



MASTER THESIS

„The Agenda of the EU-Ukraine Association Agreement“

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INTRODUCTION

The current process of European integration evidences the civilizational choice of Ukraine, which the Ukrainian people defended during the events of the Revolution of Dignity. Therefore, the EU-Ukraine Association Agreement plays an important role in the system of foreign policy priorities of Ukraine. The ratification of the Association Agreement is a factor that activates reforms in Ukraine and testifies the desire to democratize institutions, adopt European values and standards, and harmonize the legislation. The implementation of the Association Agreement stipulates the number of political and economic benefits that are extremely important for Ukraine: the creation of reliable mechanisms of political stability, democracy, and security, modernization of the economy, overcoming technological backwardness, attracting foreign investment and access of domestic producers to the EU market.¹

The relevance of the research of the mechanism for implementation of the EU-Ukraine Association Agreement arises from the fact that, despite the significant progress in taking the priority measures envisaged by the policy documents of the Agreement for 2018 year, the process of its implementation is slow, incomplete, and inhibited by the weak institutional capacity of the respective national institutions.² Therefore, the task of analyzing the implementation of the Association Agreement and the Association Agenda as a policy documents of the European integration, identifying the problematic aspects of their implementation, and making proposals to improve the effectiveness of the implementation of the Association Agreement, is of paramount importance.

In this regard, the Association Agreement, the Association Agenda and other policy documents in the field of the European integration aimed at the implementation of the provisions of the

¹ The main points of the speakers of the press conference «The results of the EU-Ukraine Association: Eurointegration agenda for 2019» [Electronic resource] // Hromadasnaya synergy. - 09/01/2019. - Access mode: <https://www.civic-synergy.org.ua/news/osnovni-tezy-spikeriv-z-pres-konferentsiyi-pidsumky-rady-asotsiatsiyi-ukrayina-yes-yevrointegratsijnij-poryadok-dennyj-na-2019-rik/>

² Sushko O., Implementing the EU-Ukraine Association Agreement: the first lessons, implications, practices of use. Analytical Report [Electronic Resource] / O. Sushko, R. Khorolsky, V. Movchan, and others. - K., 2016. - P. 23 - Access mode: https://www.kas.de/c/document_library/get_file?uuid=4631d3fb-e470-4088-f73b-6226c6f0b48c&groupId=252038

Agreement, as well as the analysis of the official Reports on the implementation of the Association Agreement, the works of experts and public figures interested in the research of European integration processes in Ukraine were analyzed.

The purpose of the work is to conduct a comprehensive research of the EU-Ukraine Association Agreement and to determine the role of the Association Agenda in its implementation mechanism.

In order to achieve the purpose of the work the following tasks are to be fulfilled:

- to describe the legal nature of the Association Agreement;
- to study out the legal basis for the implementation of the Association Agreement;
- to investigate the institutional mechanism of implementation of the Association Agreement;
- to determine the legal nature of the Association Agenda, the principles of the of the EU-Ukraine Association Agenda implementation;
- to analyze the tools used to implement the EU-Ukraine Association Agenda;
- to conduct an analysis of the measures defined by the Association Agenda and their application by the national institutions;
- to analyze the significance of the Association Agreement for Ukraine and to determine the problem aspects of its implementation;
- to define the role of the Association Agenda in the implementation of the effective implementation of the Association Agreement between Ukraine and the EU.

The object of the research is the mechanism of implementation of the Association Agreement.

The subject of the research is the characteristic and value of the Association Agenda in the implementation mechanism of the Association Agreement.

The methodological basis of the work will include analysis and synthesis, historical legal, and comparative legal research methods.

CHAPTER 1

CHARACTERISTICS OF THE IMPLEMENTATION MECHANISM OF THE ASSOCIATION AGREEMENT

1.1. Legal nature of the Association Agreement between Ukraine and the EU

The Association of Ukraine with the EU is a specific institute of the EU law. Therefore it necessitates a clear understanding of its legal nature, and peculiarities of implementation in the practice of the EU external relations. In terms of the EU law, the Association Agreements are a special type of international agreements, envisaged by the EU law in order to establish relations with third countries, which is widely used in its foreign relations.³

It should be noted that in the constituent treaties, the concept of the Association Agreement is not defined, but it derives from the case law of the Court of Justice of the European Union. In particular, in the judgment *Meryem Demirel v. Stadt Schwäbisch Gmünd*, it is stated that this is an agreement on the basis of which a special, privileged relationship (of the EU) with a non-EU country that should, at least in some way, participate in the EU system, is established. It follows from this legal position that such an agreement is entered into with a non-EU country, but the conclusion of this agreement means building of a special privileged relationship between the EU and its member states with this subject of the international law.⁴

At the same time, the state, with which the association agreement is concluded, starts to function to some extent in the EU system. For example, it can participate in the work of parliamentary assemblies.⁵

³ Gráinne de Búrca. EU Law: Text, Cases, and Materials / Gráinne de Búrca, Paul Craig. – OXFORD: Oxford University Press, 2015. – 1157 c.

⁴ Nolte G, 'Case 12/86, Meryem Demirel v. Stadt Schwäbisch Gmünd, Judgment of 30 September 1987.' (1988) 25 Common Market Law Review, Issue 2, pp. 403–415

⁵ Karsky K. The Association Agreement between the European Union and Ukraine since 2014: Introductory remarks / K. Karsky // Bulletin of the Academy of Advocacy of Ukraine. - 2015. - Vol. 12, No. 3. - P. 15

As for Ukraine, it, as an associate member of the EU, takes part in the work of the Euronest Parliamentary Assembly, which is an institutional expression of cooperation within the framework of the Eastern Partnership.⁶

By its legal nature, the Association Agreement is a bilateral international agreement that defines the regime of international cooperation between Ukraine and the EU and its 28 member states. In the theory of European law, this type of agreements is classified as «mixed agreements», since their subject is not entirely covered by the exclusive competence of the EU, and therefore the number of its norms relates to the common competence of the EU and the member states.⁷

In general, a retrospective analysis of the Association Agreement between Ukraine and the EU makes it possible to highlight the following key points in the process of its conclusion. The process of adopting the text of the Association Agreement took place from 2007 to 2011, and on 19th December 2011 during the Fifteenth Ukraine-EU Summit, the leaders of Ukraine and the EU officially announced the completion of negotiations on the Association Agreement. On 19 July of 2012 the Association Agreement between Ukraine and the EU was preliminary signed.⁸ However, on the basis of the Order of the Cabinet of Ministers of Ukraine «The issue of conclusion of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member states, on the other part» of November 21, 2013 No 905 the signing of the Association Agreement was postponed on the indefinite term.⁹

⁶ Anakina T.M. Comparative legal characteristic of the Association Agreement and the Partnership and Cooperation Agreement between Ukraine and the European Union / T. Anakina // Bulletin of the National Academy of Legal Studies of Ukraine - Kharkiv, 2013. - No. 4. - P. 125

⁷ Karsky K. The Association Agreement between the European Union and Ukraine since 2014: Introductory remarks / K. Karsky // Bulletin of the Academy of Advocacy of Ukraine. - 2015. - Vol. 12, No. 3. - P. 16

⁸ Babayevskaya V.I. Features of the entry into force of the Association Agreement between Ukraine and the European Union / V.I. Babayevska // Current problems of modern international law: collection of scientific articles on the materials of II Kharkiv. international law readings, dedicated to the memory of prof. M. V. Yanovsky and V. S. Semenov, Kharkiv, November 21. 2016: in 2 parts - Kharkiv, 2016. - Part 1. - P. 199

⁹ The issue of conclusion of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member states, on the other part: the Order of the Cabinet of Ministers of Ukraine of November 21, 2013 No. 905 // Government Courier of March 19, 2013 - No. 23.

After the Revolution of Dignity, the course on the European integration of Ukraine was resumed. In particular, after the formation of a new government, the EU committed itself to help Ukraine to stabilize the economic and financial situation in the country. On 20th March 2014, in accordance with the decision of the Heads of State and Government of the European Council, the conclusions of the Summit of the European Council were published, in which the EU countries agreed that they would support the new Ukrainian government and its efforts to implement reforms and establish peace in the country.¹⁰ Consequently, the Order of the Cabinet of Ministers of Ukraine on postponing of the Association Agreement was canceled on the basis of the Order of the Cabinet of Ministers of Ukraine of March 2, 2014, No. 113, that became the legal basis for signing the Association Agreement between Ukraine and the European Union. The agreement has two parts: political and economic. The political part of the Association Agreement was signed on 21th March 2014 year, and the economic — on 27 June of the same year.¹¹

The conclusion of the Association Agreement provides for its ratification in the Parliament of Ukraine and the consent of the European Parliament thereto, as well as its ratification by all EU member states. The ratification of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member states, on the other part, was held by the Ukrainian Parliament on 16th September, 2014 when the Verkhovna Rada of Ukraine (the Parliament) adopted the relevant law.¹² The procedure for granting consent to be bind by the Agreement and, consequently, the entry into force of the Agreement consists of two stages:

1) the decision taken by the EU Council to sign the Agreement and, in fact, its signing and approval by the European Parliament;

¹⁰ Tyushka A. Association-cum-Integration: The EU-Ukraine Association Agreement and «Association Law» as an Institution pf Ukraine's European Integration / Andriy Tyushka. // Croatian Yearbook of European Law and Policy. – 2017. – №13. – P. 7

¹¹ Sufyanova O. What is the significance of the political and economic part of the Association Agreement between Ukraine and the EU [Electronic resource] / O. Sufyanova // Spravzhnya Varta. - 30.06. 2016. - Mode of access: <http://varta.kharkov.ua/articles/1105757>

¹² On ratification of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part: Law of Ukraine of 16.09.2014 // Voice of Ukraine of 17.09.2014. - No. 177.

2) actions at the national level, according to which every EU Member State must ratify or approve the Agreement in accordance with its national legislation.¹³

During 2014-2017, the European Parliament (simultaneously with the Verkhovna Rada of Ukraine) and the national parliaments of all EU member states ratified the Association Agreement with Ukraine. On 11th July 2017, the Council finally approved the Association Agreement with Ukraine on behalf of the EU, which became the final aspect of the ratification of the Association Agreement.¹⁴

The Association Agreement between Ukraine and the EU signifies the further development of Ukraine-EU relations and aims at political association, as well as their economic integration. Most of the provisions of the Association Agreement has been applied provisionally since 1st November 2014, and the most important ones, economic, entered into force on 1st January 2016.¹⁵

Structurally, the Association Agreement as an international legal instrument is a large-scale agreement with 485 articles and a preamble, seven parts (general goals and principles, political dialogue, justice, freedom and security, economic and sectoral cooperation, energy, an in-depth and comprehensive free trade area, general, institutional and final provisions), 43 annexes and 3 protocols.¹⁶

As to the content of the Association Agreement between Ukraine and the EU, it can be divided into several parts, but such a division is arbitrary, since the provisions on certain sectors of cooperation are contained in both the general and the special sections. The main part of the

¹³ Report on Implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic Resource] // Understanding the EU's Association Agreements and Deep and Comprehensive Free Trade Areas with Ukraine, Moldova and Georgia. - 2018. - Resource Access Mode: <http://www.3dcftas.eu/documents/other/report-implementation-association-agreement-between-ukraine-and-european-union-2017>

¹⁴ The issue of conclusion of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member states, on the other part: the Order of the Cabinet of Ministers of Ukraine of November 21, 2013 No. 905 // Government Courier of March 19, 2013 - No. 23.

¹⁵ Signing of the Association Agreement between Ukraine and the EU: implications, challenges and prospects: analytical note [Electronic resource]. - Access mode: <http://www.niss.gov.ua/content/articles/files/asocyacya-8775f.pdf>

¹⁶ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1.

Association Agreement between Ukraine and the EU is the provisions on the General Principles (Articles 2 and 3), the Political Dialogue and Reforms, political association, cooperation and convergence in the field of foreign and security policy (Articles 4-13), Justice, Freedom (Articles 14-24), Trade and Trade-related Issues (Articles 25-336), Economic and Industrial Cooperation (Articles 337-452), Financial Cooperation, and Fight against Fraud (Article 453 -459), as well as the Institutional, General and Final Provisions (Articles 460-486).¹⁷

The preamble of the Association Agreement sets out certain provisions of the founding treaties on the European Union and the functioning of the EU. In particular, it is primarily about common values (Articles 2 and 3 of the EU Treaty). In addition to respect for democracy, the rule of law, human rights and fundamental freedoms, as well as the rights of national minorities, non-discrimination of minorities, respect for diversity, human dignity, the Association Agreement added the principles of good governance and of a market economy that should facilitate Ukraine's participation in the European politics.¹⁸

Article 1 of the Association Agreement actually establishes an association between Ukraine and the EU and its Member States, and also defines the goals of the association. The first purpose of the association is the promotion of a gradual rapprochement between Ukraine and the EU, based on common values and close privileged ties, as well as the deepening of Ukraine's participation in the EU policies, programs and agencies. In view of this, it should be noted that the common values play a significant role in the Association Agreement between Ukraine and the EU.¹⁹

Thus, on the one hand, the common values should be observed by Ukraine in its legal policy, and according to Art. 2 of the Association Agreements between Ukraine and the EU in the event of Ukraine's violation of an essential constituent of this agreement, it may be denounced by the EU

¹⁷ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 83.

¹⁸ Muravyov V. Legal mechanism of implementation of the Association Agreement between Ukraine and the European Union / V. Muravyov // Veche. - 2015. - No. 8. - P. 11

¹⁹ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 6

without prior consultation or a dispute settlement procedure.²⁰ On the other hand, the recognition in the Association Agreement of Ukraine as a European country with a common history and common values with the EU Member States, establishes the possibility for the state to join the EU in the future, since any European country that respects its values and undertakes to implement them can become its member, as indicated in Article 2 of the Treaty on European Union.²¹

Other objectives of the Association Agreement between Ukraine and the EU are distinguished by industry and cover the following areas: political dialogue and reform, foreign policy and security, trade and economic cooperation, justice, freedom and security.²²

Hence, the association of Ukraine and the EU is based on the logic of integration that involves the aspiration to jointly exercise their sovereign powers. The Association Agreement between Ukraine and the EU belongs to the group of international treaties concluded by the EU and its member states with third countries and provides for the establishment of special privileged relations between the subjects of such an agreement.²³

²⁰ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 83.

²¹ Consolidated Version of the Treaty on European Union [2008] OJ C115/13. Art. 49

²² Kuzio M. The Association Agreement between Ukraine and the EU: content and implementation / M. Kuzio, D. Chernikov, S. Pavlyuk. - K., 2015. - 51 p.

²³ Signing of the Association Agreement between Ukraine and the EU: implications, challenges and prospects: analytical note [Electronic resource]. - Access mode: <http://www.niss.gov.ua/content/articles/files/asocyacya-8775f.pdf>

1.2. Legal bases for the implementation of the Association Agreement

The nature of the obligations of the parties enshrined in the text of the Association Agreement is differing.²⁴ It contains both a framework provisions and rules that are largely clear, understandable, and unambiguous in the context of the legal implications for the relations they govern. Such a diverse nature of commitments puts on an agenda the necessity to establish a mechanism for its proper implementation into the legal system of Ukraine, which is related to the introduction of amendments and additions to legislative acts, in particular the Constitution of Ukraine (regarding the ratification of the Rome Statute of the International Criminal Court *inter alia*).

