

INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

DOI: 10.46340/eppd.2024.11.6.2

STRATEGIES FOR UKRAINE'S LEGAL INTEGRATION INTO THE EU: LEARNING FROM THE EXPERIENCE OF CENTRAL AND EASTERN EUROPE

Inna Dudyk¹, PhD in Law; Krystyna Rezvorovych², Doctor of Law;
Viktor Melnyk³, PhD in Political Science; Oleksandra Gayevaya⁴, Doctor of Law;
Vladas Tumalavičius⁵, PhD in Law

¹ Private Higher Educational Institution "Kyiv Medical University" (part-time);
Antimonopoly Committee of Ukraine (main employment), Kyiv, Ukraine

² Dnipro State University of Internal Affairs, Dnipro, Ukraine

³ Taras Shevchenko National University of Kyiv, Kyiv

⁴ National Technical University "Kharkiv Polytechnic Institute", Kharkiv, Ukraine;
Adam Mickiewicz University, Poznań, Poland

⁵ The General Jonas Žemaitis Military Academy of Lithuania, Vilnius

Corresponding author: Inna Dudyk; Email: i.dudyk@kmu.edu.ua

Citation: Dudyk, I., Rezvorovych, K., Melnyk, V., Gayevaya, O., & Tumalavičius, V. (2024). Strategies for Ukraine's Legal Integration into the EU: Learning from the Experience of Central and Eastern Europe. *Evropsky Politicky a Právni Diskurz*, 11, 6, 13-21. <https://doi.org/10.46340/eppd.2024.11.6.2>

Abstract

This study aims to analyze the legal integration strategies adopted by Central and Eastern European countries during their accession to the European Union (EU). The research employs the Prisma approach, developing three essential criteria for data inclusion. Data have been gathered from official documents and various academic sources directly related to the EU accession process. The analysis uncovers key strategies and mechanisms these countries implement to harmonize their legal systems with European Union law. Among the key strategies are the development of national integration programs, the establishment of specialized committees tasked with overseeing the process, and the adoption of comprehensive legislative frameworks to meet EU standards. Furthermore, this study emphasizes the critical role played by transparency, flexibility, and continuous adaptation throughout the legal integration process. Based on these findings, it is concluded that the legal integration strategies employed by Central and Eastern European countries provide valuable insights and guidance for Ukraine's potential future accession to the European Union. The key lessons include the importance of well-executed strategic planning, institutional transparency, and the establishment of effective institutional frameworks. Moreover, the need for technical assistance from the European Union and the crucial role of public perception and societal adaptation are highlighted as central factors for a successful integration process. The study suggests that Ukraine can greatly benefit by adopting a carefully tailored approach, drawing from both the challenges and achievements of its Central and Eastern European counterparts. As Ukraine continues to pursue closer ties with the European Union, these lessons will be essential for navigating its path toward potential membership. This study

contributes to a broader understanding of legal integration by providing a comparative framework that highlights the intricacies and essential components involved in aligning national legal systems with EU legal frameworks.

Keywords: European integration, legal strategies, comparative analysis, institutional adaptation, technical assistance, Antimonopoly Committee of Ukraine.

Introduction

The strategies employed by Central and Eastern European countries in their successful integration into the EU provide a valuable framework for Ukraine to navigate this complex path. The prospect of Ukraine's integration into the EU represents a multifaceted and dynamic challenge, encompassing legal, political, economic, and societal dimensions.

The pursuit of legal integration between Ukraine and the European Union (EU) is an inherently complex and multifaceted endeavor, necessitating a careful analysis. Central and Eastern Europe, having undergone profound political and economic transformations since the end of the Cold War, offers a rich tapestry of diverse approaches to legal integration (Shcherbak, 2023). Poland, Hungary, and the Czech Republic have navigated intricate negotiations, harmonized legal frameworks, and undergone institutional reforms to align themselves with EU standards (Uberman & Vaskovets, 2023; Vasylieva et al., 2019). Derviş (2023) delved into the transformation of geopolitical perceptions in the aftermath of the conflict, offering valuable insights into potential geopolitical dynamics that might impact Ukraine's integration into the EU. However, in the modern scientific field, not so much attention is paid to the analysis of legal integration strategies drawn from the structured experiences of Central and Eastern European countries.

