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ASSESSING UKRAINE'S PROGRESS TOWARDS EUROPEAN INTEGRATION AMIDST MILITARY HOSTILITIES: ACCOMPLISHMENTS AND IMPEDIMENTS

Abstract. *This article scrutinizes the processes of Ukraine's European integration in the context of full-scale aggression, focusing specifically on security and economic integration issues. The authors investigate the implications of Russian aggression for European security and emphasize the urgent need for reforms within Ukraine. They suggest that strengthening the strategic partnership between the European Union (EU) and Ukraine should be prioritized, especially in resisting acts of aggression. Looking to the future, Ukraine has potential avenues for obtaining financial and technical support from the EU and for accessing the*

European market to attract investment. The article underscores the crucial role of European integration as a primary foreign policy objective for Ukraine, contributing to the stabilization of democratic institutions, promotion of economic growth, and attracting investment and technological advancement. The authors highlight the importance of harmonizing Ukrainian and European legal frameworks and identify various factors affecting reform initiatives' effectiveness.

Keywords: *EU-UA relations contractual framework, Association Agreement, legal harmonization, post-war recovery of Ukraine.*

Problem Statement. In the scenario of extensive warfare in Ukraine, coupled with its application for EU membership, there emerges a set of challenges and opportunities for bolstering European integration. One paramount concern is security. The Russian aggression against Ukraine has jeopardized the security of the entire European continent, necessitating a strengthened strategic partnership between the EU and Ukraine, particularly in terms of collective resistance to Russian aggression. Economic integration also presents a formidable challenge, requiring Ukraine to implement reforms to meet EU benchmarks.

Simultaneously, numerous opportunities for Ukraine's European integration have arisen. The EU can offer Ukraine substantial financial and technical assistance to implement reforms and post-conflict recovery plans. Furthermore, Ukraine has the potential to access the European market, integrate into European value chains, and attract investment, which historically forms the backbone of post-conflict reconstruction processes.

Analysis of Recent Research and Publications. Several facets of EU-Ukraine bilateral cooperation, both generally and within specific sectoral areas, are detailed in the academic works of leading Ukrainian scholars such as Trahniuk O. Ya., Trykhlіb K. O., Yakoviuk I. V., Anakina T. M., Berezovska I. A., Shpakovych O. M., among others. These scholars have established a scientific foundation that enables the exploration of pertinent issues and characteristics of the regulatory framework governing relations between Ukraine and the EU, particularly in the context of the ongoing Russian-Ukrainian conflict.

This article will conduct an extensive scientific and legal analysis of the regulatory and treaty framework governing European integration

processes in Ukraine, considering the emerging realities and challenges. This study also seeks to identify pivotal challenges that will dictate the trajectory of Ukraine's prospective membership in the European Union.

Research and discussion. European integration remains an unwavering and foremost foreign policy objective for Ukraine. This integration serves as a pathway for Ukraine to establish stable democratic institutions, modernize its economic sector, overcome technological deficiencies, attract foreign investments and cutting-edge technologies, generate new employment, enhance domestic producers' competitiveness, and access global markets, among other benefits. The efficiency of European integration processes and Ukraine's inclusion in the global economic and political system's role and function distribution fosters international collaboration in conflict resolution and mitigating current threats to international security.

European Union law embodies a comprehensive legal system incorporating traditional and innovative mechanisms, methodologies, and techniques for addressing legal issues such as human rights, societal organization, state formation, and supranational cooperation. This body of law is informed by the optimal outcomes of highly developed legal systems from economically and politically advanced European countries, as well as specific legal disciplines unified to fulfill the objectives of the EU. Therefore, intensifying the harmonization process between Ukrainian and European law (specifically EU law) should facilitate the progressive evolution of a broad spectrum of Ukrainian legal sectors.

Legislative harmonization encompasses primary sectors and permeates the entire legal system of Ukraine. It is a continuous process rather than a static state, with its progression measured by degrees of refinement. The successful approximation of Ukrainian legislation to EU norms and standards necessitates the revision of laws in priority areas as identified by joint Ukrainian-European agreements. This process also involves adopting a range of legal principles, concepts, criteria, doctrines, and constructs that form the foundation of the *acquis communautaire*, the collective achievements of the Community.

