflicts last for years, it becomes clear what threat arises to the lives of children, as the most vulnerable part of the population. However, during war, the danger to life comes not only from weapons or the brutality of adults involved in the conflict but also from hunger, cold, disease, and the absence of essential medical care.

Unfortunately, global experience demonstrates that armed conflicts lead to numerous unresolved humanitarian issues, including infrastructure destruction, shortages of essential energy resources, and limited access to clean drinking water, food, and medicine. First of all, these humanitarian problems affect the rights of children, who cannot defend these same rights on their own.

The next problem of our time is the development of juvenile justice. Initially, it was a network of institutions and organizations responsible for administering justice in cases involving offenses committed by minors. Unfortunately, over time, the juvenile justice system has transformed into a well-thought-out technology for taking children away from their parents, which violates the rights of both children and parents. That is, the juvenile justice system is one of the tools for the destruction of the family as the main institution of society.

Today, many countries in the world are actively implementing the so-called juvenile justice. Officially, juvenile justice is a system of legislative acts regulating the protection of children's rights and the prevention of juvenile crime at the state and interstate levels. This system can easily take a child away from his parents because:

- The parents did not provide the child with all the necessary vaccinations on time, as required by those upholding the principles of the juvenile system, nor did they take the child to regular medical checkups at the children's clinic promptly.
- The child's housing is in an emergency condition, in need of repair, or currently under renovation.
- According to representatives of the juvenile system, the parents are exhibiting immoral behavior.
- Toys are scattered throughout the house, or there are too few of them, and the child plays with so-called «unconventional objects» instead of proper toys.

- The child does housework, such as washing dishes, sweeping and mopping the floor.
- There are reports from neighbors regarding the child's mistreatment, among other concerns.

Another significant challenge of our time is unrestricted access to vast amounts of information. Unfortunately, this does not necessarily «promote the social, spiritual, and moral well-being, nor the healthy physical and mental development of the child.» According to various studies, from 50 to 80% of all materials on the Internet are pornographic, or are associated with violence, or with the promotion of an unhealthy lifestyle, the use of alcoholic beverages and various drugs, etc.

Modern children have unrestricted access to social networks, and parents often facilitate this by providing them with the latest technological devices.

One cannot ignore the widespread problem of obtaining education (primary). The level of primary education varies in different regions. For example, according to the UNICEF report «The State of the World's Children 2011,» the net primary education coverage rate in developing countries was 90% for boys and 87% for girls. Many millions of children worldwide have not mastered the course of primary education. In this case, it is not even necessary to talk about secondary or higher education.

Other pressing issues of our time include healthcare, social security, and living standards.

The quality of medical care for children around the world can be judged by the data of the WHO (World Health Organization):

- In some developing countries, only about 10% of women in labor receive qualified medical care during childbirth. Meanwhile, in developed countries, the cost of medical care for wealthy and low-income women can differ by hundreds or even thousands of times, leading to the loss of hundreds of thousands of women's and children's lives worldwide.
- Statistics indicate that children born into wealthy families tend to have a significantly higher life expectancy than those from impoverished households. Low-income families often lack the financial means to afford medical treatment for their children, which tragically results in high mortality rates. Bridging this gap for children under the age of five alone could save approximately 16 million lives each year.

There are also more threatening problems, such as drug addiction, violence, and child trafficking.

The drug business is a huge, highly profitable industry that disregards all laws and spares no one, even young children. Now the average age of children who can no longer do without drugs varies between 15 and 17 years, while children begin to get involved in drugs at the age of 9–13.

UNICEF conducts annual research on the protection of children's rights and publishes reports on violations of rights, particularly focusing on issues related to violence against children. Analyzing these statistics reveals that:

- Every third student in the world is regularly bullied at school. In some countries, this figure reaches 75%.
- Globally, approximately 120 million girls under the age of 18 have been subjected to forced sexual intercourse.
- Additionally, nearly half of girls aged 14 to 18 (over 120 million) believe that a man has the right to punish his wife physically under certain circumstances.
- One in three teenage girls who are married or in a civil union experiences psychological, physical, or sexual violence from their husband or partner. In some African countries, this figure rises to 70%. Additionally, 7 out of 10 girls who have suffered physical or sexual violence never seek help.
- One in five violent deaths worldwide occurs among children and adolescents. Additionally, approximately 20% of adolescents fall victim to sexual violence.
- About 17% of children are subjected to severe physical punishment. In some countries, this figure reaches 40%.
- One in three adults believes that physical punishment is an essential aspect of child-rearing, with this percentage reaching up to 80% in some countries.
- Violence against children and adolescents often persists for years and can even be passed down from generation to generation. As a consequence, children who have suffered from violence often grow up to exhibit cruelty toward others.
- In the Annual Report on the State of the World's Children in 2021, on average, one in five young people aged 15–24 surveyed said that they often feel depressed and have no interest in doing everyday things in life.

There is a global industry for child trafficking and their export to other countries. Currently, over 1 million children are involved in child trafficking, with approximately 5 million already sold – most of them being girls. These children are trafficked for sexual slavery, forced labor, the pornography industry, organ harvesting, and other exploitative purposes. Economists estimate that the annual revenue of the child pornography industry reaches $500 billion.

Unfortunately, despite the efforts of the UN and numerous governments, the global situation regarding children's rights remains critically far from ideal. UNICEF proposes a strategy aimed at uniting all sectors of society – from families to governments – in the fight against violence against children. It provides for:

- Support for parents and education of children to obtain certain life skills.
- Change in public opinion.
- Criminal and social legislation, the judicial system.
- Increasing awareness and sharing information about violence against children, its consequences for individuals, and its impact on the socio-economic situation to help shift social norms and attitudes toward violence.

Thus, safeguarding children's rights and improving their living conditions in society is a vital responsibility of every conscientious adult and all public organizations, regardless of their field of activity. This must be understood since children are truly the future not only of society, the state, the country, and the planet but also of each living adult who values their human life. By neglecting children's rights today, we doom them to difficulties in the future and deprive ourselves of hope for support, understanding, respect, and stability.

QUESTIONS FOR SELF-ASSESSMENT

1. In your opinion, what is the essence of social protection of children?
2. What are the key challenges facing the child protection system in EU countries?
3. What are the main provisions of the UN Convention on the Rights of the Child?
4. What are the main areas of activity of the UN Children's Fund?
5. What types of violence against children can you name?

RECOMMENDED READING

1. Конвенція про обмеження нічної праці дітей та підлітків на непромислових роботах (1946). URL: https://zakon.rada.gov.ua/laws/show/993_126.
2. Конвенція про стягнення аліментів за кордоном (1956). URL: https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XX-1&chapter=20&Temp=mtdsg3&lang=en.
3. Європейська конвенція про правовий статус дітей, народжених поза шлюбом (1975). URL: https://zakon.rada.gov.ua/laws/show/994_568#Text.
4. Конвенція про захист дітей та співробітництво з питань міждержавного усиновлення (1993). URL: https://zakon.rada.gov.ua/laws/show/995_365#Text.
5. Конвенція про контакт з дітьми (2003). URL: https://zakon.rada.gov.ua/laws/show/994_659#Text.
6. Конвенція Ради Європи про захист дітей від сексуальної експлуатації та сексуального розбещення (2007). URL: https://zakon.rada.gov.ua/laws/show/994_927#Text.

7. Декларація прав дитини (1959). URL: https://zakon.rada.gov.ua/laws/show/995_384#Text.
8. Конвенція ООН про права дитини (1989). URL: https://zakon.rada.gov.ua/laws/show/995_021#Text.

