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## EUROPEAN INTEGRATION PROCESS IN UKRAINE: CONCEPT AND STAGES

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#### SUMMARY

The article provides a theoretical study of the European integration process in Ukraine. Author proposes her own definition of European integration process in Ukraine and sets out its features. The article demonstrates other processes, through which the European integration process in Ukraine is manifested. Finally, there whole structure of the process is presented and divided on different sequential stages and minor steps in order to systematize it and predict its future development. The list of stages of Ukraine's European integration process proposed by the author summarizes the process of development of Ukraine's relations with the European Union and outlines their possible future evolution.

**Key words:** European integration, European Union, process, association, legal process.

## ЕВРОИНТЕГРАЦИОННЫЙ ПРОЦЕСС В УКРАИНЕ: ПОНЯТИЕ И СТАДИИ

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#### АННОТАЦИЯ

В статье изложено теоретическое исследование процесса европейской интеграции в Украине. Автор приводит собственное определение евроинтеграционного процесса в Украине и определяет его особенности. В статье продемонстрированы другие процессы, через которые проявляется процесс евроинтеграции в Украине, такие как учредительный, правотворческий, правоприменительный, контрольный, процесс толкования права. Также в статье представлена целостная структура процесса, который разделен на различные последовательные стадии и этапы, с целью его систематизации и прогнозирования дальнейшего развития. Предложенный автором перечень стадий евроинтеграционного процесса в Украине обобщенно отражает процесс развития отношений Украины с Европейским Союзом и определяет их возможный вариант развития в будущем.

**Ключевые слова:** европейская интеграция, Европейский Союз, процесс, ассоциация, юридический процесс.

**Setting the problem.** The ongoing European integration process in Ukraine is complex and time-consuming. It is a policy of internal reforms in the political, social, economic and legal spheres. It is the legislative framework change, the introduction of European Union standards and norms, changing the state policy development and implementation system, as well as Ukrainian economy nature [1, p. 390]. This stipulates the urgency of the discussed topic. European integration process has begun with the Ukraine's independence acquisition and is still ongoing. Today it's not possible to predict its short-term completion. The European integration process in each country

where it took place or still takes place has its unique stages and features. Historical factors, geopolitical location, economy level, military sphere, dominant political force, citizens' moods, armed conflicts in the middle of the country or its participation in outside conflicts – all these make up the European integration process and affect its course.

**The purpose of the article** is to define the European integration process in Ukraine, describe its features and divide the process on stages in order to systematize it and predict its future development.

**State of research.** Different aspects of the European integration process in Ukraine are widely discussed by various



scientists. The peculiarities of such studies are their subject matter and, what is extremely important, the time period of study, since the legal basis of European integration process as well as the basis of empirical research changes. The scientific explorations devoted to the European integration of Ukraine include the works of V. Salo, M. Sarakutsa, I. Yakovyuk, A. Kolodiy, Yu. Voloshyn., O. Streltsova, N. Siur, S. Dudar, I. Gosha, K. Tryhlib and others.

**Presenting main material.** As is well known, the process is a “regular sequential change of states or phenomena; the development course of anything. A set of sequential actions, means aimed at achieving a certain consequence.” The legal process (from the Latin *processus* – moving forward) is the activity of the competent state bodies, governed by procedural norms, which is reflected in the system of their procedural actions for the preparation, adoption and documentation of legal decisions of a general and individual nature [2].

The process of Ukraine’s accession to the European Union is regulated by law, i.e. it proceeds in accordance with a number of different legal acts and is, undoubtedly, a legal process.

The legal process can be classified on various grounds: by legal forms of state activity (rulemaking, law enforcement, control and supervision, constituent, legal interpretation, etc.); by substantive standards: the legislative process; election process; budget process; land process and others (these types of processes serve as the general regulation element in the respective industry within the framework of constitutional, budgetary legislation and concentrate actions aimed at achieving the main law goal – budgeting and its implementation, voting, formalization of its results, etc.); by types of legal proceedings (constitutional, civil, economic, administrative, criminal). Litigation is followed by the relevant branches of substantive law [2].

In our opinion, the European integration process is course of implementation and realization the European integration strategy. That is why the European integration process in Ukraine is a set of successive stages, which envisage the implementation of transactions with legal norms, regulating the European integration strategy. They represent the legal activity form of authorized institutions

aimed at qualitative changes in the society related to the implementation of the European integration strategy. The aim is to achieve the final result, that is Ukraine’s accession to the European Union.

