

Література:

1. European Council of the European Union. URL: <https://www.consilium.europa.eu/en/press/press-releases/2020/05/05/declaration-by-the-high-representative-josep-borrell-on-behalf-of-eu-on-human-rights-in-the-times-of-the-coronavirus-pandemic/>
2. ВООЗ пояснила причини оголошення пандемії COVID-19. URL: <https://www.slovoidilo.ua/2020/03/12/novyna/svit/vooz-poyasnyla-prychyny-oholoshennya-pandemiyi-covid-19>
3. Загальна декларація прав людини від 10 грудня 1948 року. Офіційний вісник України. 2008. № 93. Ст. 3103.
4. The Council Of Europe, Protokol №4 to the Convention for the protection of human rights and fundamental freedoms. 02 May 1968. URL: https://zakon.rada.gov.ua/laws/show/994_059#Text.
5. European Council of the European Union. *Draft Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic* 2020/0256. 12 October 2020. URL: <https://data.consilium.europa.eu/doc/document/ST-11689-2020>
6. European Council of the European Union. *Council Recommendation amending Council Recommendation (EU) on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic* 2021/0021. 28 January 2021. URL: <https://www.consilium.europa.eu/media/48122/st05716-en21-public.pdf>.

DOI <https://doi.org/10.30525/978-9934-26-074-2-75>

TURKEY – EU: A LONG WAY TO NOWHERE?

Halan V. O.

Ph.D. in Law,

*Associate Professor at the International Law Department
Yaroslav Mudryi National Law University, Kharkiv*

Maryniv I. I.

Ph.D. in Law,

*Associate Professor at European Union Law Department
Yaroslav Mudryi National Law University, Kharkiv*

The history of European integration contains many examples of practical implementation with varying degrees of success. Over the centuries, various attempts have been made to unite such dissimilar but identical peoples of the

European continent. These include ambitious militant attempts, such as the Crusades, attempts to violent unite by Charlemagne, Emperor Napoleon, William II, and Hitler. To some extent, such forms of unification as unions (Polish-Lithuanian and Kalmar) have become successful, albeit short-lived. The Customs Union of the German states in 1833 and the creation of a personal customs regime between France and Great Britain in 1869 became an integration with an economic connotation.

Turkey has almost always played a special role in the integration process on the European continent, initially as a reason for uniting European states to resist the imperial encroachment of the Ottoman country. Later, as a partner in trade issues or even a member of integration associations (project of I. Podebrat) [1, p.30]. Geographical location in the postwar period also played a significant role in Turkey's place in European international politics: the Marshall Plan, which provided funding for Eastern Europe and Turkey to strengthen the right side of the confrontation in the bipolar world, NATO membership, OSCE, association with the Western European Union.

From the very beginning of the creation of the European Communities, the possibility of expanding the number of members of the community was envisaged, and almost immediately Turkey took steps towards joining the community. As early as 1959, it applied for association with the EU (it was concluded in 1963). This marked the beginning of the country's longest path to EU membership, which has not yet been completed. Thus, in 1987, Ankara applied for membership, but only in 1999 received candidate status and only in 2005 dates the start of formal negotiations on EU accession.

Turkey has always been considered by Brussels as an important economic and political partner. This is evidenced by the expanded interpretation of the articles of the EU's founding treaties on the geographical criterion (enshrining the right of every European country to apply for membership) and the acceptance of such an application by Turkey, only 4% of which is located in Europe.

An attempted military coup in the summer of 2016 changed the vectors of Erdogan's government's domestic and foreign policies. On July 15, 2016, a state of emergency was imposed, which actually lasted for two years and significantly restricted some of the fundamental rights and freedoms. Its abolition on July 18, 2018 was followed by the adoption by the Turkish Parliament of a law that retained many elements of the state of emergency for another three years. The large-scale and collective nature and disproportionate measures taken after the coup attempt in the state of emergency, such as mass dismissals, arrests and detentions, have raised serious concerns on the part of the EU. This could not but affect the course of negotiations on future EU membership. The commission's findings in recent years have contained

largely negative rhetoric in assessing Turkey's compliance with the criteria for democracy, freedom of speech, justice, human rights and fundamental freedoms, and non-discrimination, emphasizing the limited and fragmented pace [2, 3]. And the events surrounding the Oruç Reis exploration vessel in general have provoked sharp attacks by European politicians on both Ankara's foreign policy and Turkey's membership of the European Union as a whole. In particular, Austrian Chancellor S. Kurz accused Turkey of «unacceptable behavior» and stated the need to suspend accession talks with Turkey [4]. Subsequently, such statements were heard from other heads of state – member states (Greece, Germany). The next few years were marked by an unprecedented cooling of bilateral relations in the Ankara-Brussels format, the suspension of negotiations on the Comprehensive Air Transport Agreement, the abolition of the Association Council and subsequent high-level dialogues between the EU and Turkey, including the EU sanctions regime [5]. Only the easing of the development of gas fields off the coast of Greece led to some shifts in diplomatic confrontation in late 2020 – Turkish officials have expressed a desire to restore relations with the EU, negative rhetoric has been significantly softened, and activities in the Eastern Mediterranean, which contrary to the interests of EU Member States, terminated. The EU Commission's report on EU-Turkey relations identified four main issues of tension that will define bilateral relations: the maritime disputes in the Eastern Mediterranean; settlement of the Cyprus issue; Libya and Syria, including, inter alia, the goals and escalation of regional conflicts and, in particular, the issue of democratic standards in Turkey [6].

