EUROPEAN INTEGRATION OF UKRAINE IN THE CONDITIONS OF WAR

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The article notes that on June 23, 2022, the European Council decided to grant Ukraine the status of a candidate for EU membership. This became a new stage of the European integration of Ukraine. Attention is focused on the fact that the full-scale invasion of Russia on the territory of Ukraine did not slow down the process of Ukraine's integration with the EU, but on the contrary, it encouraged mobilization and comprehensive active actions for the acquisition of full membership in the EU, since Ukraine chose and defends those values that are common to the EU: supremacy rights, democracy, human rights, etc.

Ukraine's European integration tasks are classified into two groups: 1) tasks that were planned before Ukraine received candidate status (approaching national legislation to EU law, trade relations with the EU, sectoral integration into the EU Internal Market, participation in key EU programs); 2) tasks that must be completed upon acquiring candidate status. Short-term and medium-term tasks are characterized.

It is established that the institutional capacity of the state authorities of Ukraine needs significant strengthening and a change in the practice of applying Ukrainian legislation - it should be effective not only in theory, but in practice. It is noted that the key task remains to ensure real and effective observance of the principle of protection of human rights (both individuals and legal entities that are not endowed with public-authority powers), because without effective observance of this principle, it is impossible to complete the process of integration into the EU.

Keywords: European Union, state, integration, values, protection of human rights, rule of law, European integration tasks, democracy, human rights, state authorities.

Formulation of the problem

On June 23, 2022, the European Council decided to grant Ukraine the status of a candidate for EU membership [1]. This became a new stage of the European integration of Ukraine. The full-scale invasion of Russia on the territory of Ukraine did not slow down the process of Ukraine's integration with the EU, but on the contrary, it encouraged mobilization and comprehensive active actions for the acquisition of full membership in the EU, since Ukraine chose and defends those values that are common to the EU: the rule of law, democracy, human rights etc. Ukraine's European integration tasks are heterogeneous, and among them there are those for which the state must fundamentally change not only its national legislation, but also the practice of its application.

These tasks can be classified into two groups:

1) tasks that were planned before Ukraine received candidate status (approaching national legislation to EU law, trade relations with the EU, sectoral integration into the EU Internal Market, participation in key EU programs);

2) tasks that must be completed upon acquiring candidate status.

The above testifies to the relevance of studying the issue of Ukraine's integration

into the EU under the conditions of martial law in Ukraine.

State of problem research

In legal science, the issues of European integration were analyzed in the works of R. Petrov, K. Smirnova, T. Komarova and other scientists [2-6]. At the same time, it does not lose its relevance even today, considering that in connection with the acquisition of candidate status, new large-scale and complex tasks are facing Ukraine. For example, the first short-term task is to implement the seven recommendations of the European Commission. These recommendations were provided together with the EU candidate status.

The purpose of this article is to characterize the integration of Ukraine into the EU under the conditions of martial law in Ukraine.

Presenting main material

Martial law is a special legal regime introduced in Ukraine or in some of its localities in the event of armed aggression or threat of attack, danger to the state independence of Ukraine, its territorial integrity and provides for the provision of appropriate state authorities, military command, military administrations and local self-government bodies the powers necessary to avert the threat, repulse armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, as well as temporary, caused by the threat, restriction of the constitutional rights and freedoms of a person and citizen and the rights and legitimate interests of legal entities with the indication the validity period of these restrictions (Article 1 of the Law of Ukraine "On the Legal Regime of Martial Law") [7].

As is well known, Ukraine's integration with the EU is taking place in conditions of large-scale Russian intervention. The war intensified the bilateral processes of European integration, gave a new quality to the policy of Brussels in the Ukrainian direction, forced to review the approaches and priorities in the field of security [8].

Recommendations for Ukraine are aimed at real, not illusory strengthening of the rule of law, reduction of the level of corruption, level of money laundering, ensuring the rights of national minorities. The EU has repeatedly noted that their full implementation is one of the necessary conditions for moving to the final stages of integration. Another medium-term task is to ensure Ukraine's compliance with the EU accession criteria. We are talking about the Copenhagen criteria of 1993, the Madrid criteria of 1995, the Charter of Fundamental Rights of the European Union of 2000 as amended by the Lisbon Treaty of 2007.

The key thing is that Ukraine, as a candidate state, is obliged not in theory, but in in practice to ensure efficient and stable work of state institutions that guarantee democracy, the rule of law, human rights, respect and protection of national minorities; the effective functioning of the market economy, so that the economy of Ukraine is able to withstand competition on the EU market, and the fact that the war is ongoing in Ukraine is not a factor that can allow Ukraine not to strengthen its economy – on the contrary, the war is a factor that requires Ukraine to use superpowers, even greater ones than ever, so that the economy of Ukraine can integrate with the economy of the EU and withstand the consequences of integration; not illusory or declarative, but to effectively fulfill all international obligations arising from Ukraine's membership in the EU.