In line with the National Programme for the Adaptation of Ukrainian Legislation to the Legislation of the European Union

(Law of Ukraine No. 1629-IV, dated 18.03.2004), any draft law presented to the Verkhovna Rada of Ukraine must be forwarded to the Parliamentary Committee on European Integration within seven days to establish its relevance to areas governed by EU law. Within three days, such draft laws will be sent to the authorized central executive body to prepare an expert opinion on their alignment with the EU acquis within twenty days. However, it is acknowledged that legal acts contradicting the EU acquis may be approved, provided sufficient justification for their adoption, and a clearly defined term of applicability is stated within the act [14].

Relations between Ukraine and the European Union were initiated in December 1991, when the Minister of Foreign Affairs of the Netherlands, representing the EU Presidency, officially acknowledged Ukraine's independence through a letter on behalf of the EU. Two years after that, in a Resolution titled «On the Main Directions of Ukraine's Foreign Policy» dated July 2, 1993, Ukraine declared its intent to forge relations with the European Union founded on the principles of integration. The Partnership and Cooperation Agreement, concluded on June 14, 1994, served as the inaugural regulatory and contractual framework guiding relations between Ukraine and the European Union, sparking collaboration across an extensive range of political, trade, economic, and humanitarian matters.

A significant advancement within the European Neighborhood Policy was the approval of the EU-Ukraine Action Plan by the concerned parties during the Cooperation Council meeting on February 21, 2005. This bilateral political document facilitated a considerable expansion and reinforcement of Ukraine's strategic partnership with the EU, all without necessitating alterations to the existing legal framework.

The Action Plan's content comprised a list of Ukraine's specific commitments to democratic institutions, anti-corruption, structural economic reforms, and measures to enhance cooperation with the EU in sectoral areas. The key accomplishments of the relations during the term of the Action Plan include the following: granting Ukraine the status of a market economy within EU anti-dumping legislation; allowing Ukraine to join EU foreign policy statements and positions; signing the Visa Facilitation Agreement (ratified by Law No. 117-VI

(117-17) on January 15, 2008) [4]; and the Agreement on the Readmission of Persons (ratified by Law No. 116-VI (116-17) on January 15, 2008) [3].

Following the Revolution of Dignity and the unequivocal affirmation of Ukraine's European integration aspirations, the Association Agreement was signed in 2014 between Ukraine and the European Union, the European Atomic Energy Community, and their member states. This agreement took effect on 1st September 2017 [9]. This international instrument established a novel framework for inter-institutional cooperation and delineated priority areas for the continued harmonization of the legal systems of Ukraine and the EU. Moreover, prevailing case law characterizes association agreements as having a significant portion of their provisions acknowledged as rules with direct effect. This recognition empowers individuals and legal entities to assert their rights under these agreements within the EU member states' judicial authorities and the EU courts [1].

2022 following the full-scale invasion by the aggressor nation, the imposition of martial law and the occupation of certain Ukrainian territories emerged the recognition of the urgency and necessity to fortify and expedite regional integration processes. This led to Ukraine's accession to the EU. The parties' pertinent political decisions and formal actions marked the commencement of a new partnership phase, which actualized the possibility of joining the European community, propelled further pro-European reforms, and catalyzed the government and citizens to unite in the country's transformation.

The Association Agreement is the primary document determining the form, content, and mechanisms for coordinating cooperation between Ukraine and the EU. The paper encompasses a comprehensive range of mutual interest issues, proposing profound collaboration based on conditionality. This approach does not predetermine the future development of the relationship, leaving it open-ended. The fulfillment of obligations to align Ukraine's legislation with EU norms, and the adaptation of its institutions to ensure the implementation of this legislation, is intended to effectuate fundamental political, socioeconomic, legal, and institutional reforms. The ultimate goal is to build a robust, sustainable democracy and market economy.

