

PERSPECTIVE OF UKRAINE'S INTEGRATION INTO THE EUROPEAN UNION: STATE OF DEVELOPMENT AND NEW CHALLENGES

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***Abstract:** This article examines the historical development of Ukraine's integration into the European Union (EU) and highlights the new challenges it faces. The analysis begins with an overview of the historical context, highlighting Ukraine's aspirations for European integration dating back to its independence in 1991. The article then delves into key milestones and agreements that have shaped the relationship between Ukraine and the EU. Furthermore, the integration process has encountered numerous challenges. The ongoing War with Russian Federation in Ukraine has posed significant obstacles to Ukraine's European aspirations. The annexation of Crimea by Russia and the ongoing military aggression in the Donbas region has resulted in a protracted conflict that has strained Ukraine's political and economic stability. In conclusion, this article presents a comprehensive overview of Ukraine's historical development in its pursuit of closer integration with the EU. It emphasizes the challenges Ukraine faces, ranging from political and security issues to economic and social transformations.*

***Keywords:** European integration process, legislative adaptation, European Union.*

Introduction and historical development

Ukraine is currently dealing with several challenges, with the main focus on reforming its legal system and aligning its national legislation with European standards. The country is prioritizing its European integration goals by working towards bringing its laws in line with those of the EU. This process involves approximating and harmonizing domestic legislation with EU legal principles and standards (Trichlib, 2015:2). After gaining independence, Ukraine embraced the European model of governance and values, considering it crucial for its future. Throughout history, geography, and increasingly in mindset, Ukraine has identified itself as European. This European identity was demonstrated during the Revolution of Dignity, where Ukrainians defended the country's western-oriented development, and later during the ongoing War with Russian Federation. Ukraine's commitment to the European path is rooted in its civilizational connection to the European community. To thoroughly analyze the organizational and regulatory support for European integration in Ukraine, it is important to consider different periods of Ukraine-EU relations. These periods can be broadly categorized as follows:

During the first period from 1991 to 1994, which predates the signing of the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States, there were important developments in the relationship between Ukraine and the EU. In December 1991, shortly after Ukraine's declaration of independence following the dissolution of the Soviet Union, the EU issued a Declaration on Ukraine [1]. In this declaration, the EU acknowledged the democratic nature of the All-Ukrainian referendum, which was held to confirm Ukraine's independence, and expressed its support for Ukraine's path toward democracy and its integration with the European Community (Baranovsky, 2005:682). The EU's declaration also emphasized the importance of maintaining a constructive and open dialogue between Ukraine and the EU. This call for dialogue reflected the EU's willingness to engage with Ukraine and foster cooperative relations, even before the formal establishment of a comprehensive agreement. Overall, the EU's recognition of the democratic nature of Ukraine's referendum and its call for dialogue demonstrated the EU's early interest in Ukraine's political and democratic development. These statements laid the groundwork for future cooperation and set a positive tone for Ukraine-EU relations in the following years. In November 1994, the EU acknowledged the establishment of Ukraine as a significant milestone in modern European history. The EU expressed its belief that a democratic and resilient Ukraine would play a crucial role in promoting overall stability in Europe. Furthermore, the EU declared its commitment to supporting Ukraine's independence, territorial integrity, and sovereignty through its action plan for Ukraine (Palaganyuk, 2014:6).

Ukraine has consistently expressed its desire to join the EU, despite facing opposition from external sources and facing internal speculation. The country's commitment to European integration was initially established in 1993 through a resolution passed by Ukraine's parliament, which outlined the main directions of the country's foreign policy. The document stated that "the prospective goal of Ukrainian foreign policy is Ukraine's membership in the European Communities, provided that this does not harm its national interests. In order to maintain stable relations with the European Communities, Ukraine will conclude a Partnership and Cooperation Agreement with them, the implementation of which will be the first stage of promotion to associate, and later to full membership in this organization." This resolution was seen as a significant step towards building a new democratic and legal state. According to Topalova, "the changes taking place in Ukraine's domestic and foreign policies during that period rendered the existing system of state administration ineffective. This included the organizational structure of state authorities. Consequently, there emerged a pressing need to reform state authorities and local self-government bodies in line with European standards, while considering the country's prevailing socio-economic and political situation" (Topalova, 2008: 134-136). In October 1993, the Representation of the European Commission was established in Kyiv. This was done to provide support and assistance in implementing Ukraine's European course. Additionally, in the same year, the Interdepartmental Committee for the Affairs of the European Communities was formed as a government body responsible for coordinating and aligning Ukraine's policies with the European Communities.