TESTS

1. When was the Convention on the Rights of the Child approved?
a) 1998 *b) 1989* c) 1899 d) 1990

2. According to the Convention on the Rights of the Child, what age is the threshold for a human being to be considered a child?
a) 12 b) 14 c) 16 *d) 18*

3. What is the source of human rights? Who gives them, or where do they come from?
a) Human rights are granted to a person by the state
b) Human rights are an invention of Western states that they impose on other peoples
c) Human rights stem from the human dignity that all people have from birth
d) Human rights are granted to a person by society, and they are enjoyed by all members of society who lead a decent and decent life

4. How many articles does the UN Convention on the Rights of the Child contain?
a) 5 b) 24 *c) 54* d) 63

5. The system of opportunities that a person needs for his/her comprehensive and holistic development in the conditions and following the requirements of the environment, considering the child's immaturity – is ...
a) Obligations of the child *c) Rights of the child*
b) Rights of the state d) Principles of justice

6. In what year did Ukraine ratify the Convention on the Rights of the Child?
a) 1989 b) 1990 *c) 1991* d) 1996

7. Choose the correct statement:
a) The Civil Code does not protect the rights of the child
b) In case of violation of his rights, the child can apply to the guardianship and trusteeship bodies or the court
c) Applying to public organizations is not a way to protect the rights of the child
d) all statements are correct

8. Which legislative act does not protect the rights of the child?
a) Family Code
b) Civil Code
c) Law «On the Protection of Childhood»
d) Everyone protects

9. In which country and when did kindergarten appear?
a) France, first half of the 19th century
b) Great Britain, second half of the 19th century
c) Belgium, second half of the 19th century
d) Netherlands, first half of the 19th century

10. Which country recognized the world's first ombudsman?
a) Norway *b) Sweden* c) Denmark d) Great Britain

TOPIC 16

Ukraine and the European Integration Policy

16.1 Formation of Ukraine's European Integration Policy. Partnership and Cooperation Agreement between Ukraine and the EU.
16.2 The Association Agreement between Ukraine and the EU.
16.3 Deep and Comprehensive Free Trade Area between Ukraine and the EU.
16.4 Visa Liberalization between Ukraine and the EU.
16.5 Ukraine as a Candidate Country for EU Accession. Start of Negotiations on Ukraine's Accession to the EU.

16.1 Formation of Ukraine's European Integration Policy. Partnership and Cooperation Agreement between Ukraine and the EU

After Ukraine gained independence, trade and economic relations between the European Community and Ukraine were established based on the Trade and Cooperation Agreement, originally signed between the EU and the USSR. Following the Soviet Union's collapse, Ukraine and other former republics inherited this agreement.

Ukraine's national self-identification as a European state was declared on December 5, 1991, in the Address of the Verkhovna Rada of Ukraine «To the Parliaments and Peoples of the World» in connection with the confirmation of the Act of Proclamation of Independence of Ukraine in a referendum.

Relations between Ukraine and the European Union were initiated in December 1991, when the Minister of Foreign Affairs of the Netherlands, as a representative of the country holding the EU presidency, officially recognized Ukraine's independence in a letter on behalf of the European Union.

The goal of the now independent Ukrainian state, which was to cooperate with the EU and obtain EU membership in the future, was legislatively enshrined in the Resolution of the Verkhovna Rada of Ukraine «On the Main Directions of Ukraine's Foreign Policy» of July 2, 1993. It stated that «the long-term goal of Ukrainian foreign policy is Ukraine's membership in the European Communities… To ensure stable relations with the European Communities, Ukraine will sign a Partnership and Cooperation Agreement with them. Implementing this agreement will be the first step toward achieving associate status and, ultimately, full membership in the organization.»

The Partnership and Cooperation Agreement was the fundamental document that established the legal framework for bilateral cooperation between Ukraine and the EU. Although it was signed between Ukraine and the European Union on June 16, 1994, it entered into force only on March 1, 1998 after it was ratified by the parliaments of all the EU member states.

This Agreement formalized a partnership between the European Community and its Member States on one side and Ukraine on the other. The objectives of this Partnership were:

- to establish an appropriate framework for political dialogue between the Parties, fostering the development of close political relations;
- to promote the development of trade, investment, and harmonious economic relations between the Parties and thus accelerate their sustainable development;
- to establish a basis for mutually beneficial economic, social, financial, civil, scientific and technical, and cultural cooperation;
- to support Ukraine's efforts to strengthen democracy and develop its economy and complete the transition to a market economy (article 1 of the Agreement).

As for the prospects of Ukraine's membership in the EU, although the Partnership and Cooperation Agreement between Ukraine and the EU defined the legal principles and forms of Ukraine's cooperation with the EU, its peculiarity is that it does not contain any references to European integration, which is generally typical of partnership agreements. It is a conventional modernized form of standard trade agreements, which are at a fairly low level of the EU's contractual relations with third countries and do not provide for the establishment of any preferences. The universal nature of this Agreement, the absence of a differentiated approach to the Newly Independent States, and the EU's tendency to prioritize political cooperation over economic collaboration reflected the secondary importance the EU placed on relations with these countries, including Ukraine, in the 1990s.

In 1999, the EU adopted the Common Strategy on Ukraine, formally acknowledging Ukraine's European aspirations. This document can be considered the EU's response to the «Strategy for Ukraine's Integration into the

European Union», approved on June 11, 1998, by the Decree of the President of Ukraine.

The Strategy for Ukraine's Integration into the EU was approved to implement Ukraine's strategic course for integration into the EU, ensuring Ukraine's comprehensive entry into the European political, economic, and legal space, and creating the prerequisites for Ukraine's acquisition of EU membership.» The main ideas and objectives of the Strategy (1998):

- Ukraine's national interests necessitate its establishment as a prominent European state and its full integration into the EU.
- Ukraine's attainment of associate member status in the EU is a key foreign policy priority in the medium term, which should be synchronized with the full EU membership of candidate countries that share a border with Ukraine. As we know, Ukraine's goal of obtaining associate membership in the EU in the medium term was not realized during the accession of Central and Eastern European states to the EU in 2004 and 2007.

In addition, *the Strategy identified the main directions of Ukraine's integration process:*

- adaptation of Ukrainian legislation to the EU legislation;
- ensuring human rights;
- economic integration and development of trade relations between Ukraine and the EU;
- integration of Ukraine into the EU in the context of pan-European security;
- political consolidation and strengthening of democracy;
- adaptation of Ukraine's social policy to EU standards;
- cultural, educational, scientific, and technical integration;
- regional integration of Ukraine;
- sectoral cooperation;
- cooperation in the field of environmental protection.

Thus, the foundational document that established the legal framework for bilateral cooperation between Ukraine and the EU at the initial stage was the Partnership and Cooperation Agreement. Signed in 1994 and ratified by the Verkhovna Rada of Ukraine the same year, it officially entered into force only in 1998 after being ratified by the parliaments of all EU member states. At the same time, its provisions did not outline prospects for Ukraine's EU membership but were primarily focused on developing trade relations and fostering political dialogue between the parties. Ukraine's genuine aspiration for EU membership was officially declared and acknowledged by the EU after the ratification of the PCA in the late 1990s. This coincided with the adoption of the Strategy for Ukraine's Integration into the European Union through a presidential decree in 1998 and the Program for Ukraine's Integration into the EU, approved by a presidential decree in 2000.

16.2 Association Agreement between Ukraine and the EU

The term of the basic agreement between Ukraine and the European Union – the Partnership and Cooperation Agreement – was 10 years and expired on March 1, 2008. Although this agreement contained a mechanism for its automatic extension in the absence of objections from one of the parties, Ukraine and the EU began negotiations on the conclusion of a new agreement, because after ten years of cooperation between Ukraine and the EU in this format, mutual contractual and legal obligations required a significant expansion due to Ukraine's determination of the goal of gaining EU membership.

The signing of an association agreement between Ukraine and the European Union aligns with the country's state policy on European integration, as Ukraine's path toward EU membership remains its primary and unwavering foreign policy priority, established in:

- The Law of Ukraine «On National Security of Ukraine» (2018),
- The Law of Ukraine «On Principles of Domestic and Foreign Policy» (2010, as amended in 2023). According to article 11 of the Law, one of the fundamental principles of Ukraine's foreign policy is to ensure Ukraine's integration into the European political, economic, and legal space to gain EU membership.

The association agreement was seen as a favorable choice for our country, primarily because it was believed that signing it could pave the way for Ukraine to achieve candidate status for EU membership. Such an agreement would contribute to Ukraine's full integration into the EU with membership in the European Union, considering the similar experience of European integration of the post-socialist states of Central and Eastern Europe that joined the EU in the 21st century.

