

SECTION IV

EUROPEAN AND INTERNATIONAL LEGAL FACTORS OF THE SYSTEMATIZATION OF UKRAINIAN LEGISLATION

CHAPTER 10

DOI <https://doi.org/10.30525/978-9934-26-694-2-10>

THE INFLUENCE OF EUROPEAN LEGAL STANDARDS ON THE SYSTEMATIZATION AND DEVELOPMENT OF UKRAINIAN LEGISLATION

Melnyk Ya. Ya.

INTRODUCTION

European integration is conditioned by the process of adaptation of legal standards. The European Union, being a legal system in its historical formation, has developed effective mechanisms and rules to ensure the development of other legal systems, implementing best practices in observing and implementing human rights, individual social groups on an economic basis, has developed clear and consistent rules for doing business, supporting vulnerable groups, migration policy, creating a security zone, the rule of law and fairness in justice.

The lack of standards in law-making creates, first of all, ineffective conditions for legislative activity, with numerous gaps and non-compliance with the European integration course on the way to Ukraine's accession to the European Union. After all, any legal uncertainty in the rule-making sphere leads to an imbalance in the legal system, improper legal regulation, which, ultimately, condemns human rights to fiction, and human life and its meaning to depreciation.

European legal standards, by their legal nature, have the potential to create an impact, to provide an "implementation model" for the formation and development of legislation for Ukraine, which has begun the procedure for joining the European Union.

Under such circumstances, the study of the problems of the influence of European legal standards on the development and regulation of Ukrainian legislation poses a number of unique tasks that would provide an answer to what effective and basic principles of legislation in European countries were involved in the creation of the European Union, when other members joined the European Union, as well as the question of the tools by which effective adaptation and harmonization of Ukrainian legislation with EU law is possible.

Therefore, it becomes necessary to directly investigate the problems of the prospects for the development of Ukrainian legislation, taking into account European experience; the problems of international legal factors in the transformation of national legislation of Ukraine; the problems of determining the place of international treaties in the legal system of Ukraine; as well as the problems of implementing international legal norms into national legislation.

It is precisely raising issues in this way, in our belief, that will create an effective basis for the development and systematization of Ukrainian legislation on the path to European integration.

1. Basic principles of legislative development in European countries

Any principles of law, being the fundamental principles of legal regulation, in one way or another affect the architecture of the structure and operation of the system of norms and rules, in certain transformational circumstances, in particular, they pave the way for legal regulation from general to specific.

The influence of European legal standards on the development and regulation of Ukrainian legislation, first of all, requires clarification (actually, understanding) of the principles of legislation construction in European countries. After all, clarifying the models of construction of the European system of legislation in European countries will provide an opportunity to recreate the foundations of the law-making process, contribute to understanding the processes and stages of construction of European legislation, determine the reasons and needs for construction, and predict the development and regulation of Ukrainian legislation in the European integration process in particular.

It seems that to get answers to these questions, it is necessary to gradually reveal the key aspects that form the institutions of “legislation”, “legal influence”, “legal technique”, “norm-making”, “European integration processes”, etc.

In legal theory, issues of legal influence are quite rightly singled out, which, if not primary, is at least functionally required for the legal regulation of certain relations, in particular, those related to integration, regulation of legislation, etc.

Thus, V. S. Kovalsky notes that legal influence on social relations, legal events, state bodies and public associations, to which the

fulfillment of legal requirements is addressed, includes forms, methods and paths of influence. Doctrinally, the forms of influence include the informational and value-orientation influence of law; the cultural influence of law on the legal mentality of citizens, which is a mixed form of influence (this is a simultaneous influence on mass consciousness) of legal information, the orientational influence of information about law, the value influence on the legal mentality which is always stronger in the presence of relevant legal stereotypes) [13, p. 8]. And the ways of influencing law occur through such formats of ensuring influence as compliance with the law, fulfillment of the requirements of the law, the use of requirements, which occurs through the legal roles of citizens in relations between the state and state institutions [13, p. 8]. At the same time, the ways of influencing the law are regarded in legal doctrine as the development of permanent multi-vector channels of communication and behavior of citizens and public institutions regarding the implementation of legal requirements, instructions, guidelines, etc. [13, p. 8].

Considering the doctrinal developments on the issue of “legal influence”, it becomes necessary to pay attention to a narrower aspect of its functional capacity, namely in the institutional context of the European Union and its rule-making activities.

Thus, the educational literature notes that the creation of the European Union with its special system of legal norms was due to the development of economic, political and legal integration on the European continent [12, p. 19]. It is obvious that these conditions became the basis and were the foundations for the formation of certain principles of the European Union as an institution.

In particular, it is believed that the principles of the functioning of the EU are based on the principles of European governance and the principles of administrative law of European

states [14, p. 58]. In educational literature, the basic principles of the functioning of the EU include: (a) the principle of respect for fundamental human rights; (b) the principle of single legal personality; (c) the principle of subsidiarity; (d) the principle of proportionality; (e) the principle of sincere cooperation; (f) the principle of institutional balance [14, p. 59].

Therefore, even under such circumstances, in our opinion, the significant role of the influence of principles on the further formation of the regulatory framework and institutional capacity of the European Union as an institution becomes clear.

Despite this, it should be borne in mind that each EU country, during its creation, went through the process of building legislation and adapting it to the principles of the EU's functioning in special, unique conditions.

Therefore, research into the principles of legislation in European countries requires, first of all, a broader analysis of the theoretical developments of the normative technique and norm-making. In our opinion, this is due to the fact that any construction of legislation, despite economic and social prerequisites, is outlined by a legal form that focuses on the legal and methodological construction of the theory of norm-making, normative technique. These theoretical and legal institutions in legal doctrine are quite developed, they are constantly used in practice both in Ukraine and abroad. In particular, it is obvious that they were also used in the construction of EU legislation. It is in this aspect that the primary foundations of legislation in European countries at the stage of the creation of the EU should be sought. It is this normative segment of the study that creates an opportunity to approach the problems of the influence of European legal standards on the development and regulation of Ukrainian legislation more closely.

Here, it should be borne in mind that legal constructions as means of law-making technique today perform two main functions: constructive-pragmatic (structuring existing and future legal phenomena); norm-forming (formation of normative-legal provisions). Legal constructions are means of forming precisely norm-forming provisions (regulatory, protective, protective), which express the content of legal norms and act as forms of their reflection in the text of laws [8, p. 135]. Therefore, the issue of legal constructions is not only relevant as tools to the norm-making technique, but also directly to the formation of legislation of a particular legal space in the state, interstate formations.

In the course of studying the principles of forming EU legislation as an interstate entity, and, in fact, public law, attention should also be paid to the peculiarities of legal structures in this area.

Thus, in public law they are determined by its subject, which is power (vertical) relations and the imperative method of legal regulation. The main legal constructs of public law are the construct of power relations, the construct of law enforcement acts, the construct of procedural forms, the construct of the components of the relevant offenses, the construct of protective relations, using which the legislator in the relevant regulatory legal provisions fully and in detail determines the content of each of the elements of these constructs [8, p. 136]. In view of this, such a legal construct and fundamental basis is the Treaty establishing the European Community (Treaty establishing the European Economic Community) of 17.02.86 (hereinafter referred to as the EU Treaty) [7]. The EU Treaty focused on the need for legislative development of such key areas as: citizenship of the Union; community policy; customs union; agriculture; free movement of people, services and capital; freedom of entrepreneurial

activity, etc. [7]. The tasks defined by the EU Treaty became the basis for rule-making activity, in which the “rule-making technology” became a doctrinal tool.