During this period, Ukraine viewed EU membership as a significant objective in its foreign policy. However, the country's approach to European integration lacked consistency and coherence. There was a lack of a comprehensive strategy or program for Ukraine's accession to the EU. The state's European integration policy was not

systematically implemented, and there were no clear and coordinated actions taken toward this goal. During the second period from 1994 to 2009, Ukraine experienced significant developments in its relations with the European Communities and their Member States. This period began with the signing of the Partnership and Cooperation Agreement, which established a legal framework for Ukraine's engagement with the EU [2]. Prior to the dissolution of the Soviet Union, Ukraine held the status of one of the founding members of the Commonwealth of Independent States. The Partnership and Cooperation Agreement paved the way for the establishment of a cooperative mechanism between Ukraine and the EU, aligning their efforts in various areas. Ultimately, this led to the adoption of the Agenda of the Association, marking another milestone in their evolving relationship. Following the signing of the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States, the recognition of Ukrainian interests was officially documented in the Special Decision of 31 October 1994, as well as in the Joint Strategy for Ukraine approved by the EU Council on 28 November 1994 [3]. The Joint Strategy, which took immediate effect, obligated Member States to establish strong political ties with Ukraine, support its independence, promote democratic development, implement economic reforms, and facilitate its integration into the global economy. These commitments were reaffirmed in the Rome Political Declaration in May 1996. This Agreement served as the fundamental document that outlined the legal framework for bilateral cooperation between Ukraine and the EU over a ten-year period (Palaganyuk, 2014). The significance of Ukraine's "European vector" in its foreign policy during this specific timeframe is evident through several enacted regulations. Notably, the President of Ukraine signed a Decree on 11 June 1998 [4], which outlined the Strategy for Ukraine's Integration into the EU (Prokopenko, 2008).

The Verkhovna Rada of Ukraine has endorsed various resolutions and statements that contain pertinent provisions in support of the process of EU integration. These include the Resolution on the recommendations of parliamentary hearings concerning Ukraine-EU cooperation, approved on 28 November 2002 [5], and the Statement dated 22 February 2007 [6], which focused on preparations for negotiations on a new agreement between Ukraine and the EU. Furthermore, the Resolution addressing the recommendations of parliamentary hearings on Ukraine's economic relations with the EU and the Customs Union, adopted on 19 May 2011 [7], also contributes to advancing this course. During the period from 2007 to 2012, a total of 21 rounds of negotiations were conducted for the Association Agreement, along with 18 rounds specifically dedicated to establishing a comprehensive and extensive free trade area (Streltsova, 2012:90). The name of the Agreement was clarified based on a proposal from the EU Party. At the parliamentary level, Ukraine's commitment to EU integration and the prioritization of measures for its implementation were reaffirmed. On 16 September 2014, the Verkhovna Rada of Ukraine and the European Parliament simultaneously ratified the Association Agreement between Ukraine and the EU [8].

Therefore, during this period, Ukraine started placing more significance on its relations with the EU, expressing the state's strategic objective of attaining full membership in the EU. The dialogue between Ukraine and the EU has strengthened across various aspects. Consequently, the significant developments during this time naturally resulted in the progression from partnership to association in the relations between Ukraine and the EU.