Hence, this study aims to shed light on various dimensions of legal integration, including the adoption of EU *acquis communautaire*, institutional reforms, and the establishment of a harmonized legal environment. Additionally, it examines the role of public perception, political will, and societal adaptation as critical factors influencing the success of legal integration endeavors. Key research tasks include: 1. Assessing the current state of harmonization of Ukrainian legislation with EU requirements. 2. Identifying the ways of aligning national legislation of the Central and Eastern European countries with EU norms.

Literature review

Modern research explores the challenges of European integration in the context of EU security policies such as counterterrorism (Buriak et al., 2023). These studies contributed valuable insights into potential legal challenges and strategies, underscoring the importance of security cooperation within the EU in shaping legal integration pathways for Ukraine. Moreover, the delicate balance between state sovereignty and EU integration is a recurring theme in the literature (Kregul et al., 2020). Effective governance forms the bedrock for aligning legal institutions with EU standards, a crucial aspect of successful legal integration. Protection of Ukrainian businesses within the competitive legal framework of the EU is explored by Damirchyev et al. (2021). Understanding the implications of EU competition law on Ukrainian businesses is critical for shedding light on the legal challenges and protections necessary for businesses amid integration.

Turning attention to justice and human rights, Kaplina's (2022) work on the special status of prisoners of war in Ukraine's criminal proceedings provides insights into areas requiring alignment with European standards and the broader implications of such adjustments. Babenko, Biletska, and Pelyak (2020), in their study examine economic integration strategies between Ukraine and the European Union. Analyzing economic aspects is crucial for understanding the broader context of legal integration as a determinant for reforms and legal alignment. In addition, Bogdan (2020), in the case study explores the impact of intricate legal frameworks on the absence of legal certainty, focusing on Romania. While this study is specific to Romania, it may offer valuable comparative insights for Ukraine, particularly in navigating legal uncertainties during the integration process. On the other hand, Dermine (2023) introduced a temporal dimension to the analysis. Understanding post-event legal dynamics, especially after significant occurrences like the COVID-19 pandemic and the war in Ukraine, contributes to a nuanced comprehension of challenges and opportunities.

Dragneva and Wolczuk (2015) delved into the geopolitical dynamics between Ukraine and Russia. While not exclusively focused on legal integration, the work provides valuable insights into the broader geopolitical considerations influencing legal strategies, adding depth to understanding. Moreover, Földes and Kaposvári's (2021) work researched several legal systems adapt to emerging challenges. Janković (2017) added diversity to this analysis by examining specific legal aspects. Intellectual property rights are a crucial

component of legal systems, and insights from this source can contribute to a comprehensive understanding of legal integration challenges.

In summary, modern scholars provide a comprehensive overview of various perspectives on legal integration into the European Union. The collective insights contribute to a holistic understanding, essential for formulating effective legal integration strategies for Ukraine.

Materials and methods

General background

This study adopts a qualitative research approach, leveraging evaluative judgments from contemporary scholars and an in-depth analysis of scholarly literature. The qualitative methodology allows for a nuanced exploration of legal integration strategies and provides insights into the experiences of Central and Eastern European nations.

Data collection

The PRISMA approach was employed to collect data. The primary databases utilized were Scopus and Web of Science, using keywords such as legal integration, Ukraine, and Central-Eastern Europe. A total of 889 results were obtained. After that, Google Scholar was incorporated into the search process along with the main databases, increasing the total number of works identified to 1,456. First, duplicates, articles and titles irrelevant to the topic were excluded. Inclusion criteria for the literature: 1. Relevance. 2. Recency. Preference is given to recent publications, with a focus on works published within the last decade. 3. Geographic focus. Sources primarily focusing on the experiences of Central and Eastern European countries. (See Figure 1).

Data Analysis

The collected literature underwent a thorough analysis to extract valuable insights into legal integration strategies within Central and Eastern Europe. This phase involved two key methods: thematic analysis and comparative analysis (See Table 1).

The integration of Ukrainian legislation into EU requirements is a critical research focus. Certainly, the aforementioned changes in Ukrainian legal system have influenced the substantive content of Ukraine's state policy in the realm of European integration. Undoubtedly, the primary legal framework underpinning this process is the Association Agreement between Ukraine and the EU, the European Atomic Energy Community, and their member states, ratified by the Verkhovna Rada of Ukraine on September 16, 2014 (Vasylyeva et al., 2019). It outlines Ukraine's commitments to implement the association between Ukraine and the European Union. An essential component of this agreement is its appendices, which specify EU directives on provisions to be implemented into Ukrainian national legislation. In fact, this agreement, in terms of its scope and thematic coverage, is the largest international legal document in the history of Ukraine (Shcherbak, 2023; Bobro, 2024). The agreement encompasses 486 articles detailing areas of cooperation between Ukraine and the EU (Foreign and Commonwealth Office, 2014).