As historical experience has shown, concluding an association agreement with a European state is the beginning of this state's preparation for EU membership. First, such agreements were signed with Greece and Turkey in the early 1960s. In the early 1990s, the European Union extended this organizational and legal framework for cooperation to Poland, Hungary, the Czech Republic, Slovakia, Bulgaria, Romania, Slovenia, Latvia, Lithuania, and Estonia. On the initiative of the European Commission, the system of agreements with Central and Eastern European countries was named «Europe Agreements» to differentiate them in both name and content from the EU's association agreements with other countries worldwide.

The mechanism of associated membership is provided for in article 217 of the consolidated text of the Treaty on the Functioning of the European Union, Title V «International Agreements». Article 217 of the EU Treaty states that «the Union may conclude agreements with one or more third countries or international organizations establishing an association, including reciprocal rights and obligations, common actions and special procedures».

The Association Agreement establishes special privileged relations with these states, allowing them to be partially integrated into the EU's association system. This ensures the highest level of cooperation between the parties, which motivated Ukraine to pursue an association with the European Union in line with its European integration strategy.

Four joint working groups were established to facilitate the negotiation process for the Association Agreement, focusing on substantively shaping the agreement in the following areas:

1) political dialogue, foreign and security policy;
2) justice, freedom and security;
3) economic and sectoral cooperation, issues of human potential development;
4) a free trade area (it came into operation later compared to the first three – after the completion of the formal procedures for Ukraine's accession to the WTO).

Negotiations on the establishment of a free trade area, an essential component of the new association agreement between the EU and Ukraine, commenced in February 2008. At that time, Ukraine had already joined the World Trade Organization.

In 2008, the EU General Affairs and External Relations Council, at its meeting in Brussels, decided on its readiness to call the new agreement with Ukraine an «association agreement», while reaching a common position on the need to recognize Ukraine as a «European country» in the preamble to the agreement. The foundation of political association lies in the alignment of Ukraine and the EU's positions on global peace and security, Ukraine's direct involvement in the EU policies, agencies, and programs, and joint efforts to safeguard Ukraine's national security interests. The basis of economic integration is creating a deep and comprehensive Ukraine-EU free trade area, which will gradually open Ukraine's access to the EU internal market.

Ukraine insisted on including in the preamble of the Association Agreement a confirmation of its prospects for EU membership. It received support from several EU member states, including the United Kingdom, Poland, the Czech Republic, and Sweden. However, other EU states, including Belgium, Luxembourg, Austria, Portugal, and Spain, argued that it was too serious a step for the EU to even recognize Ukraine as a «European» state with the right to apply for EU membership under the TEU. Ultimately, the negotiations resulted in a joint declaration of the 2008 Ukraine-EU summit, based on a French proposal, recognizing that Ukraine, as a European state, shares a common history and values with the EU states. Hence, while the EU did not offer Ukraine the prospect of membership, it did recognize its European aspirations.

Although negotiations on the new Agreement between the EU and Ukraine were officially concluded and its content was initialed in 2012, the

anticipated signing at the Vilnius Eastern Partnership Summit on November 28–29, 2013, did not occur.

The events that occurred in Ukraine in late 2013 and early 2014, known as Euromaidan and the Revolution of Dignity, ultimately led to the signing of the political part of this Agreement on 21 March 2014, and its economic part on 27 June 2014 by the newly elected President of Ukraine, P. Poroshenko, including the creation of a free trade zone between Ukraine and the EU.

Euromaidan and the Revolution of Dignity
(source: https://www.holosameryky.com/a/jevromaidan-hidnist-ta-rishuchist/4667732.html)

Photo: Ratification of the Association Agreement by the Verkhovna Rada of Ukraine and the European Parliament on September 16, 2014
(source: https://tsn.ua/politika/verhovna-rada-ta-yevropalmare-sinhronno-ratifikuvali-ugodu-pro-asociaciyu-368757.html)

The Verkhovna Rada of Ukraine and the European Parliament simultaneously ratified the Association Agreement on September 16, 2014. Thus, in September 2014, each of the twenty-eight EU Member States began the long process of ratification of the Association Agreement with Ukraine. Before the Association Agreement officially entered into force, it was provisionally applied from November 1, 2014, while the provisions related to the free trade area took effect on January 1, 2016, pending the completion of the ratification process.

At the beginning, ratifying the Association Agreement was quite fast, because within six months of its signing, half of the EU Member States (fifteen out of twenty-eight) ratified the Agreement. First, the Association Agreement between Ukraine and the EU was ratified by the former socialist states of Europe – eleven out of fifteen that had already ratified the Agreement (except Denmark, Ireland and Sweden). This indicates a close historical heritage between Ukraine and these states of the former socialist bloc and their understanding of the transformation processes and reforms that Ukraine is going through implementing the state's European integration policy. It should be noted that a similar trend could be observed during the ratification of the agreements with the EU by the countries of Central and Eastern Europe, which were supported by such states as, for example, Portugal, which was understanding of the process of internal post-socialist reforms and foreign policy towards integration into the EU in these countries, remembering its difficult similar path of «returning to Europe» and joining the European Union. Consequently, Western European countries were initially less active in ratifying the Association Agreements with Ukraine compared to the nations involved in the EU's fifth, sixth, and seventh enlargements in the 21st century. Finally, if it were not for the delay in the ratification process of this Agreement by the Netherlands, it would have been completed in a fairly short time – in less than two years.

On September 1, 2017, after a long ratification process, the Association Agreement between Ukraine and the EU entered into force in full.

Let us consider the agreement itself in detail.

The Preamble notes that the Parties agreed on the provisions of the Association Agreement between the EU and its Member States and between Ukraine on the following grounds:

- the EU's recognition of Ukraine as a European state sharing a common history and common European values;
- Ukraine's recognition of its European identity;
- the strong support of Ukraine's citizens for its European integration;
- the EU's recognition of Ukraine's European aspirations;
- Ukraine's economic integration and political association with the EU depends on progress in implementing the agreement;

- achieving economic integration through the creation of a free trade area as part of the Association Agreement;
- the importance of creating a visa-free regime for Ukrainian citizens;
- the Association Agreement does not set a fixed course and keeps the future of Ukraine-EU relations open for further development.

It should be recalled that the EU Association Agreements with the Central and Eastern European countries did not contain provisions on a specific membership perspective or a time frame for accession to the European Union. However, due to Poland's persistence, the preamble of the EU-Poland Association Agreement explicitly stated its intention to seek EU membership.

Taking into account the objectives of establishing the association between the Parties, it can be said that the objectives of Ukraine's association with the EU coincide with the main objectives of the EU itself at the current stage, namely:

- economic integration,
- common foreign and security policy,
- common internal policy, including democratic institutions development, good governance, the rule of law and respect for human rights, cooperation in justice and border security, etc.

Respect for democracy, human rights, and the rule of law serves as the foundation of both parties' domestic and foreign policies and represents the core principles of the Agreement. The Agreement also emphasizes key elements such as sovereignty, territorial integrity, inviolability of borders, and independence. It should be noted that these main fundamental elements of the Association Agreement between Ukraine and the EU regarding respect for and ensuring sovereignty and territorial integrity, as well as inviolability of borders, have acquired exceptional relevance for the relations of both Parties after the occupation and annexation in 2014 of the Ukrainian Autonomous Republic of Crimea by the Russian Federation, the armed conflict in eastern Ukraine since 2014, as well as after the start of a full-scale war by Russia against Ukraine on 22 February 2024.

Next, we will proceed with the analysis of Title II of the Association Agreement, which covers political dialogue, political association, and cooperation in foreign and security policy, commonly referred to as the «political part of the Agreement.»

Political dialogue should be developed and strengthened between the Parties in all areas of mutual interest. The objectives of political dialogue are, for example:

- deepening the political association and strengthening political and security efficiency and convergence;
- accelerating practical cooperation between the Parties, focused on results and for the achievement of peace, security, and stability on the European continent;

- deepening cooperation between the Parties in the field of security and defense;
- guaranteeing the state's territorial integrity, border inviolability, and sovereignty.