The features of the European integration process in Ukraine, which are outlined in the above definition, are:

1) is a set of successive stages (initial; stage of deepened cooperation (partnership and collaboration); association relations (political association and economic integration); full membership in the European Union), consisting of appropriate steps, which gradually and objectively replace each other after their fulfillment;

2) provides transactions with legal norms that govern the European integration strategy, that is, the process of implementation of such norms is ongoing;

3) is a legal activity of authorized institutions – that is central executive bodies, other state bodies whose activity is related to the task fulfillment according to the European integration of Ukraine;

4) aimed at qualitative society changes – ie real democracy ensuring, market economy raising, realization of human rights and freedoms, harmonization of social health, culture and education standards, raising the environmental, demographic and social security level;

5) related to the implementation of the European integration strategy, ie the implementation of the principles, goals and ideas of the European integration strategy into public practice;

6) their goal is to achieve the final result – Ukraine’s full membership in the European Union.

The European integration process in Ukraine is manifested through a number of other processes:

1) the constituent process – the specific activity of the authorized state bodies, officials to implement the substantive law, establishing their competence to form, eliminate or transform the state bodies/officials and other administrative entities [3, p. 80]. During the European integration process, state bodies (and related positions and management entities) are created, reformed and eliminated;

2) law-making process – activity of authorized bodies and officials to create, change and abolish legal norms (in the context of European integration – legal norms governing the European integration strategy of Ukraine);

3) the law enforcement process – the specific activity of competent entities, which provides for the issuance of specific and individualized authority orders. Such orders determine the subjective rights and obligations of the prescription addressee, as well as ensuring their actual implementation by the addressees in the form of implementation of and compliance with subjective obligations and the exercise of subjective rights. Abovementioned orders are marked by imperious nature; should be implemented on the expediency, fairness and validity basis, and with the transparent ground of the decisions made. It is a subordinate activity that involves creative activity only within the limits and directions defined by the applicable substantive rules and in the forms established by the relevant procedural norms, ie solely on the basis of subordination to the requirements of legal rules [4, p. 5–9];

4) the control process is manifested in the activities of state bodies, which monitor subordinate entities and verify compliance with legal regulations [3, p. 82] on the implementation of the European integration strategy as well as stop offenses by appropriate means;

5) the interpretative process aims to clarify the true content of the legal norms and to explain them to other society members in order to implement those rules properly and uniformly. This process is of great importance due to the specifics of the European integration process, since international activity relies on the rules of international law and also addresses the rules of national legislation of foreign countries. Therefore, in order to properly understand them and, if necessary, to implement or apply them, one must be aware of the true meaning of the relevant rule.

In our opinion, the European integration process in Ukraine should not be restricted solely to the legal aspect, it is not only the activity of state bodies. It is a much broader concept comparable to the social condition, that is, the European integration process includes both material and non-material changes, such as the European self-identification of Ukraine population and a conscious desire to join the European Union.

European integration of Ukraine is a complex, multi-level, gradual process in various spheres – political, economic,



social, cultural. But it is the psychological factor – the citizens conscious European choice, the support of the country's movement to the European Union, the affirmation of the European identity in the Ukrainian society - that is the most important component of Ukraine's return to the European community [5].

The Euro-integration process, like any other process, consists of relevant parts – stages. The stage of the European integration process in Ukraine is a set of logically, sequential, system-structural, interconnected actions, which are united for one purpose, characterized by the uniqueness of the internal content, and can contain several steps.

From the proposed definition, one can distinguish the following features of the stage of European integration process in Ukraine:

1) is a set of actions, that is, a generalized understanding of all actions undertaken within the framework of the European integration process over a certain period of time. These can be actions such as: holding international meetings, signing international agreements, adopting a national legal act that implements an international agreement or establishes a state body for European integration, holding discussions with the public, etc.;

2) the actions are logically justified, ie they are inextricably linked to the existing overall plan – Ukraine's European integration strategy, and are carried out accurately and consistently, based on an analysis of existing information and the current state of affairs;

3) the actions are sequential – they are carried out gradually, in several stages;

4) actions are system-structured, that is, all actions are part of the overall plan and have their place in the system of means of the European integration process;

5) actions are interconnected, so gaps (shortcomings, non-implementation, etc.) in the performance of individual actions (processes) can threaten the implementation of Ukraine's European integration strategy as a whole;

6) actions are united for one purpose, have one development and movement vector – ie gaining membership in the European Union;

7) is characterized by the uniqueness of the internal content – the actions

taken at each stage are united in a common-sense chain and pursue the immediate goal;

8) may contain several steps, ie constituent elements of one stage, for example, when the stage is long in time or large in volume.

In our opinion, the European integration process in Ukraine can be divided into such stages.

1. The initial stage. It existed at the time when the idea of Ukraine's accession to the European space was being formed. At that time, the full and complete idea (goal) of acquiring European Union full membership had not yet been formed, but its active awareness, formation and discussion were taking place.

