

Adaptation of Ukrainian Legislation to the Legislation of the European Union: Current Status and Prospects

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Abstract. The article examines the current state and prospects for adapting Ukrainian legislation to European Union law. It finds that the term “adaptation of legislation” has increasingly been used to describe the process of harmonizing and aligning a candidate country’s national legislation with EU acts, standards, and rules. Since participants in the European integration process must implement and comply with EU legislation, legal adaptation has become a key stage in ensuring the incorporation of European Union standards into national legal systems. This process involves modifying existing legal norms, creating new regulatory acts, reforming institutions and authorities responsible for implementing legislation, and fostering changes in societal culture and consciousness to uphold European standards and values. The study concludes that the essence of adapting Ukrainian legislation to EU law lies in amending and implementing national legislation to ensure compliance and harmonization with EU requirements. Legislative adaptation is a fundamental obligation under the Association Agreement between Ukraine and the European Union, which outlines commitments necessary for Ukraine’s eventual EU membership. This agreement, in terms of scope and thematic coverage, is the most extensive international legal document in Ukraine’s history and the largest international agreement the EU has ever concluded with a third country. It establishes a qualitatively new framework for Ukraine-EU relations based on the principles of “political association and economic integration”, serving as a strategic roadmap for systemic socio-economic reforms in Ukraine.

Keywords: adaptation, European integration, adaptation of legislation, legislation of Ukraine, legislation of the European Union.

Introduction

Ukraine’s European choice is not merely an imperative dictated by time or geographical proximity to Europe. It is primarily a strategic decision to follow the European model of civilization, which offers a pathway to progress in all spheres of society and the state. Therefore, to implement Ukraine’s strategic course toward European integration, it is essential to introduce significant institutional re-

forms, adapt national legislation to EU legislation, and align state governance processes with modern European realities.

Literature Review

The issue of adapting Ukrainian legislation to the legislation of the European Union has been extensively explored in scientific research. Among Ukrainian scholars who have studied this topic,

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notable contributions have been made by T. Anakina, M. Blazhivsky, Ya. Kostyuchenko, O. Kuchynska, Ya. Fokin, O. Chornomaz, and others.

Purpose

The purpose of this article is to examine the current state and prospects of adapting Ukrainian legislation to the legislation of the European Union.

Methodology

This study employs a comprehensive set of philosophical, general scientific, and specialized research methods. In particular, the dialectical method was applied to determine the role of the adaptation of Ukrainian legislation within the broader European integration process. Methods of analysis and synthesis were used to distinguish key concepts and categories, define their characteristics, and identify challenges in adapting Ukrainian legislation to EU legislation. The formal-legal method was employed to analyze the regulatory and legal framework governing the adaptation of Ukrainian legislation to EU legal standards.

Results and Discussion

Addressing the issue of adapting Ukrainian legislation to the legislation of the European Union requires, first and foremost, a clear terminological framework. Moreover, recent theoretical studies reveal significant divergences in perspectives regarding the concept of adaptation.

For instance, dictionaries of foreign words define “adaptation” (Latin *adaptatio*, from *adapto* – “to adapt”) as the adjustment of organisms to environmental conditions [1, p. 21; 2, p. 25].

An analysis of scientific sources indicates that, in a broader sense, adaptation can be understood as: the process of adjusting individual personal qualities to human life and activity under changing conditions; active interaction between the individual and the environment, depending on the degree of personal agency; the transformation of the environment to align with an individual’s needs, values, and ideals; the influence of environmental factors on an individual’s adaptation process [3, p. 234].

The concept of “legislative approximation” emerged within the broader European integration process of candidate countries seeking membership in the European Union. The first step toward the

creation of the EU was taken in 1951 with the signing of the Paris Agreement. However, the concept of legislative approximation gained prominence during the EU enlargement of the early 2000s, particularly in the context of integrating countries aspiring to join the European Union. The term “legislative approximation” refers to the process of modifying national legislation and legal norms to align them with the requirements and standards of the European Union. The definition of legislative approximation has been widely used to describe the harmonization of a candidate country’s national legislation with EU acts, standards, and rules. Since participants in the European integration process must be able to implement and comply with EU legislation, legislative approximation has become a key stage in ensuring the alignment and enforcement of European Union standards within national legal systems. This process involves not only amending existing legal norms but also introducing new regulatory legal acts, reforming institutions and authorities responsible for legislative implementation, and shaping societal attitudes and values to integrate European standards effectively [4, p. 23].