Chapter 1 of Section VII of the Association Agreement on institutional provisions is devoted to clarifying the institutional framework of cooperation.

At the ministerial level, political dialogue takes place through Association Council meetings and regular meetings between the Foreign Ministers of both Parties.

The functions of the Association Council include the control and monitoring of the application and implementation of the Agreement, and its meetings at the ministerial level are held regularly at least once a year or as necessary. It consists of members of the EU Council and members of the European Commission, as well as members of the Cabinet of Ministers of Ukraine. The Association Council is chaired alternately by a representative of Ukraine and the European Union. Additionally, other bodies may participate as observers if needed and with the mutual consent of both Parties. The Association Council itself establishes its own rules of procedure. Its decisions are binding on both Parties. They must take measures to implement the decisions taken by the special bodies of the Association Council. At the same time, the Association Council is a platform for exchanging information on the legislation of Ukraine and the EU to approximate the legislative framework of Ukraine to that of the EU.

Article 464 of the Agreement establishes an Association Committee to assist the Association Council in performing its functions. It includes representatives of Ukraine and the European Union, mainly senior officials. Like the Association Council meetings, the Association Committee is chaired alternately by a representative of Ukraine and the EU and convenes with the same frequency. At the same time, the Association Council may delegate any of its powers to the Association Committee, including the adoption of binding decisions, and the Association Committee prepares its decisions by agreement of the Parties, which is an important power of the Association Committee, in the opinion of the author of this study. According to article 466 of the Agreement, subcommittees established under the Association Agreement shall assist the Association Committee.

The Parliamentary Association Committee serves as a platform for members of the Verkhovna Rada of Ukraine and the European Parliament to meet and exchange views. Its meetings shall be held with a regularity determined by this Committee. Additionally, the Committee establishes its own rules of procedure, and following these provisions, it is chaired alternately by a representative of the Verkhovna Rada of Ukraine and the European Parliament.

Furthermore, the Committee determines its own rules of procedure, and under these provisions, its chairmanship alternates between a representative

of the Verkhovna Rada of Ukraine and the European Parliament. To this end, a Civil Society Platform will be established, comprising members of the European Economic and Social Committee and representatives of Ukrainian civil society. At the same time, its meetings shall be held with a regularity determined by it and under its own rules of procedure, and it shall also be chaired alternately by representatives of the Parties. This Platform is linked to other cooperation bodies between Ukraine and the EU established by the Association Agreement, as it: a) is informed of the decisions and recommendations of the Association Council; b) has the authority to make its recommendations to the Association Council; c) the Association Committee and the Parliamentary Association Committee must regularly contact their representatives to consider their visions regarding the implementation of the Association Agreement.

Thus, the institutional mechanism of cooperation between Ukraine and the EU by the Agreement consists of:

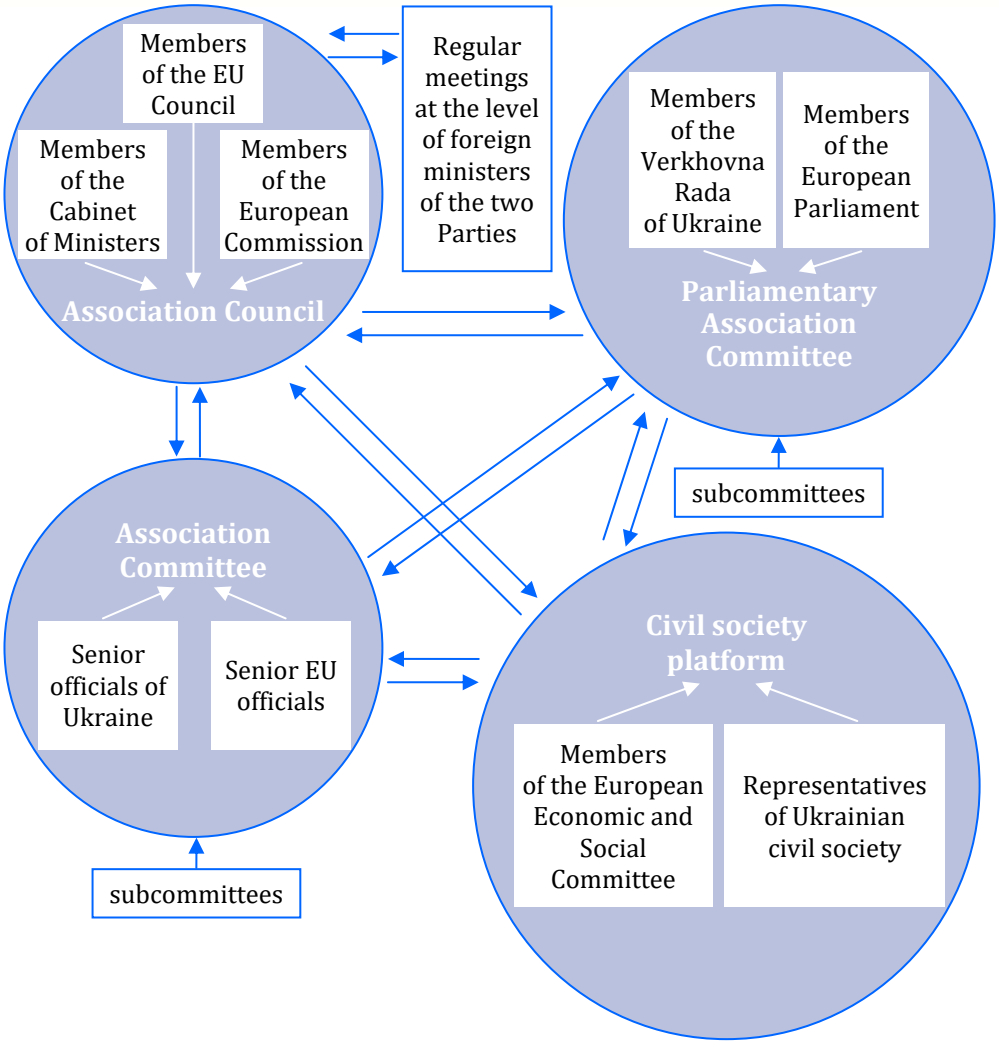
1) summits at the highest level;
2) meetings of the Association Council, which includes the Association Committee with subcommittees;
3) regular meetings between the level of foreign ministers of Ukraine and the EU;
4) the Parliamentary Association Committee;
5) the Civil Society Platform.

Refer to the diagram below for an overview of the relationships among the elements of the institutional mechanism governing Ukraine-EU integration under the Association Agreement.

In conclusion, the Association Agreement is highly detailed in its areas of cooperation, spanning over a thousand pages, including annexes and protocols. Structurally, it comprises a preamble, seven parts, forty-three annexes, and three protocols.

Therefore, while the Association Agreement was signed, its provisions do not explicitly define Ukraine's prospects for EU membership, even if fully implemented. The preamble emphasizes that the Agreement does not set a predetermined course for future relations between the Parties, keeping the possibilities open. It is worth mentioning that the EU association agreements with Central and Eastern European countries also lacked specific provisions on membership prospects or exact accession timelines. However, due to Poland's insistence, the preamble of the Association Agreement between Poland and the EU explicitly stated its intention to join the European Union.

The roadmap and top priorities for Ukraine's establishment and development as a member of the European family are defined by the Sustainable Development Strategy «Ukraine – 2020» approved by the Decree of the President of Ukraine No. 5/2015 of January 12, 2015. The Document states that by



Scheme of relationships in the institutional mechanism of cooperation between Ukraine and the EU under the Association Agreement
(source: developed by Y. Palahniuk based on the Association Agreement between Ukraine and the EU)

ratifying the Association Agreement between Ukraine and the EU, Ukraine has received a tool and a roadmap for internal transformations, and fulfilling the requirements of this Agreement enables Ukraine to become a full-fledged member of the EU in the future.