Also, it should be emphasized separately that Ukraine, as a candidate state, must fully implement current EU law and it must be effectively applied in Ukraine, including by Ukrainian courts. This also applies to the application of the judicial practice of the Court of Justice of the EU, as it makes clear the content of the provisions of EU legislation and the situation when national courts independently interpret the provisions of EU legislation – is not acceptable, as it can be distorted without the application of the decisions of the Court of Justice of the EU, the content of the provisions of EU legislation.

Of course, as is well known, these tasks require significant strengthening of the institutional capacity of the state authorities of Ukraine. It is seen that it is necessary to expand competitive fair selection with the participation of international experts of the em-

ployees of the Cabinet of Ministers of Ukraine, Ministries and Departments, since the integrity, devotion to the ideals of the EU and high qualification of such employees are the key to the effective integration of Ukraine into the EU and the eradication of those phenomena that are obstacles to integration.

The Ukrainian Center for Economic and Political Research named after Oleksandr Razumkov rightly notes that "...the war slowed down the pace of socio-economic reform within the framework of the implementation of the Ukraine-EU Association Agreement, to one degree or another complicated the process of implementing the package of recommendations of the European Commission. In particular, it is said that: (a) the implementation of some areas of the Association Agreement is now critically complicated and should be carried out in peacetime; (b) pan-European norms regarding the legislative regulation of individual internal political processes must be adapted to the conditions of martial law and the regime of hostilities. Secondly, despite a number of important EU initiatives to liberalize trade with Ukraine and attract it to the internal European market, the war objectively reduced the interest and activity of European business partners in developing contacts with a warring country with a complex internal political situation that contains risks and dangers for prospective investments and business. On the other hand, European business is also in a difficult situation as a result of a number of problems discussed above. Thirdly, the war turned Ukraine into a long-term recipient of international donor aid. According to experts' estimates, foreign financial receipts cover approximately one-third of Ukraine's budget expenditures. ... Fourthly. Due to Russian expansion and a long war, the Ukrainian side has to concentrate huge political-diplomatic, financial-economic, personnel resources on opposing the Kremlin's aggression in various directions. In particular, Kyiv is forced to keep a large military contingent on the 1,000-kilometer Russian-Ukrainian front and constantly increase funding for military needs. Currently, almost half of budget expenditures are directed to the defense sector" [8].

The experience of Ukraine is unique regarding the integration of the state into the EU in the conditions of a war, and even more so a full-scale and ongoing one. The state is actively implementing the seven recommendations provided by the European Commission to Ukraine. In particular, these are the reform of the Constitutional Court of Ukraine, judicial reform, the fight against corruption, the fight against money laundering, anti-oligarchic legislation, strengthening the independence of the media, and changing the legislation on national minorities.

The shifts in these directions were as follows:

1) reform of the Constitutional Court of Ukraine: adoption of the Law of Ukraine on the procedure for selecting candidates for the post of judge of the Constitutional Court of Ukraine on a competitive basis; functioning of the "advisory group of experts". Thus, in accordance with this Law of Ukraine, the selection of candidates for the position of judge of the Constitutional Court of Ukraine is carried out on a competitive basis in accordance with the procedure established by the Law of Ukraine "On the Constitutional Court of Ukraine" [9]. The Verkhovna Rada has a committee dealing with the legal status of the Constitutional Court of Ukraine [9]. By order of October 13, 2023, the Cabinet of Ministers of Ukraine appointed persons to the first advisory group of experts and elected their deputies for the evaluation of candidates for the post of Constitutional Court judge. Court of Ukraine [10].

2) judicial reform: selection of candidates for the Higher Qualification Commission of Judges of Ukraine; renewal of the composition of the Supreme Council of Justice.

3) fight against corruption: investigation by anti-corruption bodies in new criminal proceedings; approved Anti-Corruption Strategy until 2025 [11]; the new State anti-corruption program until 2025 is being discussed; amendments were made to the Law of Ukraine "On Prevention of Corruption" in terms of the specifics of the application of Ukrainian legislation in the field of corruption prevention in martial law; By presidential decree, a special working group of representatives of anti-cor-

ruption bodies was created, which is designed to harmonize national legislation with the Convention on Combating Bribery.

