State sovereignty and sovereign rights: EU and national sovereignty

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Abstract

In this paper, the policy of the EU significantly influencing the content and direction of economic, political, administrative and legal reforms implemented in the candidate countries and neighboring states, as well as foreign policy activities have been analyzed. As a result, a supranational organization of power is able to exert a significant influence on the sovereignty of these categories of states. As a conclusion, the impact on the sovereignty of the state is exercised through the direct authorization of this by the country itself, taking into account national interests, despite the EU's political aspirations.

Key words: State, Sovereignty, Rights, Countries.

Soberanía estatal y derechos soberanos: UE y soberanía nacional

Resumen

En este documento, se ha analizado la política de la UE que influye significativamente en el contenido y la dirección de las reformas económicas, políticas, administrativas y legales implementadas en los países candidatos y estados vecinos, así como en las actividades de política

exterior. Como resultado, una organización supranacional de poder puede ejercer una influencia significativa en la soberanía de estas categorías de estados. Como conclusión, el impacto en la soberanía del estado se ejerce a través de la autorización directa del propio país, teniendo en cuenta los intereses nacionales, a pesar de las aspiraciones políticas de la UE.

Palabras clave: Estado, soberanía, derechos, países.

1. Introduction

A characteristic feature of the development and deepening of European integration at the present stage is the desire of the European Union to extend its legal and economic policies to relations with those non-member states (the so-called third countries), but they have a certain geopolitical interest for it. Such a phenomenon in the doctrine was called the penetration effect, without which European integration would not be able to further develop. In addition, researchers note that the relatively new phenomenon typical of the EU is the adoption by its institutions of acts addressed to legal entities of third countries (so-called extra-territorial action). This practice is also characteristic of a number of countries, in particular, the United States and Germany, and this raises a lot of controversy from the point of view of the concept of state sovereignty, since it seeks to impose on other actors a mode of cooperation which in certain circumstances may deprive them of their means effective protection of their interests. A means of spreading the EU's influence on the rule of law of third states was precisely the EU's right to become an instrument for effectively protecting the interests of the European integration association and its member states in its relations with other actors. As the analysis of the practice of legal regulation of EU co-operation with third countries shows, this is ensured first of all through the autonomy of law and the spread of its norms beyond the EU, accompanied by the process of adaptation of the national legislation of third countries to the standards of the legal system of the European Union. Thus, third countries are gradually being involved in the processes of legal integration within the framework of European integration organizations, which cannot avoid to affect their sovereignty (Basarab, 2004).

The conviction that the condition and the obligatory consequence of formal accession to the EU results in the rejection of the part of sovereignty is one of the most steady-state myths and cliché in the political and quasi-scientific discussion of integration, which is used by national governments to prove to their voters that they are not involved in unpopular measures, and the EU's external partners - to avoid discussing specific issues of mutual relations. Therefore, in order to investigate the falsity of such a conclusion, it is necessary to examine the extent to which the European Union influences the possibility of limiting the sovereign rights of non-member states.

2. Third countries cooperation in influence of EU, classification of agreements

Among the third countries with which the EU has contractual relations, the candidate countries and the neighboring states occupy a special place, since they are the ones who most closely co-operate with the Union. The legal status of a candidate for accession to the EU comes after the official application and acceptance of a positive decision by the EU Council on the opening of a negotiation process with such a state. The concept of a neighboring country meets in Art. 8 of EUC, according to which the Union develops special relations with neighboring countries for the creation, on the basis of the Union’s values, of an area of prosperity and good-neighborliness, which has close

and peaceful relations on the basis of cooperation. To this end, the Union may conclude separate agreements with the countries concerned. These agreements may include reciprocal rights and obligations, as well as the possibility of joint action.

Therefore, the legal basis for the EU's influence on the sovereignty of candidate countries and neighboring countries is international treaties. Moreover, when concluding international agreements with third countries, the practice of including in these agreements' provisions similar to those contained in founding treaties or acts of the EU institutions addressed to the member states is widely used. This creates the legal basis for the assimilation of the provisions of EU law in the internal legal order of third countries established in international treaties.