A significant amount of cooperation areas, added to the Association Agreement between Ukraine and the EU, requires of the implementation of its provisions through a number of legal instruments. First of all, these instruments include international agreements, legislative and other normative acts of Ukraine. The latter should approve legislative acts and decisions of the EU Court. In addition, the Association Agreement contains the borrowed provisions of the Founding treaties on the EU, as well as a significant number of annexed acts of the EU institutions. Clearly, in their application Ukraine should take into account relevant EU practices.²⁵

The result of the purposeful activity of the state and its bodies on the domestic implementation of the norms of international law is the establishment of a national implementation mechanism which comprise the following structural and functional elements:

- a) legal means of ensuring the implementation of international obligations at the national level, enshrined in the national legal order;
- b) authorized bodies of the government, their officials and other state bodies that ensure the performance of international legal obligations by the state;

²⁴ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1.

²⁵ Muravyov V. Legal mechanism of implementation of the Association Agreement between Ukraine and the European Union / V. Muravyov // Veche. - 2015. - No. 8. - P. 12

c) national law enforcement practice.²⁶

Implementation of the Association Agreement is carried out in accordance with the following program documents in the field of European integration policy.

Firstly, such documents include the Association Agenda, which is a practical tool of EU-Ukraine relations. This document was developed by the parties to replace the Ukraine-EU Action Plan in accordance with the agreements reached during the Ukraine-EU summit in Prague (September 2008) in order to facilitate the effective implementation of the provisions of the Association Agreement. The Association Agenda was approved by the EU-Ukraine Cooperation Council on 16th June 2009 in Luxembourg and entered into force on 24th November 2009 through the mutual exchange of notes. On 13th March 2015, the Cabinet of Ministers of Ukraine adopted the Order «On Approval the Recommendation of the Association Council between Ukraine and the EU on the Implementation of the Association Agenda between Ukraine and the EU» No. 207²⁷, that stipulated the implementation of the new Association Agenda.

Being coordinated between the Government of Ukraine and the EU and its Member States, this document is the main political instrument for the implementation and monitoring of the Association Agreement. The Association Agenda can be amended and updated at any time, if necessary, in agreement with the Association Council of Ukraine-EU, however, this document has not been updated during 2015-2018.²⁸

²⁶ Baymuratov M.O. Features of the entry of norms of the international law into the national constitutional law of Ukraine / M.O. Baymuratov, A. A. Abbas // Bulletin of the Central Election Commission. - 2016. - P. 53

²⁷ On Approval of the Recommendation of the Association Council between Ukraine and the EU on the Implementation of the Association Agenda between Ukraine and the EU: Order of the Cabinet of Ministers of Ukraine of March 13, 2015, No. 207 // Government Courier of March 19, 2015 - No. 50.

²⁸ Report on Implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic Resource] // Understanding the EU's Association Agreements and Deep and Comprehensive Free Trade Areas with Ukraine, Moldova and Georgia. - 2018. - Resource Access Mode: <http://www.3dcftas.eu/documents/other/report-implementation-association-agreement-between-ukraine-and-european-union-2017>.

Secondly, the process of implementation of the Association Agreement is conducted in accordance with the Association Agreement Action Plan.²⁹ The Action Plan is a strategic document covering the whole Association Agreement and decisions of the bilateral association bodies, designed for the entire duration of the Agreement, which provides the foundation for strategic planning of governmental policies in various fields with a view to the commitments of Ukraine under the Agreement.³⁰

On 17th September 2014, the Cabinet of Ministers of Ukraine approved the Plan of Implementation of the Association Agreement between Ukraine and the EU for 2014-2017. This document prescribes specific provisions (chapters, sections, articles) to be implemented and provides a list of measures to be taken to implement these provisions. The time frame for their implementation, the authorities responsible for the implementation of those or other measures, as well as partners from the EU, involved in the implementation of the Association Agreement are also indicated. In particular, more than 100 measures are envisaged for the implementation of Section IV "Trade and Trade-related Issues", provided that each article of the agreement stipulates for several measures. Implementation of Section V "Economic and Industrial Cooperation" requires more than 300 measures.³¹

On 25th October 2017, by the Resolution of the Cabinet of Ministers of Ukraine No. 1106 the Plan of Measures for the Implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, was approved.³² The Action Plan on the implementation of the Association Agreement, developed by the Government Office for the Coordination of European and Euro-Atlantic Integration together with the Ministry of Economic Development and the

²⁹ The Action Plan on the implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, for 2014-2017 [Electronic resource]. - Access mode: <https://zakon.rada.gov.ua/laws/show/847-2014-%D1%80>

³⁰ Baymuratov M.O. Features of the entry of norms of the international law into the national constitutional law of Ukraine / M.O. Baymuratov, A. A. Abbas // Bulletin of the Central Election Commission. - 2016. - P. 54

³¹ The Action Plan on the implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, for 2014-2017 [Electronic resource]. - Access mode: <https://zakon.rada.gov.ua/laws/show/847-2014-%D1%80>

³² Plan of measures for the implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, for 2017-2019 [Electronic resource]. - Access mode: <http://www.msp.gov.ua/content/plan-zahodiv-minsocpolitiki-shchodo-implementacii-ugodi-pro-asociaciyu.html>

other ministries, aims to improve the coordination and promotion of the European integration process.³³

The implementation of the Action Plan envisages amendments to the legal acts and the development of new ones with the aim of approximation of Ukrainian legislation to the EU law in accordance with the obligations under the Association Agreement between Ukraine and the EU. It formulates 1943 tasks covering 27 areas that are entrusted to the Ukrainian authorities. Each of these tasks corresponds to a separate article of the Agreement or implements certain EU legal acts (*acquis*).³⁴

Thirdly, an important element of the implementation of the Association Agreement is the plans for the implementation of EU law acts. Correspondingly, these documents describe the current state of affairs in a certain area and determine the activities of ministries and departments for the development of normative acts for the qualitative and timely implementation of the EU directives. Adoption of these acts allows to record progress in the implementation of the Association Agreement in the relevant area. Coordination of ministries' work on the implementation of EU legislative acts approved by the Cabinet of Ministers of Ukraine is entrusted to the Government Office on European Integration.³⁵

In general, in the framework of the Association Agreement, over 350 acts are to be implemented; for the period from 2014 to 2017, an implementation of 180 of them was envisaged. For the period from 2014 to 2018, experts identified positive achievements of Ukraine in the

³³ The Action Plan on the implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, for 2014-2017, Art. 4,14 [Electronic resource]. - Access mode: <https://zakon.rada.gov.ua/laws/show/847-2014-%D1%80>

³⁴ The Action Plan on the implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, for 2017-2019 [electronic resource]. - Access mode: <http://www.msp.gov.ua/content/plan-zahodiv-minsocpolitiki-shchodo-implementacii-ugodi-pro-asociaciyu.html>

³⁵ The government approved plans for the implementation of EU legislation in the field of accounting and auditing [Electronic resource]. - Access mode: <http://www.eurointegration.com.ua/news/2015/04/8/7032740/>

implementation of the EU legislation in the sectors of public procurement, technical barriers to trade and taxation, company activities and consumer protection.³⁶

In particular, as the Ukrainian Center for European Policy states in its report «Ukraine and the Association Agreement: Monitoring the Implementation 2014-2018», the fulfillment of obligations in the public procurement sector in relation to the approximation of national legislation to the EU legislation has been fully implemented as of 2018. During this time, two public authorities were determined to be responsible for policy development in the field of public procurement and revision of customer decisions, and the main standards governing the process of concluding state contracts were introduced.³⁷

Significant progress has been made in the implementation of EU legislation in the field of technical regulation: in the sector of technical barriers to trade, 100% of horizontal and 80% of vertical legislation have been approximated. In particular, the requirements of the relevant EU legal acts for measuring units, requirements for accreditation and market surveillance, product safety, liability for defective products and product marketing systems have been fully implemented in the national legislation.

Moreover, new rules on technical regulation and public procurement have already been applied in practice. Some efforts are still to be made in order to increase the level of competence of employees of state bodies (including in the field of justice), as well as private companies dealing with technical regulations, in order to improve the practice of the aforementioned legislation enforcement.³⁸

At the same time, according to the data of the report «Ukraine and the Association Agreement: monitoring implementation of 2014-2018», as of the fourth year of the Association Agreement,

³⁶ EEAS Press Team. Association Implementation Report on Ukraine [Електронний ресурс] / EEAS Press Team // the European External Action Service. – 2018. – Режим доступу до ресурсу: https://eeas.europa.eu/headquarters/headquarters-homepage/53485/association-implementation-report-ukraine_en

³⁷ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. — p.45 — Access mode: <http://ucep.org.ua/doslidzhennya/ukrayina-ta-ugoda-pro-asotsiatsiyu-monitoryng-vykonannya-2014-2018.html>.

³⁸ Inconceivable Association: How Ukraine Implements the Agreement with the EU [Electronic Resource] // Ukrainian Center for European Policy. - Access mode: <https://www.eurointegration.com.ua/articles/report-2018/>

the overall indicator of the dynamics of the implementation of the envisaged commitments equals to 21%, while in 2018, the dynamics of progress increased from 11 % to 21% with further work being performed in this direction. However, along with the demonstrated successes in certain areas, little progress has been made in the areas of business establishment, trade in services and e-commerce, public health and customs, and therefore, the implementation of the EU law requires acceleration.³⁹

To this end, the Cabinet of Ministers of Ukraine adopted a resolution of May 31, 2017, which approved the Procedure of translating acts of the European Union *acquis* related to the fulfillment of Ukraine's obligations in the field of European integration of Ukraine⁴⁰ and the Indicative plan for translating of the EU *acquis* acts for 2017-2018, which provides for the translation of 418 legal acts of the EU. Most of them are concerned with trade, economic and sectoral cooperation. The clear implementation of the translation of the legal acts is anticipated to accelerate the adaptation of Ukrainian legislation to the EU law and make it impossible to interpret it incorrectly due to inaccuracies in translation.⁴¹

In accordance with the Resolution of the Cabinet of Ministers of Ukraine of May 31 2017, No. 512, approved translations of acts of the EU related to the fulfillment of Ukraine's obligations in the field of European integration, performed within the framework of the EU project «Support for the implementation of the Agreement on Association between Ukraine and the EU» (Association4U), are published on the Governmental portal.⁴² The translation of such acts was initiated in accordance with the proposals submitted by the ministries and other public authorities of Ukraine and the Indicative plan of translation of the acts of the EU *acquis* for 2017-2018. Approved translations are distributed according to the structure of the Association

³⁹ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. — p.47 — Access mode: <http://ucep.org.ua/doslidzhennya/ukrayina-ta-ugoda-pro-asotsiatsiyu-monitoryng-vykonannya-2014-2018.html>.

⁴⁰ About procedure of the translation into Ukrainian of acts of the European Union *acquis* communautaire: Resolution of the Cabinet of Ministers of Ukraine of 31.05.2015, No. 512 // Uriadovy Courier of 07.19.2017. - No. 132.

⁴¹ Tentative plan for the translation of the *acquis* of the EU *acquis* for 2017-2018 [Electronic resource]. - Access mode: <https://www.kmu.gov.ua/storage/app/media/uploaded-files/orientovniy-plan-perekladu-aktiv-acquis-es-na-2017-2018-roki.pdf>

⁴² About procedure of the translation into Ukrainian of acts of the European Union *acquis* communautaire: Resolution of the Cabinet of Ministers of Ukraine of 31.05.2015, No. 512 // Uriadovy Courier of 07.19.2017. - No. 132.

Agreement between Ukraine. In addition, the Government Office for the Coordination of European and Euro-Atlantic Integration, in respect to the tasks entrusted to it, provides an updated glossary of the terms of the EU acquis. The updated Glossary of the EU acquis was prepared on the basis of the 91st approved translation of the EU acquis.⁴³

Fourthly, the implementation of the Association Agreement envisages the development of a Government Action Program, which foresees the implementation of the Medium-term Plan of Priority Actions to 2020.⁴⁴ Medium-term planning of consistent and complex reforms, in particular those defined by the Program of Activities of the Cabinet of Ministers of Ukraine, the Ukraine-2020 Sustainable Development Strategy, the Strategy for the Reform of the State Administration of Ukraine for 2016-2020, the Association Agreement between Ukraine and the EU, the Memorandum on Economic and financial policy within the framework of the program funded by International Monetary Fund under the Extended Financing Mechanism, the National Human Rights Strategy, the National Plan of Action for the implementation of the UN Security Council Resolution 1325 «Women, Peace, security» for the period up to 2020 and the Coalition Agreement, is the key to sustainable economic growth and achievement of European standards of living of the population. Remaining committed to European values, the Government will take all possible steps to ensure the integration of Ukraine into European political, economic and legal areas.⁴⁵

In conclusion, the implementation of the provisions of the Association Agreement is carried out through a special mechanism, which includes the legal means of implementation, the institutional principles thereof as well as law enforcement practice. The program documents that provide legal means for implementing provisions of the Association Agreement constitute the legal basis for its implementation.

⁴³ Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] //Eurointegration portal. - P. 50 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

⁴⁴ Prilipchuk O. V. Problems of Adaptation of Ukrainian Legislation to the EU Legislation / O. Prilipchuk // State Building. - 2015. - № 1. - P. 7

⁴⁵ Medium-term Plan of Priority Actions to 2020: Ordinance of the Cabinet of Ministers of Ukraine of March 4, 2015 - No.213

1.3. The institutional framework for the implementation of the Association Agreement

The institutional support for the implementation of the Association Agreement is defined in Title VIII of the Association Agreement between Ukraine and the EU, entitled «Institutional, General and Final Provisions». The Association Agreement provides for a special institutional form for the EU-Ukraine relations. Thus, the system of joint cooperation bodies of Ukraine and the EU provides for the establishment of bodies at the intergovernmental level that will consist of representatives of both parties. These bodies create, in essence, an institutional system of interaction between the EU and Ukraine, whose activities are aimed at implementing the provisions of the Association Agreement and the development of relations between Ukraine and the EU.⁴⁶

In accordance with Article 460 of the Association Agreement, political dialogue and dialogue on the policy at the highest level take place at the summit level, systematic meetings between the presidents of Ukraine and the EU. Summits should be held at least once a year, but this provision is not imperative and allows for their cancellation, or vice versa conducting them more often than once a year: that depends on the agreement reached by the parties. The main purpose of such summits is to conduct a general examination of the implementation of the Association Agreement, as well as to create opportunities for discussing any bilateral or international issues of mutual interest that may lie outside the scope of the provisions of the Association Agreement.