The third phase from 2009 until now, involved the preparations for the initiation, signing, ratification, and execution of the Association Agreement between Ukraine and the EU. To pave the way for the agreement's conclusion and facilitate its implementation, the EU-Ukraine Cooperation Council in Luxembourg approved the EU-Ukraine Association Agenda (ADA) on 16 June 2009 [9]. The ADA outlined the main reform priorities that Ukraine needed to focus on in the following years to fully utilize the enhanced cooperation opportunities and improved market access provided by the new Association Agreement with the EU. The ADA served as a practical, political, and legal instrument in preparing for the implementation of the Association Agreement between Ukraine and the EU, even before it came into effect. Its development was guided by the principles of political association, economic integration, shared participation, joint responsibility, and collaborative evaluation. Ukraine's approach to developing relations with the EU is based on the Law of Ukraine "On the Basics of Internal and Foreign Policy" [10]. Article 11 of this law establishes a fundamental principle of Ukraine's foreign policy, which is to integrate Ukraine into the European political, economic, and legal sphere with the goal of eventually becoming a member of the EU. The Agreement between Ukraine and the EU was initially initialed on 30 March 2012, and the technical initialing of the portion concerning the deep and comprehensive free trade zone, known as UA, was officially completed in Brussels on 19 July 2012. However, in November 2013, the previous President of Ukraine declined to sign the Association Agreement between Ukraine and the EU. This decision sparked a large-scale peaceful protest in Ukraine known as "EuroMaidan", as the Ukrainian people rallied in defense of their aspirations for European integration. Following the successful outcome of the Revolution of Dignity in Ukraine, the Verkhovna Rada of Ukraine adopted a resolution on 13 March 2014 [11]. This resolution confirmed Ukraine's unwavering commitment to European integration, with the ultimate goal of EU membership. Additionally, it recognizes Ukraine as a European state sharing a common history and values with the countries of the European Union, thereby asserting Ukraine's right to apply for EU membership. The signing and ratification of the Association Agreement between Ukraine and the EU in 2014 marked the beginning of a new phase in their relationship, characterized by political association and economic integration. The implementation of this agreement is based on a plan of measures approved by the Cabinet of Ministers of Ukraine on 17 September 2014 [12], which is regularly updated. After a lengthy ratification process, the Association Agreement between Ukraine and the EU came into full effect on 1 September 2017. Currently, the Action Plan serves as a framework for implementing the agreement.

Ukraine aims to become a full member of the EU, considering it a strategic goal. The Association Agreement and its Agenda will facilitate further political association and economic integration by initiating comprehensive and practical cooperation. These initiatives will focus on key objectives such as consolidating democratic reforms, reforming the judicial system, upholding the rule of law and human rights, promoting transparency and democratic accountability, combating corruption, and increasing citizen participation in public decision-making processes in Ukraine. Since 2014 Russian aggression against Ukraine began, the situation in Ukraine and the events concerning our country have received special attention within the framework of the European Union's Common Foreign and Security Policy. The EU consistently shows support for Ukraine's independence, sovereignty, and territorial integrity. It takes a firm stance against Russia's

unlawful annexation of Crimea and Sevastopol and actively engages in efforts to resolve the conflict in eastern Ukraine, which has been fueled by Russian involvement.

The current state and prospects of Ukrainian European integration

Ukraine has been pursuing closer integration with the EU for several years. The key milestone in this process was the signing of the Association Agreement between Ukraine and the EU in 2014. Since then, Ukraine has made significant progress in implementing reforms required by the EU. However, challenges remain in implementing reforms, strengthening institutions, and navigating the complex geopolitical dynamics. The prospects for Ukrainian European integration depend on sustained reform efforts, continued EU support, and developments in the broader regional and international context.