In Ukraine, the National Program for the Adaptation of Ukrainian Legislation to the Legislation of the European Union, approved by Law of Ukraine No. 1629-IV of March 18, 2004, defines adaptation as the process of aligning Ukrainian laws and other regulatory legal acts with the *acquis communautaire* [5].

In the scientific literature, scholars emphasize that the adaptation of Ukrainian legislation to EU legislation is a long and complex process. This process necessitates a series of steps to implement European standards of human rights and freedoms, modernize government institutions based on principles of humanism, overcome technological gaps, create new jobs, and enhance the competitiveness of domestic manufacturers in the European market. Achieving these objectives is impossible without aligning national legislation with European legal standards. Thus, in pursuit of full EU membership, Ukraine must undertake comprehensive legislative adaptation to meet the European Union’s legal requirements [6]. Additionally, it is crucial to improve the quality of draft laws submitted in the context of European integration and establish clear legal regulations to ensure their compliance with EU law [7, p. 161].

Therefore, the adaptation of Ukrainian legislation to EU legislation can be regarded as a systematic process consisting of several consecutive stages, each requiring a specific degree of alignment between national legislation and international legal norms and standards [8, p. 190].

With the signing of the Association Agreement between Ukraine and the European Union (hereinafter referred to as the Agreement), which, following a lengthy ratification process, fully entered into force on September 1, 2017, Ukraine formally commenced the adaptation of its national legislation to the legislation of the European Union [9]. Notably, the broad scope of cooperation outlined in the Association Agreement necessitates the implementation of its provisions through various legal instruments. These include, primarily, international agreements, legislative and regulatory acts of Ukraine, and Ukraine's recognition of EU legislative acts and decisions of the Court of Justice of the European Union. Additionally, the Agreement incorporates provisions from the founding treaties of the European Union, along with a substantial number of annexed acts issued by EU institutions. In implementing these provisions, Ukraine must take into account relevant EU jurisprudence and legal practices in the respective areas [10, p. 354].

On February 7, 2018, the Law of Ukraine "On Amendments to the Constitution of Ukraine" was adopted, formally enshrining Ukraine's strategic course toward integration into the European Union and NATO in the Constitution of Ukraine. This law reflected Ukraine's key political and foreign policy priorities, emphasizing support for integration processes and cooperation with global leaders in democracy, security, and development. The law established that European integration and NATO membership are strategic objectives of Ukraine and affirmed the country's commitment to achieving full membership in both the EU and NATO. The introduction of these constitutional amendments underscores Ukraine's firm commitment to continued integration efforts and its role in promoting democracy, stability, and security in the region [11].

Despite the ongoing military confrontation, Ukraine continues its path toward EU membership. In late June 2022, the leaders of EU member states officially recognized Ukraine's European perspective. On June 17, 2022, the European Commission

recommended that the European Council grant Ukraine candidate status for EU accession, and on June 23, 2022, the European Council formally granted Ukraine this status [12].

Against the backdrop of recent geopolitical developments, both globally and domestically, the issue of Ukraine's further European trajectory has become increasingly relevant. In particular, the alignment of Ukraine's legal framework with EU legislation remains a fundamental prerequisite for the country's continued progress toward full EU membership [4, p. 47].

Based on the annual reports of the Ministry of Foreign Affairs of Ukraine, it is possible to clearly track Ukraine's progress in fulfilling its commitments under the Association Agreement [13, pp. 35–128]. The Report on the Implementation of the Association Agreement between Ukraine and the European Union for 2023 highlights achievements across various areas of cooperation. One significant development was the reform of state administration bodies. In particular, the parliament of Ukraine adopted the Law of Ukraine "On Service in Local Self-Government Bodies" on May 2, 2023 (No. 3077-IX). This law will take effect six months after its publication, but not earlier than six months following the termination or abolition of martial law in Ukraine [14]. The law aims to establish new organizational and legal principles for service in local government bodies, enhance citizens' access to public service, and clarify the classification of positions. These changes are expected to improve remuneration conditions and ensure compliance with budgetary legislation and the new administrative-territorial system.