Pursuant to Article 461 of the Association Agreement, for the purpose of institutional cooperation between Ukraine and the EU, the Association Council is established. The Association Council consists of members of the Government of Ukraine, on the one part, and members of the Council of the EU and members of the European Commission, on the other part.⁴⁷

⁴⁶ Chulaevskaya M. Organizational and legal principles of implementation of the Association Agreement between Ukraine and the EU: textbook / M. Chulaevskaya. - K, 2015. - P. 36

⁴⁷ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 161

The authority of this body comprise of the following functions:

- exercising control and monitoring of the application and implementation of the Association Agreement; performing periodic review of the functioning of the Association Agreement in the light of its objectives;
- studying any major issues that arise within the framework of the Association Agreement and any other bilateral or international issues of mutual interest;
- conducting regular dialogues on political issues, as well as conducting consultations for the resolution of disputes.⁴⁸

Taking into account the task of gradual harmonization of domestic legislation with the EU law, the Association Council is also a forum for the exchange of information on legislative acts of Ukraine and the EU, both valid and draft, as well as measures for their implementation and observance. In order to exercise these powers, the Association Council may update or amend the Annexes to the Association Agreement, taking into account the development of the EU law.⁴⁹

The activities of the Association Council are carried out in accordance with the rules of procedure approved by it. However, the Association Agreement provides for the meetings of the Association Council to be held regularly at the ministerial level at least once a year, as well as when circumstances so require. Other authorities, if necessary and when mutually consent thereto, may also be involved in the work of the Association Council. In the latter case, they receive the status of observers. Decisions approved by the Association Council are binding on Ukraine and the EU.⁵⁰

In performance of its duties, the Association Council is assisted by the Association Committee, which is created under Article 464 of the Association Agreement and consists of representatives of Ukraine and the EU, mainly at the level of senior officials. According to the Resolution of the Cabinet of Ministers of Ukraine «Issues of preparation and holding of meetings of particular

⁴⁸ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 162

⁴⁹ Makarenko L.P. European integration and Euro-Atlantic Directions of Foreign Policy Communications of Ukraine / L.P. Makarenko // Scientific Review. - 2017. - No. 7. - P. 9

⁵⁰ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 162

bilateral association bodies between Ukraine and the EU», the members of the Association Council, on the part of Ukraine, are members of the Cabinet of Ministers of Ukraine, and on the part of the Association committee, including the Association Committee on Trade, are deputy ministers on issues of European Integration, Director of the Government Office for European and Euro-Atlantic Integration of the Secretariat of the Cabinet of Ministers of Ukraine, Deputy Minister of Economic Development and Trade, Trade representative of Ukraine, and deputy heads of other central executive bodies, whose powers include the implementation of the Association Agreement.⁵¹

In the same instrument, the duties of the Secretary of the Association Council and the Committee of the Ukrainian side are assigned to the Director of the Government Office for European Integration of the Secretariat of the Cabinet of Ministers of Ukraine.⁵² The Association Committee meetings should be held at least once a year, and the presidency is taken by rotation by the representative of Ukraine and representative of the EU. The main task of the Association Committee is to prepare meetings of the Association Council, but it also has the authority to take decisions in cases provided for in the Association Agreement and in the areas in which the Association Council delegates its powers to it.⁵³

Article 466 of the Association Agreement stipulates the establishment of subcommittees in the structure of the Committee of the Association that provide assistance to him. The subcommittees act as sectoral bodies that work in the number of separate policy areas - the Subcommittee on Freedom, Security and Justice, the Subcommittee on Economic and Other Sectoral Cooperation, the Subcommittee on Sanitary and Phytosanitary Measures, the Subcommittee on Customs Cooperation and Trade Facilitation, the Subcommittee on Issues Geographical Indications, Subcommittee on Trade and Sustainable Development. The Subcommittees have the authority to

⁵¹ Report on the implementation of the Association Agreements and the Association Agreement between Ukraine and the European Union in January-May 2016 [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/media/zviti-provvikonannya/AA_GOEI_REPORT_%205%20m%202016_final_060616.pdf

⁵² Issues of the preparation and holding of meetings of certain bilateral bodies of the Association between Ukraine and the EU: Resolution of the Cabinet of Ministers of Ukraine of 10.12. 2014, No. 700 // Uriadovy Courier of 16.12.2014 - No. 234.

⁵³ Tyushka A. Association-cum-Integration: The EU-Ukraine Association Agreement and «Association Law» as an Institution pf Ukraine's European Integration / Andriy Tyushka. // Croatian Yearbook of European Law and Policy. – 2017. – №13. – P. 5.

take decisions in cases provided for in the Association Agreement and regularly and, when appropriate, report on their activities to the Association Committee. If necessary, special committees or bodies may be established in specific areas required for the implementation of the Association Agreement (for example, the Subcommittee on Sanitary and Phytosanitary Measures, provided in Article 74).⁵⁴

According to Article 467 of the Association Agreement, the Parliamentary Committee of the Association is established in order to hold meetings and exchange views among representatives of the peoples of the EU and Ukraine. The Parliamentary Committee of the Association includes members of the Verkhovna Rada of Ukraine, on the one part, and members of the European Parliament, on the other part. The Parliamentary Committee of the Association establishes its own rules of procedure and holds meetings with frequency determined by itself. The Parliamentary Committee of the Association is chaired by rotation by a representative of the Verkhovna Rada of Ukraine and a representative of the European Parliament in accordance with the provisions laid down in its rules of procedure. When required, it may create subcommittees.⁵⁵

The Association's Parliamentary Committee has authority over the Association Council which should inform it of its decisions and recommendations, as well as provide, upon its request, any information regarding the implementation of the Association Agreement. The Association's Parliamentary Committee may provide advice to the Association Council, but the latter is not bound by them.

The subcommittees operating in the Association Committee have narrower thematic clusters. For example, within the subcommittee on economy and other sectoral cooperation, the following clusters operate:

- cluster 1: «macroeconomic cooperation, public finance management: fiscal policy, internal control and external audit, statistics, accounting and auditing, the fight against fraud;

⁵⁴ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 162

⁵⁵ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1. - P. 163

- cluster 2: industrial and business policy, mining and metallurgy, tourism, space, company law and corporate governance, consumer protection, taxation;
- cluster 3: energy cooperation, including nuclear issues, the environment, including climate change and civil protection, transport;
- cluster 4: cooperation in science and technology, information society, audiovisual policy, education, deucetion and youth, culture, cooperation in the field of sports and physical culture;
- cluster 5: agriculture and development of rural areas, fisheries and maritime policy, the Danube Region, cross-border and regional cooperation;
- cluster 6: cooperation in employment, social policy and equal opportunities, health care.»⁵⁶

The Association Committee and the Parliamentary Committee of the Association carry out regular contacts with representatives of the Civil Society Platform in order to obtain their opinion on the achievement of the objectives of the Association Agreement. According to Article 469 of the Association Agreement, The Civil Society Platform is established to facilitate regular meetings between representatives of civil society organizations of the Parties and consists of members of the European Economic and Social Committee and representatives of civil society in Ukraine. The presidency is taken by rotation by the representatives of the European Economic and Social Committee and representatives of the civil society of Ukraine, respectively, in accordance with the provisions to be laid down in the rules of procedure.⁵⁷

It should be noted that in April 2015, a founding meeting of the Ukraine-EU Civil Society Platform took place, with representatives of the NGOs, employers' associations and trade union associations, as well as representatives of the European Economic and Social Committee being participants from the Ukrainian side. As a result of the founding meeting on the Civil Society Platform, commitments were made to prepare an overview of the implementation of the Association Agreement, as well as two thematic reports: on the state of energy sector reform and

⁵⁶ Sushko O., Implementing the EU-Ukraine Association Agreement: the first lessons, implications, practices of use. Analytical Report [Electronic Resource] / O. Sushko, R. Khorolsky, V. Movchan, and others. - K., 2016. - P. 41 - Access mode: https://www.kas.de/c/document_library/get_file?uuid=4631d3fb-e470-4088-f73b-6226c6f0b48c&groupId=252038

⁵⁷ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.I. - P. 164

on the rule of law and anti-corruption policy, with a focus on improving the investment climate in Ukraine and the social component of the reforms that are prior for Ukraine and the EU.⁵⁸

In addition to the institutional framework described, the Association Agreement also provides for dialogue on trade issues at expert level on the request of one of the parties of the forum on cooperation in the field of trade measures. If controversial or conflict situations appear, then urgent consultations are conducted. At the same time, Ukraine and the EU undertake to submit to the Association Council any disputes concerning the interpretation, implementation or conscientious application of the provisions of the Association Agreement, and in such a case the decisions of the Association Council are binding.⁵⁹

The parties try to resolve the dispute through conscientious consultations within the Association Council and other relevant bodies in order to reach a mutually acceptable solution as soon as possible. Under the Strategy of European Integration, the domestic support for the process of Ukraine's integration into the EU is provided by the highest, central and local executive authorities of Ukraine in cooperation with the legislative body and the relevant local self-government bodies.⁶⁰

Hence, the institutional mechanism for the implementation of the Association Agreement between Ukraine and the EU provides for the functioning of bilateral cooperation bodies whose activities are aimed at fulfilling the provisions of the Association Agreement between Ukraine and the EU and deepening their cooperation.

⁵⁸ Report on the implementation of the Association Agreements and the Association Agreement between Ukraine and the European Union in January-May 2016 [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/media/zviti-provvikonannya/AA_GOEI_REPORT_%205%20m%202016_final_060616.pdf

⁵⁹ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.I. - P. 165

⁶⁰Guillaume Van der Loo. The EU-Ukraine Association Agreement and Deep and Comprehensive Free Trade Area: A New Legal Instrument for EU Integration Without Membership / Guillaume Van der Loo., 2016. – P. 24

Conclusions to Chapter 1

Having examined the legal nature, the legal framework and the institutional mechanism of the implementation of the Association Agreement, we come to the following conclusions.

1. The Association Agreement between Ukraine and the EU is an international treaty, within which the directions of European integration of Ukraine are determined. By its legal nature, the Association Agreement between Ukraine and the EU is characterized as a bilateral international public contract which defines the conditions for international cooperation between Ukraine and the EU and its 28 member states.

2. The implementation of the Association Agreement is carried out through the implementation mechanism, which constitutes the legal means of ensuring the implementation of international obligations at the interstate level, the institutional component (authorized bodies of state power, their officials and other state bodies that ensure the implementation of the state of international legal obligations) and national law enforcement practice.

The implementation of the Association Agreement between Ukraine and the EU is carried out in accordance with the following program documents in the field of European integration policy:

1) Association Agenda of 16 March 2015; 2) Action Plan for the implementation of the Association Agreement of 25 October 2017; 3) plans for the implementation of the EU legal acts; 4) program of activities of the Cabinet of Ministers of Ukraine.

3. The institutional mechanism of implementation of the Association Agreement between Ukraine and the EU includes a system of bilateral cooperation bodies of Ukraine and the EU. This system is based on the principles of building the EU institutional system and includes such institutions as the Summit of Heads of State of Ukraine and the EU, the Association Council, the Association Committee, the Parliamentary Committee of the Association and the Civil Society Platform.

CHAPTER 2

THE AGENDA OF THE UKRAINE-EU ASSOCIATION

2.1. Legal nature, principles and instruments of implementation of the EU-Ukraine Association Agenda

Since the Association Agreement is mainly of a framework nature, the commitments it envisages are rather general. Therefore, the Association Agenda, approved on 16 March 2015, aims at defining, detailing and prioritizing relevant tasks. This program document is the main practical tool for implementation and monitoring of the Association Agreement, that is why it should be regularly updated in accordance with the progress achieved in the implementation of the assigned tasks.⁶¹

The Association Agenda provides a practical basis for achieving the common goals of political association and economic integration in the form of a list of jointly agreed priority reforms and specific measures, as well as EU support on a wide range of important issues that constitute the subject of the Association Agreement. The tasks of the Association Agenda complement the commitment to fully implement the provisions of the Association Agreement and record the common understanding of Ukraine and the EU on the steps required to further deepen political association and economic integration.⁶²

Describing the legal nature of the Association Agenda, it should be noted that its provisions can be attributed to soft law, the application of which by the EU is most peculiar to regulating primarily political relations, both within the EU and between EU and third countries. However, it has the most significant practical value among all the program documents in the field of implementation of the Association agreement.

An important feature of the Association Agenda is that, although it does not contain provisions on the possible membership of Ukraine in the EU, the document essentially aims at preparing the

⁶¹ Kuzio M. The Association Agreement between Ukraine and the EU: content and implementation / M. Kuzio, D. Chernikov, S. Pavlyuk. - K., 2015. - P. 8

⁶² Tyushka A. Association-cum-Integration: The EU-Ukraine Association Agreement and «Association Law» as an Institution of Ukraine's European Integration / Andriy Tyushka. // Croatian Yearbook of European Law and Policy. – 2017. – №13. – P. 23

country to fulfill the Copenhagen criteria for accession to the EU - political, economic and legal.⁶³

The Association Agenda consists of three parts:

I. Strategic part.

II. Principles, tools and resources for the implementation of the Association Agenda.

III. Operating part.

The Strategic part of the Association Agenda confirms the progressive development of the relations between Ukraine and the EU and specifies the purpose of the Association Agenda.

The Operational part of the Association Agenda provides:

- measures in the field of reforming political dialogue (section 2);
- cooperation in the field of justice, freedom and security (section 3);
- measures in the field of economic cooperation (section 4);
- trade and trade-related issues (section 5);
- energy cooperation, including nuclear issues (section 6);
- other areas of cooperation that require short-term and primary implementation in Ukraine (section 7, the provisions of which determine the priorities in the field of state internal control and external audit and control, taxation, statistics, transport, environment, industrial and business policy, financial services, protection of consumer rights etc.).⁶⁴

The operational part of the Association Agenda in the above-mentioned areas contains a rather large list of areas of cooperation between Ukraine and the EU. As the top priority, requiring the quickest response, the Association Agenda specifies:

- 1) constitutional reform;
- 2) electoral reform;
- 3) reform of the system of prevention and fight against corruption;
- 4) reform of the system of justice;
- 5) public administration reform;

⁶³ Muravyov VI I. The law of the European Union: a textbook / VI Muravyov. - K.: Yurinkom Inter, 2011. - P.476

⁶⁴ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

- 6) deregulation
- 7) public procurement reform;
- 8) tax reform, including VAT refunds;
- 9) external audit;
- 10) reform of the energy sector.⁶⁵

The Association Agenda, which is a practical instrument of EU-Ukraine relations, is developed on the general principles set out in its Section 2. In general, the principles represent the common ideas and guidelines for the implementation of the strategic tasks stipulated by the Agenda. The implementation of the Association Agenda is based on the common guidelines indicated hereinafter.⁶⁶

The implementation of the Association Agenda is based on the principle of observance of the general goal of achieving a political association and greater economic integration of Ukraine with the EU. This means that all measures taken in the framework of the Association Agenda must be implemented in accordance with the general objective.⁶⁷

The performance of the Agenda implies adherence to the special purpose of «promoting and preparing for» the implementation of the Association Agreement between Ukraine and the EU, which stems from the fact that the priorities agreed in the Association Agenda are to complement the obligations of Ukraine and the EU to comply fully with the provisions of the Association Agreement between Ukraine and the EU as soon as all provisions of this international treaty will come into force.

Compliance with this principle presumes the possibility of changing or updating, at any time if necessary, the priorities (by introducing newness as well) defined in the Association Agenda, with the consent of Ukraine and the EU when such alterations are required to achieve this

⁶⁵ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

⁶⁶ On Approval of the Recommendation of the Association Council between Ukraine and the EU on the Implementation of the Association Agenda between Ukraine and the EU: Order of the Cabinet of Ministers of Ukraine of March 13, 2015, No. 207 // Government Courier of March 19, 2015 - No. 50.

⁶⁷ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

particular goal. As soon as the interim agreement comes into force, Ukraine and the EU will carry out a large-scale review of the relevant parts of the Association Agenda.⁶⁸

The implementation of this principle was reflected during the entry into force of the Association Agreement between Ukraine and the EU, in particular on 16 March 2015, the Association Council approved the updated Association Agenda by exchanging letters. Following this legal fact, the Association Agreement entered into force in full on 1 September 2017.⁶⁹

In determining the priorities of the Association Agenda, the structure of the institutional framework set out in the Association Agreement between Ukraine and the EU should be taken into account, with regard to the respective obligations and responsibilities of each body, in particular to that of the Parliamentary Committee of the Association and the Civil Society Platform.