2. In-depth cooperation stage (partnership and cooperation). At this stage, the idea of Ukraine's membership in the European Union had been already formed, which was reflected in the relevant decisions and documents (for example, the signing of the Partnership and Cooperation Agreement in 1994, the accession to the European Union Council in 1995). On that period Ukraine choose a European development path, established relations with the European Union, that is, actually laid the groundwork for further Ukrainian European integration. At this stage, the important steps were:

1) the step of recognition of Ukraine as a market economy country. On December 1, 2012, at the Ukraine-European Union Summit in Kiev, the European Union decided to grant Ukraine market economy status. On December 30 of the same year, Ukraine was excluded from the list of countries in transition under the European Union's anti-dumping legislation;

2) the step of obtaining membership in the World Trade Organization. The process of Ukraine's accession to the World Trade Organization began on November 30, 1993, when the Government of Ukraine submitted an official application to the GATT Secretariat with the intention to join the GATT. On February 5, 2008, a meeting of the General Council of the World Trade Organization was held in Geneva, at which the Protocol on Ukraine's accession to the World Trade Organization was signed. On April 10, 2008, the Verkhovna Rada of Ukraine adopted the Bill "On Ratification of the Protocol on Ukraine's Accession to the World Trade Organi-

zation". On April 16, 2008, the Law on Ratification was signed by the President of Ukraine. According to the procedures of the World Trade Organization, on May 16, 2008, Ukraine became a full member of the Organization [6]. WTO accession was an important step as Ukraine's integration into the world economic space, has opened up a wide range of opportunities for the country: resolving trade conflicts, as well as expanding opportunities to attract investment and technology [7, p. 7];

3) the initialing of the Association Agreement between Ukraine and the European Union took place on March, 30, 2012. This step can be considered the final of partnership and cooperation stage;

4) no less important was the step that began with the decision of the Cabinet of Ministers of Ukraine to suspend the process of preparation for the signing of the Association Agreement between Ukraine and the European Union on November 21, 2013. At this stage, such a decision led to mass protests, rallies, demonstrations, an aggravation of the political situation in the country and authority changes. However, such a step is part of the overall European integration process in Ukraine, though it has created obstacles to the implementation of the European integration strategy.

3. Stage of association relations (political association and economic integration). The Association Agreement concluded in 2014 between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other, aims to provide a qualitatively new, in-depth format for relations between Ukraine and the European Union. It has set a new legal basis for further relations between Ukraine and the European Union and serves as a strategic benchmark for systemic, social and economic reforms in Ukraine, large-scale adaptation of Ukrainian legislation to the rules and regulations of the European Union. At this stage, we can distinguish achievements in the following stages:

1) agreement on the establishment of a Deep and Comprehensive Free Trade Area, is set out in Section IV of the Association Agreement between Ukraine and the European Union, "Trade and Trade Related Issues", and constitutes two thirds of the whole (without annexes and protocols) Agreement;





2) the visa-free regime. The decision to grant Ukrainians the right to visa-free travel to EU countries is reflected in Regulation (EU) 2017/850 of the European Parliament and of the Council of the European Union of 17 May 2017, which amends Regulation (EU) No 539/2001, which lists third countries whose citizens are required to have visas when crossing the external borders, and those whose citizens are exempt from this requirement (Ukraine). The signing of the decision on the visa-free regime of Ukraine with the European Union was held in Strasbourg on May 17, 2017, in the presence of President of Ukraine Petro Poroshenko and President of the European Parliament Antonio Tajani.

4. The stage of full membership in the European Union may include the following stages:

1) advisory and evaluation step (preparation for accession to the European Union). It envisages full fulfillment of the political and economic criteria for membership of the European Union, completing the process of adaptation of the Ukraine legislation to *acquis communautaire* and Ukraine report on the accomplished tasks. Ukraine's application for accession to the European Union. Start of accession negotiation. The state will officially become a candidate country for accession to the European Union;

2) the negotiation step that will continue from the beginning to the end of the accession negotiations. The negotiation process defines the conditions on which Ukraine will be able to accede to the European Union, as well as the terms of adoption and legal implementation of the *acquis communautaire*. In some cases, transitional measures may be taken into account, but they should be clearly defined in terms of content and duration. Ukraine can be admitted to the European Union as soon as it meets the criteria of accession and membership obligations.

Negotiations are usually held in the form of bilateral conferences between Member States and each of the candidate countries under each of the 31 sections of the *acquis communautaire*: competition policy, transport policy, energy, tax policy, customs union, agriculture, justice and home affairs, financial sphere, regional policy, budget allocations and more.