Ukrainian relations with the European Union

Ukraine's relations with the EU have been of great significance and have evolved significantly over the years. Ukraine has long expressed its aspirations to align itself with European values, principles, and institutions, seeking closer ties with the EU. This desire for integration with Europe has been a driving force behind many political and economic developments in Ukraine. When discussing significant developments in the relationship between Ukraine and the EU, several noteworthy strategic events should be highlighted. Firstly, starting from 11 June 2017, Ukrainian citizens gained the privilege of visa-free travel to EU countries [13]. This achievement was made possible by Ukraine's successful fulfillment of all the criteria outlined in the Visa Liberalization Action Plan, a process that concluded in December 2015. Additionally, Ukraine took another crucial step by reaffirming its unwavering commitment to its European trajectory. In June 2017, the Verkhovna Rada passed amendments to the Law "On the Basics of Internal and Foreign Policy", explicitly solidifying Ukraine's direction toward NATO membership. Furthermore, in 2018, President of Ukraine Poroshenko proposed the inclusion of the EU and NATO aspirations in the Constitution, leading to the adoption of amendments to the Basic Law by the Verkhovna Rada on 7 February 2019. These amendments affirmed Ukraine's strategic goal of attaining full membership in both the EU and NATO. It is important to highlight that following the change of power in Ukraine, there has been a commitment to maintaining a consistent and stable path toward European integration. The new presidential team is actively working to implement measures that deepen Ukraine's integration into the EU, with ambitious goals in mind. The current governing team is dedicated to advancing the European integration agenda by enhancing dialogue with the EU, expanding sectoral integration, ensuring the renewal of the Association Agreement, promoting trade liberalization, and fostering stronger economic ties with the EU. Additionally, there are plans to pursue Ukraine's inclusion in the EU's energy and digital markets, align with the "European Green Course" initiative, and establish "industrial visa-free" policies. Ukraine presented its application for EU membership on 28 February 2022, and EU leaders granted EU candidate status to Ukraine on 23 June 2022. However, there are still many challenges and obstacles that need to be addressed, including the ongoing conflict in eastern Ukraine between Ukrainian forces and Russian-backed separatists, which has resulted in the loss of thousands of lives and significant economic damage to Ukraine. The Support Group for Ukraine, established by the European Commission [14],

also plays a crucial role in facilitating relations. This group aims to engage specialized experts from EU member states to assist the Ukrainian government in implementing the Agreement and enhancing coordination among various donors and international financial institutions. Currently, the Support Group consists of seven thematic groups aligned with key reform priorities.

The political relations between Ukraine and the EU encompass various important areas and directions. The “political dialogue” agenda within the association covers a wide range of topics, including domestic and foreign policy, security, and justice. The content and character of Ukraine-EU political relations are primarily determined by internal reforms and security concerns. Consequently, the escalating political and security situation in Europe and the world, particularly the Russian expansion, pose fundamental challenges and threats to both Ukraine and the EU. Simultaneously, the effective implementation of internal changes in Ukraine, within the framework of the Association Agreement, stands as a fundamental requirement for advancing political relations between Ukraine and the EU and progressing toward political association. It is evident that the substance and characteristics of political relations, security cooperation, and the overall prospects of the Ukraine-EU association depend on numerous external and internal factors. These factors include perilous geopolitical developments in Europe and the world, intricate trends within the EU, as well as the persisting threat of Russian aggression, which poses the most significant challenge and danger to Ukraine and the EU. In response to Russia’s actions, the EU imposed sanctions on Russia and provided substantial financial and technical assistance to support Ukraine’s reform efforts and address the humanitarian and economic consequences of the War.

The EU has been a crucial partner for Ukraine in supporting its reform efforts and providing financial and technical assistance. The EU has provided significant financial aid to Ukraine, particularly through macro-financial assistance programs, to help stabilize the country’s economy and support reforms. The complex set of problems related to internal reforms in Ukraine, particularly in areas crucial to European partners such as the judicial system reform, anti-corruption efforts, and improvement of the public administration system. Furthermore, the processes of Ukraine’s internal institutional and legal self-identification as part of the European community, its efforts to enhance its identity and alignment with the EU in terms of shared values, norms, and rules, are also pertinent. The EU has acknowledged these efforts and has expressed its commitment to supporting Ukraine’s European path. Moreover, it is evident that the nature and atmosphere of political relations, along with security factors, directly impact trade and economic connections and the pace of Ukraine’s integration into EU markets. Collaborative opposition against Russian expansion will continue to be another component of the relations between Kyiv and Brussels in the foreseeable future. It is of utmost importance for Ukraine that the EU demonstrates unwavering and consistent support for its independence and sovereignty.