The implementation of the Association Agenda also implies observance of the principles of transparency, responsibility and inclusiveness, which means joint responsibility for the achievement of the tasks defined in the Association Agenda. In this regard, it should be noted that this principle is reflected in the fact that individual citizens and their groups, which are subject to or influenced by a decision or action of a public authority, should be fully informed about them and the way in which they (decision or actions) will be implemented.⁷⁰

In addition to these ones, the following fundamental principles are specified in the Association Agenda:

— the principle of joint ownership and shared responsibility which includes recognition that the Association Agenda provides for the involvement of both sides (Ukraine and the EU) in

⁶⁸ Muravyov V. Methods of implementation of the Association Agreement between Ukraine and the European Union / V. Muravyov // Visnyk of Lviv University. Series of international relations. - 2014. - No. 36, part 2. - P. 12

⁶⁹ Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] // Eurointegration portal. - P. 50 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

⁷⁰ Tkach I.V. Principles of transparency and openness as an integral part of public administration: theoretical aspect / I.V. Tkach // International scientific journal «Internauka». - 2016 - No. 12 (1). - P. 25

implementing the provisions of the Association Agenda that demonstrates efforts to emphasize the bilateral nature of the obligations;

— the principle of achieving substantial results by the progressive implementation of practical measures, that means recognizing that the Association Agenda aims at achieving significant and concrete results by the performance of a series of specific and practical measures;

— the principle of the sustainability and sufficiency of instruments, which means recognizing the importance of supporting agreed priorities through appropriate and sufficient political, technical and financial instruments (in this case, financial support of the EU, which is provided to Ukraine, may be directed to facilitate the activities defined in the Association Agenda).⁷¹

The Association Agenda also states that it is «implemented on the basis of the principles of phased performance of the provisions of the document, the joint handling and the negotiation principle». Thus, the phased implementation principle means recognizing that the priorities and measures agreed upon within the framework of the Association Agenda are to be implemented stepwise with differing pace from year to year.

The principle of joint assessment means recognition of the fact that the implementation of the Association Agenda will be the subject to annual reporting on, monitoring and evaluation of Ukraine's progress in implementing the Association Agreement between Ukraine and the EU, as well as monitoring and evaluating the achievements of all objectives of political association and economic integration in general, in particular concerning the achievements of Ukraine in guaranteeing respect for common values and progress in achieving compliance with the EU standards in the political, economic and legal spheres. Reporting on, monitoring and evaluating of the implementation of the Association Agenda will be held annually.⁷²

The achieved progress will be considered within the framework of the structures provided for in the Association Agreement, the Partnership and Cooperation Agreement or other relevant

⁷¹ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

⁷² Muravyov V. Methods of implementation of the Association Agreement between Ukraine and the European Union / V. Muravyov // Visnyk of Lviv University. Series of international relations. - 2014. - No. 36, part 2. - P. 14

agreements. In this process, the parties will aim to achieve, as far as possible, a comprehensive joint assessment of the annual progress.⁷³

The fulfillment of this principle is reflected in the reports of the Government Office for European Integration on the implementation of the Association Agenda and the Association Agreement between Ukraine and the EU that are based on information provided by the public authorities involved in the implementation of relevant tasks.⁷⁴

The EU will support Ukraine in implementing the goals and priorities set out in the Association Agenda. Among the instruments that the EU use to help Ukraine in implementing the objectives and priorities set out in the Association Agenda, in particular the following are defined:

- exchange of technical expert assessments and recommendations, best practices and know-how;
- information exchange;
- support in the development and strengthening of institutional capacity of the authorities;
- attraction of advisory assistance in the process of approximation of Ukrainian legislation to the EU legislation and initiation of sectoral dialogues in certain spheres.⁷⁵

In addition, the Eastern Partnership instruments are involved to assist the implementation of the Association Agenda. The European Commission also emphasized that, in case of necessity, it will also encourage its international governmental, business and civic partners to implement the goals and priorities of the Association Agenda, and will assist them in the realization of these tasks.⁷⁶

⁷³ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

⁷⁴ Report on the implementation of the Association Agreements and the Association Agreement between Ukraine and the European Union in January-May 2016 [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/media/zviti-provvikonannya/AA_GOEI_REPORT_%205%20m%202016_final_060616.pdf

⁷⁵ Kuzio M. The Association Agreement between Ukraine and the EU: content and implementation / M. Kuzio, D. Chernikov, S. Pavlyuk. - K., 2015. -57 p.

⁷⁶ Guillaume Van der Loo. The EU-Ukraine Association Agreement and Deep and Comprehensive Free Trade Area: A New Legal Instrument for EU Integration Without Membership / Guillaume Van der Loo., 2016. – P. 201

In particular, the EU provides a complex assistance to Ukraine in its efforts in administration of the European integration policy and the implementation of the Association Agreement.

Correspondingly, the total amount of financing within the framework of bilateral grant assistance programs for Ukraine in the period 2014-2020 are to be from 0.83 to 1.01 billion Euros. In 2015, the EU Program «Special Measure for Ukraine» provided funding worth 110 million Euros, 55 million Euros of which were provided by the EU Program on private sector support (EU «SURE»), which was supplemented by 40 million Euros from the budget of the Neighborhood Investment Facility (establishment of a loan guarantee fund and 15 regional small and medium-sized enterprise support centers), and 15 million Euros, being a component of the Government's technical (expert) assistance.⁷⁷

It should be noted that at the meeting of the Association Council Ukraine-EU on December 17, 2018, the EU approved the signing of a series of agreements aimed at providing financial support to Ukraine, such as:

- Agreement between the Government of Ukraine and the European Commission on financing the event «Energy Efficiency Program in Ukraine - EE4U-II»;
 - Agreement between the Government of Ukraine and the European Commission on the financing of the «Technical Cooperation Program 2018»;
 - Agreement between the Government of Ukraine and the European Commission on the financing of the event «Program for the expansion of human contacts: the House of Europe»;
- Agreement between the Government of Ukraine and the European Commission on the financing of the EU4Skills: Best Skills for Modern Ukraine, the Memorandum of Understanding between the Ministry of Education and Science of Ukraine and the European Investment Bank;
- Agreement on the Grant of the E5P Fund (Project «Higher Education of Ukraine») between Ukraine and the European Investment Bank;

⁷⁷ Petrov R. EU Common Values in the EU-Ukraine Association Agreement: Anchor to Democracy? / Roman Petrov. // Baltic Journal of European Studies. – 2018. – No. 8. – P. 49–62.

— Financial agreement between Ukraine and the European Investment Bank (Project «Ukraine Transport Connectivity — Phase I»).

Hence, the Association Agenda is a program document in the field of association of Ukraine and the EU that has an important practical value which lies in promoting the effective implementation of the Association Agreement between Ukraine and the EU. The principles and instruments for implementation of its priority provisions envisaged in the Association Agenda are important fundamental bases that determine the bilateral cooperation between Ukraine and the EU in the context of the implementation of the Association Agreement.

⁷⁸ EU-Ukraine Association Council confirmed unchanged commitment of parties to political and economic integration - Statement following the meeting [Electronic resource]. - Access mode: <https://www.kmu.gov.ua/en/news/rada-asociaciyi-ukrayina-yes-pidtvverdila-nezminnu-prihlnist-storin-politichnij-ta-ekonomichnij-integraciyi-zayava-za-pidsumkami-zasidannya>

2.2. Measures in the field of political association stipulated in the Agenda of the EU-Ukraine Association

The Association Agenda determines that relations between Ukraine and the EU should take place in a form of political dialogue. The objectives of the political dialogue on reform imply strengthening of respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of individuals belonging to national minorities, non-discrimination of individuals belonging to minorities, respect for diversity, and contribution to the consolidation of domestic political reforms. Cooperation between Ukraine and the EU should be maintained with a view to ensuring the effective implementation of common principles in domestic politics, such as the stability and effectiveness of democratic institutions, the rule of law, respect for human rights and fundamental freedoms.⁷⁹

The political dialogue between Ukraine and the EU will focus on the most important areas related to the establishment of a democratic law-governed state, namely, strengthening the stability, independence and efficiency of institutions that provide for the implementation of democracy and rule of law; ensuring respect for human rights and fundamental freedoms, covering both individual cases and issues related to the international treaties on human rights.⁸⁰

In addition, the fight against corruption and the establishment of effective public administration in accordance with the principles of good governance applied in the EU will be an important part of cooperation in the form of political dialogue.

It should be noted that in the sphere of constitutional reform, the Constitutional Commission, established by the Decree of the President of Ukraine of March 3, 2015 № 119/2015, has drafted the number of laws on amending the Constitutional provisions on justice, decentralization of state power and human rights during this period. The Draft Law «On Amendments to the Constitution of Ukraine (on Justice) Art. 157 and 158 of the Constitution of Ukraine» was

⁷⁹ EU-Ukraine Association Council confirmed unchanged commitment of parties to political and economic integration - Statement following the meeting [Electronic resource]. - Access mode: <https://www.kmu.gov.ua/en/news/rada-asociaciyi-ukrayina-yes-pidtvverdila-nezminnu-prihlnnist-storin-politichnij-ta-ekonomichnij-integraciyi-zayava-zapidsunkami-zasidannya>

⁸⁰ Kuzio M. The Association Agreement between Ukraine and the EU: content and implementation / M. Kuzio, D. Chernikov, S. Pavlyuk. - K., 2015. - p. 9

favorable evaluated by the experts of the Venice Commission, and the provisions envisaged by it entered into force on 30 September 2016.⁸¹

However, the Draft Law «On Amendments to the Constitution of Ukraine (Regarding the Decentralization of Power)» of January 07, 2015 № 2217a is still in the stage of preliminary approval from 31 August 2015, the Verkhovna Rada of Ukraine has not approved it yet. This draft law contains a number of provisions that reflect the set of measures on the implementation of Minsk agreements of 2 February 2015 and the peculiarities of local self-government functioning in certain districts of Donetsk and Luhansk oblasts are determined by a separate law.

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The priorities of the Association Agenda include the maintenance of the effectiveness of the electoral system and environment in order to hold presidential and parliamentary elections in accordance with the international standards of democratic elections as well as recommendations of international institutions.⁸³ Experts note that the key task of the electoral reform is a complete renewal of the proportional parliamentary electoral system, as provided by the Constitution. Election reform in Ukraine is extremely slow: the Verkhovna Rada of Ukraine (the Parliament) registered the Draft Election Code No. 3112-1 which provide for the abandonment of the mixed electoral system in Ukraine, but this draft law was adopted only in the first reading on 7 November 2017. Currently, the draft law is being prepared for the second reading, it is necessary to process about 1000 amendments. However, the adoption of the law in the second reading has been already delayed for more than a year. The consolidation of the provisions on the financing

⁸¹ Midgall O. Ukraine-EU: the results of the association [Electronic resource] / O. Migdal // Yuridicheskaya Gazeta. - 2017. - Mode of access: <http://yur-gazeta.com/publications/practice/mizhnarodne-pravo-investiciyi/ukrayina--es-pidsumki-asociaciyi.html>

⁸² Draft Law on Amending the Constitution of Ukraine (Regarding the Decentralization of Power) No. 2217a of 01.07.2015 [Electronic Resource]. - Access mode: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55812

⁸³ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

of political parties (Article 87 of the Budget Code of Ukraine)⁸⁴ at the legislative level is among positive aspects of the implementation of the Association Agenda priorities.⁸⁵

Within the framework of the reform of the system of prevention and fight against corruption, the Association Agenda emphasize the necessity to improve the process of combating corruption, in particular, ensuring the implementation of the package of anti-corruption legislation of 14 October 2014. Thus, the following institutional framework was established in the field of combating corruption: the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecution Office, the National Agency for Prevention of Corruption and the National Agency for Detection, Investigation, and Administration of Assets Obtained in the Result of Corruption and Other Crimes. On 7 June 2018, the Verkhovna Rada adopted the Law of Ukraine «On the Supreme Anticorruption Court of Ukraine», required to ensure the joint work of all anti-corruption institutions in Ukraine. Currently, selection of judges to the newly established body is being conducted.⁸⁶

The success of the implementation of anti-corruption reform depends on the proper functioning of these institutions which will be based on the principle of effective interaction and creation of a permanent systemic counteraction to corruption in Ukraine.

The reform of the Judicial system of Ukraine is one of the priorities of the Association Agenda. The judiciary is currently ranked among the top five institutions with the lowest level of public confidence, and, therefore, it should be updated in line with European standards of judiciary. In the course of the judicial reform, the Judicial Reform Board in cooperation with international experts developed the Strategy for the reform of the judicial system, justice and related legal institutes for 2015-2020, approved by the Presidential Decree and the Action Plan for the implementation of the provisions of this Strategy, which should be consistently implemented

⁸⁴ Draft Law on amending to the Budget Code of Ukraine (legal incentive for the provision of a mid-budget budget plan) of 15.02.2018 [Electronic Resource]. - Access mode: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63490

⁸⁵ Election reform: what should be changed? [Electronic resource]. - Access mode: <http://vybory.pravda.com.ua/articles/2017/10/19/7149484/>

⁸⁶ Kirilenko O. Anti-corruption institutions should work together - the US Embassy on Ukraine [Electronic resource] / O. Kirilenko // Public Television. - 2018. - Access mode: <https://hromadske.ua/posts/antikorupcijnii-instituciyi-mayut-pracyuvati-razom-posolstvo-ssha-pro-ukrayinu>

irrespective of personal and political structure of the state authority. The institutional coordinators of the implementation of the individual measures of the Action Plan should annually report on the status of the implementation of the Strategy.⁸⁷

Undoubtedly, the adoption of the Law «On ensuring the right to a fair trial» of February 12, 2015, No. 192-VIII and the amended Law of Ukraine «On the Judiciary and Status of Judges» of June, 6, 2016 № 1402 -VIII was an important step towards improving the judicial system. Due to the reform of the judicial system, the level of trust in justice increased in 2018 from 5 to 16% compared with 2017.⁸⁸

Comprehensive reform in the field of public administration involves the establishment of an effective public administration system capable of producing and implementing a coherent public policy aimed at a sustainable social development and adequate response to internal and external challenges. In 2016 the Cabinet of Ministers of Ukraine has developed and approved the Strategy of public administration reform by 2021 and the Action plan for its implementation that meets European standards of good governance, particularly in terms of public service and service in self-government organs.⁸⁹ The reform of the civil service also involves improving the provisions of the Law «On civil service» of December 28, 1993 aimed at forming a "basis" of modern effective management. The current problem is the improvement of the decision-making procedure by the Cabinet of Ministers of Ukraine, which should be reflected in its new Regulation, the work on which continues.⁹⁰

Consequently, among the priority measures identified in the Association Agenda, joint work in the field of political and economic cooperation can be singled out. Political cooperation between

⁸⁷ Government Reform [Electronic Resource] // Government Portal: The only web portal of executive bodies in Ukraine. - Access mode: <https://www.kmu.gov.ua/ua/diyalnist/reformi/reforma-derzhavnogo-upravlinnya>

⁸⁸ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. - P. 180. - Access mode: <http://ucep.org.ua/doslidzhennya/ukrayina-ta-ugoda-pro-asotsiatsiyu-monitoryng-vykonannya-2014-2018.html>.