Ukraine's European integration process unfolds in the context of substantial Russian intervention and occupation of certain territories. Consequently, it has a distinctive character, shaped by various relevant challenges and threats. The ongoing conflict has amplified bilateral relations with the EU, fortified Ukrainian society's stance on the irrevocable and sole path towards the EU, enhanced the quality of European policy towards Ukraine, and necessitated reevaluating approaches and priorities in the security sector.

Nonetheless, the current implementation of certain reform areas, particularly socio-economic ones, within the framework of the Association Agreement with the EU and the process of applying the European Commission's recommendation package needs to be improved. These reforms were primarily designed for implementation under ordinary circumstances, thus necessitating a reassessment of the priorities and timelines for further enactment of some of the document's provisions, considering the urgency of the security sector and the situation on the Russian-Ukrainian front. After all, at present, the Ukrainian people and state are effectively illustrating an example of national-level European integration transformations amidst martial law, territorial occupation, and active hostilities.

European norms concerning the legislative regulation of certain domestic political processes should be adapted to accommodate the conditions of martial law and warfare. Ukraine's attention is primarily devoted to internal military necessities, which demand substantial political, diplomatic, financial, economic, and human resources to resist the aggression. Concurrently, European partners prioritize fundamental public administration reforms and the employment of democratic institutions aimed at post-war recovery in alignment with the values encapsulated in the founding treaties. Therefore, when addressing the issue of Ukraine's post-war reconstruction, European institutions base their approach on mechanisms for attracting private finance, necessitating a stable democratic system for its effective utilization. In essence, the Community's financial assistance is neither intended nor capable of functioning as a panacea to address all the issues associated with Ukraine's recovery.

It is worth noting that the «Decision of the Heads of State and Government,» ratified at the European Council Summit on 15th

December 2016, further affirmed the provisions of the Association Agreement. The document neither grants Ukraine the status of a candidate for EU membership nor creates such an obligation in the future. It does not guarantee collective security and military assistance by EU member states, confer the right to work in the EU, or obligate member states to provide additional financial aid to support the reform process [10].

Simultaneously, the current state of EU-Ukraine relations exemplifies the transformation of the association's long-term goals, as delineated in Article 1 of the Agreement. Specifically, the process of political association has attained a new quality and format due to Ukraine's candidate status, an unprecedented intensity of political dialogue and coordination of the parties' foreign policies, and the establishment of allied relations in confronting external challenges and threats.

Since the onset of the full-scale invasion, the EU has consistently demonstrated political solidarity with Ukraine, offering financial and economic support, assistance to Ukrainian refugees, advocacy for Ukraine's interests on international platforms, and military and technical assistance. This level of support is unprecedented for the EU. Concurrently, there has been a trend towards heightened pro-European self-identification within Ukrainian society and an increased awareness that full membership in the EU, rather than just being a priority partner, is the sole viable path for Ukraine.

However, the pace of progression toward the EU could be improved, on the one hand, by a series of internal issues, including an insufficient pace of reforms, an unsatisfactory struggle against corruption, and an inadequate judicial system. On the other hand, it is slowed by the EU's cautious policy toward further integration with Ukraine [15, p. 104]. There is also concern within the expert community about potential repercussions for Ukraine arising from the complication of the internal socio-economic situation within the EU [15, p.86].

Various factors, including the escalating turbulence and unpredictability of geopolitical and geo-economic processes, also influence the current state of the partnership. These are triggered by the acute confrontation between the West and the Kremlin due to its

aggression against Ukraine and a broader conflict between the democratic world and authoritarian regimes [15, p. 23]. In his keynote speech at the meeting of EU ambassadors in October 2022, the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, highlighted the following factors of the global crisis: «the war in Ukraine,» «global US-China competition,» «global food and energy crises,» and «security problems in the European neighborhood» [1]. While it is not desirable to echo the aggressor's narratives about the political bipolarity of the contemporary world, it is still essential to emphasize the absence of alternatives to reverting to Cold War relations and the necessity for large-scale isolation of countries that support the aggression.