Subjectively, the legal encyclopedia notes that “normative technology” is primarily a system of rules for applying methods and means of creating, constructing and adjusting regulatory legal provisions at the relevant stages of the norm-setting process [3, p. 352]. Here, it is worth bearing in mind that the international legal literature notes that the functioning of the norm-setting process begins with the study of the need for legal regulation; knowledge of international relations that must be regulated by the rules of law. The second stage is the creation of a legal norm. It is this activity that is regulated by international law through the establishment of relevant law-making procedures that regulate the procedure for adopting a legal act containing the rules of law [3, p. 354].

It would not be superfluous to add from a theoretical and legal point of view that the process of normative drafting cannot be arbitrary and subjective, since it is based on the rules established by law and the tradition of normative drafting. However, if the state deviates from the principle of legitimacy, or develops such a draft law, it cannot effectively regulate social relations, the consequence of which is that the state power weakens its own powers and reduces public trust [20, p. 13].

Moreover, in the legal literature, both the tools that make up the technique and technological rules are characterized differently, and their specific weight is different. After all, here, rules that concern the external design of documents, rules that concern the content and structure of acts, rules and techniques for presenting legal documents; requisite requirements (external design rules),

substantive and structural rules, language and logical requirements; cognitive-legal, normative-structural, logical, documentary-technical, procedural rules; rules for achieving social adequacy (substantive), rules for ensuring the logic of law, structural, etc. [3, p. 357]. For example, at the stage of project preparation, substantive rules are more in demand, and at the second stage, both substantive and formal rules [3, p. 358].

In view of this, it should be noted that the legal technique of amending EU law acts is very similar to the legal technique of the EU Member States and most European countries [25, p. 45]. Basically, the legal doctrine proposes to distinguish such options as: (a) repeal, (b) amendments, (c) codification, (d) adoption in a new version, (e) consolidation. The method of amending the act is further specified in the title of the act or in its text (for example, a consolidated version of the regulation, a new version of the directive, etc.). The rules for applying recasting or the procedure for revising the act are set out in the 2001 interdepartmental agreement [25, p. 45]. Legislative acts may be repealed by adopting new regulatory legal acts, in particular if it is necessary to establish higher standards or regulate so many new aspects that a simple amendment to the relevant regulatory legal act will not be enough [25, p. 46]. Amending an EU legislative act is one of the most common legal techniques in the legal system of the Union, as well as in any national legal system. Amending an act (regulation/directive) is carried out by changing certain provisions of the original act and/or by adding new ones [25, p. 46]. And codification, as the process of combining a legal act (or several related acts) and all amendments to it (them) into a single new act. According to researchers, it combines the original act and all subsequent amendments without any further

substantial changes to the text. Therefore, it is believed that codification should contribute to further legal clarity by reducing the number of acts. Ultimately, consolidation of an act means combining the provisions of the original act and all subsequent amendments into a single text to make it more readable, but consolidation does not make any changes to the original act. Consolidation creates a purely declarative version of the existing legislation, but not a new regulatory act. It is an unofficial document that has no legal force. The consolidated version does not receive a new CELEX number (numbers in the official database of EU acts EUR Lex) [33; 25, p. 46].

Thus, it is important to keep in mind that the legal doctrine of the legal technique of law-making, although methodologically identical in its goals and means, has its own characteristics and differences from the formation of domestic legislation with legislation, for example, at the EU level.

It would not be superfluous in this context to refer to the regulatory and legal tools developed and operating within the framework of the Ukrainian national legal order for the implementation of rule-making activities. This is the Law of Ukraine “On Law-Making Activities” dated August 24, 2023 № 3354-IX (hereinafter referred to as Law № 3354-IX dated August 24, 2023) [30].

Thus, Article 9 of Law № 3354-IX of August 24, 2023 stipulates that “... the legislation of Ukraine is an interconnected and orderly system of regulatory legal acts of Ukraine and current international treaties ...” [30]. Also, this article of Law № 3354-IX of August 24, 2023 regulates that the Legislation of Ukraine is structured from acts of higher legal force to acts of lower legal force (Article 19 of Law № 3354-IX of August 24, 2023) taking into account:

(1) the principles of the constitutional system in Ukraine; (2) the competence and territorial jurisdiction of the subject of law-making activity, determined by the Constitution of Ukraine and (or) by law; (3) other features determined by the Constitution of Ukraine and (or) by law [30].

At the same time, it is noted that the legislation of Ukraine includes: (1) the Constitution of Ukraine – the Fundamental Law of Ukraine; (2) laws; (3) subordinate regulatory legal acts: (a) resolutions of the Verkhovna Rada of Ukraine containing legal norms; (b) decrees of the President of Ukraine containing legal norms; (c) resolutions of the Cabinet of Ministers of Ukraine containing legal norms; (d) orders of ministries containing legal norms; (e) acts of other state bodies containing legal norms; (f) resolutions of the Verkhovna Rada of the Autonomous Republic of Crimea, resolutions of the Council of Ministers of the Autonomous Republic of Crimea, orders of ministries of the Autonomous Republic of Crimea containing legal norms; (g) orders of heads of local state administrations (taking into account the features specified in Article 7 of this Law), orders of heads of structural units of local state administrations containing legal norms; (h) acts of local self-government bodies containing legal norms, taking into account the features defined in Article 7 of Law № 3354-IX of August 24, 2023 [30]. In view of this, it is not difficult to find in this norm the basis for the structure of the national legal order system according to the hierarchical level of the normative-source base of the functioning of the legislative system.

Law № 3354-IX of August 24, 2023, in Article 9, also stipulates that current international treaties, the consent to which has been granted by the Verkhovna Rada of Ukraine, are part of the legislation of Ukraine. And other current international

treaties of Ukraine are also part of the national legislation of Ukraine [30]. And such a normative aspect fully corresponds not only to the constitutional norm, but also has the property of stating the result of the law-making process between the legal orders of Ukraine and the EU.

According to Article 10 of the Treaty on European Union and the Treaty on the Functioning of the European Union with the Protocols and Declarations (hereinafter referred to as the EU Treaty), it is determined that "... the functioning of the Union is based on the principle of representative democracy..." [15]. It seems that it is this principle that provides the opportunity to carry out law-making activities, and therefore, to join the system of forming EU legislation.

At the same time, Article 11 of the Treaty on European Union states that "... the institutions shall, by appropriate means, enable citizens and representative associations to make their views known in all areas of Union activity and to exchange views publicly. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. The European Commission shall consult widely with interested parties in order to ensure the consistency and transparency of the Union's activities. At least one million citizens, nationals of a significant number of Member States, may propose to the European Commission, within the framework of its powers, any appropriate proposal on matters on which, in their opinion, a legal act of the Union should be adopted in order to implement the Treaties. ..." [15]. Thus, it is obvious that such a "proposal" reflects the initiation of changes to EU legislation, the procedure of the regulatory and technical approach to law-making, its procedures at EU level. In addition, part 2 of Article 15 of the Treaty on

European Union (Chapter II) is also considered important, which stipulates that when considering and voting on draft legislative acts, the European Parliament, as well as the Council, shall hold their meetings in public [15], thereby consolidating the perfection of the procedure for creating EU legislation.

