

CROSS-BORDER AND REGIONAL COOPERATION BETWEEN UKRAINE AND THE EUROPEAN UNION: HISTORICAL AND LEGAL ASPECT

Fetko Yulia

Annotation. *The article examines the historical and legal aspects of cross-border and regional cooperation between Ukraine and the European Union. It was traced that Ukraine's intentions regarding the development of relations with the European Union were first enshrined in the Resolution of the Verkhovna Rada of Ukraine and subsequently recorded in the Partnership and Cooperation Agreement between the European Communities and their Member States on the one part, and Ukraine, on the other part. In addition, the requirements for cross-border and regional cooperation were defined in the Action Plan European Union - Ukraine "European Neighborhood Policy" and later became more detailed in the Association Agreement between the European Union and its Member States, on the one part, and Ukraine, on the other part. Although the analyzed normative legal acts of Ukraine have become somewhat oriented towards the norms of the law of the European Union in the field of cross-border cooperation and regional cooperation, they still need improvement.*

Keywords: *Association Agreement, European Union, cross-border cooperation, regional cooperation, European grouping of territorial cooperation.*

1. Introduction of the problem.

The current policy of Ukraine is marked by the European integration priority, the implementation of which is impossible outside the format of cooperation with the European Union, including in relation to cross-border and regional cooperation. Summarizing the entire complex of special legal literature, it is worth noting that the historical and legal aspects of cross-border and regional cooperation between Ukraine and the European Union were practically not studied by legal science. Considering that the European Union has an external border with Ukraine after the enlargement in 2004, and there is an opportunity to develop such cooperation on the outer border of the European Union, which will contribute to the attraction of additional financial resources to solve the tasks of local and regional development, strengthening of institutional capacity, intensification of cooperation, as well as the deepening of good-neighborly multilateral relations between legal entities of neighboring member states of the European Union and Ukraine. It seems appropriate and timely to investigate the historical and legal aspects of cross-border and regional cooperation between Ukraine and the European Union. Since it allows tracing the formation process of the researched field of legal relations to determine the main trends and features of the development of the specified relations at various stages of historical development. As far as the functioning of cross-border and regional cooperation between Ukraine and the European Union can only be possible under the condition of sufficient and proper regulatory regulation.

2. Analysis of the recent scientific research and publications.

Various aspects of cross-border and regional cooperation between Ukraine and the European Union were studied by such scientists as: Artomov I.V., Benchak O.F., Bilak O.O., Voloshyn Yu.O., Haliakhmetov I.A., Hus A.V., Duleba O.Iu., Zardi A., Elsuvehe V., Yevchak Yu.B., Kostiuhenko Ya., Lanho V.T., Mendzhul M.V., Mikula N.I., Mirzoiev R.Sh., Muraviov V., Ochkaï D, Sanchenko A.Ie., Synookyi O.A., Sofi O.L., Soshnykov A.O.,



Ustymenko V.A. and other. However, research on cross-border and regional cooperation between Ukraine and the European Union mainly focuses on historical, political, economic, and social issues, as well as public administration and international relations matters. The analysis of scientific works of domestic legal scholars makes it possible to establish that today's legal science does not pay enough attention to the study of historical and legal aspects of cross-border and regional cooperation between Ukraine and the European Union.

3. The aim of the work is to study the historical and legal aspects of cross-border and regional cooperation between Ukraine and the European Union.

4. Review and discussion.

The Law of Ukraine "On the Principles of Internal and Foreign Policy" regulates the principles of foreign policy, as well as the internal policy of Ukraine regarding the development of statehood, national security and defence, the development of local self-government, the development of regions, the formation of civil society institutions, etc. Based on the law as mentioned earlier, the policy of building relations between Ukraine and the European Union is being implemented. Part 2 of Article 11 of this law regulates that one of the main principles of Ukraine's foreign policy is "ensuring Ukraine's integration into the European political, economic, and legal space intending to gain membership in the European Union" [1]. Along with this, Ukraine's intentions regarding developing relations with the European Union were first enshrined in the Resolution of the Verkhovna Rada of Ukraine "On the main directions of Ukraine's foreign policy" dated July 2, 1993. This legal act established that "the prospective goal of Ukrainian foreign policy is Ukraine's membership in the European Communities and other Western European or pan-European structures, provided that this does not harm its national interests. 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 the associate, and later to full membership in this organization" [2]. In the future, implementing a course for European integration, Ukraine began to develop relations with the European Union within the Partnership and Cooperation Agreement framework between the European Communities and their Member States on the one part and Ukraine on the other, which was concluded in 1994. This Agreement was the basis of cooperation between our state and the European Union. It was designed to promote and support Ukraine's goal of further integration into European economic and social institutions [3].

