O. Prylypchuk

INSTITUTIONAL PREREQUISITES FOR ADAPTING UKRAINIAN LAW TO EUROPEAN ADMINISTRATIVE SPACE REQUIREMENTS”

Problem statement. In accordance with Article 11 of the Law of Ukraine “On Principles of Domestic and Foreign Policy”, one of the tasks of the foreign policy of Ukraine is ensuring the country’s integration into the European political, economic, and legal space with the object of the European Union membership.

Adaptation of the Ukrainian legislation to the EU requirements is an essential prerequisite for a successful completion of the integration process.

Recent research and publications analysis. The cohort of domestic scholars and experts who are engaged in research of international experience in the field of public administration of the European integration, in particular adaptation of legislation to *acquis communautaire*, and possibilities of its application in Ukraine, includes D. Arakelian, M. Basarab, P. Dobrov, I. Hrytsiak, I. Kravchuk, I. Kurovska, O. Orzhel, V. Streltsov, V. Zavadskyi and other researchers.

The paper objective is analysis of institutional preconditions for adapting the laws of Ukraine to the European administrative space requirements.

The paper main body. According to the Law of Ukraine “On The National Programme for Adaptation of Ukrainian Legislation to EU Law” of March 18, 2004, the aim of harmonizing Ukraine’s legislation with that of the European Union is to attain compliance of the Ukrainian legal system with acquis communautaire, taking into account the accession criteria set by the EU for its would-be member states.

For quite a long time now, Ukraine has occupied a leading place among the prospective candidates for the membership in terms of adaptation of the national legislation to the EU law.

The Verkhovna Rada of Ukraine is one of the most important subject components of the institutional mechanism. It is the Verkhovna Rada which adopts
legislative acts that are aimed at adaptation of laws. It ratifies international treaties, and exerts parliamentary control within the limits set by the Constitution of Ukraine and the law. Additionally, the Verkhovna Rada of Ukraine has established a Committee on European Integration (hereafter – the Committee). Under the Committee, the EU-Ukraine Parliamentary Association Committee was set, which is a kind of forum for the members of the Verkhovna Rada and the European Parliament where they hold meetings and exchange ideas. Under that Committee, a scientific expert council was established, with its staff appointed on July 15, 2015.

According to the Constitution of Ukraine, President of Ukraine, based on and in pursuance of the laws of Ukraine, issues decrees and executive orders, which are binding in the territory of Ukraine. President also has the right to set forth legislative initiatives, and the right of veto.

One of the main functions of the Cabinet of Ministers of Ukraine is guaranteeing the execution of the Laws of Ukraine and Presidential Decrees, and ensuring, within its powers, of the foreign-policy activity of Ukraine, development and approval of state programmes in that field.

A special role in adapting the legislation is assigned to the Ministry of Justice of Ukraine.

Conclusions of the research. To our mind, the essential elements of improving the institutional prerequisites for adaptation of the Ukrainian legislation to the law of the European administrative space are as follows:

1. Creation of a separate body (beyond the structures of the Verkhovna Rada and the Cabinet of Ministers of Ukraine), responsible for the adaptation process.

2. Establishment of the appropriate units, departments, or positions not only in ministries, other central executive bodies, or territorial authorities, but also in local governments.

3. For effective accomplishment of the task stated in the previous point, it is necessary to carry out a series of actions to improve the fulfillment of functions by the above-mentioned authorities. For this purpose, it is deemed expedient to revise the legislatively recognized powers of all the public administration subjects.
4. A special normative-legal act should be drawn to cover the sphere of the mechanism for adapting the law of Ukraine to the legislation of the EU.

5. For each of the above-mentioned stages, a critical aspect is setting the relevant time limits for fulfillment of specific tasks.