Researchers believe that the association agreement between Ukraine and the EU had a tangible impact on the formation of new competition rules, in particular, it refers to the obligation to implement the *acquis* in the field of competition into the Ukrainian legal order (Smyrnova, 2023). At the same time, the Ukrainian side has demonstrated a high level of international legal personality. The chapter on competition in the association agreement between Ukraine and the EU is quite long. It is important that, in addition to the sections on state aid, mergers of companies, the operational practices of the Antimonopoly Committee of Ukraine are discussed. First of all, separate mechanisms for substantiating the decisions of this body and its participation in the adoption of separate by-laws are defined. In addition, the Antimonopoly Committee of Ukraine is noted as an important legal institution enforcing laws related to receiving state aid, has the opportunity to participate in judicial proceedings, which has already been confirmed by several rulings of the Supreme Court of Ukraine in state aid cases (Smyrnova, 2023). Attention to this issue and the structure of the Antimonopoly Committee of Ukraine is not coincidental. It is obvious that the system of competition law in Ukraine developed in other ways, in particular on the basis of a reductionist belief in the power of neoclassical economics to independently solve all antimonopoly problems (Andriychuk, 2023). This emphasis on the role of the Antimonopoly Committee of Ukraine underscores a shift from Ukraine's previous competition policy, characterized by a "non-interference" approach rooted in Soviet legal doctrines, to adopting a philosophy of "smart regulation" (Andriychuk, 2023).