Subsequently, Ukraine and the European Union became immediate neighbors due to the enlargement of the European Union on May 1, 2004. Given this expansion, it allowed Ukraine and the European Union to develop cross-border and regional cooperation relations as closely as possible. In 2005, Ukraine approved the Action Plan European Union - Ukraine "European Neighborhood Policy", which defined new prospects for cooperation with the European Union. The implementation of the provisions of this Plan contributed to the performance of the Partnership and Cooperation Agreement between the European Communities and their Member States on the one part and Ukraine on the other. One of the subdivisions of the Plan was dedicated to cross-border and regional cooperation. Accordingly, Article 8 of this document determined the need, in particular: firstly, to ensure the support of local authorities and participation in the preparation and implementation of "Neighborhood Programs"; secondly, to improve the current legislation on cross-border and regional cooperation; thirdly, to more actively involve the local and regional level for the implementation of projects and programs related to the field of cross-border and regional cooperation [4]. Having fulfilled the obligations provided by this Agreement, including concerning cross-border and regional cooperation, on March 5, 2007, the negotiation process between Ukraine and the European Union began regarding the conclusion of a new Agreement between them [5]. As a result of long-term negotiations, the Association Agreement between the European Union and its Member States on the one part and Ukraine on the other was signed on March 21, 2014 [6]. As a result of the signing and ratification of the Association Agreement, Ukraine undertook to implement European Union standards in all areas, including cross-border and regional cooperation. Also considering that Ukraine is covered by the foreign policy initiative "Eastern Partnership", which was launched back in 2009 [7], in a Joint Communication: Eastern Partnership policy beyond 2020: Reinforcing Resilience – an Eastern Partnership that delivers for

all dated March 18, 2020, it was emphasized that given the current Association Agreement, it is worth focusing on its implementation [8]. After all, the concluded Agreement determines the format of relations between our state and the European Union based on the principles of “political and economic integration” and is a sort of guideline for implementing socio-economic reforms in Ukraine.

Considering its provisions, the Association Agreement assigns a significant role to cross-border and interregional cooperation. The Agreement’s preamble already noted that the Parties “undertook themselves to support cross-border and interregional cooperation”. Also, the Agreement has a separate Chapter 27 “Cross-border and regional cooperation”, in Chapter V “Economic and sectoral cooperation” of Articles 446–448 of the Agreement [3]. The provisions of Articles 446–448 of the Agreement unquestionably confirm the authorities’ determining role in ensuring cross-border and regional cooperation, including the development of appropriate legislation. Having analyzed the provisions of the Law of Ukraine “On Cross-Border Cooperation” and “On Local Self-Government in Ukraine”, after the amendments made to them in 2018, it is worth noting that although they have become somewhat oriented to the norms of the European Union law in the field of cross-border cooperation and regional cooperation, they still need improvement. For example, it is worth unifying the terminology in the field of cross-border cooperation and regional cooperation to clearly establish the status of the body of cross-border cooperation under the Euroregional Cooperation Groupings. It is also essential at the legislative level to demarcate the organizational structures of cross-border cooperation and the body of cross-border cooperation, to clearly establish the competence of local authorities regarding the European Groupings of Territorial Cooperation, the Euroregional Cooperation Groupings and the Euroregion, etc. When improving and developing legislation in the field of cross-border and regional cooperation, legislators should also focus on Regulation (EC) No 1082/2006 of the European Parliament and of the Council of July 5, 2006, on a European grouping of territorial cooperation (EGTC) and Regulation (EU) No 1302/2013 of the European Parliament and of the Council of December 17, 2013, amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings which are essential since they regulate the issue of territorial cooperation on the external borders of the European Union with third countries, including Ukraine.

5. Conclusions.

Thus, implementing the course for European integration, Ukraine began to develop relations with the European Union within the Partnership and Cooperation Agreement framework between the European Communities and their Member States on the one part and Ukraine on the other. This Agreement became the basis of cooperation between our state and the European Union to promote and support Ukraine’s goal of further integration into European economic and social institutions. The requirements for cross-border and regional cooperation were recorded in the Action Plan European Union – Ukraine “European Neighborhood Policy” and later became more detailed in the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. However, it is worth noting that although the analyzed normative legal acts have become somewhat oriented towards the norms of the law of the European Union in the field of cross-border cooperation and regional cooperation, they still need improvement regarding the unification of terminology in the field of cross-border cooperation and regional cooperation; precise regulation of the status of the body of cross-border cooperation according to the Euroregional Grouping Cooperation, precise regulation of the competence of local and regional authorities regarding forms of cross-border cooperation etc.

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Fetko Yulia,

*Associate professor at the Department of International Law,
Faculty of Law, Uzhhorod National University,
Doctor of Philosophy in Law*