The Association Agreement, the Copenhagen Criteria, and the Sustainable Development Goals together form a solid roadmap for Ukraine's long-term success, promoting the well-being and prosperity of all its citizens.

Ukraine continues to implement the provisions of the Association Agreement, regularly submitting progress reports to the EU. According to the Ukrainian assessment, the fulfillment of obligations under the Agreement in 2023 reached 88%.

The EU notes the following key findings on Ukraine's reform progress in 2023:

- The legislative framework remains conducive to the *organization of democratic elections*.
- *Legislative tasks* by the Verkhovna Rada of Ukraine are being implemented systematically, laying the foundation for a smooth democratic decision-making process. Key decisions, particularly regarding defense and security matters, have been adopted with clear cross-party majorities. Significant attention has been paid to legislation related to European integration.
- Ukraine has some *preparation in public administration reform*, but limited progress has been made.
- In terms of *multi-level governance*, the progress of the decentralization reform continues, with municipalities serving as a cornerstone of Ukraine's resilience.
- *Regarding the judiciary*, Ukraine has made some progress in its reform efforts but must continue advancing. Despite Russia's war against Ukraine, the country maintains justice services and has achieved significant progress in implementing the 2021 judicial reform, which focuses on integrity and professionalism.
- In *the fight against corruption*, Ukraine has made some progress in preparing for reform. Notable advancements include new legislative, strategic, and institutional measures, such as adopting a national anti -corruption strategy alongside a comprehensive state program for its implementation.
- Ukraine has made some progress *in combating organized crime*, demonstrating a certain level of preparedness. The country has established a strategic and institutional framework and maintains strong international cooperation. Notably, the number of joint operations with EU Member States continues to grow.
- Regarding *fundamental rights*, Ukraine largely adheres to international human rights instruments and has ratified most international conventions safeguarding these rights.
- Despite the full-scale war, Ukraine's preparedness for *reform in freedom of speech* ranges from some to a moderate level. Significant reforms, including adopting a new media law, have been introduced.
- The *Ukrainian economy* is between an early stage and some level of preparation for establishing a functioning market economy.

- Ukraine is at an early stage of preparation in terms of its *capacity to cope with competitive pressure and market forces in the EU*.
- Regarding *good neighborly relations and regional cooperation*, Ukraine maintains strong bilateral ties with other enlargement countries and neighboring EU Member States. These relationships have been further strengthened during Russia's aggressive war, resulting in deeper cooperation, numerous high-level visits, and substantial humanitarian, military, and financial support.
- Speaking about Ukraine's *capacity to fulfill the obligations of EU membership*, the country has continued its efforts to align with EU legislation across various sectors.
- The Internal Market Cluster plays a crucial role in Ukraine's preparation for integration into the EU internal market and is essential for implementing the Deep and Comprehensive Free Trade Area. Notable progress has been achieved in the free movement of capital and intellectual property rights, while some advancements have been made in areas such as financial services, free movement of goods, the right of establishment and freedom to provide services, and company law. Progress has been limited in the areas of competition policy, consumer and health protection, with no progress on freedom of movement for workers due to the full-scale Russian invasion of Ukraine.
- The Competitiveness and Inclusive Growth Cluster and the related reforms are closely linked to the capacity and potential for recovery and reconstruction. This requires increasing competitiveness and building a sustainable and inclusive economy. Considerable progress has been achieved in digital transformation, media, and the Customs Union. Some progress has been made in taxation, education, and culture. Little progress was made in social policy and employment, enterprise and industrial policy, and science and research. Due to the full-scale Russian invasion, which necessitated exceptional economic policy measures, no progress was made in economic and monetary policy.
- The Green Agenda, the Sustainable Connectivity Cluster, and related reforms are closely tied to Ukraine's reconstruction during and after the war. Russia's aggression has inflicted significant damage on transport infrastructure, the environment, and the climate. While notable progress has been achieved in the environment sector, some advancements have been made in the energy sector and trans-European networks. However, progress remains limited in climate change and transport policy.
- In the domains covered by the Resources, Agriculture, and Cohesion Cluster, notable progress has been achieved in three key areas: agriculture and rural development, food safety and veterinary and phyto-

sanitary policy, and fisheries and aquaculture. However, advancements have been more limited in regional policy, coordination of structural instruments, and financial and budgetary provisions.

– In the External Relations Cluster, Ukraine demonstrates a strong level of preparedness. Significant progress has been made in foreign, security, and defense policy, with Ukraine increasing its alignment with EU decisions and declarations under the Common Foreign and Security Policy to 93% as of 2022. However, progress in aligning with the EU's trade policy remains limited.

Despite the ongoing full-scale war waged by Russia against Ukraine, the implementation of the Association Agreement between Ukraine and the EU continues. However, further reforms are necessary in multiple areas to fully achieve the objectives outlined in the Agreement.

16.3 Deep and Comprehensive Free Trade Area between Ukraine and the EU

The Deep and Comprehensive Free Trade Area (DCFTA) between Ukraine and the EU is a key component of the Association Agreement. It facilitates trade liberalization in goods and services, eases capital flows, and allows for some degree of labor mobility. A distinctive feature of the Ukraine-EU FTA is a comprehensive program of adapting regulatory norms in trade-related areas to relevant EU standards. This greatly eliminates non-tariff (technical) barriers to trade between Ukraine and the EU and ensures expanded access to the EU internal market for Ukrainian exporters and vice versa – for European exporters to the Ukrainian market. Thus, the DCFTA should ensure the gradual integration of the Ukrainian economy into the EU internal market.

In the 1990s Ukraine's foreign economic policy became increasingly oriented towards the EU. At the beginning of the 21st century, the EU became Ukraine's largest trading partner after Russia and the CIS countries.

Negotiations between Ukraine and the EU on establishing a Free Trade Area began during the global financial and economic crisis that started in late 2008. This crisis triggered a global recession in 2009, causing the most significant drop in world trade since the economic downturn of 1929–1933.

During the negotiations between Ukraine and the EU, it was already possible to say that the European Union had become Ukraine's largest trading partner. Ukrainian exports to the EU consisted mainly of «primary products»: agricultural products, steel, chemicals, and energy. The EU primarily sells transport equipment, products, mechanical engineering, clothing, and textiles to Ukraine. Establishing a Free Trade Area between Ukraine and the EU was expected to foster a favorable climate for expanding trade between the two parties. This is achievable since the agreement eliminates tariffs on nearly all goods and services.

Creating the Free Trade Area required Ukrainian state and business circles to find a balance of interests to achieve this initial level of European integration. The majority of the requirements Ukraine needed to meet for establishing the Free Trade Area aligned with a broader reform program aimed at driving significant progress in the country's overall development. Free trade poses challenges, especially for the Ukrainian economy. For certain categories of goods, transitional periods have been introduced, allowing for the gradual elimination of customs tariffs. Additionally, a key challenge for Ukrainian manufacturers is ensuring that their products comply with EU norms and quality standards. Addressing this issue was especially important for Ukrainian manufacturers, as the removal of customs tariffs in trade with the EU does not ensure free trade if Ukrainian products fail to meet EU quality standards.

The benefits of creating a Free Trade Area with the EU for Ukraine are expectedly different. Therefore, the necessity of reform and alignment with European quality standards for goods and services will drive the modernization of enterprises, which holds strategic benefits for Ukrainian manufacturers. Another advantage is the strengthening of competition in the Ukrainian market, which results in a decrease in prices. Every Ukrainian consumer will significantly benefit from all these factors if the Ukrainian products comply with European quality standards.

Thus, the creation of the Free Trade Area corresponded to the state policy on European integration and was the next step for its implementation, because the history of the EU integration shows that economic integration through, first of all, the elimination of customs barriers is the basis of European integration.

The desire to sign the second part of the provisions of the FTA Agreement was confirmed by Ukraine and the EU on March 21, 2014, when signing the political part of the Association Agreement between Ukraine and the EU. It was decided to start unilaterally reducing or eliminating EU customs duties on goods produced in Ukraine, without waiting for the entry into force of the Association Agreement between Ukraine and the EU on the FTA. This decision aims to start unilaterally reducing or eliminating EU customs duties on Ukrainian goods. However, preferences are not a substitute for the FTA.