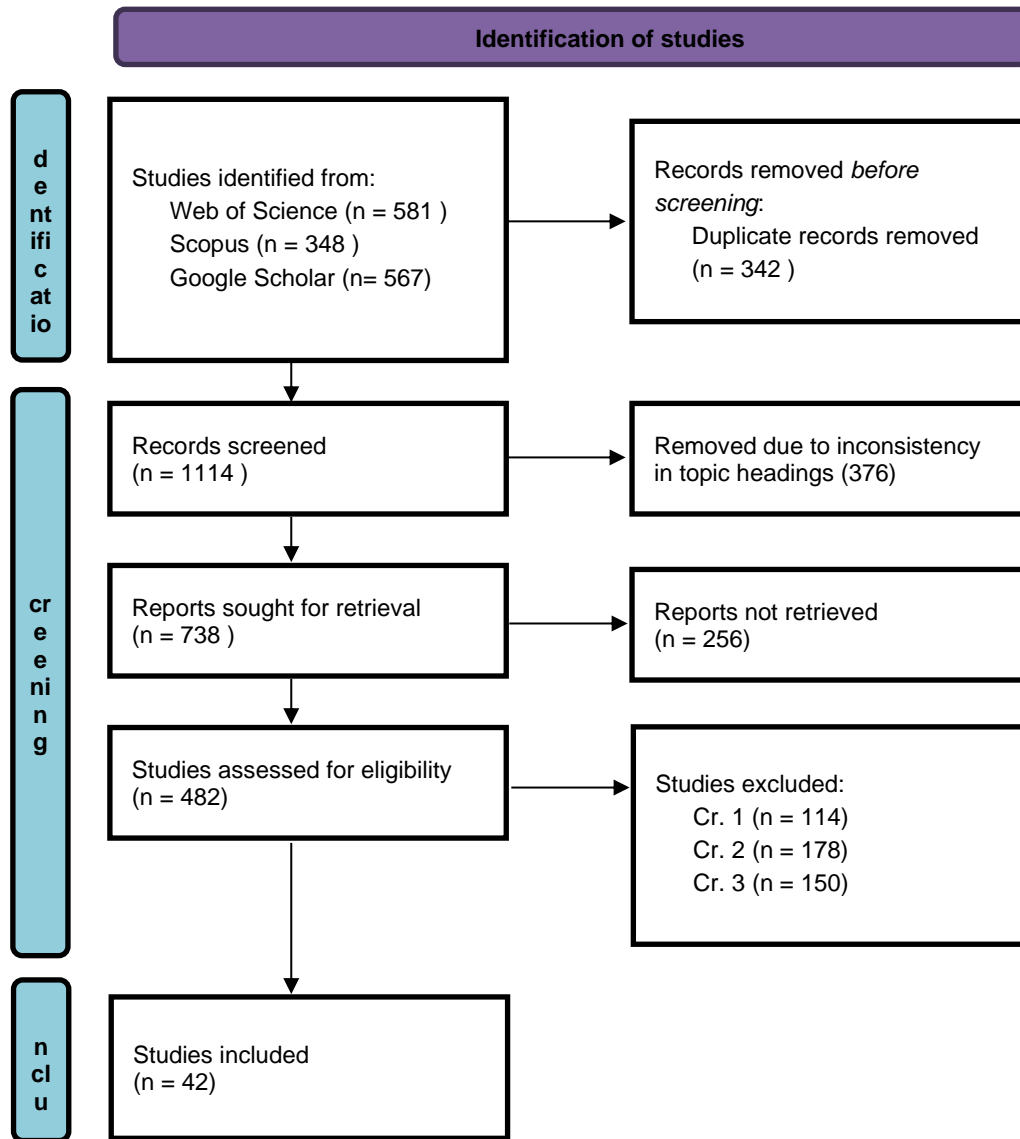


Fig. 1. The process of data collection (according to PRISMA)

Source: Author's development

Table 1

The phrase of content-analysis of materials

Methods	Description
Thematic analysis	The literature was thematically dissected to identify recurring patterns, challenges, and successful approaches in the legal integration processes of Central and Eastern European countries. Key themes such as legislative harmonization, institutional alignment, and public perception were closely examined. This analysis aimed to uncover overarching trends that could inform Ukraine's approach to legal integration.
Comparative analysis	A comparative lens was applied to discern commonalities and distinctions among the legal integration experiences of different countries in the region. Comparative matrices and frameworks were developed to systematically map out similarities and differences in strategies, taking into account historical, cultural, and geopolitical contexts. This approach facilitated a nuanced understanding of diverse legal integration strategies.

Source: Author's development

After the ratification of the Association Agreements, the legal systems of other post-Soviet states – Georgia and Moldova – will undergo changes along with Ukraine. Considering the fact that European legislation provisions have a strict framework for consumer rights protection, there is a need to implement them more dynamically in Ukraine (Holovko-Havrysheva, 2021). This vector of approximation of law to EU norms is quite decisive, and the role of the Antimonopoly Committee of Ukraine is additionally outlined in it. Among the obstacles to the reception of Roman law in the legal system of Ukraine is the strong rootedness of the Soviet legal doctrine, which, despite the revision of the most odious provisions, still continues to determine legal processes in modern Ukraine

Results

The primary objectives of the competent authorities of Ukraine's state administration concerning European integration in the specified strategy, as identified by researchers, include:

1) Adaptation of Ukrainian legislation to EU law and ensuring human rights by aligning Ukrainian national legislation with the modern European legal system. A crucial component of this process is the reform of Ukraine's legal system according to the conditions and standards established in conventions from the Council of Europe (Council of Europe, 1971).

2) Economic integration and development of trade relations between Ukraine and the EU (Redko, 2017; Babenko et al., 2020).

3) Strengthening Ukraine's role within the pan-European security framework, acknowledging its strategic importance in shaping Europe's security architecture in the third millennium (Lipych et al., 2021).

The transformation of the legal systems of the Central Eastern European countries took place on the basis of the White Paper adopted in Brussels in 1995 (Jankovich, 2017). The White Paper was aimed at the six countries that have existing association agreements (Poland, Hungary, the Czech Republic, Slovakia, Bulgaria and Romania), and it will be equally relevant for those countries that are currently negotiating European agreements with the Union. This document is a comprehensive guide and does not adapt its recommendations to the specific needs of any individual country.

The integration of Poland's law into the EU system took a long time. A pivotal moment occurred with the adoption of Poland's new Constitution on April 2, 1997. The ratified Constitution culminated extensive political discussions and negotiations. With Poland's potential EU membership as a priority, the architects of the 1997 Constitution incorporated provisions for delegating certain competencies to the EU. The significant "Europe" clause, embedded in Article 90 of the Constitution, aimed to balance preserving the principles of national sovereignty and ensuring integration into the EU. Article 90 asserted that the Republic of Poland may, based on international agreements, delegate state authorities' competencies on specific matters to an international organization or institution (Prysiashniuk, 2023).