⁸⁹ Strategy of public administration reform by 2020: Ordinance of the Cabinet of Ministers of Ukraine of 24.06.2016 № 474-p [Electronic Resource] - Access mode: <https://zakon.rada.gov.ua/laws/show/474-2016-%D1%80>

⁹⁰ Report on the implementation of the Association Agreements and the Association Agreement between Ukraine and the European Union in January-May 2016 [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/media/zviti-provvikonannya/AA_GOEI_REPORT_%205%20m%202016_final_060616.pdf

Ukraine and the EU should be carried out in the form of political dialogue. The prior measures to be taken are the implementation of constitutional, electoral, anti-corruption and judicial reforms, as well as the reform of the public administration.

2.3. Measures in the field of economic association, stipulated in the Agenda of the EU-Ukraine Association

In the Association Agenda, considerable attention is paid to economic cooperation between Ukraine and the EU. Accordingly, the Association Agenda between Ukraine and the EU, updated in 2015, is anticipated to contribute to the process of in-depth reform and modernization of the Ukrainian economy in case of its effective use.⁹¹

The Association Agenda provides for deregulation, that means Ukraine's commitment to reduce the regulatory burden with which business, small and medium-sized enterprises, are faced, in particular by reducing the number of permits and licenses. Simultaneously with the reduction of various types of bureaucratic barriers for business it is necessary to establish conditions and mechanisms that would prevent both the emergence of new barriers and the «renaissance» of abolished regulatory restrictions. Significant steps have already been taken in this direction: since March 2016 in Ukraine, the Single State Portal of Administrative Services has started function in test mode, and the Agreement on Ukraine's Participation in the EU Program for the Competitiveness of small and medium enterprises (COSME) (2014-2020) has been signed.⁹²

In the context of priorities in the economic sphere, the Association Agenda provides for the reform of public procurement, that, first of all, shall enhance the transparency and competitiveness of the public procurement process, bringing exclusions from the scope of procurement in line with the requirements of EU legislation.⁹³ As part of the reform of the public procurement sector, the Cabinet of Ministers of Ukraine approved the the Public Procurement Reform Strategy 2015-2032 (Roadmap) and a plan for its implementation by Order dated February 24, 2016 № 175-p. The strategy implies five main directions of reforming the system of public procurement:

⁹¹ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

⁹² Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] //Eurointegration portal. - P. 50 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

⁹³ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

- 1) harmonization of a national legislation with the EU rules through the implementation of provisions of the EU directives into national legislation;
- 2) development of the institutional structure, improvement and optimization of the functions of the controlling bodies;
- 3) electronic procurement development;
- 4) training and professional development in the field of public procurement;
- 5) international cooperation in the field of public procurement.⁹⁴

The Action Plan for the Strategy implementation contains a detailed plan of activities till 2022, including the indication of responsible bodies, deadlines for implementation, sources of funding, expected results, as well as five stages of reform. It should be noted that during 2014-2018, the public procurement reform was almost complete.⁹⁵ Thus, the legislation in the public procurement sector was harmonized with the EU law, two public authorities responsible for policy development in public procurement and review of customer decisions were established, as well as the main standards governing the state contracting process were introduced. Within the framework of the reform, the Law of Ukraine «On Ukraine's Accession to the Government Procurement Agreement», the Law of Ukraine «On The Public Procurement» and the number of normative and legal acts for the purpose of implementation of these laws have been adopted. A new public procurement portal that compelled the data of the ProZorro system and the databases of the State company «Zovnishtorgvydav Ukrainy» was established.⁹⁶

As of 1 November 2018, 15 of the 18 measures of the Public Procurement Reform Strategy 2015-2032, which were to be taken until November 1, 2018, have been fulfilled. There are the following measures among those to be taken:

- 1) harmonization of remedies with the requirements of the Directive № 89/665 / EEC;

⁹⁴ About the Strategy of Public Procurement Reform ("road map"): Order of the Cabinet of Ministers of Ukraine of February 24, 2016 No. 175-r [Electronic resource]. - Mode of access: <https://zakon.rada.gov.ua/laws/show/175-2016-%D1%80>

⁹⁵ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. - 248 p. - Access mode: <http://ucep.org.ua/doslidzhennya/ukrayina-ta-ugoda-pro-asotsiatsiyu-monitoring-vykonannya-2014-2018.html>

⁹⁶ EEAS Press Team. Association Implementation Report on Ukraine [Електронний ресурс] / EEAS Press Team // the European External Action Service. – 2018. – Режим доступу до ресурсу: https://eeas.europa.eu/headquarters/headquarters-homepage/53485/association-implementation-report-ukraine_en

- 2) reduction of publication deadlines, simplification of procedural requirements and procedure for appealing decisions of customers relating to procurement contracts the value of which is lower than the thresholds set for the application of procedures harmonized with the EU Directives in compliance with the principles of equal treatment, transparency, non-discrimination and competition;
- 3) alteration of the status of the committees on competitive tendering to the collective bodies responsible for the entire process of organizing procedures and making decisions on the procurement of goods, works and services, to the status of advisory bodies (committees) whose main function is to determine the criteria for evaluation of submitted bids in accordance with criteria approved by the customer and determination of the most economically advantageous tender for the conclusion of the procurement contract.⁹⁷

Currently, draft laws providing for amendments to the Law of Ukraine «On Public Procurement, aimed at implementing the measures of «the Roadmap» of public procurement reform» are under development. It should be noted that the establishment of an adequate legal and regulatory framework for legal regulation in the field of public procurement also requires unconditional compliance with existing rules and procedures to ensure the effectiveness of the reform.⁹⁸

Tax reform, including VAT refunds, provided for in the Agenda, envisages, first of all, «improvement of tax administration, timely VAT refund on a non-discriminatory basis that should include not only the introduction of certain legislative changes but also compliance with established rules and procedures».

Within the framework of the tax reform, the Law «On Amendments to the Tax Code of Ukraine and certain legislative acts of Ukraine on ensuring the balance of budget revenues in 2018» of 07 December, 2017, № 2245-VIII which provides for the following amendments to the legislation on 1 January 2018:

⁹⁷ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. - P. 12 - Access mode: <http://ucep.org.ua/doslidzhennya/ukrayina-ta-ugoda-pro-asotsiatsiyu-monitoring-vykonannya-2014-2018.html>.

⁹⁸ EEAS Press Team. Association Implementation Report on Ukraine [Електронний ресурс] / EEAS Press Team // the European External Action Service. – 2018. – Режим доступу до ресурсу: https://eeas.europa.eu/headquarters/headquarters-homepage/53485/association-implementation-report-ukraine_en.

- 1) development of new criteria of the VAT-invoices blocking mechanism;
- 2) the procedure for payment of dividends to non-residents by single tax payers is changed, as well as the advanced installment upon their payment is canceled;
- 3) the rates of excise tax on tobacco products and duties on excise tax payment on tobacco products are increased;
- 4) the permit for the import of electric cars without VAT and excise is granted;
- 5) the threshold for attributing to large taxpayers is increased;
- 6) The extension for 24 months in payment of "import" value added tax (VAT) for payers who will import industrial equipment for production needs by 1 January 2020;
- 7) by 1 January 2023, on certain specified by the Tax Code conditions, VAT exemptions were extended to software supply operations, as well as operations with software products for which royalties are not presupposed, the content of the term "software products» is expanded. Addressing the problem of VAT will improve the quality of the business environment and will demonstrate Ukraine's ability to make significant changes in the tax area.⁹⁹

The improvement of the external audit functions provided for by the Association Agenda means the widespread use of external audit as an instrument for strengthening the check and balance system. An external audit involves an audit performed by an auditor who is not associated with the entity (company) under audit. Primarily, this applies to the audit of financial activities of the authorities (the Cabinet of Ministers of Ukraine), including including the use of funds provided Ukraine by the EU.¹⁰⁰

The Agenda stipulates that Ukraine and the EU will build their relations on the basis of cooperation in order to ensure the development of public financial internal control and external audit by ensuring:

⁹⁹ On the amendments to the Tax Code of Ukraine and the acts of legislation of Ukraine on ensuring the balance of budget revenues at 2018: Law of Ukraine of 07.12.2017 No. 2245-VIII // Voice of Ukraine of 12/30/2017. - No. 248.

¹⁰⁰ The government approved plans for the implementation of EU legislation in the field of accounting and auditing [Electronic resource]. - Access mode: <http://www.eurointegration.com.ua/news/2015/04/8/7032740/>

- further improvement of the internal control system, including functionally independent internal audit in public authorities through harmonization with generally recognized international standards and methodologies, as well as best practices of the EU;
- the implementation of internationally recognized standards of external audit (International Organization of Supreme Audit Institutions) by a higher audit institution (Accounting Chamber);
- effective cooperation with relevant institutions and bodies of the EU in cases of immediate inspections and inspections related to the management and control of EU funds in order to implement them in accordance with the relevant rules and procedures.¹⁰¹

In order to determine the directions and mechanism of development of the system of state financial control, on 10 May 2018 the Cabinet of Ministers of Ukraine adopted the Concept of implementation of the state policy in the field of reforming the system of state financial control by 2020.¹⁰²

The reform of the energy sector is aimed (in general terms) at a fundamental restructuring of the energy market, which concerns not only the solution of purely «Ukrainian problems», but the creation of a modern system of state regulation of gas, electricity and utilities markets. This reform envisages, among other things, acceleration of the process of division and restructuring of the Public Joint Stock Company «National Joint-Stock Company Naftogaz of Ukraine» adoption of the law on a new regulatory body in the sphere of gas, electric energy and utilities, and drafting together with the EU draft legislative acts on regulating the gas and electricity market.¹⁰³

Significant steps in the field of energy reform have been made, among which there are following:

¹⁰¹ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

¹⁰² Concept of implementation of the state policy in the sphere of reforming the system of state financial control by 2020 [Electronic resource]: Order of the Cabinet of Ministers of Ukraine of May 10, 2018, No. 310-p. - Access mode: <https://zakon.rada.gov.ua/laws/show/310-2018-%D1%80>

¹⁰³ Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] //Eurointegration portal. - P. 51 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

- 1) amendments to the Customs Code of Ukraine on creating prerequisites for a new model of the natural gas market;
- 2) the Law on «On the National Energy and Utilities Regulatory Commission» was adopted;
- 3) the Action Plan on Corporate Governance of National Joint-Stock Company «Naftogaz of Ukraine» was developed;
- 4) the Plan for Restructuring of the Public Joint Stock Company «National Joint-Stock Company Naftogaz of Ukraine» was approved with the purpose of separating natural gas transportation and storage (loading, selection) activity.¹⁰⁴

In order to implement the measures stipulated by the Association Agreement between Ukraine and the EU and the Agenda of the Association within the reform of the energy sector of Ukraine, the Government approved the Energy Strategy of Ukraine «Security, Energy Efficiency, Competitiveness» for the period up to 2035 and approved the Action Plan on the implementation of the stage «The Energy Sector Reform (2020)» of the Energy Strategy of Ukraine until 2035.

The Action Plan for Energy Sector Reform by 2020 envisages:

- 1) diversification of sources and ways of supply of energy resources, reduction of energy intensity of the economy;
- 2) development of a conscious and energy-efficient society;
- 3) introduction of full-fledged market relations in the fuel and energy complex and the modern system of energy management;
- 4) improvement of investment attractiveness of the energy sector;
- 5) integration of gas and electricity networks into the EU energy space;
- 6) transformation of the fuel and energy complex into competitive and efficient branch of the economy within short timeframe.¹⁰⁵

¹⁰⁴ Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] //Eurointegration portal. - P. 50 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

¹⁰⁵ On Approval of the Action Plan for the Implementation of the Stage «Energy Sector Reform (2020)» Energy Strategy of Ukraine by 2035 «Safety, Energy Efficiency, Competitiveness» [Electronic resource]: Order of the Cabinet of Ministers of Ukraine of June 06, 2018, No. 497- p. - Access mode: <https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-planu-zahodiv-z-realizaciyi-etapu-reformuvannya-energetichnogo-sektoru-do-2020-roku-energetichnoyi-strategiyi-ukrayini-na-period-do-2035-roku-bezpeka-energoefektivnist-konkurentospromozhnist>

It is worthwhile noting that the implementation of the priorities indicated in the Association Agenda should be carried out with the active participation of civil society in the process of their planning and fulfillment, in order to establish trust of citizens to the authorities, to strengthen the active position of civil society in the implementation of the European standards and an opportunity to exercise public control on the process of implementation of the Association Agenda and the Association Agreement between Ukraine and the EU.¹⁰⁶

Thus, the Association Agenda also identifies, among priority measures, necessity of economic reforms, which include deregulation, public procurement reform, tax reform, external audit and energy reform.

¹⁰⁶ Petrov R. EU Common Values in the EU-Ukraine Association Agreement: Anchor to Democracy? / Roman Petrov. // *Baltic Journal of European Studies*. – 2018. – No. 8. – P. 49

Conclusions to chapter 2

1. The Agenda of the EU-Ukraine Association is a program document and a practical basis for achieving common goals in the field of political association and economic integration. The principles and instruments for implementation of its priority provisions stipulated by the Association Agenda are important fundamental principles that determine the bilateral cooperation between Ukraine and the EU in the context of the implementation of the Association Agreement. The Principles of the EU-Ukraine Association Agenda are common ideas and guiding principles on the basis of which the implementation of strategic tasks during the implementation of the Association Agreement is carried out.

2. The strategic objectives of integration are defined in the Association Agenda in the form of a list of priority reforms and specific measures, as well as the EU support on a wide range of important issues that constitute the subject of the Association Agreement. The Association Agenda identifies strategic tasks, among other priorities, that can be tentatively divided into political association activities and measures in the field of economic integration. The political association envisages relations between Ukraine and the EU in the form of political dialogue and implementation, on the part of Ukraine, of constitutional reform, electoral reform, anti-corruption reform, reform of the judicial system, and in the field of public administration.

3. An important role in the Association Agenda is given to the implementation of the priority tasks in the field of economic integration, which involves deregulation, reform of the public procurement system, tax reform, including VAT refunds, improvement of the external audit functions and reform of the energy sector. All priority measures, identified in the Association Agenda, include the active participation of civil society in their planning and implementation.

CHAPTER 3

VALUE OF THE ASSOCIATION AGENDA FOR EFFECTIVE IMPLEMENTATION OF THE UKRAINE-EU ASSOCIATION AGREEMENT

3.1. The value of the Association Agreement between Ukraine and the EU and the results of its implementation

First of all, analyzing the consequences of the ratification of the Association Agreement and the prospects for its future implementation, it should be noted that this international treaty is the most important for our country in its entire history, in particular, since it has become independent. Secondly, the Agreement is of a great a strategic value: for the first time in its history, despite the political crisis and hostilities in the Eastern part of the state, Ukraine has truly reaffirmed its European integration direction of development, the desire to be a European country and to adhere to the European values and standards in all spheres of social life.¹⁰⁷

Taking into account the «European direction of development of Ukraine», the Association Agreement between Ukraine and the EU, as well as the conclusion of similar agreements with the countries of Europe can be taken as a springboard for the EU membership. For example, after the signing ceremony on 27 June 2014, the heads of state and government of Ukraine, Moldova and Georgia associate the Association Agreement with their (long-term) aspirations towards EU membership.¹⁰⁸

However, according to P. van Elswede, there is no direct link between the perspective of full membership in the EU and the association with the EU. Therefore, the Association Agreement between Ukraine and the EU avoids direct references to the prospects of Ukraine's future membership in the EU, but contains a provision on the EU recognition of European aspirations of Ukraine and its European choice. Hence, the Association Agreement between Ukraine and the

¹⁰⁷ Sufiyanova O. What is the significance of the political and economic part of the Association Agreement between Ukraine and the EU [Electronic resource] / O. Sufiyanova // Spravzhnya Varta. - 30.06. 2016. - Mode of access: <http://varta.kharkov.ua/articles/1105757>

¹⁰⁸ Report on Implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic Resource] // Understanding the EU's Association Agreements and Deep and Comprehensive Free Trade Areas with Ukraine, Moldova and Georgia. - 2018. - Resource Access Mode: <http://www.3dcftas.eu/documents/other/report-implementation-association-agreement-between-ukraine-and-european-union-2017>.