The process of adaptation of Ukrainian legislation to EU legislation

The long-term experience of the European Union is of great importance for Ukraine, especially in modern conditions, when there is an urgent need to stabilize the development of the state as a whole. The political advantages of Ukraine’s integration into the EU are related to the creation of reliable mechanisms of political stability, democracy

and security. Rapprochement with the EU is a guarantee, and the fulfillment of its requirements is a tool for building democratic institutions in Ukraine.

When considering the process of integrating Ukraine's legal system with that of the EU, it is crucial to first identify the primary processes and factors that influence it. Foremost, this involves adapting Ukrainian legislation to conform gradually and consistently with EU legal norms through reform. The necessity to adapt Ukrainian legislation to EU legislation was initially announced in the Strategy for Ukraine's Integration into the EU on 11 June 1998 [15]. It was subsequently supplemented by the Concept of Adaptation of Ukrainian Legislation to EU Legislation on 16 August 1999 [16], which formed the basis for creating annual work plans by higher executive bodies to achieve this objective. These plans were required to be coordinated with the measures undertaken as part of the implementation of the Strategy. The next step involved the adoption of the "Nationwide Program for the Adaptation of Ukraine's Legislation to the Legislation of the European Union" on 18 March 2004, by the Verkhovna Rada of Ukraine [17]. This program prioritized adaptation as a key direction of Ukraine's foreign policy aimed at meeting the criteria for EU membership (Iamkovyi, 2018).

Hence, Ukraine has expressed its willingness to implement progressive reforms that aim to adapt its national legislation as part of the integration process, in which it intends to actively participate. This process is carefully planned and consists of several consecutive stages, with each stage commencing after the successful achievement of the previous one's objectives. Parkhomenko outlines four primary stages for the adaptation of national legislation as follows:

1. Defining criteria for harmonization across different areas of state affairs and legal domains, along with the initial identification of existing and potential challenges in the future.
2. Conducting expertise and comparative analysis of legislation, harmonizing various concepts and terms, and formulating proposals for the harmonization process that consider national peculiarities in legal and other domains.
3. Analyzing and compiling a list of existing documents that require harmonization, as well as identifying international agreements that need to be concluded to implement or enhance the effectiveness of this process.
4. Simultaneously developing and adopting new documents or making amendments to existing ones, integrating them into national legislation (Parkhomenko, 2012).

The harmonization of the Ukrainian legal system focuses solely on changes within Ukraine's national legislation, rather than the legislation of EU countries. The success of this process relies on accurately formulating legal norms within European legislation, which often poses challenges due to EU laws considering the unique characteristics of its Member States (Chabakh, 2014:58). Significant progress has been made in areas that primarily require legal resolutions, establishment of state institutions, introduction of new laws or amendments to existing ones, and other actions that do not require drastic changes impacting the established state system. Despite internal and external conflicts and challenges, Ukraine pursued structural reforms in 2017, resulting in positive developments in the economic and social sectors. Various reforms were implemented, including pension and healthcare reforms, among others (Obozna & Klimova, 2017: 32). The enacted legislation has resulted in a situation where various aspects of life in Ukraine have acquired distinct characteristics. As a result, it is necessary to develop separate reform strategies for

each of these areas. For instance, due to the current economic condition in Ukraine, it is not feasible to align pension and labor laws with EU standards. This is because the labor market and healthcare system in Ukraine may be even more fragile, and their revival might require diverting funds from other sectors, triggering a ripple effect.