In early 2021, the European Council launched a process that could mark a new era in EU-Turkey relations. EU leaders prepared high-level dialogue meetings on the renewal of the Customs Union and other key areas, including the resumption of cooperation with Turkey, as well as strengthening cooperation in the field of migration management. However, official Ankara is taking another «two steps back» – closing the opposition People's Democratic Party, depriving its member O.M. Gergerlioglu his seat in parliament and parliamentary immunity. And on March 20, 2021, R.T. Erdogan signs a decree on Turkey's withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, signed in 2011 in Istanbul. Thus, Turkey, the first country to ratify this Convention, became the first country of the Council of Europe to declare its withdrawal. The European Union reiterated its concern about the recent actions against the People's Democratic Party (HDP) and the restrictions of fundamental rights in Turkey, noting that this undermines confidence in the Turkish authorities' commitment to reform. «As a candidate country for EU membership and a member of the Council of Europe, Turkey urgently needs to

respect its basic democratic commitments, including respect for democracy, human rights and the rule of law» [7]. EU leaders also call on Turkey to overturn its decision to withdraw from the 2011 Istanbul Convention. Following the results of the last EU-Turkey meeting, the main directions for strengthening cooperation in which the EU and Turkey will be mutually beneficial were re-outlined. These include strengthening economic ties [8]. The second one is for sure public health. We have been discussing the COVID-19 situation. The third topic we have been discussing is that the European Commission will explore ways to strengthen cooperation on people-to-people contacts and mobility. And the fourth area of cooperation is concerning refugees and migration [9]. There is no talk of resuming membership negotiations.

Turkey's inconsistent position on democratic society, protection of rights and fundamental freedoms and non-discrimination calls into question the possibility of a progress in its EU membership negotiations. Significant gains in meeting the political criteria for membership, which were gained in the reform process in the early 2000s, were almost offset by Ankara's government decisions in response to the coup attempt. And subsequent events in the Mediterranean, the arrest and imprisonment of political opposition leaders, the severe restriction of political parties and the media, and Turkey's withdrawal from the 2011 Istanbul Convention, once again demonstrate Ankara's inconsistency in its intentions and in constructive approach to building a democratic society in general, and in relation to their own European integration aspirations in particular.

References:

1. Yakovyuk I. V. Legal basis of integration in the EU: general-theoretical analysis: monograph. Kharkiv: Pravo, 2013. – 760 p.
2. Report Commission staff working document Turkey 2018. URL: <https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/20180417-turkey-report.pdf>(дата звернення: 29.03.2021).
3. Turkey 2019 Report European Commission staff working document, Brussels, 29.5.2019, SWD(2019) 220 final {COM(2019) 260 final}. URL: https://www.europa-nu.nl/id/vkz1yldo4czm/commission_staff_working_document_turkey.
4. Austria's Kurz urges EU sanctions against Turkey, October 1, 2020. URL: <https://www.reuters.com/article/eu-summit-kurz-int-idUSKBN26M6CR> (дата звернення: 08.04.2021).
5. Council Decision (CFSP) 2019 of concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean,

Brussels, 8 November 2019. URL: <https://www.consilium.europa.eu/media/41313/st13262-en19.pdf>. (дата звернення: 08.04.2021).

6. Key findings of the 2020 Report on Turkey. URL: https://ec.europa.eu/commission/presscorner/detail/en/country_20_1791 (дата звернення: 08.04.2021).

7. Turkey: Joint Statement by High Representative/Vice-President Josep Borrell and Neighbourhood and Enlargement Commissioner Olivér Várhelyi on latest actions regarding the Peoples' Democratic Party (HDP). STATEMENT 18 March 2021. URL: https://ec.europa.eu/commission/commissioners/2019-2024/varhelyi/announcements/turkey-joint-statement-high-representativevice-president-josep-borrell-and-neighbourhood-and_en (дата звернення: 08.04.2021).

8. Turkey: Statement by High Representative / Vice-President Josep Borrell on Turkey's withdrawal of the Istanbul Convention / Brussels, 20/03/2021. URL: https://eeas.europa.eu/headquarters/headquarters-homepage/95380/turkey-statement-high-representativevice-president-josep-borrell-turkey%E2%80%99s-withdrawal-istanbul_en (дата звернення: 08.04.2021).

9. Statement by President von der Leyen following the meeting with Turkish President Erdoğan, 6 April 2021, Ankara. URL: https://ec.europa.eu/commission/presscorner/detail/en/statement_21_16_03 (дата звернення: 08.04.2021).

DOI <https://doi.org/10.30525/978-9934-26-074-2-76>

ВПЛИВ МІГРАЦІЙНОЇ КРИЗИ НА ВНУТРІШНЄ ФУНКЦІОНУВАННЯ ЄС

Гуменюк Т. І.

*доктор історичних наук, доцент,
професор кафедри права
Університету Короля Данила
м. Івано-Франківськ, Україна*

У контексті взаємодії національних правових систем здійснюються пошуки вдалих правових рішень, рецептуються ефективні правові механізми та конструкції, котрі продемонстрували власну ефективність упродовж тривалого часу при розв'язанні споріднених проблемних питань, спостерігається поступова відмова від неоптимальних юридичних архаїзмів, навіть якщо вони відомим чином визначають