The legal framework for EU-Ukraine cooperation also encompasses framework and sectoral agreements. Sectoral integration, following the Agreement, spans a broad spectrum of areas. Presently, in times of war, the priority lies in security partnership and military-technical cooperation. Other pertinent and significant areas include relations in justice and human rights, finance, agriculture, education and science, energy, Ukraine's integration into the EU transport system and exploitation of its transit potential, integration into the European digital market, and joint efforts to protect the environment [13].

Significant intermediate results of the Agreement's implementation include the conclusion of numerous international treaties, such as the Agreement between Ukraine and the European Union on Ukraine's participation in the EU4Health programme (ratified by Law No. 2853-IX of 12 January 2023) [7]; the Agreement between Ukraine and the European Union on Ukraine's participation in the European Union's Digital Europe programme (2021-2027) (ratified by Law No. 2926-IX of 23 February 2023) [5]; the Agreement between Ukraine and the European Union on Ukraine's participation in the EU LIFE Programme – Environment and Climate Action Programme (ratified by Law No. 2590-IX of 20.09.2022) [6]; and the Agreement between Ukraine, on the one hand, and the European Union and its Member States, on the other hand, on Common Aviation Area (ratified by Law No. 2067-IX of 17.02.2022) [8], among others.

Under the Agreement, Ukraine also acceded to the EU Convention on Common Transit and the Convention on the Simplification

of Formalities in Trade in Goods on 1 October 2022. This allows for easier movement of goods through the EU and other common transit countries. Many additional agreements are yet to be signed, such as the Framework Agreement on Mutual Recognition of Certificates of Conformity for Industrial Products (ACAA Agreement), slated to be formalized as a protocol to the EU-Ukraine Association Agreement (Article 57 of the Association Agreement), and the EU-Ukraine Agreement on Mutual Recognition of Authorized Economic Operators.

In fulfillment of the Association Agreement with the EU, large-scale reforms are being undertaken, particularly in judicial and law enforcement, electoral legislation, anti-corruption, public administration, economy, and taxation. Thus, as part of legislative adaptation, many significant laws were adopted, including the Laws of Ukraine «On Media,» «On National Minorities (Communities),» «On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selecting Candidates for the Position of a Judge of the Constitutional Court of Ukraine on a Competitive Basis,» «On Amendments to the Constitution of Ukraine (Regarding Justice),» «On Ensuring the Right to a Fair Trial,» «On the National Police,» and others.

As for constitutional reform, the Verkhovna Rada has yet to definitively approve the draft Law of Ukraine «On Amendments to the Constitution of Ukraine (Regarding Decentralization of Power). Additionally, in line with the implementation of the Agreement, the High Council of Justice underwent reform, and entities such as the National Anti-Corruption Bureau (NABU), the National Agency for the Prevention of Corruption (NAPC), and the State Bureau of Investigation (SBI) were established. The Cabinet of Ministers and the National Reforms Council annually report on the results of implementing the planned measures stipulated in the Agreement.

Conclusions. Given the significant progress in implementing the Agreement and the evident acceleration and intensification of the process of harmonizing Ukrainian legislation with Community legislation, several political, regulatory, and law enforcement tasks still need to be solved. These include 1) comprehensive reform of the judicial system (particularly, the procedure for selecting judges of the Constitutional Court

of Ukraine); 2) enhancement of mechanisms for combating and preventing corruption; 3) creation of the necessary framework for attracting post-war investments; 4) improvement of law enforcement and national security systems; 5) development and implementation of a concept for post-war human potential restoration (e.g., the actual implementation of the principles of the Ukrainian Doctrine).

Despite some successes in implementing tasks, we must recognize two crucial socio-political factors that hinder the effective implementation of reforms. Firstly, there needs to be a better approach to address current issues. For over 30 years since Ukraine regained its independence, the dominant political doctrine of public administration has revolved around a centralized decision-making mechanism anchored in a strong vertical power structure. Although progress has been made in the decentralization process, the local level is only sometimes equipped to address present challenges effectively.