Thus, it is worth noting that indeed, as noted in the scientific literature, an autonomous system of regulation of social relations was created within the European Union, which differs from the classical systems of national and international law. The multi-level structure of this integration association has determined the flexibility and diversity of ways of forming legal norms, as well as the means of their expression and fixation, that is, the sources of law [14, p. 44].

Despite this, according to L.A. Luts, the principles of law are formed by law-making subjects (or other subjects authorized to do so), have a highly abstract and general nature and are fixed in the sources of law or other legal acts due to declarative legal prescriptions. Therefore, the scientist writes, an element of the principles of law cannot be neither requirements, nor criteria, nor other principles, but only a declarative legal prescription, which must be filled with content. And therefore the principle of legal certainty, although initially formed by the ECHR, is becoming increasingly in demand both in the context of the functioning of interstate legal systems and national ones. And therefore it requires a more generalized understanding, as well as clarification of its possibilities in national legal systems and correlation with the principle of legality [16, p. 26]. And such an approach is justified in view of the following.

Thus, today, the sources of EU law can be classified according to many criteria: (1) by the method of formation: (a) primary (main); (b) secondary (derivative) [14, p. 46]. Primary

sources include acts concluded directly by the Member States and the European Union as the constituent authority of the specified integration entity. They have higher legal force and their legal validity cannot be challenged in the Court of Justice of the EU [14, p. 46]. Secondary sources are adopted by the EU institutions on the basis of primary ones and, accordingly, must comply with them [14, p. 46]. In turn, secondary sources are divided into: (a) legislative; (b) non-legislative [14, pp. 46–48].

Therefore, this construction of the system of legislation (sources of law) indicates that it is worth paying more attention to the issue of legal influence.

In particular, according to V.S. Shilingov, “legal influence” is essentially the action of law aimed at a wide range of social relations, consciousness and behavior of people. It consists in: (a) awareness and further reflection in ideas, views and ideas of the need to regulate these relations and further modeling on their basis of samples of proper (desirable or permissible) behavior of participants in these relations; (b) specific actions of subjects aimed at realizing their interests and satisfying their needs. It follows that law has not only a legal impact on social relations, but also simultaneously acts on them as psychological, ideological, informational, value-orienting and motivational factors [31, p. 61]. Analyzing the concept of “legal influence” proposed by this researcher, at first glance, such an element as “action of law” attracts attention. We believe that the inclusion of this element is completely justified, because if we are talking about the fact that “influence” is exerted on something, that is, on a certain object, and in our case, such an object is the current legislation of Ukraine (broad approach), then it is obvious to indicate this as well.

In the dictionary of the Ukrainian language, the word “action” is defined as “... work, activity, the implementation of something...”, or as “... a set of factors of what not to be...”; or as “... influence on someone, what not to be...”, “... a set and development of events... (defined as literary – Ya.M.)”, or as “... performance of some rite...” [28, p. 263]. Thus, the word “action” is understood as “influence”.

Instead, the word “influence” in the Ukrainian dictionary is defined as “an action that a certain person or object or phenomenon exhibits in relation to another person or object”. Also, this word is used to denote “the power of power or authority” [27, p. 313, 312]. So, as it becomes obvious, the words “action” and “influence” can be related as synonyms and, in essence, characterize their activity as authoritative, as having the power of power, and what is especially objective is that these processes are aimed at a specific object (you). In the problem we are considering, the influence on the object is the influence of one source of law (international treaty) on another object (or rather the object – Y.M.) – law, legislation, regulatory legal acts and everything that encompasses its activity as a certain consequence. That is, the rule of law, legal regime, etc.

According to the encyclopedic reference, a “legal instrument” is a tool used for effective legal regulation and with the help of which the interests of legal subjects are satisfied and the achievement of socially significant results and useful goals is ensured [3, p. 906].

In essence, if “legal influence” is a certain process, then legal means are those instruments in the legal constructions of international treaties that are capable of ensuring the achievement of “socially significant results, useful goals”. This is, in our opinion, the yardstick for assessing the impact of international

treaties on the national legislation of Ukraine. Moreover, one should be aware that both in such instruments and in the occurrence of the result – “socially significant consequences”, the axiology of establishing contractual relations between the states-parties to the treaty is reflected.

Legal influence as an active activity on a certain object and process may contain such or be deprived of such an opportunity under objective circumstances.

In particular, the signs of direct legal influence are based on the following fundamental correlates, which are:

(a) establishment/presence/ of rights and obligations as a result of the conclusion of an international treaty. After all, it is precisely by virtue of the obligations assumed that the parties to the treaty are legally able to act in a certain legal manner, to refrain from certain activities/behavior; have the opportunity to act, to bear certain inconveniences (forbearance as a component of a legal obligation); have the opportunity to carry out active or passive behavior; have the opportunity to raise the issue of restoring the violation of the law, which is determined by the international treaty, have the opportunity to request the application of sanctions against the party that has not fulfilled the obligation, etc.;

(b) formation of lawful and obedient behavior in a certain aspect of the substantive characteristics of the international treaty;

(c) formation of legal order and the corresponding legal regime for the implementation/compliance with the terms of the treaty;

(d) presence of specific legal mechanisms for ensuring and regulatory regulation of national legal order;

(e) the occurrence of legal consequences – the transformation of the legal order and legal relations, legal awareness and legal culture in external relations between the subjects of the states-parties to the treaty;

(f) the occurrence of influence which is expressed in the way of transformation of internal relations between such subjects: “state – citizen”, “state – society/civil society”;

(g) legal influence is possible due to certain legal instruments, which are means and methods of influencing relations between states-parties to the treaty;

(h) legal influence is always endowed with the power and hierarchy of one legal act over another;

(i) legal influence is always aimed at a certain object, which in the case of international treaties is the current national legislation;

(j) legal influence, having the ability to act on national legislation, has a security level, because it makes its adjustments to the legal, social and national security of the state.

The sign of the absence of legal impact is associated with obstacles arising from

(a) the Fundamental Law – the Constitution of Ukraine, in the event that an international treaty contradicts it;

(b) the absence of ratification of an international treaty by a party to the treaty; etc.;

(c) an ineffective mechanism for the implementation (implementation) of an international treaty;

(d) objective problems of a social, economic, military or any other nature that cause legal consequences regarding the legal ability to fulfill the terms of an international treaty; etc.

The concept of “legal impact of international treaties on the national legislation of Ukraine” should be understood as the effect of acts of direct legal implementation on national legislation in a certain legal manner and through certain legal instruments, due to which legally significant legal consequences arise for legislation, legal regime and law and order.

The spheres of legal impact of international treaties on the national legislation of Ukraine should include the sectors of national security and the social sphere, economy, implementation of law, etc.

The instruments of legal influence of international treaties on the national legislation of Ukraine are the terms of the treaty in the form of obligations.

Forms of influence of the action of international treaties on the national legislation of Ukraine can be in the stages of a transitional period, immediate influence; by means of reverse action (retroactive form).

Consequences of the legal influence of international treaties on the national legislation of Ukraine are the creation of positive changes in the legal system of Ukraine as a result of the transformation of national legislation in accordance with international standards, based on best practices and experience [18, pp. 244–245].

2. Harmonization of Ukrainian legislation with European Union law

As is known, European integration is a dynamic, continuous process of development of national legislation in the direction of political, social and financial and economic transformations based on established standards for ensuring peace, security, and resource balance within the framework of a “single territory”. In this process, one of the main tasks is to harmonize the provisions of national legislation with the provisions of EU law. In this context, an important aspect is understanding the basic concepts of the EU legal system [25].