Overall, in 2023, Ukraine made progress in aligning its legal framework with EU requirements by improving anti-discrimination policies, customs legislation, and consumer rights protection. Additionally, efforts were made to strengthen mechanisms for combating human trafficking, torture, terrorism, and organized crime, as well as controlling the illicit circulation of weapons. A significant milestone was the ratification of the Rome Statute by the Verkhovna Rada of Ukraine, further demonstrating Ukraine's commitment to international legal standards.

Currently, the Verkhovna Rada of Ukraine is considering several progressive European integration draft laws, including: "On Amendments to

Certain Legislative Acts of Ukraine (Regarding Harmonization of Legislation in the Field of Prevention and Counteraction to Discrimination with European Union Law)” (Registration No. 0931) [15]; “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine on Combating Discrimination” (Registration No. 5488), which aims to distinguish criminal and administrative liability for discrimination, harmonize the terminology used for qualifying various forms of intolerance, and strengthen the role of the Verkhovna Rada Commissioner for Human Rights [16]; “On Amendments to the Disciplinary Statute of the National Police of Ukraine on Regulating the Issue of Preventing Cases of Discrimination on the Basis of Gender and Sexual Harassment in the Workplace” (Registration No. 9340) [17]; “On the Institute of Registered Partnerships” (Registration No. 9103) [18]. Additionally, on May 22, 2024, the Verkhovna Rada of Ukraine adopted the Law “On Amendments to the Code of Ukraine on Administrative Offenses and Other Laws of Ukraine in Connection with the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” [19].

Improvements in legal cooperation between Ukraine and the EU are also evident in the entry into force of two key conventions: the 2005 Choice of Court Agreements Convention [20] and the 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters [21]. The implementation of these conventions enhances Ukraine’s legal system by expanding the role of judicial precedents as a source of law, modernizing the legal framework, and aligning it more closely with European legal standards.

On December 30, 2023, the Law of Ukraine “On Amendments to the Law of Ukraine ‘On the Judicial System and the Status of Judges’ and Certain Legislative Acts of Ukraine on Improving Judicial Career Procedures” (No. 3511-IX, adopted on December 9, 2023) came into force. This law aims to optimize the duration of judicial career procedures, enhancing the efficiency and transparency of the judicial system [22].

With the onset of the Russian-Ukrainian war, the issue of human trafficking has become particularly pressing. Due to the deteriorating security situation, thousands of people have been forced to

flee Ukraine and seek refuge in other countries, increasing their vulnerability to abduction and illegal trafficking. In response, the Cabinet of Ministers of Ukraine, by Order No. 496-r of June 2, 2023, approved the State Targeted Social Program to Combat Human Trafficking for the period until 2025. Additionally, as noted in the Report, there is ongoing cooperation and communication with the EU Anti-Trafficking Coordinator, reinforcing joint efforts to combat human trafficking and protect at-risk populations [23].

As part of efforts to align national legislation with European standards in counterterrorism and arms control, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Amendments to the Criminal and Criminal Procedure Codes of Ukraine in Connection with the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, as well as to Certain Legislative Acts of Ukraine on Improving the Fight against Terrorism” (No. 2997-IX, dated March 21, 2023). This law delegates investigative authority in cases of terrorism to the Security Service of Ukraine and the Anti-Terrorism Center under the Security Service, officially recognizing them as the primary contact points for exchanging intelligence on terrorist activities [24]. Additionally, to enhance arms control and prevent illegal weapons trafficking, the Plan for the Implementation of Joint Measures Proposed by the European Union in the Field of Control over the Circulation of Weapons and Preventing Their Leakage Outside Ukraine was approved (Order of the Ministry of Internal Affairs No. 786, dated September 29, 2023). As part of this initiative, information on lost and stolen weapons is regularly transmitted to the Europol Analytical Project, and since May 2023, Ukraine has implemented the quarterly submission of data on seized weapons [25].

On July 13, 2023, the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 3229-IX “On Amendments to the Customs Code of Ukraine Regarding the Use of Customs Declarations and the Electronic Transit System, Provided for by the Convention on the Common Transit Procedure, for Transit under the Terms of This Code”, introducing key amendments to the Customs Code. These changes include: reduced customs clearance time for users of the New Computerized Transit System (NCTS); expanded application of transit simpli-

fications; introduction of internal transit procedures under NCTS, modeled after Union transit as outlined in the EU Customs Code; prioritized border crossing for goods under the common transit procedure; enhanced control over goods through the use of customs seals and special-type seals [26].