EU can not be considered as one preceding Ukraine's membership in the EU, but it does not exclude the possibility of such membership.¹⁰⁹

However, the role of this document is very important for Ukraine. An important international significance of the Association Agreement between Ukraine and the EU is emphasized by the following facts. Firstly, Ukraine comes out from the Russian sphere of influence and constitutes a part of the European political area. This is the result of the great civilization victory of Ukraine, which has finally been confirmed in its choice between Europe and Russia in favor of the first one. Secondly, the ratification of the Association Agreement between Ukraine and the EU put an end to reintegration associations such as the Customs or Eurasian Union, by means of which Russia wanted to deprive Ukraine of its state sovereignty. Thirdly, the Association Agreement between Ukraine and the EU is an important step towards economic integration with the EU, entering by the domestic producer into the European market.¹¹⁰

It should be noted that the Association Agreement is the highest possible form of cooperation between the EU and a non-member state. It establishes highly-advanced cooperation at the political and economic level.¹¹¹ The Association Agreement with Ukraine envisages the launch of many alterations aimed at bringing Ukraine closer to the EU, namely:

- support for the EU reforms in many areas of life such as energy, transport, environmental protection, small and medium-sized enterprises, consumer protection and education;
- strengthened cooperation in foreign and security policy, as well as respect for basic democratic principles and the rule of law;
- visa-free regime.¹¹²

¹⁰⁹ Van Elswede P. Association Agreement between Ukraine and the European Union as an Innovative Legal Instrument / P. Van Elswede // The Law of Ukraine. - 2015. - No. 8. - P. 9

¹¹⁰ Guillaume Van der Loo. The EU-Ukraine Association Agreement and Deep and Comprehensive Free Trade Area: A New Legal Instrument for EU Integration Without Membership / Guillaume Van der Loo., 2016. – P. 41

¹¹¹ Gráinne de Búrca. EU Law: Text, Cases, and Materials / Gráinne de Búrca, Paul Craig. – OXFORD: Oxford University Press, 2015. – P. 563

¹¹² EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

The Association Agreement also relates to cooperation on migration, corruption, terrorism and money laundering issues, and also proposes enhanced cooperation in 28 industries, which will be based on the gradual adoption of the EU decisions, norms and standards by Ukraine. An important element of the Association Agreement is the establishment of the DCFTA (Deep and Comprehensive Free Trade Area) that goes much further than classical acts of this type. It stipulates not only the mutual opening of markets for majority of goods and services, but also includes provisions for the introduction of the EU trade norms and standards in Ukraine.¹¹³

Currently, when the process of ratification of the Association Agreement has finally come to an end, it has become fully operational and gives tangible results due to the fact, in particular, that all measures aimed at implementing the provisions of the Association Agreement are taken with the support of the EU.

In general, assessing the course and stage of the implementation of the Association Agreement, the experts of the Ukrainian Center for European Policy in their report «Ukraine and the Association Agreement: Monitoring the Implementation 2014-2018» divided the fulfillment of obligations into two groups:

- commitments to be fulfilled from 1 November 2014 to 1 November 2017;
- commitments to be fulfilled from 1 November 2017 to 1 November 2018.

This approach is stipulated by the fact that the provisions of the Association Agreement entered into force at the different times. In particular, the provisions of the Sectoral Part of the Agreement have been provisionally applied from 1 November 2014; provisions relating to the Free Trade Area - from 1 January 2016; part of the obligations, not covered by the temporary application, entered into force after full ratification of the Agreement on 1 September 2017.¹¹⁴

¹¹³ Karsky K. The Association Agreement between the European Union and Ukraine since 2014: Introductory remarks / K. Karsky // Bulletin of the Academy of Advocacy of Ukraine. - 2015. - Vol. 12, No. 3. - P. 18

¹¹⁴ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. - P. - 48 - Access mode: <http://ucep.org.ua/doslidzhennya/ukrayina-ta-ugoda-pro-asotsiatsiyu-monitoryng-vykonannya-2014-2018.html>.

While studying successes and achievements during the first period (2014-2017), it is necessary to pay attention to the results presented in the Report of the Vice Prime Minister for European and Euroatlantic integration of Ukraine for 2017:

- an increase in export volumes: the number of Ukrainian goods sold in the European market in 2017 grown up by \$ 4 billions (or almost 30%) in comparison with the previous one in 2016, the total exports of goods and services to the EU reached \$ 20 billions;
- an increase in the range of Ukrainian goods in the European market; in 2017, 362 new product positions appeared in exports from Ukraine to the EU;
- during the period of 2014-2017, Ukraine abolished 14475 restrictions and standards in communication, education and business; the process of harmonization of national standards and technical regulations in accordance with European and international requirements continues;
- the process of approximation to the European standards in the areas of consumer rights protection, environment, social policy, business operations, energy efficiency, etc. continues;
- the approximation to the digital standards of the EU and reform of the electronic digital signature in Ukraine has been launched;
- the process of harmonization of the domestic legislation with the EU law continues; in particular in 2017, 23 main European integration laws were adopted, however, there is still considerable backlog of the plan in some areas;
- strategic documents that implement European principles in various areas, such as National Strategy for Waste Management by 2030, National Plan for Reducing Emissions from Large Combustion Plants, Energy Strategy of Ukraine for the period up to 2035, were adopted.

Also, according to the Report, Ukraine fulfilled all commitments for 2017 in the financial sector and the sphere of entrepreneurship, education and science, and made significant progress in energy and humanitarian policy, and the field of technical barriers to trade.¹¹⁵

Describing the achievements of the implementation of the Association Agreement during 2017-2018, it is necessary to outline the following steps: during 2018, Ukrainian institutions actually doubled the implementation of the Association Agreement - from 11% to 21% (the

¹¹⁵ Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] //Eurointegration portal. - P. 50 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

criterion for assessing is the state of approximation of the national legislation to the EU *acquis*), with the overall progress made as of 1 November 2018 being 24%.¹¹⁶

The most tangible results of the implementation of the Association Agreement are demonstrated by national institutions in the field of public procurement, in particular in the approximation of national legislation to the EU legal framework in this sector has been fully performed. Ukraine has introduced a new model of cooperation between business, government agencies and the public, based on raising the level of trust in the system of public procurement, which includes transparency, competitiveness, professionalism, global leadership and reforming the civil service.¹¹⁷

A number of measures were taken to introduce ProZorro's new functions and ProZorro's integration with state registries (Single State Register, State Treasury, State Fiscal Service, Ministry of Internal Affairs, educational programs in the field of public procurement, training system and online training courses).¹¹⁸ The pilot project on centralized procurement has shown significant achievements: 24 central procurement organizations were involved, resulting in only 4 tenders, which, on the average, involved 4 participants, managed to achieve savings of 17%.¹¹⁹

Ukraine continues to progress significantly in implementing the Association Agreement in the field of technical barriers to trade, creating a legal basis for the introduction of the EU practices. Accordingly, in the sector of technical barriers to trade, almost the whole horizontal legislation and 80% of the vertical legislation were harmonized. Due to the removal of technical barriers to trade and the introduction of new standards, Ukrainian enterprises continue to enter the EU market and increase trade volumes between Ukraine and the EU, favorable for improving the

¹¹⁶ Inconceivable Association: How Ukraine Implements the Agreement with the EU [Electronic Resource] // Ukrainian Center for European Policy. - 17.12.2018. - Access mode: <https://www.eurointegration.com.ua/articles/report-2018/>

¹¹⁷ Shatkovsky O. Harmonization of the system of state purchases in Ukraine with EU standards. Report on the results of the Fourth International Conference «Public Procurement Reform in Ukraine - Continued Development» / O. Shatkovsky. - K., 2017. - P. 141

¹¹⁸ About the Strategy of Public Procurement Reform ("road map"): Order of the Cabinet of Ministers of Ukraine of February 24, 2016 No. 175-r [Electronic resource]. - Mode of access: <http://zakon4.rada.gov.ua/laws/show/175-2016-%D1%80>

¹¹⁹ Shatkovsky O. Harmonization of the system of state purchases in Ukraine with EU standards. Report on the results of the Fourth International Conference «Public Procurement Reform in Ukraine - Continued Development» / O. Shatkovsky. - K., 2017. - P. 141

business climate in Ukraine and increasing the number of jobs. Thanks to the successful implementation of the Association Agreement, Ukraine and the EU have significantly deepened their trade relations. As a result, the EU has become a major Ukrainian trading partner: the EU's share is 42.1% in Ukrainian exports and 41.5% in imports into Ukraine. Ukrainian agricultural products, electrical equipment, as well as precious metals and products of plant origin are the most demanded in the EU.¹²⁰

Significant progress has been made in implementing the Association Agreement for 2014-2018 in the area of taxation, company activities, energy efficiency, energy, consumer protection, social policy, in particular:

- 1) the national legislation was harmonized with the EU law as regards the general conditions of excise duty, the structure and rates of excise duty on tobacco products;
- 2) the national legislation was approximated to the provisions of the EU legal acts on annual financial statements, consolidated financial statements and related reports of certain types of companies, the application of international accounting standards and on sole proprietors with limited liability;
- 3) conditions for the protection of consumer rights in the indication of prices for goods offered to consumers, the approximation of legislation on products that are not in line with its appearance and which pose a threat to the health and safety of consumers are created;
- 4) reforming energy efficiency, gas and electricity, oil and petroleum products markets;
- 5) legislation on the carriage of dangerous goods by inland waterways is harmonized, as well as a roadmap of international maritime transport;
- 6) steps have been taken to gradually introduce the principle of equal treatment of men and women in the field of social security;
- 7) national legislation was approximated with the European regulations in the field of water policy, assessment of the impact of certain public and private projects on the environment and assessment and management of flood risks.¹²¹

¹²⁰ For the first half of 2018, Ukraine fulfilled 41% of the Association Agreement plan [Electronic resource] // Ukrayinska Pravda. - September 19, 2015 - Access mode: <https://www.pravda.com.ua/news/2018/09/19/7192587/>

¹²¹ Inconceivable Association: How Ukraine Implements the Agreement with the EU [Electronic Resource] // Ukrainian Center for European Policy. - 17.12.2018. - Access mode: <https://www.eurointegration.com.ua/articles/report-2018/>

In overall, the significance of the Association Agreement between Ukraine and the EU is emphasized by the fact that it is the largest international legal document in the history of Ukraine and the largest international treaty with a third country ever concluded by the EU. The important practical value of the Association Agreement is that it represents a strategic reference point for conducting political and economic reforms in Ukraine. Nowadays, when the ratification of the Association Agreement has been completed, it became fully operational, and the results of its implementation indicate that Ukraine has made significant progress towards the implementation of the European standards of life.

3.2. Problems of implementation of the Association Agreement between Ukraine and the EU and ways to overcome them

As specified above, the Ukrainian authorities demonstrate and underline the important achievements in the implementation of the Association Agreement between Ukraine and the EU. However, the reform process in many spheres of public life meets resistance from the old system as well as many other difficulties that impede the implementation of the provisions of this document. In particular, as noted by experts, the smallest progress in the implementation of the Association Agreement is observed in the area of business establishment, trade in services and e-commerce, public health and customs. However, the work on harmonizing legislation in these sectors continues, albeit slowly, being inhibited by the low institutional capacity.¹²²

Also, the existence of problems in the implementation of the Association Agreement is confirmed by civil society representatives who are actively involved in monitoring the implementation of the Association Agreement. According to the results of research on the implementation of the Association Agreement conducted by public experts (experts of the Ukrainian part of the Ukrainian-EU Civil Society Platform), the Association Agreement is carried out slowly, uneven, without proper involvement of the public and other interested parties and without sufficient funding. In result, Ukraine loses many of the opportunities provided by the Association Agreement.¹²³

A study conducted in 2017 by the International Foundation «Renaissance», entitled «From Goals to Results: Implementation of the Association Agreement in the eyes of stakeholders», was aimed at assessing the quality and completeness of the implementation of certain provisions of the Association Agreement in eight distinct areas. The involvement of 130 representatives of the various stakeholders (public representatives, experts, responsible officials, business

¹²² EEAS Press Team. Association Implementation Report on Ukraine [Електронний ресурс] / EEAS Press Team // the European External Action Service. – 2018. – Режим доступу до ресурсу: https://eeas.europa.eu/headquarters/headquarters-homepage/53485/association-implementation-report-ukraine_en.

¹²³ The Ukrainian side of the Platform of Civil Society Ukraine-EU Report "From Goals to Results: Implementing the Association Agreement by the Eyes of Stakeholders" [Electronic Resource]. - Access mode: <http://eu-ua-csp.org.ua/csp-activity/analytics/102-zvit-us-pgs-AA-2017/>

representatives) made it possible to identify the state of implementation of the Association Agreement and its problem aspects at the respective stage.¹²⁴

Thus, during the study, 47 decisions of the Verkhovna Rada of Ukraine and of the government bodies were analyzed, 68 reviews were formulated and 135 recommendations to 21 authorities were given. As a result, it was discovered that the implementation of the 6 anti-discrimination directives of the Council of the EU was at an early stage, and the government's implementation plan was hardly in line with the subjects and areas of these Directives. In accordance with the provisions of the Association Agreement on the Protection of Consumer Rights, the Law of Ukraine «On Consumer Protection» does not properly ensure rights of consumers, in particular the right to safety and quality of food products.

This study revealed three system-related problems that hamper the proper implementation of the Association Agreement: insufficient planning, lack of monitoring of the effectiveness of the implementation of the adopted legislation, lack of communication with stakeholders on the decision-making process, measures taken and their results.¹²⁵

Analyzing the results of the implementation of the provisions of the Association Agreement during 2014-2018, the experts of the Ukrainian Center for European Policy noted the sectoral differences in the implementation of the Association Agreement, namely the different speed, complexity and quality of the measures taken in each of the sectors defined by the Agreement. The experts also identified factors that hamper the progress of the Agreement implementation, in particular the following ones:

- 1) weak institutional capacity of state institutions responsible for the implementation of the Association Agreement and specifically for the harmonization of legislation;
- 2) the problem of «ukrainization» of the EU law, which in practice means the adoption of legislative acts that do not comply with European law and practice of its application;

¹²⁴ On the amendments to the Tax Code of Ukraine and the acts of legislation of Ukraine on ensuring the balance of budget revenues at 2018: Law of Ukraine of 07.12.2017 No. 2245-VIII // Voice of Ukraine of 12/30/2017. - No. 248.