On April 1, 2026, the Cabinet of Ministers of Ukraine approved the National Program for Adaptation of Ukrainian

Legislation to the Law of the European Union (EU *acquis*) № 438, which is contained on 1091 pages (hereinafter referred to as the Program) [21]. Together with the List, a list of resolutions of the Cabinet of Ministers of Ukraine that have lost their validity was approved [22].

This Program contains fundamental clusters that reflect the idea of the Treaty on European Union. In particular, these include:

“Cluster 1 “Fundamentals of the EU accession process” – Chapter 5 “Public procurement”; Chapter 18 “Statistics”; Chapter 32 “Financial control”” [21];

“Cluster 2 “Internal market” – Chapter 1 “Free movement of goods”; Chapter 2 “Freedom of movement of workers”; Chapter 3 “Freedom of establishment and provision of services”; Chapter 6 “Company law”; Chapter 7 “Intellectual property law”; Chapter 8 “Competition policy”; Chapter 9 “Financial services”; Chapter 28 “Consumer protection and health protection”; ” [21].

“Cluster 3 “Competitiveness and inclusive growth” – Chapter 10 “Digital transformation and media”; Chapter 16 “Taxation”; Chapter 17 “Economic and monetary policy”; Chapter 19 “Social policy and employment”; Chapter 20 “Enterprise and industrial policy”; Chapter 25 “Science and research”; Chapter 26 “Education and culture”; Chapter 29 “Customs union”” [21].

“Cluster 4 “Green agenda and sustainable connectivity” – Chapter 14 “Transport”; Chapter 15 “Energy”; Chapter 21 “Trans-European networks”; Chapter 27 “Environment and climate change” [21].

“Cluster 5 “Resources, agriculture and cohesion policy” – Chapter 11 “Agriculture and rural development”; Chapter 12 “Food safety, veterinary and phytosanitary policy”; Chapter 13 “Fisheries and aquaculture”; Chapter 22 “Regional Policy and

Coordination of Structural Instruments”; Chapter 33 “Financial and Budgetary Provisions” [21].

“Cluster 6 “External Relations” – Chapter 30 “External Relations”; Chapter 31 “Foreign, Security and Defence Policy” [21].

The Methodology for verifying compliance with EU legislation and drawing up tables of conformity defines the basis for approximating Ukrainian legislation to EU legislation (hereinafter referred to as the Methodology). In particular, the Association Agreement not only requires technical amendments to national legislation, but also obliges Ukraine to ensure the implementation of newly adopted legal norms. This implies an objective need to create new institutions or expand the powers of the existing state apparatus. It is also obvious that significant budgetary expenditures may be required for the approximation of legislation. All this explains why the Association Agreement and/or related documents set such deadlines. Ukrainian state authorities do not have the right to change these deadlines unilaterally. They are binding as agreed during the negotiation process. An extension can be agreed directly with representatives of the European Union within the framework of joint institutions of Ukraine and the EU operating under the Association Agreement. This should also be taken into account by the person verifying compliance. The Methodology also notes that the drafters of the Association Agreement agreed that the lists of EU legislative acts that Ukraine is obliged to comply with may be adjusted in light of changes in EU legislation. However, it is worth noting that even when the Association Agreement itself is not amended, in most cases nothing prevents Ukrainian lawmakers from voluntarily approximating to new EU legislation. Decisions should be based on a thorough comparative analysis

of both the existing EU secondary legislation (as required by the Association Agreement) and recently adopted EU legal acts [19, pp. 2–3].

The Methodology also notes that before starting the compliance check, a number of preparatory steps must be taken, namely: (a) prepare a list of relevant EU regulatory legal acts, policy documents and case law; (b) prepare a list of relevant Ukrainian regulatory legal acts and draft laws, program documents, including, if available, draft by-laws supplementing the draft laws; (c) check whether the correspondence table and related documents (including a certificate of conformity) meet the requirements of Ukrainian legislation [19, p. 15].

Investigating the problems of harmonization of legislation in the process of negotiations on Ukraine's accession to the European Union, T.O. Pikulya comes to the conclusion that one of the main requirements for harmonization is the need to ensure transparency and consistency in making changes to the legislation, which will avoid legal conflicts and ensure its consistency with EU law. Also, the conclusions note that it is also important to take into account the national characteristics of the legal system of Ukraine, which will ensure its effective functioning in the conditions of integration. At the same time, according to T. O. Pikulya, successful harmonization of legislation will contribute to increasing legal security, economic development, attracting foreign investment and strengthening democratic institutions in Ukraine. At the same time, it is an important prerequisite for further progress in the process of European integration and Ukraine's obtaining full membership in the EU. All this gave reason to believe that the harmonization of legislation is not only an instrument of legal integration, but also an important factor in the socio-economic development of

the country, contributing to its stability and prosperity in the conditions of the European community. The results of this process will have a significant impact on the future of Ukraine, ensuring its worthy place among European states [24, p. 476].

It would not be superfluous to note that the legal doctrine states that the process of harmonization should begin with bringing the norms of the constitution into line with international and European values [3, p. 59]. Moreover, it is noted that the process of harmonization of legislation occurs in several stages: (1) preliminary and (2) full harmonization. For example, preliminary “harmonization” is the initial stage of legal integration, carried out without formal accession to the EU (this process is also called “anticipatory harmonization”). It involves harmonizing domestic general legal terminology with European values, standards and principles in order to approximate Ukrainian legislation to that of the European Union. In contrast, full harmonization occurs after accession to the EU and is implemented within the framework of the European Union [3, p. 59].

Analyzing the term “harmonization”, N. M. Biryukova comes to the following conclusion, arguing that it should be understood not as an individually determined path of Ukraine to the European Union, but as a unilateral process of approximation of Ukrainian legislation to European standards [2, p. 383].

Issues of harmonization are also addressed in the publication of practicing lawyers (O. Zagnitko and Yu. Korchev), who believe that “... harmonization of legislation has a number of advantages for Ukraine even before accession. It contributes to its economic development, because it corrects systemic errors in the organization of markets, since the EU is Ukraine’s largest

trading partner. Therefore, harmonization of legislation will allow Ukrainian business to more quickly bring its activities into line with European standards, which in the future will contribute to greater competitiveness in the European market. In other words, business entities will feel at home in the European Union even before the final merger of Ukrainian markets with the EU. ...” [9].

For example, according to O.M. Rome, the harmonization of EU labor law norms aims to ensure a holistic and uniform legal regulation of labor relations that are formed on the territory of each of the member states. Moreover, according to the researcher, the member states are not deprived of the right to choose the most optimal model of legal regulation of such relations to prevent unfair economic advantages that may result from ignoring the fundamental requirements established at the level of community law [26, p. 480].

At the same time, as noted in the encyclopedic reference, the harmonization of Ukrainian and EU legislation requires Ukraine to develop and adopt relevant regulatory legal acts, join and ratify international agreements, conventions, treaties, create appropriate procedures, organizational, institutional and legal mechanisms to ensure the harmonization process. The means of harmonization are model bills, international treaties, resolutions of international bodies and organizations, etc. It is also important that harmonization covers not only secondary EU law, but also primary law and case law of the Court of Justice of the EU, which constitute the legal system of the European Union – the *acquis communautaire* [3, p. 59].