Poland officially submitted its application for (full) EU membership in April 1994. While the document itself consisted of only one sentence, the Polish side appended a comprehensive Memorandum to the official membership application. This Memorandum justified the decision to submit the application by stating that the political and socio-economic situation in Poland aligned with the Copenhagen criteria (European Parliament, 2000; Uberman and Vaskovets, 2023). The first document addressing prospective planning of European integration processes was the "Program of operations adapting the economy of Poland and legal system to the requirements of the European Treaty." The National Integration Strategy became the next significant step in preparing the country for EU membership. This document, prepared by the CEI and approved by the Council of Ministers on January 28, 1997 (Conceptualisation, 1998). The National Integration Strategy aimed to identify the shortest and most effective path for Poland's integration into the EU. In the same year, in response to the EU document "Partnership for Accession," the CEI adopted the "National Program for Poland's Preparation for EU Membership (European Parliament, 2000)."

In December 1995, Hungary developed a strategy for harmonizing internal market legal regulation based on the EU's "White Paper," known as the Hungarian White Book. It outlines strategic objectives for implementing EU "White Paper" recommendations and the deadlines for execution (Blikhar, 2023). By the end of 1997, Hungarian law was aligned with EU norms and laws. To prepare the draft decision on readiness for EU accession, the European Commission, for the first time in its existence, developed and approved, in April 1996, a detailed list of identical content questions (over 150 pages and about 1,000 questions) for candidate countries to answer. In July 1990, the Commission received completed forms with answers to the questions from Hungary (Földes and Kaposvari, 2021). The document consists of twenty-three chapters, covering all areas of social relations in Hungary.

Romania faced a legal obligation to harmonize its legislation with EU laws as part of the European Association Agreement between Romania and the EU. To facilitate this process, Romania developed the National Accession Program to the EU, outlining a harmonization plan for the period of 2002-2006. Following the European Commission's report for 2002 on Romania's progress towards EU accession, the Romanian Government devised a new legislation harmonization program in line with the "Legislative Program to Support the European Union Accession Process," part of the Priority Action Plan for European Integration (European Union, 2003). Consequently, all legislative projects in Romania took EU acts and norms into account. The harmonization process was transparent, and annual rates of adopting regulatory documents could be tracked on the website of the Romanian Ministry of European Integration. Romania, like other candidate countries, received technical support from the EU in harmonizing legislation through the Technical Assistance and Information Exchange Bureau (TAIEX), established in 1996. TAIEX, funded by one of the multilateral PHARE programs and part of the European Commission's Directorate-General for Enlargement, provided assistance covering all aspects of EU legislation. It offered technical aid to Romanian governmental authorities at all levels as well as to the private sector.

The process of preparing for accession to the European Union was ceremonially inaugurated on March 30, 1998, in Brussels, with the participation of foreign ministers from EU member states and candidate countries. The following day, bilateral intergovernmental negotiations with individual candidate countries commenced immediately. On the same day, March 31, 1998, the Czech Republic presented the final version of its National Accession Program to the European Union in Brussels (European Commission, 1998). In developing the National Program, the Czech Republic went beyond merely devising a schedule for adopting the White paper, also aiming to outline all other steps in the process of harmonizing Czech legislation with that of the Union (Roman and Roman, 2020; Sanakuiev, 2022). This involved not only further implementing agreed legislation but also, if necessary, its application. The National Program was a flexible document continually updated and supplemented according to the Czech Republic's preparation process for EU membership and government decisions regarding specific integration issues. Subsequently, National Programs were developed and adopted in 1999, 2000, and 2001. On April 28 in Brussels, the first stage of negotiations for the Czech Republic's accession to the EU commenced – the so-called "screening," which involved the analytical comparison of candidate countries' legislation with European legislation. This program was successfully accepted.

In general, as demonstrated by Janković (2017), the period of gradual integration of legislation with the requirements of the European Union is quite long. In particular, Poland and the Czech Republic started negotiations in 1994-1995 and only became full members of the EU in 2004. Romania, which started its integration path at the same time, joined the EU in 2007. However, it is important to take into account the uniqueness of the Ukrainian situation, including the current challenges of war and reconstruction, which may affect the time needed to adapt legislation and implement reforms.

Discussion

The study demonstrates that the strategies of the countries of Central and Eastern Europe regarding the integration of their legal systems to the EU requirements had their own characteristics, but also had many common features, nevertheless. The results of the study support conclusions from prior research (Laws, 2014; Hruzevskyi, 2023; Tylchuk et al., 2018) on the importance of transposing EU Directives (White paper) into national frameworks. Countries adopt EU directives (White paper) into their national legal frameworks, ensuring consistency with EU law. Similarly, the conducted theoretical analysis confirmed the importance of the Alignment with EU Standards (screening) procedure, which was emphasized by Fabbrini (2022). Legislation is adjusted to meet EU standards and regulations across various sectors, including trade, environment, and consumer protection. The proposed study demonstrates that governments establish or enhance institutions responsible for monitoring and enforcing compliance with EU laws (Asgarova, 2022; Kregul et al., 2020; Mereniuk & Parshyn, 2024).