On October 30, 2024, the European Commission approved the Report within the framework of the EU-2024 Enlargement Package, which provides a comprehensive assessment of the progress made by candidate countries and potential candidates for EU membership, including Ukraine. The report presents a detailed evaluation of Ukraine's advancements on its path toward EU membership, with a particular focus on key reforms in areas such as anti-corruption efforts, judicial system functioning, fundamental rights, and freedom of speech. The European Commission acknowledged Ukraine's progress in preventing and combating corruption, notably through the strengthening of its anti-corruption institutional framework. Specific achievements include: enhancing the independence and institutional capacity of the Specialized Anti-Corruption Prosecutor's Office (SAP), the National Anti-Corruption Bureau of Ukraine (NABU), and the National Agency on Corruption Prevention (NACP); expanding experience in pre-trial investigations, trials, and adjudications of high-profile corruption cases; introducing and developing the institution of lobbying, which received a positive assessment from the European Commission; recognizing the NACP for its effective performance and demonstrated independence from political influence and vested interests. One of the key recommendations of the European Commission is to ensure the full implementation of the measures outlined in the State Anti-Corruption Program for 2023–2025. Additionally, the Commission emphasized the importance of assessing the program's effectiveness and urged the development and timely approval of the next anti-corruption strategy along with its implementation program [27].

Conclusions

Based on the above analysis, it can be concluded that the adaptation of Ukrainian legislation to the legislation of the European Union is a comprehensive process involving the implementation and amendment of national legislation to ensure its compliance and harmonization with EU legal standards. The adaptation of legislation is a fundamental requirement of the Association Agreement between Ukraine and the European Union, which outlines a series of obligations that Ukraine must fulfill to advance its EU membership aspirations. This agreement, both in terms of its scope and thematic coverage, represents the largest international legal document in Ukraine's history and the most extensive international agreement ever concluded by the European Union with a third country. The Association Agreement establishes a new framework for Ukraine-EU relations, based on the principles of "political association and economic integration". It serves as a strategic roadmap for systemic socio-economic and legal reforms in Ukraine, reinforcing its commitment to European integration and the adoption of EU norms and values.

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**Адаптація законодавства України
до законодавства Європейського Союзу: сучасний стан та перспективи**

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Анотація. У статті досліджено сучасний стан та перспективи адаптації законодавства України до законодавства Європейського Союзу. З’ясовано, що визначення “адаптація законодавства” почало активно використовуватися для опису процесу гармонізації та узгодження національного законодавства країни-кандидата на вступ до Європейського Союзу з актами, стандартами та правилами ЄС. Оскільки учасниці процесу європейської інтеграції мають бути здатні впроваджувати та дотримуватись актів ЄС, адаптація законодавства стала ключовим етапом для забезпечення відповідності та впровадження стандартів Європейського Союзу у своїх національних системах. Цей процес також охоплює зміну та трансформацію чинних правових норм, створення нових нормативно-правових актів, реформування інституцій та органів влади, що забезпечують виконання законодавства, а також зміни в культурі та свідомості суспільства для впровадження європейських стандартів і цінностей. Зроблено висновок про те, що сутність адаптації законодавства України до законодавства Європейського Союзу полягає в процесі впровадження та зміни національного законодавства з метою відповідності та гармонізації з законодавством ЄС. Адаптація законодавства є вимогою Угоди про асоціацію між Україною та Європейським Союзом, що передбачає виконання низки зобов’язань для набуття членства в ЄС. Цей документ за своїм обсягом і тематичним охопленням є найбільшим міжнародно-правовим документом за всю історію України та найбільшим міжнародним договором з третьою країною, коли-небудь укладеним Європейським Союзом. Угода визначає якісно новий формат відносин між Україною та ЄС на принципах “політичної асоціації та економічної інтеграції” і слугує стратегічним орієнтиром системних соціально-економічних реформ в Україні.

Ключові слова: адаптація, євроінтеграція, адаптація законодавства, законодавство України, законодавство Європейського Союзу.