Instead, S.M. Derevyanko, taking up the study of the ratification of the Lisbon Treaty, taking into account the

experience of Europe for Ukraine, comes to the following conclusions, noting that "... the principle in the future accession of Ukraine to the EU will be not only the assimilation of European standards and values, but also the need to protect and preserve national statehood, identity in the conditions of globalization. In the desire to adapt Ukrainian legislation to European legislation today, it is unacceptable to uncritically borrow the principles, norms and values of Western European civilization, which ignore the legal heritage, culture and mentality of Ukraine..." [6, p. 189].

E.R. Akhmedova, studying the problems of European integration processes in the Republic of Turkey through the prism of historical and legal research, in terms of harmonization of legislation with the EU, comes to one of the following conclusions, namely, stating that "... an important direction in the historical process of forming legal foundations and legal support for the actions of the Republic of Turkey regarding European integration has been the legal support of integration activities in the field of economy, primarily regarding entry into the Customs Union of the European Union. Within the framework of Decision 1/95 of the Association Council, the Republic of Turkey implemented an important process of harmonizing the country's foreign trade policy in accordance with the requirements of the European Union. A functioning market economy, price liberalization, bringing the customs legislation of the Republic of Turkey into line with European norms, macroeconomic stability, a developed financial sector, etc. are the factors that characterize the current state of the economy of the Republic of Turkey..." [1, p. 224].

3. Prospects for the development of Ukrainian legislation taking into account European experience

Any “prospects for the development of legislation” functionally reflect the predictive function of law.

Researchers of the theory of law have a predictive function of law with legal forecasting that allows, based on the study of the dynamics of the legal sphere, to determine the implementation of the provisions of current legislation, trends in the activities of state and public institutions, patterns of development of lawful and unlawful behavior of citizens, individual, group and public legal consciousness, as well as to provide scientifically substantiated conclusions regarding possible options for the development of the legal situation, positive and negative consequences of the implementation of planned measures, the introduction of relevant regulations and standards [23, p. 69].

In clarifying the prospects for the development of Ukrainian legislation taking into account European experience, such questions are fundamental.

Thus, K. M. Gurtova, investigating the problems of adapting Ukrainian legislation to EU legislation, comes to the conclusion that the prospects for further research lie in developing means of improving the adaptation of Ukrainian legislation to EU legislation. This especially concerns the issue of the social value of law and its prestige in society, the effectiveness of the mechanism for the implementation and protection of human rights and freedoms [5, p. 168].

G.E. Vorobyova, studying the experience of the Republic of Greece as a result of the process of harmonization of national law with the law of the European Union, comes to the conclusion

that the experience of harmonization of national legislation of the Republic of Greece with the standards of EU law lies in the following factors, namely: firstly, the systematic stage of harmonization that was achieved by Greece is the result of the rational use of objective factors and the result of the targeted activities of the government of the state; secondly, despite certain problems of inconsistency of the current national legislation of Greece and EU law, it can be argued that the former is under the influence of the latter. This is also proven by the provision of the Constitution of Greece of 1975 (§ 2 Art. 28), which allows the use of constitutional powers by international organizations, as well as the limitation of national sovereignty under certain conditions. In addition, according to the case law of Greece, the application of generally recognized norms of international and European law does not require their incorporation by law; thirdly, the application of “selective harmonization”, which was used in the practice of the EEC by means of mutual recognition, until the provisions of EEC law in a particular area were adopted, played a significant role at the initial stage of the approximation of Greek law to the norms of European Community law; fourthly, in general, for Greece, the effective application of the norms of EU law in domestic law is of particular importance in the sense that this important factor contributed to the transformation of the country into a state of the European model and its entry into the legal space of the European Union [4, p. 162].

K. Ya. Sjokh analyzes the experience of Poland in implementing the norms of European Union law. The researcher notes that for more effective work, we suggest considering the experience of Poland in adapting national legislation to EU law. According to the researcher, the main role in coordinating the process of

Polish European integration was played by the Directorate of the Committee for European Integration (hereinafter referred to as the Committee), accountable to the Prime Minister of Poland. The main task of the Committee is to coordinate the process of adapting Polish law to EU law in accordance with the EU *acquis* [29, p. 31]. The Committee exercised control over the entire process of adapting Polish legislative acts to EU law and supervises the implementation of the norm into national legislation through the relevant departments [29, p. 31].

V.M. Zavadsky notes that the most important components of the integration of the Baltic countries into the EU are the adaptation of legislation. The directions of this process, as we see, cover almost the entire legal field. At the time of accession to the EU, the Baltic countries had to adapt a large part of the entire complex of *acquis communautaire*. During this time, fundamental changes affected the economic, social and political spheres of life of the countries. In economic terms, the countries had to adapt to new conditions created by the introduction of pan-European trade, financial and customs legislation. Under such circumstances, the country's market opened up for unhindered access to more competitive goods from the EU, but Latvia, Lithuania and Estonia were also able to promote their products to European markets. The country's adaptation of social, visa and labor legislation to the legal *acquis* opens up more opportunities for employment in EU countries, simplifies travel in Europe, and provides significant prospects for education. Reforming the legislation in the field of transport and energy has allowed this region to be included in a single European network of trade. Of course, the process of adapting the entire legal *acquis* of the European Union in the Baltic States will last

for more than one year [10, p. 17]. According to N. Zaletok and E. Chornomorets, Slovenia's integration into the EU in the archival sector is complex. In particular, in their opinion, it takes place both at the regulatory level (involvement in the formation of the archival strategy and the development of EU regulations, adaptation of national legislation to EU norms) and at the practical level (implementation of EU legal norms in the practical activities of state archives, participation in international archival projects of the EU) [11, p. 98].

A scientist specializing in social security law (L. Yu. Malyuga), studying the theoretical and legal foundations of the adaptation of Ukrainian social legislation to the legislation of the European Union, proves that in Ukraine a policy is purposefully implemented to reduce the number of regulatory legal acts through consolidation, while in the Republic of Poland the number of regulatory legal acts of social legislation is much greater. At the same time, the content of the regulatory legal acts of the social legislation of Ukraine and Poland is very close, which complicates the further improvement of Ukrainian legislation based on Polish experience [17, p. 315].

At the same time, the scientist suggests including the following advantages of Ukrainian social legislation in comparison with Polish social legislation: (1) provision of a greater number of guarantees of social security of the population in the norms of the Constitution of Ukraine in comparison with the Constitution of the Republic of Poland; (2) in Ukraine, the number of regulatory legal acts of social legislation is gradually decreasing, including through consolidation, while in Poland social legislation constitutes a too large-scale system of regulatory legal acts. At the same time, as for the advantages of Polish social legislation over Ukrainian,

according to L. Yu. Malyuga, they are as follows: (1) social guarantees established in the Constitution are more likely to be implemented in reality, while not all social guarantees of the Constitution of Ukraine are implemented in practice; (2) Polish legislation is characterized by a more advanced system of using the funds of the Polish Social Insurance Fund [17, p. 319].