Overall success in the negotiation process is measured by the number of sections that are fully negotiated. The results of the negotiations are attached to the draft agreement on the accession of the candidate country to the European Union;

3) ratification stage – lasts between the signing of the entry agreement and its ratification. Before signing the Accession Agreement, it must be submitted to the Council of the European Union for approval and to the European Parliament for consent. Once signed, the Accession Agreement is forwarded to the Member States of the European Union and the candidate countries for ratification and adoption by the candidate countries of the accession decision, if necessary, through a referendum procedure [8].

Thus, holding a referendum on Ukraine's membership in the European Union has been repeatedly discussed both in the political arena and in the public. Given the rather unstable political situation in the country and the importance of state choice, we believe that a referendum should be held in Ukraine to decide on Ukraine's accession to the European Union. Maximum voter turnout should be ensured in order to attest to the representativeness of voting results. The choice of Ukraine citizens should be the basis of our country's foreign policy course.

For example, Norway, which has twice successfully negotiated (in 1972 and 1994) and even signed an accession treaty, has never become a member of the European Union, since the EU membership issue has twice failed to find adequate support from the population. Switzerland has also applied for accession, but the process has not been completed since the Swiss opposed the ratification of the agreement on the European Economic Area during the referendum in December 1992;

4) implementation step – begins after all ratification procedures have been completed and the agreement enters into force. Only then does the country become a full member of the European Union [8].

**Conclusions.** The European integration process in Ukraine is deep and comprehensive, long lasting and multi-level system. So the main idea is to create and establish the common plan – Ukraine's European integration strategy. Finally, it should be noted that our list of stages of Ukraine's European integra-

tion process broadly reflects the process of development of Ukraine's relations with the European Union and outlines their possible future development.

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## THEORETICAL AND PRACTICAL PROBLEMS OF SHALE GAS PRODUCTION IN UKRAINE

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## SUMMARY

The article is devoted to research and isolation of problematic aspects of legal regulation of shale gas production in Ukraine. The article provides a comprehensive analysis of national legislation governing the development and operation of shale gas fields, the possibility of attracting foreign investors for gas production activities. The article reveals the problems of shale gas production in the territory of Ukraine, which is located in temporarily uncontrolled territories of Ukraine (Donbass) and prospects of shale gas production in the Western regions. The author outlines ways to improve Ukrainian legislation, which will have a positive impact on the prospects of alternative gas production in Ukraine. The article highlights various approaches to determine the safety of the methods of production of shale gas and their impact on the environment. The article analyzes the US experience in managing the environmental problems of shale gas production as a world leader in shale gas production.

**Key words:** shale gas, fracking, ecology, environmental protection, Ukrainian legislation, US experience, alternative gas production.

## ТЕОРЕТИЧЕСКИЕ И ПРАКТИЧЕСКИЕ ПРОБЛЕМЫ ДОБЫЧИ СЛАНЦЕВОГО ГАЗА В УКРАИНЕ

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## АННОТАЦИЯ

Статья посвящена исследованию и выявлению проблемных аспектов правового регулирования добычи сланцевого газа в Украине. В статье представлен комплексный анализ национального законодательства, регулирующего разработку и эксплуатацию месторождений сланцевого газа, возможность привлечения иностранных инвесторов для добычи газа. В статье раскрываются проблемы добычи сланцевого газа на территории Украины, которая находится на временно неконтролируемых территориях Украины (Донбасс), и перспективы добычи сланцевого газа в западных регионах. В статье автор выделит пути совершенствования украинского законодательства, что окажет положительное влияние на перспективы добычи альтернативного газа в Украине. В статье выделены разные подходы относительно определения безопасности добычи сланцевого газа и его влияния на окружающую среду. Рассмотрено законодательное закрепление добычи нетрадиционных углеводородов в Украине и США – ведущего специалиста в этой сфере.

**Ключевые слова** сланцевый газ, фрекинг, экология, охрана окружающей среды, украинское законодательство, опыт США, добыча альтернативного газа.

**Introductoin.** In accordance with the principles of the Stockholm Declaration adopted in 1972, nature conservation must be given the highest priority in economic development planning. Increasing energy independence in Ukraine is now a top priority. Under this slogan, experts contribute to the development of shale gas fields. However, around shale gas extraction technology, which may be related to environmental damage, mainly

due to the imperfection of existing legislation and the lack of legal framework in terms of ensuring environmental safety, preventing and eliminating the negative impact of the production of unconventional hydrocarbons on the environment, the biggest discussions are underway.

**Literary Review.** Despite the relatively new direction of shale gas production in Ukraine, today there is already a certain range of research, anal-