In evaluating the government's actions in relation to Europe, several positive aspects should be acknowledged. Ukraine's European aspirations receive support during Ukraine-EU summits, and the implemented reforms demonstrate solidarity in countering Russian aggression. The path to renew the Association Agreement is open, provided that legislative requirements for the "Industrial Visa Waiver" Agreement are met. The harmonization of national legislation with European law holds significant and relevant implications for Ukraine. This process encompasses not only the establishment of a legal foundation for future EU membership but also the accomplishment of other important objectives (Parkhomenko, 2012: 341). As the EU updates its laws and regulations, Ukraine needs to continuously review and update its own legal framework to maintain alignment. However, much more work remains to be done to fulfill all the criteria for EU membership.

Challenges and threats on the way to the EU

The active phase of Ukraine's collaboration with the European Union, specifically its efforts to integrate politically and economically into the EU, occurred simultaneously with the military actions in Donbas resulting from the aggression of the Russian Federation, the annexation of Crimea, and the occupation of parts of Ukraine. On its path toward EU integration, Ukraine encountered substantial problems and perilous challenges. Firstly, there was a complex socio-economic situation, the weakness of democratic institutions, and the lingering influence of post-Soviet mentality. Meanwhile, Russia's aggressive pressure persisted, as it continued its efforts to regain control over former Soviet republics and promoted an alternative to Eurasian integration. According to Saban, the main factors that pose significant obstacles to the implementation of Ukraine's European integration policy are:

- lack of noticeable results of internal socio-economic transformations (without this, joining the EU will remain an unattainable dream);
- high level of corruption and economic crime;
- a clear shortage of experienced specialists in European integration, primarily among the political elite and civil servants of Ukraine (Saban, 2010).

Ukraine has accomplished several notable feats, including the endorsement of the Strategy for the Advancement of High-tech Industry until 2025. This strategy aims to bolster innovative projects and the utilization of advanced technologies in the fields of science and technology. Additionally, significant legislative acts have been enacted, such as the laws concerning "Electronic Trust Services" [18] and "The Fundamental Principles of Cybersecurity in Ukraine" [19]. Furthermore, the "Electronic Communications" law [20] has enabled Ukraine to synchronize its reforms with those of the EU Member States. The digital sphere holds immense potential not only for Ukraine but also for the entire world, signifying its significance as a crucial area for development. Consequently, it stands as one of the most crucial domains requiring development. Collaborating with the EU is highly favorable in this regard, as the majority of cutting-edge technologies are developed within EU Member States. However, the EU's role in initiating, supporting, and sustaining

sanctions against Russia is particularly prominent on the international stage. This involvement encompasses diplomatic efforts as well as a range of personal, corporate, and state-level restrictive measures.

Conclusions

The integration of Ukraine into the EU is of utmost importance for Ukraine. European integration will have long-term implications for Ukraine's international activities and domestic policy. Throughout its historical development, Ukraine has demonstrated a strong aspiration to align itself with European values, norms, and institutions, seeking closer political association and economic integration with the EU. While Ukraine has made progress in aligning its legislation with EU standards, there are significant difficulties in implementing reforms. Many reforms exist only on paper and have not been put into practice. However, considering Ukraine's current situation and its standing on the international stage, the reform process over the past two years has shown reasonably satisfactory results. The first step towards improvement is identifying the issues that need to be addressed. The following recommendations are of particular importance: ensuring transparency in all areas specified in the Agreement, making legislative changes to align with EU standards, increasing funding for judges, promoting "green" hydrogen production, implementing the Agreement on Common Aviation Space [21], joining the European Cloud Initiative, implementing the Financial Sector Development Strategy of Ukraine until 2025 [22], and adopting "clean" technologies and energy-saving measures. From a political perspective, European integration drives the modernization of Ukraine's legal framework and the democratization of its political and institutional systems. Cooperation with the EU will help bridge the social gap between Ukraine and high European standards, ultimately improving living standards and prosperity for the population (Osadcha, 2011:71). At the current stage of association, the European integration path is progressing, yielding significant achievements as evidenced by government and public reports. However, there are challenges that hinder the effective implementation of the Agreement for Ukraine. By addressing challenges and capitalizing on the opportunities presented, Ukraine can further advance its integration process, bringing it closer to its goal of becoming an integral part of the European family.

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