In contrast, Laws (2014) underestimated stakeholder engagement and the need for regular updates. This study highlights the role of civil society, businesses, and stakeholders in ensuring transparency and inclusivity in the legislative process. Similarly, laws and regulations are continuously reviewed and updated to reflect changes in EU legislation and standards. It is obvious that these factors are more important for the states that are still planning to join the European Union. These mechanisms aim to streamline the legal systems of Central and Eastern European countries with EU requirements, facilitating their integration into the EU single market and ensuring adherence to European norms and values (Bobro, 2024). It is shown that these mechanisms are also partially implemented in Ukraine. However, the results of the study contradict

the opinion of Kuryliuk et al. (2021) that European legal culture depends on innovation, trends and digital technologies. Also, the work of these authors contains incomplete consideration of ethical and moral aspects (Vilchynska et al., 2023; Kuczabski et al., 2023; Krap et al., 2024). While information technology, cyberspace and electronic money are undoubtedly influential, the ethical and moral aspects of legal culture are just as important. Legal systems are shaped by societal values, ethical considerations and moral frameworks, which technological trends alone cannot fully address.

The study demonstrated that there may be political obstacles on the way to further legal harmonization. Petrov (2015) rightly noted that, Ukraine lacks a comprehensive and well-founded concept of foreign policy in the Central and Eastern European region – its immediate geopolitical surroundings to the west. Priorities of Ukrainian foreign policy regarding each of the Central European states and the region as a whole remain undefined to date. The search for and coordination of common interests, particularly in the economic area, doesn't seem to be effective enough. The Ukrainian side belatedly responds to constructive proposals from Western neighbors. Coordination of foreign policy activities with them remains largely symbolic. Consequently, it must be acknowledged that Ukrainian foreign policy in Central and Eastern Europe, following the EU enlargement and democratic changes within Ukraine itself, has not acquired a systematic and purposeful character, hence this issue will require additional research.

Limitations

The proposed research is subject to several methodological limitations. Firstly, the selection of analyzed scientific literature is constrained by a chronological focus on the past ten years. While thus emphasis highlights current research – at the same time the Association agreement was ratified – it excludes the experience of legal integration in the countries of Central and Eastern Europe, which is much greater. Therefore, future research would benefit from taking into account the methods used in the specified countries. While the emphasis also placed on English-language literature, which tends to encapsulate the most relevant scientific opinions in the existing national legal schools, certain relevant theories could also have been formed in foreign language publications, which will still require consideration. These limitations inevitably influence the results of this study, yet they also serve as recommendations for future research.

Conclusions

In conclusion, the legal transformation of the Central Eastern countries was guided by the White Paper adopted in Brussels in 1995. This document addresses six countries with existing association agreements and those negotiating agreements with the EU. Instead, each Central and Eastern European country was encouraged to establish its own priorities and timeline for legal transformation.

In summary, the accession process for several Central and Eastern European countries, including Poland, Hungary, Romania, and the Czech Republic, was marked by significant milestones and strategic planning efforts. Poland initiated its official EU membership application in April 1994, supported by a comprehensive Memorandum justifying its alignment with the Copenhagen criteria. This led to the establishment of the Committee for European Integration to oversee integration policy planning. Hungary's harmonization strategy, outlined in the Hungarian "White Book" of December 1995, aimed to align internal market regulations with EU standards by 1997. The European Commission introduced a detailed questionnaire to assess readiness for accession, with Hungary responding promptly. Romania, obligated by its European Association Agreement, developed a National Accession Program (2002-2006) to align legislation with EU norms. Subsequent programs ensured transparency and adherence to EU standards, with technical support from EU. The Czech Republic, starting in March 1998, meticulously outlined its integration journey through National Accession Programs, surpassing mere adoption of the White Paper's schedule. These countries' experiences underscore the importance of strategic planning, transparency, and ongoing adaptation to EU standards in the accession process. Additionally, technical assistance from the EU played a crucial role in facilitating legal harmonization efforts.

Acknowledgements. None.

Conflict of Interest. None.

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