¹²⁵ Bezzub I. Current state and prospects of Ukrainian eurointegration [Electronic resource] / I. Bezzub / Center for Social Studies of NBUV. - Access mode: http://nbuviap.gov.ua/index.php?option=com_content&view=article&id=1209:suchasnij-stan-i-perspektivi-ukrajinskoji-evrointegratsiji&catid=8&Itemid=350

3) blocking of acts by the interested parties and interest groups in the Verkhovna Rada.¹²⁶

Consequently, a typical obstacle of Ukraine, as noted by experts and representatives of government bodies, is inhibition of the process of harmonization of domestic legislation with the EU law. Rather frequently, the drafts of legislative acts in the field of European integration do not fully comply with the European legislation and practice of its application because the norms of the EU acts are interpreted by separate state bodies at their discretion. Moreover, these norms are applied selectively because of the above mentioned bodies' unwillingness to lose their authority, etc.. Such practices result in systemic mistakes and the incompatibility of the domestic legislation with the acts of the EU, for the implementation of which such legislation is developed or adopted.¹²⁷

Unfortunately, currently, there is no mechanism in the Verkhovna Rada of Ukraine that would make it impossible to vote on initiatives that contradict the European integration obligations of the state (in particular, concerning legislation in the environmental, customs and transport spheres). In addition, blocking of the legislative acts' adoption in the Verkhovna Rada by interested parties and interest groups hinders the implementation of the Association Agreement. Another common obstacle is delaying the adoption of draft bills, the non-involvement of stakeholders in the development and adoption of appropriate decisions at early stages, the controversial nature of the EU law implementation in cases, when laws complying and contradicting the Association Agreement are adopted simultaneously.¹²⁸

This leads to a situation where the harmonization of national legislation with the EU law is through the development of fragmented amendments to national legislation, without paying attention to goals, objectives and Standards of the EU legislation. The success of developing quality legislation depends on the proper professional qualification of the body responsible for the implementation of legislative functions, namely of the Verkhovna Rada of Ukraine. Thus, as noted by O. Sereda,

¹²⁶ Ukraine and the Association Agreement: Monitoring the implementation of 2014-2018 [Electronic resource] // The Ukrainian Center for European Policy. - Kyiv, 2018. - 248 p. - Access mode: <http://ucep.org.ua/doslidzhennya/ukrayinata-ugoda-pro-asotsiatsiyu-monitoryng-vykonannya-2014-2018.html>

¹²⁷ Inconceivable Association: How Ukraine Implements the Agreement with the EU [Electronic Resource] // Ukrainian Center for European Policy. - 17.12.2018. - Access mode: <https://www.eurointegration.com.ua/articles/report-2018/>

¹²⁸ The Ukrainian side of the Platform of Civil Society Ukraine-EU Report "From Goals to Results: Implementing the Association Agreement by the Eyes of Stakeholders" [Electronic Resource]. - Access mode: <http://eu-ua-csp.org.ua/csp-activity/analytics/102-zvit-us-pgs-AA-2017/>

lawyers should constitute half of the members of the Parliament, and only in this case it can be considered as a professional legislative body. In the the last convocation of the Verkhovna Rada, only 15% of the general membership are legal professionals, which is contrary to the principle of the development and adoption of laws by professional lawyers.¹²⁹

From the quantitative perspective, Ukrainian legislation as a whole is moving towards the reform, but quality indicators of the content of the updated legislation, which is of high importance in the EU, does not entirely meet European standards. According to the rules of legal acts drafting, European legal acts must meet the following requirements: to have clear content, not to be excessively long, to avoid ambiguous interpretations and excessive contractions, as well as not to contain slang expressions, too long phrases, unclear references to other texts, complications which make the act difficult for perception and understanding.¹³⁰

For example, the majority of the regulatory acts in the field of product safety are reformative by their content and are generally characterized by qualitative compliance with the EU legal system, but they have certain imperfections in terms of harmonization with the European norms. In the field of food safety, the principles of legal regulation contradict the approach, which is defined by acts of the EU secondary legislation. According to Art. 4 of the Law «On Basic Principles and Requirements for the Safety and Quality of Food Products» of 23 December 1997, state regulations applies not only to the field of food safety, but also to its qualitative indicators; instead, European legislation establishes only control over the safety of products, and the quality is regulated by market mechanisms under the voluntary standards.¹³¹

In addition, the progress in most sectors of the Association Agreement is hindered by the weak institutional capacity of the public institutions that have to adapt national legislation to the EU law and implement its provisions in practice. Although the relevant legislation has been adopted, the

¹²⁹ Sereda O. Adaptation of the European legislation to Ukrainian realities/ O. Sereda // Materials of the All-Ukrainian scientific and practical conference Formation and development of the rule of law state: problems of theory and practice". - Nikolaev, 2016.

¹³⁰ Tyushka A. Association-cum-Integration: The EU-Ukraine Association Agreement and «Association Law» as an Institution of Ukraine's European Integration / Andriy Tyushka. // Croatian Yearbook of European Law and Policy. – 2017. – №13. – P. 45

¹³¹ Zabarna Y. V. State regulation of quantitative and qualitative parameters of food products on the domestic food market / Y. V. Zabarna // Economics. Finances. Right. - 2014. - No. 11. - P. 7

principles and mechanisms laid down therein are slowly implemented and facing resistance from state authorities and in fact do not act.

Therefore, the process of adaptation of domestic legislation requires an increase in the analytical component. To this end, public authorities need to involve research institutes and non-governmental think tanks in resolving controversial issues and in developing practical recommendations, making decisions of a serious political nature, taking into account the interests and peculiarities of Ukraine, etc. Such cooperation is clearly illustrated by the effective functioning of European Union Affairs Committee of the Polish Sejm.¹³²

It should be noted that the establishment of communication between stakeholders and authorities in the process of implementing the Association Agreement is very important. So, key players in such cooperation should be representatives of civil society, independent experts, as well as domestic business representatives. For example, in Ukraine, standardization is mainly provided by budget funds, while the practice of developing orders from businesses is unpredictable. Thus, at the expense of business only 2% of standards are developed in Ukraine, while in the EU - 80%.

Such a situation leads to the need of more intensified actions of business representatives and their involvement in the process of drafting normative acts on standardization issues. If the European standards in the field of safety and quality of products are established, Ukrainian production will be able to introduce the latest advanced technologies. The latter will enhance the competitiveness of products with high-quality and safe European goods.¹³³

Another challenge of the Association Agreement implementation is the lack of full planning of measures and of monitoring of the adopted legislation implementation effectiveness, which requires an assessment of the state of implementation of the Association Agreement by the EU, in particular the provision of official findings (as opposed to expert opinions).

¹³² Tyushka A. Association-cum-Integration: The EU-Ukraine Association Agreement and «Association Law» as an Institution of Ukraine's European Integration / Andriy Tyushka. // Croatian Yearbook of European Law and Policy. – 2017. – №13. – P. 23

¹³³ The Ukrainian side of the Platform of Civil Society Ukraine-EU Report "From Goals to Results: Implementing the Association Agreement by the Eyes of Stakeholders" [Electronic Resource]. - Access mode: <http://eu-ua-csp.org.ua/csp-activity/analytics/102-zvit-us-pgs-AA-2017/>

The slowness of the harmonization process is also partly caused by the lack of proper financial support. In particular, it is necessary to reform the very scheme of state financing, that until recently envisaged providing state financing for adaptation on the residual principle.

In particular, programs of financial support should be considered as an important factor in ensuring the financial component of the European integration process. In particular, the EU assists Ukraine in the framework of the project on food safety within the Comprehensive institution building program that facilitates harmonization of legislation, standards and support of institutional partnership between Ukrainian state authorities and the EU institutions. For today, six agreements on financing of sectoral budget support programs have been concluded between the Government of Ukraine and the EU, with a total budget of 344 million euro, which include financing the elimination of technical barriers to trade between Ukraine and the EU, as well as ecology and environmental protection.¹³⁴

It is also worth noting that the process of effective implementation of the measures envisaged by the Association Agenda and the Association Agreement need an adequate personnel capability. As we have already noted, this problem also arises at the stage of adopting the European integration legislation, and at the stage of implementation and application of the adopted laws and by-laws.

In order to form the necessary corps of employees (including deputies), it is necessary to introduce a program of vocational training and advanced training of civil servants in the field of the European law and European integration, in-depth study of foreign professional (legal) language by both students of legal schools and practicing civil servants, the active involvement of foreign experts and the maximum use of technical assistance provided by the EU.¹³⁵

The delay in the implementation of the Association Agreement is also influenced by the difference in the historical, social and cultural development of the legal systems of the EU and Ukraine as a

¹³⁴ Sereda O. Adaptation of the European legislation to Ukrainian realities/ O. Sereda // Materials of the All-Ukrainian scientific and practical conference "Formation and development of the rule of law state: problems of theory and practice". - Nikolaev, 2016.

¹³⁵ Akulenko L. The results of the year: achievements and failures in the implementation of the Association Agreement [Electronic resource] / L. Akulenko, D. Naumenko, O. Stepanenko. - 2017 - Access mode: https://www.eurointegration.com.ua/articles/2017/12/15/7075035/view_print/.

whole, since approximation to the EU standards and principles is a complicated and lengthy process in Ukraine, which gradually extends away from the old Soviet legal regulation system, state governance and economic development. That is why, it is slowed down and hampered by the existence of many factors and drawbacks of the Soviet legacy.¹³⁶

It should be noted that the proper and successful implementation of the Association Agreement will be important in the relations between the EU and Ukraine, and will also have a positive impact on the daily life of Ukrainian citizens. Thus, by means of harmonization of Ukrainian legislation with the EU legislation, an in-depth and comprehensive agreement on free trade, as well as by strengthening the rule of law, Ukraine will improve its image on the international stage and, most importantly, it will cause qualitative changes in the lives of Ukrainian citizens.¹³⁷

Therefore, taking into account problems that impede the effective implementation of the provisions of the Association Agreement, the number of steps should be taken to optimize this process, including the following:

- planning a full and effective implementation of the provisions of the Association Agreement, including the so-called «soft» obligations;
- conducting an examination, with the support of representatives of interested parties and non-state experts, of the current domestic legislation in the context of compliance with the provisions of the international and EU law;
- establishing communication between stakeholders and authorities in the process of developing solutions and holding events;
- the introduction of systematic monitoring of the planned reforms progress, including monitoring the effectiveness of the introduction of new legislative provisions after their adoption;

¹³⁶ Midgall O. Ukraine-EU: the results of the association [Electronic resource] / O. Migdal // Yuridicheskaya Gazeta. - May 16, 2017 - Access mode: <http://jur-gazeta.com/publications/practice/mizhnarodne-pravo-investiciyi/ukrayina-es-pidsumki-asociaciyi.html>

¹³⁷ The main points of the speakers of the press conference «The results of the EU-Ukraine Association: Eurointegration agenda for 2019» [Electronic resource] // Hromadasnaya synergy. - 09/01/2019. - Access mode: <https://www.civic-synergy.org.ua/news/osnovni-tezy-spikeriv-z-pres-konferentsiyi-pidsumky-rady-asotsiatsiyi-ukrayina-yes-yevrointegratsijnij-poryadok-dennyj-na-2019-rik/>

- conducting analysis of domestic and foreign experience of practical implementation of state strategic documents (in the areas of water resources management, anti-discrimination, support of innovations and science, information society, consumer rights protection);
- the introduction of a training program for the necessary specialization, ensuring effective management, attracting highly qualified specialists of the proper level that have degree in the European law, knowledge of national law and fluent in a foreign language (especially in English). ¹³⁸

Consequently, the ratification of the Association Agreement between Ukraine and the EU and the implementation of its provisions is extremely important. It confirms the European direction of development of Ukraine and desire to implement European standards and values. However, the process of implementing the Association Agreement is characterized, along with significant successes, by a number of problems that impede implementation.

¹³⁸ Signing of the Association Agreement between Ukraine and the EU: implications, challenges and prospects: analytical note [Electronic resource]. - Access mode: <http://www.niss.gov.ua/content/articles/files/asocyacya-8775f.pdf>

3.3. The role of the EU-Ukraine Association Agenda in the implementation of the Association Agreement between Ukraine and the EU

An important role in the implementation of the Association Agreement between Ukraine and the EU belongs to the Association Agenda. When considering the issue of the place of the EU-Ukraine Association Agenda in the implementation mechanism of the Association Agreement, one should take into account its retrospective effect. In fact, during the whole period of preparation for the conclusion of the Association Agreement and its final ratification, the Association's agenda defined the priority measures in the field of European integration.¹³⁹

The EU-Ukraine Association Agenda, adopted in 2009, was a framework document for Ukraine-EU relations that was aimed at defining priorities for the establishment and implementation of legal mechanisms for the future association with the EU. It also virtually replaced the agreement on partnership and cooperation, since it regulates in detail all areas of cooperation between the parties (except the free trade area). The adoption of this document further the achievement of a practical objective of clearly identifying sectoral priorities that require immediate action even before the official signing of the Association Agreement.¹⁴⁰

Unlike the Action Plan, that was the interim program document in the field of European integration, the Association Agenda clearly reflects the aspiration to strengthen the bilateral nature of the commitments through the emphasis on joint ownership and responsibility for the final result of the implementation of its provisions. The wording and content of many provisions of the document make its to some extent less similar to the list of Ukraine's unilateral commitments to the EU, as it was in the case of the Action Plan.¹⁴¹

The Association Agenda is an effective instrument in the field of European integration and involves closer cooperation between the EU and Ukraine in the direction of reforms. In particular, such

¹³⁹ Signing of the Association Agreement between Ukraine and the EU: implications, challenges and prospects: analytical note [Electronic resource]. - Access mode: <http://www.niss.gov.ua/content/articles/files/asocyacya-8775f.pdf>

¹⁴⁰ Berezovska I. A. The Legal Basis of the Association of Ukraine with the European Union / I. A. Berezovska // Current Problems of International Relations. - 2011. - No 97 (2). - P. 95-97

¹⁴¹ Shramko Y. EU plans to review the Association Agenda with Ukraine for 2018 [Electronic resource] / Y. Shramko // Ukrainian national news. Information agency. - October 26, 2017 - Access mode: <http://www.unn.com.ua/en/news/1695180-yes-planuye-pereglyad-poryadku-dennogo-asotsiatsiyi-z-ukrayinoyu-na-2018-rik>

cooperation is reflected in the expansion of the sectoral dialogues between the profile ministries and departments of Ukraine and the departments of the European Commission and the EU agencies, as well as the practical assistance and facilitation of the European Commission and its member states to the process of the systemic approximation of Ukrainian legislative to the EU standards and the implementation of other priorities of the Association Agenda.¹⁴²

The Association Agenda was amended in 2012, 2013, and 2015. Also, after the final ratification of the Association Agreement in 2017, the renewal of the Association Agenda was envisaged in 2018. This means that this document is subject to revision and updating in correspondence to the implementation of the Association Agreement. Accordingly, when the Association Agreement between Ukraine and the EU partly came into force in 2014, on 10 March 2015 in order to update the Association Agenda on the instructions of Prime Minister of Ukraine A. Yatsenyuk, the government office on the European integration with the participation of interested central executive authorities of Ukraine in cooperation with the European External Action Service updated Association Agenda.