This disparity gives rise to the second factor: the lack of political will. In the context of established principles of public administration and politics, political will originating from higher levels of authority is essential for the effective execution of tasks assigned to Ukraine. The absence of political will significantly undermines efforts to establish autonomy for newly created state bodies and agencies. These organizations often prioritize bureaucratic quantitative reporting over prompt response and strategic problem-solving in the current political environment.

Several questions regarding Ukraine's post-war recovery and its path toward EU membership still need to be answered. These include: 1) whether the necessary reforms can be effectively implemented under martial law; 2) what the next term of political power in Ukraine will entail and how it will be determined through elections; 3) whether it will be feasible to establish favorable conditions not only for attracting investments but also for restoring human potential; 4) what the lasting impact of full-scale military aggression will be on the transformation of political mentality, especially if the war does not come to an end but rather transforms.

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Досягнення та виклики процесу європейської інтеграції України в умовах війни

***Анотація.** У статті досліджується процес європейської інтеграції України в умовах повномасштабного вторгнення. Автори зосереджуються на аналізі нормативно-правової бази, виявленні проблем та визначенні перспектив розвитку євроінтеграційних процесів.*

Основним інструментом євроінтеграції України автори визначають міжнародну договірно-правову базу з Європейським Союзом (ЄС). Важливість дослідження нормативного фундаменту співробітництва полягає у визначенні внутрішніх і зовнішніх чинників, які впливають на їх укладення та реалізацію.

Автори звертають увагу на проблеми та перспективи посилення європейської інтеграції в умовах повномасштабної війни в Україні та на тлі подання Україною заявки на членство в ЄС, наголошуючи на принциповості пріоритетного впровадження саме безпекового компоненту, адже російська агресія проти України поставила під загрозу безпеку всього європейського континенту. ЄС та Україна мають посилювати своє стратегічне партнерство у сфері безпеки, включаючи спільну протидію намаганням країни-агресора розширити вплив на східноєвропейський регіон. Окремим аспектом дослідження визначена економічна інтеграція, повнота якої напряму залежить від успішності комплексу реформ, направлених на встановлення базових демократичних механізмів публічного управління та реалізації влади відповідно до стандартів Європейського Союзу.

Поряд із викликами, існує низка перспектив для розвитку європейської інтеграції України. ЄС може надати значну фінансову та технічну допомогу Україні для проведення реформ та реалізації планів післявоєнного відновлення. Україна може отримати доступ до європейського ринку, інтегруватися в європейські ланцюги доданої вартості та залучити ін-

вестиції, критичні для повоєнної відбудови інфраструктури та забезпечення відновлення втраченого людського потенціалу.

Автори зазначають, що європейська інтеграція залишається офіційно задекларованим ключовим і незмінним зовнішньополітичним пріоритетом України. Для України це шлях до утвердження стабільних демократичних інститутів, модернізації економіки, подолання технологічної відсталості, залучення іноземних інвестицій та передових технологій, створення нових робочих місць, підвищення конкурентоспроможності вітчизняного товаровиробника на світових ринках тощо.

У статті підкреслюється, що виклики для України полягають у боротьбі з корупцією та підвищенні транспарентності управління, а також в досягненні значного прогресу в ключових областях, таких як правоохоронна система, освіта та соціальна політика. Незважаючи на ці виклики, європейська інтеграція продовжує залишатись головною стратегією України у зовнішньополітичній сфері. Автори наголошують, що це не просто крок на шляху до поліпшення матеріального добробуту громадян, але й ключ до забезпечення стабільності, безпеки та поваги до прав людини на її території. Тому міцне партнерство з ЄС має критичне значення для розвитку України як демократичної, правової та соціальної держави.

У висновках статті наголошується на необхідності гармонізації українського та європейського права, що має забезпечити прогресивний розвиток широкого спектру галузей української правової системи. Автори також визначають два ключові соціально-політичні чинники, які перешкоджають ефективності реформ.

Ключові слова: договірна база відносин між Україною та ЄС, Угода про асоціацію, правова гармонізація, післявоєнна відбудова України.