The part of the Agreement concerning the establishment of an FTA covers the following main areas:

- trade in goods, including technical barriers to trade;
- trade defense instruments;
- sanitary and phytosanitary measures;
- trade facilitation and customs cooperation;
- administrative cooperation in customs;
- rules of origin of goods;

- trade relations in the energy sector;
- services, establishment, and investment;
- recognition of qualifications;
- movement of capital and payments;
- competition policy (antitrust and state aid);
- intellectual property rights, including geographical indications;
- public procurement;
- trade and sustainable development;
- transparency;
- dispute settlement.

The part of the Agreement «Economic and Sectoral Cooperation» contains provisions on the conditions, modalities, and time frames for harmonizing Ukrainian and EU legislation, Ukraine's obligations to reform the institutional capacity of relevant institutions, and the principles of cooperation between Ukraine, the EU, and its Member States in several sectors of the Ukrainian economy and areas of implementation of state sectoral policy. The 28 chapters of this section of the Agreement provide for relevant measures in such sectors as energy, including nuclear, transport, environmental protection, industrial policy and entrepreneurship, agriculture, taxation, statistics, provision of financial services, tourism, audiovisual policy, space research, healthcare, scientific and technical cooperation, culture, education, etc.

The part «Financial Cooperation» outlines the mechanism and ways for Ukraine to receive financial assistance from the EU, including facilitating the implementation of the Association Agreement, priority areas for its provision, and the procedure for monitoring and assessing the effectiveness of its use. In addition, the provisions of this part provide for the deepening of cooperation between Ukraine and the EU to prevent and combat fraud, corruption, and illegal activities, in particular through the gradual harmonization of Ukrainian legislation in this area with EU legislation, the exchange of relevant information, etc.

The «Institutional, General and Final Provisions» envisage introducing new formats and levels of cooperation between Ukraine and the EU after the entry into force of the Association Agreement, in particular the establishment of the Association Council and Committee, the Parliamentary Association Committee. The Civil Society Platform will be established to involve civil society in the Agreement implementation.

In the context of ensuring the proper implementation of the Agreement, an appropriate mechanism has been introduced to monitor and resolve disputes that may arise during the implementation of the Agreement.

Finally, the Association Agreement and the Deep and Comprehensive Free Trade Area (DCFTA) between Ukraine and the EU officially came into effect in September 2017.

The Association Agreement/Free Trade Area aims to stimulate trade in goods and services between the EU and Ukraine by gradually reducing tariffs and aligning Ukrainian rules with EU rules in several industrial and agricultural sectors. To strengthen its integration with the EU market, Ukraine is harmonizing its legislation with EU norms and standards for industrial and agri-food products. Additionally, Ukraine is aligning its trade-related laws with EU regulations in competition, technical trade barriers, sanitary and phytosanitary control, customs and trade facilitation, intellectual property rights protection, and public procurement.

The Priority Action Plan (for 2021–2022 and 2023–2024) came into effect to accelerate the implementation of the EU – Ukraine Free Trade Area. Since the European Council granted Ukraine candidate status on June 23, 2022, the EU and Ukraine have entered a new stage in their relationship, which includes advancing towards the completion of the single market.

Following the start of Russia's full-scale war against Ukraine on 22 February 2022, the EU granted Ukraine full trade liberalization by suspending import duties, quotas, and trade defense measures for imports from Ukraine temporarily (Regulation on autonomous trade provisions). These measures first entered into force on 4 June 2022 and were extended for the following years on 6 June 2023 and 6 June 2024 respectively. The current provisions will remain in force until 5 June 2025. Through these measures, the EU is providing significant support to the Ukrainian economy, helping to alleviate the difficult situation faced by Ukrainian producers and exporters due to the war.

In summary, the Association Agreement between the EU and Ukraine, including the Deep and Comprehensive Free Trade Area (DCFTA), was negotiated between 2007 and 2011, signed on March 21 and June 27, 2014, and provisionally implemented in the Free Trade Area on January 1, 2016. After being ratified by all EU Member States, it officially came into force on September 1, 2017.

As of 2023, the EU remains Ukraine's biggest trading partner, while Ukraine ranks as the EU's 16th largest trading partner. Overall trade in goods between the EU and Ukraine has more than doubled since the entry into force of the Free Trade Area in 2016. EU imports from Ukraine in 2023 amounted to EUR 22.8 billion. The primary goods Ukraine exports to the EU in terms of value include cereals, animal and vegetable fats and oils, ores, slag and ash, oilseeds, as well as iron and steel.

In 2023, Ukraine remained the third largest source of agricultural imports to the EU by value. EU exports to Ukraine in 2023 amounted to EUR 39.1 billion. The EU's primary exports to Ukraine include mineral fuels and oils, automobiles, machinery, electrical equipment, weapons, and ammunition.

16.4 Visa Liberalization between Ukraine and the EU

Throughout the negotiation process for the Association Agreement between Ukraine and the EU, both parties signed several agreements to facilitate its successful implementation, including: «On the Readmission of Persons,» «Visa Issuance Simplification,» and «Strategic Cooperation.» All these agreements were aimed at the gradual creation of a regime of freedom of movement of people between Ukraine and the EU. Following the two-stage Action Plan for the liberalization of the EU visa regime for Ukraine in 2010, Ukraine and the European Union agreed to take successive steps to establish a visa-free regime after Ukraine fulfilled the relevant conditions: first, the adoption of the necessary legislative acts; second, their implementation. In 2011, the President of Ukraine approved the National Plan for implementing the Action Plan for the liberalization of the EU visa regime for Ukraine to reform migration and visa and other related areas.

However, the initial stage of the visa liberalization between our state and the EU, which began in 2010, cannot be assessed positively, since the first stage of the Action Plan for the Liberalization of the EU Visa Regime was implemented by Ukraine only in 2014 by adopting the relevant legislative acts required by the European Union by the first stage. Thus, in March 2014, the Resolution of the Verkhovna Rada of Ukraine «On Confirmation of Ukraine's Course for Integration and Priority Measures in this Direction» declared the priority of implementing the first stage of the EU visa liberalization as one of the important directions of implementing the state European integration policy of Ukraine.

The issuance of biometric foreign passports to Ukrainian citizens for 10 years began on January 1, 2015. A key advantage of these passports is that they allow Ukrainian citizens to travel to most EU member states without a visa. This is due to the inclusion of fingerprint data during production, as well as a significantly higher level of security compared to regular passports.

The introduction of a biometric passport is part of the Action Plan for the liberalization of the EU visa regime for Ukraine, which is also the EU requirement for other states that implement a state European integration policy in terms of liberalization of the visa regime with the EU, for example, Moldova or Georgia. In addition, the candidate countries of the Western Balkans have already received a visa-free regime with the EU after fulfilling similar EU requirements.

In 2014, Ukrainian government officials anticipated the implementation of a visa-free regime with the European Union in 2015. However, the annexation of the Ukrainian Autonomous Republic of Crimea by Russia, the armed conflict in Eastern Ukraine and the conduct of an anti-terrorist operation by Ukraine there, the migration of the population from the eastern regions of our country to other Ukrainian regions and other states, caused a previously

unforeseen problem for the opening of the borders of the European Union to Ukrainians. The EU policy towards neighboring states on its borders aims to create a zone of stability and security. The challenges from instability on its borders for the EU in this context are significant for the very existence of the European Union, as they lead to migration processes, including illegal migration to EU member states, and an increase in the possible level of organized crime (trafficking in human beings, drugs, weapons, etc.). Specific provisions of the Association Agreement between Ukraine and the EU (chapters III and IV) address these matters and outline the mutual commitments of both parties to prevent and collaboratively tackle threats to peace, security, and stability.

Besides the internal factors that delayed visa liberalization between Ukraine and the EU, an external factor also came into play. The EU temporarily halted the implementation of visa-free regimes for several countries, including Ukraine, until it established a mechanism to suspend visa-free travel for states whose citizens misuse the privilege. Accordingly, after the EU adopted such a mechanism at the end of 2016, Ukraine moved to the final stage of the EU's approval of a visa-free regime with our state.