In 2015, the Association Agenda became a common practical tool for preparing and promoting the full implementation of the Association Agreement between Ukraine and the EU. Today, the Association Agenda as a program document fulfills two important practical tasks:

- firstly, it is the main mechanism for monitoring and evaluating Ukraine's progress in implementing the Association Agreement;
- and secondly, it serves as a mechanism for monitoring and evaluating the achievements of all goals of political association and economic integration.¹⁴³

The document states that the purpose of this Association Agenda is to prepare and facilitate the implementation of the Association Agreement through the creation of a practical environment in

¹⁴² Bezzub I. Current state and prospects of Ukrainian eurointegration [Electronic resource] / I. Bezzub / Center for Social Studies of NBUV. - Access mode: http://nbuviap.gov.ua/index.php?option=com_content&view=article&id=1209:suchasnij-stan-i-perspektivi-ukrajinskoji-evrointegratsiji&catid=8&Itemid=350

¹⁴³ Shramko Y. EU plans to review the Association Agenda with Ukraine for 2018 [Electronic resource] / Y. Shramko // Ukrainian national news. Information agency. - October 26, 2017 - Access mode: <http://www.unn.com.ua/en/news/1695180-yes-planuye-pereglyad-poryadku-dennogo-asotsiatsiyi-z-ukrayinoyu-na-2018-rik>

which the most important objectives of political association and economic integration can be realized and by defining a list of joint sectoral work priorities.¹⁴⁴

In particular, ten short-term priorities in the reform of Constitution, judicial system, election legislation, as well as of the anti-corruption activities, public administration, energy, deregulation, public procurement, taxation and external audit, which are of prime importance for Ukraine, are outlined.¹⁴⁵

It should be mentioned that Ukrainian and foreign officials note the important role of the Association Agenda in promoting the process of in-depth reform and modernization of the Ukrainian economy, strengthening maintenance of democratic principles and freedoms. Also, the importance of this document is emphasized by the fact that it defines the priorities of joint actions of the parties in the field of practical implementation of the Association Agreement. The implementation of the Association Agenda is the subject and part of the annual reporting, monitoring and evaluation process.¹⁴⁶

Taking into consideration the progress made in the implementation of the Association Agreement, the special importance of the measures envisaged in the Agenda is worth noting.

As specified above, the Association Agenda is subject to revision and may be amended or updated as required in agreement with the EU-Ukraine Association Council. During 2015-2018, the Association's agenda was not updated and, as the experts of the project «Public Synergy» note based on the analysis of indicators of the dynamics of implementation of priority measures, updated in 2015, the Association's agenda is morally obsolete. In order for this document to have a political weight, and not to be just a bureaucratic paper, it should be concise (the current version is more than

¹⁴⁴ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

¹⁴⁵ U-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/UA_15-1%20final.pdf

¹⁴⁶ Bezzub I. Current state and prospects of Ukrainian eurointegration [Electronic resource] / I. Bezzub / Center for Social Studies of NBUV. - Access mode: http://nbuviap.gov.ua/index.php?option=com_content&view=article&id=1209:suchasnij-stan-i-perspektivi-ukrajinskoji-evrointegratsiji&catid=8&Itemid=350

80 pages long) and define the key priorities for realizing the objectives of the Association Agreement.¹⁴⁷

According to the results of the fifth meeting of the Association Council on 17 December 2018 in Brussels, the Director General of the Directorate for Strategic Planning and European Integration of the Ministry of Justice of Ukraine Y. Zaichenko noted that the Ukrainian side has developed a new agenda in the field of justice, freedom, and security.

In particular, this document covers the following spheres:

- 1) protection of personal data;
- 2) cooperation in the field of migration, asylum and border management;
- 3) movement of persons and ensuring, within its framework, monitoring of the implementation of requirements on liberalization in the post-monitoring area;
- 4) combating the legalization of money laundering and terrorism financing;
- 5) the fight against crime and corruption;
- 6) cooperation in the field of cyber security.¹⁴⁸

This Agenda was discussed with the EU side during the session of the Subcommittee on Justice, Freedom and Security and was handed over to the EU side in October 2018 at the meeting of the Association Committee. The EU claimed that it was ready to deepen cooperation in this direction. Thanks to the new agenda in the field of justice, freedom and security, Ukraine will receive clear guidelines for the implementation of the measures envisaged by the Association Agreement in this sector, since this section of the Agreement does not provide for annexes, which complicates understanding of the work directions and priorities.¹⁴⁹

Thus, the Association Agenda is a document that defines the priority goals associated with the progress of the implementation of the Association Agreement between Ukraine and the EU. The

¹⁴⁷ D. Shulga, Integration within the Association: the dynamics of the implementation of the Agreement between Ukraine and the EU. Analytical Report / D. Shulga, O. Betliy, A. Butin et al. K., 2018. - P.12.

¹⁴⁸ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

¹⁴⁹ The main points of the speakers of the press conference «The results of the EU-Ukraine Association: Eurointegration agenda for 2019» [Electronic resource] // Hromadasnaya synergy. - 09/01/2019. - Access mode: <https://www.civic-synergy.org.ua/news/osnovni-tezy-spikeriv-z-pres-konferentsiyi-pidsumky-rady-asotsiatsiyi-ukrayina-yes-yevrointegratsijnij-poryadok-dennyj-na-2019-riga/>

importance of the Association Agenda is emphasized by the fact that it specifies the directions of reform in key areas envisaged in the Association Agreement.

Conclusions to Chapter 3

1. The Association Agreement is the most extensive international legal document in the history of Ukraine and the largest international treaty of the EU with a third country.¹⁵⁰ The Association Agreement is of a great international and practical value for Ukraine. Firstly, it testifies the European development of Ukraine and its desire to join the European community. Secondly, it represents a strategic reference point for conducting political and economic reforms in Ukraine. The results of the implementation of the Association Agreement show significant achievements towards the fulfillment of the European development standards.
2. Despite the significant progress shown in the reports of domestic institutions empowered to implement the Agreement,^{151 152} the very process is slow, incomplete and violates established deadlines and terms. In particular, problems that slow down the process of its proper implementation include lack of activities planning, poor monitoring of the effectiveness of the adopted legislation implementation, improper interaction with civil society, weak institutional capacity of the authorities responsible for implementing the Association Agreement.
3. In order to eliminate existing problems in the implementation of the Association Agreement, it is necessary to take measures aimed at improving skills of civil servants involved in the performance of activities envisaged, to simplify the legislative procedure and to harmonize domestic legislation with EU law.
4. The Association Agenda has an important role in the effective implementation of the Association Agreement, which determines the priority measures to be taken in the course of the

¹⁵⁰ Guillaume Van der Loo. The EU-Ukraine Association Agreement and Deep and Comprehensive Free Trade Area: A New Legal Instrument for EU Integration Without Membership / Guillaume Van der Loo., 2016. – P.13

¹⁵¹ Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic resource] //Eurointegration portal. - P. 50 - Access mode: https://eu-ua.org/sites/default/files/inline/files/report_on_implementation_of_the_association_agreement_between_ukraine_and_the_european_union_in_2017.pdf

¹⁵² Report on Implementation of the Association Agreement between Ukraine and the European Union in 2017 [Electronic Resource] // Understanding the EU's Association Agreements and Deep and Comprehensive Free Trade Areas with Ukraine, Moldova and Georgia. - 2018. - Access Mode: <http://www.3dcftas.eu/documents/other/report-implementation-association-agreement-between-ukraine-and-european-union-2017>

implementation of the latter and specifies the reforms stipulated by it.¹⁵³ In other words, the Association Agenda ensures the implementation of the provisions of the Association Agreement in practice.

¹⁵³ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

CONCLUSION

Thus, summing up the above, we can draw the following conclusions.

By legal nature, the Association Agreement between Ukraine and the EU is a bilateral international treaty, which defines the terms of international cooperation between Ukraine and the EU and its member states.

Implementation of the Association Agreement is ensured through the establishment of an implementation mechanism, which constitutes the legal means for ensuring the implementation of international obligations at the national level, institutional cooperation bodies and national law enforcement practice.

The legal framework for the implementation of the Association Agreement between Ukraine and the EU is contained in the following program documents:

- 1) The Association Agenda of 16 March 2015;
- 2) the Action Plan for the implementation of the Association Agreement of 25 October 2017;
- 3) plans for the implementation of EU law acts;
- 4) The Action Program of the Cabinet of Ministers of Ukraine.

The institutional mechanism for the implementation of the Association Agreement between Ukraine and the EU includes a system of bilateral cooperation bodies between Ukraine and the EU. This system is based on the principles of building the EU institutional system and includes such institutions as the Summit of Heads of States of Ukraine and the EU, the Association Council, the Association Committee, the Parliamentary Committee of the Association and the Civil Society Platform.¹⁵⁴

By its legal nature, the Association Agenda is referred to soft law acts that are typical for the EU in the settlement of political issues with third countries. In the field of the implementation of the

¹⁵⁴ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1.

Association Agreement, the Association Agenda is a practical basis for achieving common goals in the field of political association and economic integration.

Principles and instruments of the Association Agenda are the fundamentals on the basis of which the implementation of the priority objectives of this document, which determine the bilateral cooperation between Ukraine and the EU in the context of the implementation of the Association Agreement, is carried out.

The Principles of the EU-Ukraine Association Agenda are common ideas and guiding rules that provide the basis for the implementation of strategic objectives:

- 1) the principle of observance of the general goal of achieving a political association and greater economic integration of Ukraine with the EU;
- 2) the principle of observance of the special purpose of «promoting and preparing for» the implementation of the Association Agreement between Ukraine and the EU;
- 3) principles of transparency, responsibility and comprehensiveness;
- 4) the principle of joint ownership and joint responsibility;
- 5) the principle of the instruments stability and sufficiency;
- 6) principles of a phased implementation of the provisions of the document, joint work and the principle of negotiation.¹⁵⁵

The strategic tasks of integration, which are envisaged by the Association Agenda, are defined in the form of a list of priority reforms and specific measures in the field of political association and economic integration. Priority measures in the field of political integration are the political dialogue between the EU and Ukraine, as well as the implementation of constitutional reform, electoral reform, anti-corruption reform, reform of the judicial system, and reforms in the field of public administration. Priority tasks of economic integration are deregulation, reform of the public procurement system and of the energy sector, tax reform, including VAT reimbursement, and improvement of external audit functions.¹⁵⁶

¹⁵⁵ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

¹⁵⁶ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1.

All priority measures identified in the Association Agenda include the active participation of civil society in planning and implementation thereof.¹⁵⁷ Such an involvement of stakeholders in the performance of the European integration tasks is important *inter alia* for the following reasons:

- it is a condition for making public confident in the authorities;
- it is a positive factor in strengthening the active role of civil society in the implementation of the European standards, in particular the possibility of exercising public control over the process of implementation of the Association Agenda and the Association Agreement between Ukraine and the EU.

The value of the Association Agreement between Ukraine and the EU lies in the fact that this international treaty confirms the civilizational choice of Ukraine that emphasizes the aspirations of the Ukrainian people to follow European values and standards of society development.¹⁵⁸

Despite significant achievements reported by the domestic institutions empowered to take respective measures, the implementation of the Association Agreement is slow and contrary to the timeline established in the Agreement, in particular regarding the harmonization of legislation.

During the analysis of the implementation process of the Association Agreement between Ukraine and the EU, the following issues that hinder its proper performance have been identified:

- 1) slowing down the process of harmonizing legislation with EU law;
- 2) insufficiently comprehensive planning of measures and lack of monitoring of effectiveness of the adopted legislation implementation;
- 3) weak institutional capacity and incompetence of persons involved in the implementation of the Association Agreement;
- 4) the inadequate state of interaction with civil society, in particular the lack of involvement of its representatives in the development of solutions.

Therefore, in view of the problems that hinder the implementation of the Association Agreement, we put forward the following suggestions:

¹⁵⁷ EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf

¹⁵⁸ Association Agreement between Ukraine and the European Union: Law of Ukraine of 16.09.2014 No. 1678-VII // Official bulletin of Ukraine. - 2014 - № 75, T.1.

- 1) introduction of the system of vocational training and competence development in the fields of the European law and administration that will be provided for civil servants involved in the carrying out of the activities envisaged in the Agreement;
- 2) simplification of the bureaucratic mechanism of legislative acts the adoption (taking into consideration foreign experience);
- 3) revision of the domestic legislation pursuant to the provisions of the EU law;
- 4) establishment of effective interaction between the authorities and civil society institutions in the process of the Association Agreement implementation.

The Association Agenda is an important trigger in the effective implementation of the Association Agreement, which ensures the practical implementation of its provisions. Its significance is emphasized by the fact that it defines the priority measures to be taken in the course of implementation of the Association Agreement and specifies the reforms stipulated by the Association Agreement in the relevant spheres.

In addition, the Association Agenda is reviewed in accordance with the status of the implementation of the Association Agreement, therefore it identifies relevant issues in the field of European integration. Being updated in 2015 for the last time, the Association Agenda is already obsolete and loses its relevance. That is why a revision of its provisions is required. With a view to significant practical value of the Association Agenda, the joint institutions involved in the implementation of the Association Agreement should update it.

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9. EU-Ukraine Association Agenda to prepare and facilitate implementation of the Association Agreement [Electronic resource]. - Access mode: https://www.kmu.gov.ua/storage/app/imported_content/news/doc_248012532/en15.pdf
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List of abbreviations

The EU - the European Union

VAT - a value-added tax

ANNOTATION

Tereshchuk Olha. The Agenda of the EU-Ukraine Association Agreement: Master's Thesis, 2019 - 77 p.

The Association Agreement between Ukraine and the EU is an international treaty, within which the directions of European integration of Ukraine are determined. By its legal nature, the Association Agreement between Ukraine and the EU is characterized as a bilateral international public contract which defines the conditions for international cooperation between Ukraine and the EU and its 28 member states.

This thesis provides a comprehensive analysis of the EU-Ukraine Association Agreement and determine the role of the Association Agenda in its implementation mechanism. In particular, it investigates the measures defined by the Association Agenda and their performance by the national institutions.

The work provides a retrospective survey of the Association Agreement between Ukraine and the EU in order to highlight the key points in the process of its conclusion.

Special attention is paid to the institutional mechanism of implementation of the Association Agreement that includes such institutions as the Summit of Heads of State of Ukraine and the EU, the Association Council, the Association Committee, the Parliamentary Committee of the Association and the Civil Society Platform. In addition, the role of civil society in the given system is also assessed.

On the basis of the conducted study, the issues that hinder proper performance of the EU-Ukraine Association Agreement are identified and respective recommendations are developed.

ANNOTATION

Das Assoziierungsabkommen zwischen der Ukraine und der EU ist ein internationaler Vertrag, in dem die Richtungen der europäischen Integration der Ukraine festgelegt werden. Das Assoziierungsabkommen zwischen der Ukraine und der EU ist aufgrund seiner Rechtsnatur ein bilateraler internationaler öffentlicher Vertrag, in dem die Bedingungen für die internationale Zusammenarbeit zwischen der Ukraine und der EU und ihren 28 Mitgliedstaaten festgelegt sind.

Diese Dissertation liefert eine umfassende Analyse des Assoziierungsabkommens EU-Ukraine und legt die Rolle der Assoziierungsagenda in ihrem Umsetzungsmechanismus fest. Dabei werden insbesondere die in der Assoziierungsagenda festgelegten Maßnahmen und ihre Erfüllung durch die nationalen Institutionen untersucht.

Die Arbeit bietet einen retrospektiven Überblick über das Assoziierungsabkommen zwischen der Ukraine und der EU, mit dem Ziel die wichtigsten Punkte bei seinem Abschluss hervorzuheben.

Besondere Aufmerksamkeit wird dem institutionellen Umsatzmechanismus des Assoziierungsabkommens gewidmet, zu dem Institutionen wie der Gipfel der Staats- und Regierungschefs der Ukraine und der EU, der Assoziationsrat, der Assoziationsausschuss, der Parlamentarische Ausschuss der Assoziation und die Plattform der Zivilgesellschaft gehören. Darüber hinaus wird auch die Rolle der Zivilgesellschaft im gegebenen System bewertet.

Auf der Grundlage der durchgeführten Studie werden die Probleme identifiziert, die die ordnungsgemäße Durchführung des Assoziierungsabkommens EU-Ukraine behindern. Auf Basis der Analyseergebnisse werden die entsprechende Empfehlungen entwickelt.