Instead, it is worth paying attention to a slightly different aspect. In particular, the above-mentioned idealized statements by the scientist are refuted in view of the National Program for the Adaptation of Ukrainian Legislation to the Law of the European Union (the EU *acquis*), which the Government praised on April 1, 2026. In Cluster 3, in Section 19 “Social Policy and Employment”, it is noted that the National Program in the field of social policy and employment has defined 30 goals, of which: 25 are of a transposition nature and provide for the implementation of 451 of 52 acts of European Union law (the EU *acquis*), 5 are of an institutional nature [21]. Moreover, within the framework of paragraph 2 of Section 19 of Cluster 3 “Overview of the current state of implementation of the European Union *acquis*” attention is drawn to the so-called European Pillar of Social Rights, which states that

Today, Ukrainian legislation is partially aligned with the European Pillar of Social Rights. In particular, the following was adopted: (1) By Order № 439 of May 2, 2025, the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men for the Period Until 2030; (2) By Order № 815 of September 15, 2023, the National Strategy for Overcoming the Gender Pay Gap for the Period Until 2030; (3) Order № 866 of 28 July 2021 on the Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National

Minority in Ukrainian Society for the Period Until 2030; (4) Order № 821 of 30 August 2021 on the Strategy for the Recovery, Sustainable Development and Digital Transformation of Small and Medium-Sized Enterprises for the Period Until 2027; (5) Order № 92 of 7 January 2026 on the Employment Strategy for the Population 2030 [21].

The National Adaptation Programme also notes that Ukraine has a low level of preparation regarding institutional aspects of occupational safety and health. Ukraine plans to align its national legislation with the EU Strategic Framework on Safety and Health at Work [21].

Ukrainian legislation is partially harmonized with the EU acquis regarding specific risks, in particular chemical, biological and physical agents [21].

In the area of combating discrimination, key challenges that need to be addressed include limited public awareness of available protection measures against discrimination, as well as insufficient funding for the activities of the Ukrainian Parliament Commissioner for Human Rights, who is responsible for monitoring compliance with the principle of non-discrimination at the national level [21].

The fight against corruption in the sphere of social policy and employment also requires adaptation. In particular, the National Program notes that Ukraine has introduced measures to combat corruption in the sphere of social policy and employment, which cover a wide range of areas – from the creation of an institutional strategic framework to digitalization and simplification of regulation [21].

In contrast, L. Yu. Malyuga quite rightly draws attention to the experience of Switzerland as a perspective for the development of

Ukrainian legislation. In particular, in Switzerland, – the scientist notes, – at the first stage of its development: (1) Switzerland was one of the first to introduce unemployment insurance, employee health insurance, optional and mandatory pension funds; (2) in Switzerland, in individual cities and cantons, as well as at the federal level, legislative acts regulating social security of the population were adopted in the late 19th – early 20th centuries; (3) at the same time, due to the development of direct democracy, which is implemented through the institution of referendum, all these systems were, in fact, almost immediately abolished [17, p. 329].

According to I. M. Yavorska, the issues that remained unresolved include: (a) the insignificant terms established by the legislation for bringing the company's documents into compliance with the requirements of the legislation; (b) frequent changes in the legislation regulating the circulation of securities, primarily regarding the registration of ownership of securities; (c) the need to adopt by-laws of the National Securities and Stock Market Commission to implement the relevant provisions of the laws; (d) in some cases excessive regulation by the state of those provisions or institutions that could be regulated within the company, since the trend in the development of modern EU corporate law is to grant companies the right to independently regulate the above issues [32, p. 191].

O. Zagnitko, Y. Korchev come to the conclusion in their reasoning that for negotiations, Ukraine must support and meet at least the Copenhagen criteria established by the European Council in Copenhagen in 1993, according to which a candidate country must have: (a) stability of institutions guaranteeing democracy, the rule of law, human rights and respect for minority rights;

(b) a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; (c) the ability to assume the obligations associated with membership, in particular the ability to effectively implement the rules, standards and policies that make up the EU *acquis*, as well as compliance with the objectives of political, economic and monetary union. Thus, scholars and practitioners also note that these criteria were established by a declaration in 1993, a year later than the criteria for membership in the Maastricht Treaty [11].

CONCLUSIONS

The influence of European legal standards on the development and regulation of Ukrainian legislation occurs through the basic principles of building legislation in European countries.

The foundation of the European integration model of the process of adapting legislation is primarily the doctrinal provisions of norm-setting, norm-drafting and law-making activities.

When building EU legislation, the participants in the EU Treaty took into account the economic, social, customs and other components, which became the basis for influencing the formation of the EU legislative system, reflected the specific nature of the legislative system different from the internal national system. Such a model affected the accession to the EU and other members. At the same time, the chronology of the legal structure of the structure and adaptation of legislation of European integration processes, in particular regarding Ukraine's accession to the EU, was determined in the same way through the Agreement/Treaty, and not through a supranational legislative imperative. Moreover, the main characteristic of the Association Agreement was also based, as in the EU Treaty, on the relevant clusters. In Ukraine,

such clusters were reflected in such documents as the Association Agreement with the EU, and later, in the National Program for the Adaptation of Ukrainian Legislation to the Law of the European Union (the EU *acquis*).

The harmonization of Ukrainian legislation with the law of the European Union also affected cultural and ideological features. They created not only a regulatory and legal basis, but also influenced the understanding of the culture of law, the methodology of knowledge of law, the creation of a fundamentally new approach to the law-making process in Ukraine, etc.

All this provided an opportunity to clarify at the national level the sought-after model for building a European system of legislation in European countries. Following this, this provided an opportunity to recreate the main factors of influence on the law-making process in specific areas of law, contributed to the understanding of the processes and stages of building European legislation, focused attention on the reasons and needs for building, forecasting and developing and, most importantly, systematization of Ukrainian legislation in the European integration process in particular.

The study found that systematization of Ukrainian legislation is a need to determine the prospects for the development of Ukrainian legislation, taking into account European experience, in order to achieve a completed stage of harmonization of Ukrainian legislation with EU law. It should also be noted that each EU country, upon entering the sphere of EU law, went through the process of building legislation and adapting it to the principles of the functioning of the EU in special, unique conditions, and Ukraine, during the adaptation, is also characterized by peculiar issues of systematization of legislation, where one of its parts was significantly developed, and other parts (fragments).

SUMMARY. The influence of European legal standards on the development and regulation of Ukrainian legislation occurs through the basic principles of legislation in European countries, the process of harmonizing Ukrainian legislation with European Union law. The final stage of regulating Ukrainian legislation is to determine the prospects for the development of Ukrainian legislation taking into account European experience. The purpose of the study is the need to clarify the legal nature of the formation of legislation in European countries in order to obtain a model for the stage of regulating Ukrainian legislation in European integration conditions. The research methodology is based on the methods of comparative law regarding the analysis and synthesis of norms, institutions, institutions of the formation of EU legislation and Ukrainian legislation, as well as general legal methods of legal regulation – imperative, dispositive, historical, recommendatory, incentive, etc. It is concluded that the influence of European legal standards on the development and regulation of Ukrainian legislation occurs through the basic principles of legislation in European countries, where the process of harmonizing Ukrainian legislation with European Union law provided an opportunity to clarify the model of building a European system of legislation in European countries. This made it possible to recreate the main factors influencing the law-making process in specific areas of law, contributed to understanding the processes and stages of building European legislation, focused attention on the reasons and needs for building, forecasting and developing and, most importantly, systematization of Ukrainian legislation in the European integration process in particular. The study found that systematization of Ukrainian legislation is the need to determine the prospects for the development of Ukrainian legislation taking into account European experience in order to achieve a completed stage of harmonization of Ukrainian legislation with EU law.