The agreement on the visa-free regime between Ukraine and the EU was signed in Strasbourg on May 17, 2017, in the presence of Ukrainian President Petro Poroshenko and European Parliament President Antonio Tajani.

The visa-free regime between Ukraine and the European Union allows Ukrainian citizens to cross the borders of EU countries without needing to apply for a visa in advance, effective from June 11, 2017.

Since the launch of the visa-free regime in 2017, *Ukrainians have received the right to travel without visas to 30 European countries:* a) European Union countries that are part of the Schengen area; b) EU countries that are part of the Schengen area but have not yet lifted controls on their internal borders; c) 4 states that are not part of the EU but are participants in the Schengen Agreement: Iceland, Liechtenstein, Norway, and Switzerland.

Two European countries, the United Kingdom and Ireland (which is an EU member), have their own migration policies, requiring Ukrainian citizens to obtain visas for entry.

The visa-free regime allows Ukrainian citizens to stay in the territory of the EU Schengen countries – except Ireland and the United Kingdom – for no more than 90 days during any 180 days.

At the same time, the visa-free regime does not give the right to work in EU countries, including short-term ones. The visa-free regime does not grant the right to permanent residence in the EU countries. To stay long-term, individuals must still apply for a national visa or residence permit.

Thus, the visa-free regime between Ukraine and the EU, which was introduced in 2017, opened up the possibility for Ukrainians to travel freely

around Europe. These include weekend trips, concerts, exhibitions, music and theater festivals, football matches, beach vacations, and visits to friends and relatives. Thanks to the visa-free regime, you can plan trips spontaneously. Although you cannot work in the EU without a visa, you can legally look for a job – go to interviews, communicate directly with the employer, get acquainted with the working conditions in the company, etc. The visa-free regime provides Ukrainian citizens with numerous opportunities to grow their businesses, such as establishing partnerships, sharing expertise, and attending exhibitions, conferences, and other industry-specific events. In addition, the visa-free regime allows you to study in the EU within short-term programs (short internships, courses, seminars, participation in scientific conferences, as well as choosing a university or college) for no more than 90 days. Moreover, to achieve visa liberalization, Ukraine has implemented several reforms stipulated in the Action Plan on Visa Liberalization with the EU. The establishment of anti-corruption bodies such as the NACP and NABU, the introduction of electronic declarations for civil servants, as well as reforms in migration, document security, and human rights protection, were all made possible through the «visa-free dialogue» between Ukraine and the European Union.

16.5 Ukraine is a Candidate Country for EU Membership. Start of Negotiations on Ukraine's Accession to the EU

Following the entry into force of the Association Agreement, a key aspect of its implementation was Ukraine's application for EU membership.

An analysis of the experience of those states that received the status of candidate country for EU membership shows that there are no specific deadlines for when this can be done. Each state that sought EU membership decided on this issue under its internal conditions of readiness and compliance in a certain way with the Copenhagen criteria for membership and external factors, for example, the EU's readiness for enlargement.

For example, Albania applied for EU membership three weeks after the Stabilization and Association Agreement between Albania and the EU entered into force. The example of North Macedonia, which signed the Stabilization and Association Agreement in 2001, first applied for EU membership in March 2004, and only a month later, in April, did the Agreement enter into force after completing its ratification process. This European experience gave Ukraine grounds to apply for EU membership during the implementation of the Association Agreement between Ukraine and the EU as soon as external and internal circumstances were favorable.

These circumstances arose after the start of Russia's full-scale war against Ukraine on February 24, 2022. It was on *February 28, 2022, that Ukraine applied for EU membership*.

In June 2022, the European Commission recommended, and the European Council granted Ukraine *the status of a candidate country for EU membership*.

On December 14, 2023, the European Council approved the initiation of accession negotiations with Ukraine.

The first intergovernmental conference took place on June 25, 2024, marking *the official start of negotiations on Ukraine's accession to the EU*. The first bilateral screening, i.e. the first step in accession negotiations, during which the candidate country determines its level of alignment with EU law and outlines plans for further alignment, took place on July 8–9, 2024, paving the way for a second round of meetings in September 2024.

In response to Russia's full-scale war against Ukraine, the EU has launched various types of assistance, united under the title «Solidarity with the People of Ukraine». The EU has allocated almost €108 billion in financial, humanitarian, and military assistance to Ukraine to support the needs of Ukrainians in the EU. The European Commission has suspended all import duties on Ukrainian exports to the EU until June 2025. The European Commission has also created «Solidarity Routes» to help Ukrainian grain and other agricultural goods reach their destinations via alternative routes to Black Sea ports blocked by the Russian fleet, using all appropriate modes of transport through EU Member States. These routes should also ensure the import of essential goods (such as humanitarian aid, food, animal feed, fertilizers, and fuel) into Ukraine.

On 20 June 2023, the European Commission proposed a new plan for Ukraine to support the recovery, reconstruction, and modernization of Ukraine, as well as to facilitate Ukraine's path to EU accession – the Ukraine Facility. It entered into force on 1 March 2024. The Ukraine Facility for Ukraine will provide up to €50 billion in grants and loans for 2024–2027 to support Ukraine's efforts to maintain macro-financial stability, promote short-term recovery, and rebuild and modernize the country by implementing key reforms. The Ukraine Plan, developed by the Government of Ukraine and positively assessed by the European Council in May 2024, is the basis of the new Ukraine Facility. The Ukraine Facility has established an Investment Program in Ukraine to attract public and private investment. The EU's Ukraine Facility has a robust audit and control framework ensuring the protection of the EU's financial interests while supporting further improvements in Ukraine's internal control system.

Thus, after the start of Russia's full-scale war against Ukraine on February 24, 2022, namely on February 28, 2022, Ukraine applied for EU membership. In June 2022, Ukraine was granted candidate status for EU membership. On December 14, 2023, the European Council decided to begin accession negotiations, with the official launch set for June 25, 2024, during the first intergovernmental conference.

QUESTIONS FOR SELF-ASSESSMENT

1. What was the main content of the Partnership and Cooperation Agreement between Ukraine and the EU?
2. Name two or three differences between the Partnership and Cooperation Agreement between Ukraine and the EU and the Association Agreement between Ukraine and the EU.
3. When was Ukraine's strategic goal of European integration proclaimed? What factors contributed to this?
4. What documents enshrine Ukraine's strategic goal of EU membership?
5. What were the results of Euromaidan and the Revolution of Dignity for Ukraine's European integration?
6. What is the content of the visa-free regime between Ukraine and the EU?
7. Why is the functioning of the Free Trade Area between the parties within the framework of the Association Agreement between Ukraine and the EU important for Ukraine and the EU?
8. Give your assessment of the ratification process of the Association Agreement between Ukraine and the EU.
9. Assess the implementation process of the Association Agreement between Ukraine and the EU to date.
10. When did Ukraine apply for EU membership and under what circumstances?

RECOMMENDED READING

1. Угода про Асоціацію між Україною, з однієї сторони, та Європейським Союзом і його державами-членами, з іншої сторони [Електронний ресурс]. *Урядовий портал.* URL: http://www.kmu.gov.ua.
2. Про затвердження Стратегії інтеграції України до Європейського Союзу. Указ Президента України від 11.06.1998 № 615/98 [Електронний ресурс]. *Верховна Рада України. Офіційний веб-сайт.* URL: http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=615%2F98.
3. Про партнерство і співробітництво між Україною і Європейськими Співтовариствами та їх державами-членами. Угода, Протокол, Міжнародний документ від 14.06.1994. [Електронний ресурс]. *Верховна Рада України. Офіційний веб-сайт.* URL: http://zakon4.rada.gov.ua/laws/show/998_012. Назва з екрану.
4. Палагнюк Ю. В. Державна євроінтеграційна політика України: теорія, методологія, механізми: монографія. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2014. 392 с. https://www.researchgate.net/publication/338950976_Derzavna_evrointegracijna_politika_Ukraini_teoria_metodologia_mehanizmi.
5. Актуальні питання суспільних трансформацій в Україні: безпековий та євроінтеграційний виміри: колект. моногр. / за заг. ред. Ю. В. Палагнюк, С. І. Шкірчака. Миколаїв: Видавництво ЧНУ імені Петра Могили, 2018. 300 с. https://www.researchgate.net/publication/338951191_Aktualni_pitanna_suspilnih_transformacij_v_Ukraini_bezpekovij_ta_evrointegracijnij_vimiri.