4) fight against money laundering: the Law on bringing the national anti-money laundering legislation into line with the standards of the Financial Action Task Force against Money Laundering (FATF) was adopted; the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Protection of the Financial System of Ukraine from the Actions of a State Carrying Out Armed Aggression Against Ukraine, and the Adaptation of Ukrainian Legislation to Certain Standards of the Financial Action Task Force Against Money Laundering (FATF) and the Directive's Requirements" entered into force EU 2018/843" dated November 4, 2022.

5) anti-oligarchic legislation: to implement the Law of Ukraine "On Prevention of Threats to National Security Associated with Excessive Influence of Persons Who Have Significant Economic and Political Weight in Public Life (Oligarchs)" dated September 21, 2021. By decree of the President of Ukraine on June 29, 2022 the decision of the National Security Council of Ukraine "On the approval of the Regulation on the Register of persons who have significant economic and political weight in public life (oligarchs), the order of its formation and management" was put into effect.

6) strengthening of media independence: the Law of Ukraine "On Media" was adopted;

7) change in the legislation on national minorities: in order to determine the features of social relations regarding the realization of rights and freedoms by persons belonging to national minorities (communities) of Ukraine, a new Law of Ukraine "On National Minorities (communities)" was adopted [12].

The Ukrainian Center for Economic and Political Research named after Oleksandr Razumkov rightly notes that "despite large-scale Russian intervention, Ukraine actively continues to implement the Association Agreement, having made significant progress in the direction of digital transformation, in customs affairs, overcoming technical barriers, public procurement, corporate governance, sustainable development, etc. And although the war slowed down the pace of implementation of some obligations under the Agreement, it did not weaken the country's determination to continue the reforms provided for by this document" [8].

Conclusions

1. The experience of Ukraine is unique in terms of the country's integration into the EU in conditions of war, and even more so of such a full-scale and ongoing one.

2. The state is actively implementing the seven recommendations provided by the European Commission to Ukraine.

1) reform of the Constitutional Court of Ukraine: adoption of the Law on the procedure for selecting candidates for the post of judge of the Constitutional Court of Ukraine on a competitive basis; functioning of the "advisory group of experts".

2) judicial reform: selection of candidates for the Higher Qualification Commission of Judges of Ukraine; renewal of the composition of the Supreme Council of Justice.

3) fight against corruption: investigation by anti-corruption bodies in new criminal proceedings; approved Anti-corruption strategy until 2025; the new State anti-corruption program until 2025 is under discussion; amendments were made to the Law of Ukraine "On Prevention of Corruption" in terms of the specifics of the application of Ukrainian legislation in the field of corruption prevention in martial law; By presidential decree, a special working group of representatives of anti-corruption bodies was created, which is designed to harmonize national legislation with the Convention on Combating Bribery.

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6) strengthening of media independence: the Law of Ukraine "On Media" was adopted.

7) change in legislation on national minorities: a new Law of Ukraine "On National Minorities (Communities)" was adopted.

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ЄВРОПЕЙСЬКА ІНТЕГРАЦІЯ УКРАЇНИ В УМОВАХ ВІЙНИ

В статті зазначається, що 23 червня 2022 р. Європейська Рада ухвалила рішення надати Україні статус кандидата на членство в ЄС. Це стало новим етапом європейської інтеграції України. Акцентується увага на тому, що повномасштабне вторгнення росії на територію України не сповільнило процес інтеграції України з ЄС, а навпаки спонукало мобілізуватися і здійснювати комп-

лексні активні дії щодо набуття повноправного членства в ЄС оскільки Україна обрала і захищає ті цінності, які є спільними з ЄС: верховенство права, демократію, права людини тощо.

Євроінтеграційні завдання України класифіковано на дві групи: 1) завдання, що були заплановані до отримання Україною статусу кандидата (наближення національного законодавство до права ЄС, торговельні відносини з ЄС, секторальна інтеграцію у Внутрішній ринок ЄС, участь у ключових програмах ЄС); 2) завдання, які необхідно виконати з набуттям статусу кандидата.

Охарактеризовано короткострокові та середньострокові завдання. Виосновується, що значного посилення потребує інституційна спроможність органів державної влади України та зміна практики застосування законодавства України – вона має бути ефективною не лише в теорії, а на практиці. Зазначається, що ключовим завданням залишається забезпечення реального ефективного дотримання принципу захисту прав людини (і фізичних осіб, і юридичних осіб, які не наділені публічно-владними повноваженнями) адже без ефективного забезпечення дотримання цього принципу завершити процес інтеграції в ЄС неможливо.

Ключові слова: Європейський Союз, держава, інтеграція, цінності, захист прав людини, верховенство права, євроінтеграційні завдання, демократія, права людини, органи державної влади.