References:

1. Akhmedova E. R. (2020). Yevropeiski intehtratsiini protsesy v Turetskii Respublitsi: istoryko-pravove doslidzhennia [European integration processes in the Turkish Republic: historical and legal research] : dys. ... kand. yuryd. nauk : 12.00.01 / Akhmedova Elmira Raiativna; Kharkiv. Natsionalnyi universytet imeni V. N. Karazina. Kharkiv, 262 (in Ukrainian)
2. Biriukova N. M. (2013). Harmonizatsiia zakonodavstva Ukrainy ta Yevropeiskoho Soiuzu u sferi zabezpechennia yadernoi bezpeky [Harmonization of legislation of Ukraine and the European Union in the field of ensuring nuclear safety]. *Naukovi zapysky Tavriiskoho natsionalnoho universytetu imeni V. I. Vernadskoho. Seriiia "Iurydychni nauky"*, 26 (65), 390–395. URL: https://www.juris.vernadskyjournals.in.ua/journals/2013/2-1-1_2013/52.pdf (accessed: 17.04.2026) (in Ukrainian).
3. Velyka ukrainska yurydychna entsyklopediia (2017). [Great Ukrainian Legal Encyclopedia] : u 20 tomakh. Kharkiv : Pravo, 2016. T. 3: Zahalna teoriia prava / redaktory: O.V. Petryshyn (holova) ta in.; Natsionalnyi akademik prava Ukrainy; Instytut derzhavy i prava imeni V. M. Koretskoho NAN Ukrainy; Natsionalnyi yurydychnyi universytet imeni Yaroslava Mudroho, 952 (in Ukrainian).
4. Vorobiova H. Ye. (2009). Protsey harmonizatsii natsionalnoho zakonodavstva z pravom Yevropeiskoho Soiuzu: dosvid Hretskoi Respubliky [The process of harmonizing national law with the law of the European Union: the experience of the Republic of Greece]. *Visnyk Akademii advokatury Ukrainy*, 2 (15), 158–163 (in Ukrainian).
5. Hurtova K. M. (2023). Teoriia ta praktyka adaptatsii zakonodavstva Ukrainy do zakonodavstva YeS [Theory and practice of adapting Ukrainian legislation to EU legislation.]. *Kyivskiy yurydychnyi zhurnal*, 4, 162–168. URL: <https://kyivchasprava.kneu.>

in.ua/index.php/kyivchasprava/article/view/392/379 (accessed: 17.04.2026) (in Ukrainian).

6. Derevianko S. M. (2010). Ratyfikatsiia Lisabonskoho dohovoru: dosvid Yevropy dlia Ukrainy [atification of the Lisbon Treaty: the experience of Europe for Ukraine]. Porivnialne pravoznavstvo: suchasnyi stan ta perspektyvy rozvytku : Zbirnyk naukovykh prats / Za red. Yu. S. Shemshuchenko, I. S. Hrytsenko, M.B. Buchka; upor. O.V. Kresina. Kyiv : Lohos, 188–189. URL: https://lib-repo.pnu.edu.ua/bitstream/123456789/7799/1/Derevianko%20S.%20CL_2010.pdf (accessed: 17.04.2026) (in Ukrainian).

7. Dohovir pro zasnuvannia Yevropeiskoho Spivtovarystva (Dohovir pro zasnuvannia Yevropeiskoho Ekonomichnoho Spivtovarystva) (2005) [Treaty establishing the European Community (Treaty establishing the European Economic Community)]: Konsolidovana versiia stanom na 1 sichnia 2005 roku. Konstytutsiini akty Yevropeiskoho Soiuzu. Chastyna I / Uporiadnyk H. Druzenko, za redaktsiieiu T. Kachky. Kyiv : Vydavnytstvo “Iustinian”, 512. URL: https://zakon.rada.gov.ua/laws/show/994_017#Text (accessed: 17.04.2026) (in Ukrainian).

8. Dutko A. O. (2013). Yurydychni konstruktsii ta yikh vykorystannia v zakonodavchii praktytsi Ukrainy [Legal constructions and their use in the legislative practice of Ukraine] : Monohrafiia / A. O. Dutko. Lviv : Lvivskiy derzhavnyi universytet vnutrishnikh sprav, 176 (in Ukrainian).

9. Zahnitko O., Korchev Yu. (2023). Harmonizatsiia ukrainskoho zakonodavstva yak umova chlenstva v YeS [Harmonization of Ukrainian legislation as a condition for EU membership]: prohres ta perspektyvy. Yurydychna hazeta. 01 hrudnia 2023 r. URL: <https://yur-gazeta.com/publications/practice/inshe/garmonizaciya-zakonodavstva-ukrayini-yak-umova-chlenstva-v-es-progres-i-perspektivi.html> (accessed: 17.04.2026) (in Ukrainian).

10. Zavadskyi V. M. (2009). Vykonannia kryteriiv chlenstva v YeS krainamy Baltii – dosvid dlia Ukrainy [Fulfillment of the criteria for membership in the EU by the Baltic countries – experience for Ukraine]. *Nauka. Relihiia. Suspilstvo*, 1, 14–18. URL: <https://nasplib.isoftware.kiev.ua/server/api/core/bitstreams/73ac0213-50d2-40d3-b498-406577003594/content> (accessed: 17.04.2026) (in Ukrainian).

11. Zaliatok N., Chornomorets E. (2024). Intehratsiia do Yevropeiskoho Soiuzu v arkhivnii sferi: dosvid Respubliky Sloveniia [Integration into the European Union in the archival sector: the experience of the Republic of Slovenia]. *Arkhivy Ukrainy*, 1, 85–101. URL: <https://au.archives.gov.ua/index.php/au/article/view/229/193> (accessed: 17.04.2026) (in Ukrainian).

12. Yevropeiske pravo: pravo Yevropeiskoho Soiuzu (2015) [European law: law of the European Union]: pidruchnyk: u trokh knyhakh / za red. V. I. Muraviova. Kyiv : V Yure, 2015. Knyha persha: Instytutsiine pravo Yevropeiskoho Soiuzu / V. I. Muraviov, O. M. Shpakovych, O. M. Lysenko, O. V. Sviatun. Kyiv : V Yure, 312 (in Ukrainian).

13. Kovalskyi V.S. (2009). Funktsii prava: poniattia, dzherela, dynamika [Functions of law: concepts, sources, dynamics]. *Teoriia ta praktyka intelektualnoi vlasnosti*, 2, 3–10 (in Ukrainian).

14. Kovaliv M. V., Tymchyshyn T. M., Nikanorova O. V. (2020) Osnovy prava Yevropeiskoho Soiuzu: pidruchnyk [Fundamentals of European Union Law]. Lviv : Lvivskyi derzhavnyi universytet vnutrishnikh sprav, 212 (in Ukrainian).

15. Konsolidovani versii Dohovoru pro Yevropeyskyi Soiuz ta Dohovoru pro funktsionuvannia Yevropeiskoho Soiuzu z protokolamy ta deklaratsiiamy. Verkhovna Rada Ukrainy [Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union with

protocols and declarations. Verkhovna Rada of Ukraine]. URL: https://zakon.rada.gov.ua/laws/show/994_b06#Text (accessed: 17.04.2026) (in Ukrainian)

16. Luts L.A. (2023). Pryntsyp pravovoi vyznachenosti: suchasnyi stan ta perspektyvy [The principle of legal certainty: current state and prospects]. *Yurydychnyi naukovyi elektronnyi zhurnal*, 8, 21–27. URL: https://lsey.org.ua/8_2023/2.pdf (accessed: 17.04.2026) (in Ukrainian).