6. Palagnyuk Yuliana. Creation of a Free Trade Area between the EU and Ukraine: Challenges and Perspectives. *Środkowoeuropejskie Studia Polityczne.* 2011. № 3. P. 5–16.
7. Palagnyuk Yuliana. Formation of State Policy of Ukraine towards European Integration. *Przeglad Politologiczny.* 2013. № 4. C. 251–262.
8. Palagnyuk Yuliana, Say Dmytro, Zalevska Halyna. The role of public opinion of youth in the implementation of Ukraine's European integration policy. *Youth Involment in Civil Society Development: Current State and Prospective Trends* / edited by Magdalena Wierzbik-Strońska. Series of Monographs of Faculty of Architecture, Civil Engineering and Applied Arts. Monograph 31. Katowice School of Technology: Publishing House of Katowice School of Technology, 2020. P. 111–119. http://www.wydawnictwo.wst.pl/uploads/files/7def4fc66d67e136ae4a024bcdc46325.pdf.
9. English. European and Euro-Atlantic Integration. A textbook for Civil Servants and Local Government Employees / Y. Glukhova, D. Say, Y. Palagnyuk, S. Ponomaryov, S. Soroka, A. Soloviova. 3rd ed., updated. Mykolayiv: Petro Mohyla BSSU, 2018. 336 p.
10. Палагнюк Ю. В. Економічні аспекти інтеграції України до ЄС (в рамках дії Угоди про партнерство і співробітництво). *Наукові праці:* Науково-методичний журнал. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2010. Вип. 135. Т. 147. Державне управління. С. 22–27. https://www.researchgate.net/publication/338952179_Ekonomicni_aspekti_integracii_Ukraini_do_ES_u_ramkah_Ugodi_pro_partnerstvo_i_spivrobitnictvo.
11. Палагнюк Ю. В. Створення Зони вільної торгівлі між Україною та ЄС як реалізація державної політики України на європейську інтеграцію. *Актуальні проблеми державного управління, педагогіки, психології*: зб. наук. пр. Херсонського національного технічного університету. Херсон, 2011. Вип. 1(4). С. 136–141.
12. Палагнюк Ю. В. Підготовка угоди про асоціацію між Україною та ЄС: проблеми та перспективи. *Наукові праці:* Науково-методичний журнал. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2011. Вип. 145. Т. 157. Державне управління. С. 58–62.
13. Палагнюк Ю. В. Механізми співробітництва між Україною та ЄС відповідно до Угоди про партнерство і співробітництво. *Наукові записки Інституту законодавства Верховної Ради України.* 2013. № 6. С. 135–141.
14. Палагнюк Ю. В. Моніторинг громадської думки щодо європейської інтеграції України як механізм реалізації державної євроінтеграційної політики. *Наукові праці:* Науково-методичний журнал. Вип. 223. Т. 235. Державне управління. Миколаїв: Вид-во ЧДУ ім. Петра Могили, 2014. С. 76–81.
15. Офіційний сайт ЄС: www.europa.eu.
16. Відкрий Європу: https://openeurope.in.ua/.
17. Міністерство закордонних справ України https://mfa.gov.ua/yevropejska-integraciya.

TESTS

1. **What document was the legal basis for relations between Ukraine and the EU before the Association Agreement?**
   a) Partnership and Cooperation Agreement of June 16, 1994
   b) Readmission Agreement
   c) Constitution of Ukraine
   d) Eastern Partnership

2. **When did negotiations on the Association Agreement between Ukraine and the EU begin?**
   a) in 2004 *b) in 2007* c) in 2010 d) in 2013

3. **What caused the Euromaidan in 2013?**
   a) signing of the Association Agreement with the European Union
   b) change of political leadership in Ukraine
   c) Ukraine's refusal to sign the Association Agreement with the EU
   d) Ukraine's negotiations with the EU

4. **Where did the ceremony of signing the political part of the Agreement between Ukraine and the EU take place?**
   a) in Minsk *b) in Brussels* c) in Kyiv d) in Paris

5. **The Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part, was ratified by the European Parliament simultaneously with the Verkhovna Rada of Ukraine:**
   a) on 24 August 2010 c) on 16 April 2014
   b) on 16 October 2017 *d) on 16 September 2014*

6. **What is the most extensive international legal document in Ukraine's history and the most comprehensive agreement ever signed by the European Union with a third country?**
   a) Association Agreement between Ukraine and the EU
   b) Agreement on EU support and assistance to Ukraine
   c) Partnership for Peace Program
   d) Law of Ukraine «On State Forecasting and Development of Programs for Economic and Social Development of Ukraine», economic and social development programs

7. **When did the Association Agreement between Ukraine and the EU enter into force?**
   a) October 1, 2016 *c) September 1, 2017*
   b) October 1, 2014 d) February 1, 2017

8. What is the purpose of the EU's visa liberalization for Ukraine?

a) to provide Ukrainian citizens with the opportunity to make short-term (up to 90 days) trips to EU Member States, parties to the Schengen Agreement, without visas

b) to provide Ukrainian citizens with the opportunity to make short-term (up to 30 days) trips to EU Member States without visas

c) to provide Ukrainian citizens with the opportunity to make long-term (up to 200 days) trips to EU Member States without visas

d) to provide Ukrainian citizens with the opportunity to make long-term (up to 365 days) trips to EU Member States without visas

9. When did the liberalization of the visa regime between Ukraine and the EU (visa-free travel) take place?

a) in 2014 *b) in 2017* c) in 2022 d) in 2024

10. When did Ukraine receive the status of a candidate country for EU membership?

a) in 2014 b) in 2017 *c) in 2022* d) in 2024

INFORMATION ABOUT THE AUTHORS

Soroka Svitlana Viktorivna, Doctor of Public Administration, Professor, Coordinator of the Jean Monnet Project 619910-EPP-1-2020-1-UA-EPPJMO-PROJECT «EU Research Academy for Schoolchildren and Students» of the Petro Mohyla Black Sea National University.

Akimova Tetyana Yurievna, Candidate of Public Administration, Associate Professor of the Department of Social Work, Pedagogy and Speech Therapy of the Petro Mohyla Black Sea National University.

Sai Dmytro Viktorovych, Candidate of Pedagogical Sciences, Acting Associate Professor of the Department of Social Work, Pedagogy and Speech Therapy of the Petro Mohyla Black Sea National University.

Surhova Svitlana Yurievna, Candidate of Pedagogical Sciences, Associate Professor of the Department of Social Work, Pedagogy and Speech Therapy of the Petro Mohyla Black Sea National University.

Lizakovska Svitlana, Doctor of Public Administration, Professor of the Naval Academy named after Heroes of Westerplatte in Gdynia, Republic of Poland.

Lizakowski Piotr, PhD in Security Sciences, Lecturer at the Heroes of Westerplatte Naval Academy in Gdynia, Republic of Poland.

Palagniuk Yuliana Viktorivna, PhD in Public Administration, Professor, Institute of Journalism and Media Communication, Faculty of Social Sciences, Silesian University in Katowice, Republic of Poland.

Faychuk Olena Leonidivna, PhD in Pedagogical Sciences, Associate Professor at the Department of Social Work, Pedagogy and Speech Therapy of the Petro Mohyla Black Sea National University.

Fitas Marcin, PhD in Security Sciences, Lecturer at the Heroes of Westerplatte Naval Academy in Gdynia, Republic of Poland.

RECOMMENDED LITERATURE

The textbook uses photos, video materials, and tables, graphs from the official website of the EU www.europa.eu, the Ministry of Foreign Affairs of Ukraine www.mfa.gov.ua and other sources indicated in the recommended literature.