17. Maliuha L. Yu. (2019). Teoretyko-pravovi osnovy adaptatsii sotsialnoho zakonodavstva Ukrainy do zakonodavstva Yevropeiskoho Soiuzu [Theoretical and legal foundations of the adaptation of social legislation of Ukraine to the legislation of the European Union] : monohrafiia / L. Yu. Maliuha. Kherson : Vydavnytstvo “Helvetyka”, 406 (in Ukrainian).

18. Melnyk Ya. Ya. (2024). Vplyv mizhnarodnykh dohovoriv na natsionalne zakonodavstvo Ukrainy [The influence of international treaties on the national legislation of Ukraine]. *Systematyzatsiia zakonodavstva Ukrainy yak vazhlyva skladova pravotvorchoi diialnosti v konteksti yevropeiskoi intehratsii* : zbirnyk naukovykh prats / za red. O. O. Kota, A. B. Hryniak, N. V. Milovska. Kyiv : Alerta, 224–245 (in Ukrainian).

19. Metodolohiia perevirky dotrymanna zakonodavstva YeS ta skladання tablyts vidpovidnosti: Uriadovi ofis z pytan yevropeiskoi ta yevroatlantychnoi intehratsii [Methodology for checking compliance with EU legislation and compiling correspondence tables: Government Office for European and Euro-Atlantic Integration]. URL: https://www.gfa-group.de/web-archive/association4u/images/___---a4u.pdf (accessed: 17.04.2026) (in Ukrainian).

20. Normatyvne proektuvannya ta pravozastosovcha diialnist u derzhavnomu upravlinni (dlia zdobuvachiv vyshchoi osvity za

spetsialnistiu 281 “Derzhavne upravlinnia ta administruvannia” OS “Mahistr” ta 081 “Pravo” OS “Bakalavr” (vsi formy navchannia)) (2021) [Normative design and law-enforcement activities in public administration]. Navchalno-metodychnyi posibnyk / za red. A. O. Nadezhdenko, Yu. V. Kamardina. Mariupol : Moskovskyyi derzhavnyi universytet, 129 (in Ukrainian).

21. Natsionalna prohrama adaptatsii zakonodavstva Ukrainy do prava Yevropeiskoho Soiuzu (EU Acquis) (2026) [National Program for Adaptation of Ukrainian Legislation to the Law of the European Union (EU Acquis)] : Postanova Kabinetu Ministriv Ukrainy vid 1 kvitnia 2026 roku № 438. URL: <https://www.kmu.gov.ua/storage/app/uploads/public/69c/fd1/b31/69cfd1b313b93001891731.pdf> (accessed: 17.04.2026) (in Ukrainian).

22. Perelik postanov Kabinetu Ministriv Ukrainy, shcho vtratyly chynnist (2026) [List of Resolutions of the Cabinet of Ministers of Ukraine that have lost force] : Postanova Kabinetu Ministriv Ukrainy vid 1 kvitnia 2026 roku № 438. URL: <https://www.kmu.gov.ua/storage/app/uploads/public/69c/fd0/f6d/69cfd0f6d9d01714476925.pdf> (accessed: 17.04.2026) (in Ukrainian).

23. Pohribnyi I. (2025). Prohnostychna funktsiia pravovoi polityky [Prognostic Function of Legal Policy]. *Visnyk Lvivskoho universytetu. Serii Pravo*, 61, 65–71. URL: <https://publications.lnu.edu.ua/bulletins/index.php/law/article/viewFile/208/206> (accessed: 17.04.2026) (in Ukrainian).

24. Pikulia T.O. (2024). Harmonizatsiia zakonodavstva v protsesi perehovoriv shchodo vstupu Ukrainy do Yevropeiskoho Soiuzu [Harmonization of legislation in the process of negotiations on Ukraine's accession to the European Union]. *Naukovo-pravovyi elektronnyi zhurnal*, 8, 474–476. URL: https://www.lsej.org.ua/8_2024/114.pdf (accessed: 17.04.2026) (in Ukrainian).

25. Posibnyk z adaptatsii zakonodavstva Ukrainy do prava YeS: teoretychni ta praktychni aspekty (2023) [Guide to the adaptation of Ukrainian legislation to EU law: theoretical and practical aspects]. Doslidnytska sluzhba Verkhovnoi Rady Ukrainy, 120. URL: <https://research.rada.gov.ua/uploads/documents/32597.pdf> (accessed: 17.04.2026) (in Ukrainian).

26. Rym O. M. (2020). Trudove pravo Yevropeiskoho Soiuzu [Labor law of the European Union] : monohrafiia / O. M. Rym. Lviv : "HALYCh-PRES", 596. (in Ukrainian).

27. Slovyk ukrainskoi movy (2012) [Dictionary of the Ukrainian language]. Tom tretii. Vidstavannia – Huralnia. Natsionalna akademiia nauk Ukrainy. Kyiv, 1119 (in Ukrainian).

28. Slovyk ukrainskoi movy (2013) [Dictionary of the Ukrainian language]. Tom chetvertyi. D–Zh. Natsionalna akademiia nauk Ukrainy. Kyiv, 1008 (in Ukrainian).

29. Sokh K. Ya. (2023). Implementatsiia norm prava Yevropeiskoho Soiuzu v natsionalne zakonodavstvo Ukrainy: dosvid Polshchi [Implementation of the norms of European Union law into the national legislation of Ukraine: the experience of Poland]. *Pravo i suspilstvo*, 5, 27–32. URL: <https://elar.navs.edu.ua/server/api/core/bitstreams/3863c632-bd3c-4d6a-bf49-ff9dca9e8e92/content> (accessed: 17.04.2026) (in Ukrainian).

30. Pro pravotvorchu diialnist: Zakon Ukrainy vid 24 serpnia 2023 roku № 3354-IX. URL: <https://zakon.rada.gov.ua/laws/show/3354-20#Text> (accessed: 17.04.2026) (in Ukrainian).

31. Shylinhov V. S. (2023). Pravovyi vplyv: teoretyko-pravove doslidzhennia [Legal impact: theoretical and legal research]. *Irpinskyi yurydychnyi zhurnal: naukovyi zhurnal*, 3 (12), 57–63. URL: <https://ojs.dpu.edu.ua/index.php/irplegchr/article/view/153/152> (accessed: 17.04.2026) (in Ukrainian).

32. Yavoraska I. M. (2014). Pravovi zasady harmonizatsii zakonodavstva Ukrainy z pravom YeS u sferi rehuliuвання

diialnosti kompanii [Legal principles of harmonization of Ukrainian legislation with EU law in the field of regulation of company activities]. *Aktualni problemy zakonodavstva. Zbirnyk naukovykh statei*, 187–193. URL: https://intrel.lnu.edu.ua/wp-content/uploads/2015/08/apvchzu_2014_36_20.pdf (accessed: 17.04.2026) (in Ukrainian).

33. Konsolidatsiia [Consolidation]. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:consolidation> (accessed: 17.04.2026) (in Ukrainian).

Information about the author:

Melnyk Yaroslav Yaroslavovych,

Doctor of Law,

Senior Researcher of the Department of Research on Problems of
Law-Making and Adaptation of Ukrainian Legislation to EU Law,
Institute of Law-Making and Scientific-Legal Expertise of
the National Academy of Sciences of Ukraine, Ukraine
<https://orcid.org/0000-0003-1937-6772>