Muravyov (2003), in the work devoted to the legal principles of regulation of economic relations of the EU with third countries, developed the classification of EU international agreements, according to which, depending on the fields of cooperation envisaged by their provisions, these agreements are divided into: agreements on economic cooperation, trade agreements, trade and cooperation agreements, partnership and cooperation agreements, Association Agreements. In this case, the degree of influence of the provisions of treaties on the sovereignty of third countries varies depending on the level of cooperation between the parties, as determined by the said agreements. In this study, we are focused at two last categories of agreements that are concluded with candidate countries and neighboring countries. This does not exclude the conclusion of separate sectoral agreements in the social sphere, the sphere of security, justice, etc.

3. EU Agreements of Association

Association agreements are concluded, if the State is recognized as capable of negotiating accession to the EU. The term association in international law is used to name associations of states, including with international organizations of a coordinating nature whose bodies do not have supranational powers. The Constituent Treaties of the EU do not provide for the concept of associate membership, but they include the provisions on association with overseas countries and territories and provide for the possibility of concluding special association agreements with third countries and international organizations providing for mutual rights and obligations, joint actions and procedures. In this case, an associate partnership is being implemented through specially created bodies and involves the implementation of cooperation between the parties in various fields. Today they are concluded by the EU with all candidate countries and some of the applicant states. In particular, an Agreement on Stabilization and Association with Albania was signed in 2009 and the ratification process for similar agreements with Bosnia and Herzegovina and Serbia continues. In 2014 EU signed the association agreement with Ukraine (Kopcha, 2011).

The most close cooperation within the association is provided for in the Agreement on the Establishment of the European Economic Area of 02.05.1992 (hereinafter referred to as the EEA), which actually reproduces the main provisions of the EU Treaty and acts of the institutes of the Union, providing for the most complete recognition of their EU law in the relevant fields. The emphasis here is on the inclusion in the national law of the EEA member states of the whole blocs of EU law as a way of reproducing the provisions of the Treaty establishing the EU in the Agreement on the creation of the EEA, as well as by referring to the EU regulations and directives, which are incorporated in the annexes to the Agreement and acts of association bodies, and their provisions become part of the national legal order of the associated states.

One of the ways of harmonization is the introduction by EU institutions' directives into the national legislation of the associated countries the reference to these acts or their inclusion in the annexes to the EEA Agreement or the resolution of such an association body, such as the Joint Committee. By implementing the provisions of such EU directives in the national legal order of the associated countries, the harmonization of their national law with the EU law is carried out. It should be noted in this connection that the same way of harmonizing national legislation, however, already in the member states, is already applied in the European Union.

Typically, the provisions of the agreements relating to the adaptation of the national legislation of the associated countries to the EU law have the character of both firm and soft obligations of the parties depending on the areas in which the harmonization is carried out. However, the definition of spheres themselves tends to take into account the special nature of relations with a particular country, although certain areas, in particular, the protection of intellectual property rights, competition law, etc., are enshrined in all, without exception, association agreements.

In the process of adaptation, all associate states deal with the same acts of the European Union. In practice, there is a selective approach where, for the various associated countries or groups of such countries, depending on the objectives and areas of cooperation defined by the agreement with the whole range of acts of the EU, those whose implementation must ensure the fulfillment by the parties of their obligations is specifically selected. For example, for the associated countries of Central and Eastern Europe in order to determine specific commitments on EU accession, the EU Commission adopted in May 1995 a White Paper Preparing Associate Countries of Central and Eastern Europe for Integration into the Internal Market of the European Union. Particular attention in this document is given to the adaptation of the national legislation of the associated countries to the European Union law, which is considered as a substitute for the extension of the right of this association to these countries. The White Paper is a guide for use by present and future affiliated countries. Its provisions are not binding, but they fulfill the role of a guide on the way to joining the EU. Regarding the practice of implementing the EU acts of the associated countries of Central and Eastern Europe included in the White Paper, it mainly comes down to the adoption of the provisions of the regulations of the EU institutions.

Adaptation of the legislation of associated countries to the EU law is more restrictive than that which is implemented within the EEA, as it concerns a much smaller number of acts of European integration organizations, covers only those clearly defined by the European cooperation agreements. Another difference is that the adaptation of the legislation of the Member States of the European agreements with EU law is carried out on two levels - at the international level and in the level of the European communities. The ways of harmonization are reduced mainly to the accession of associated countries to multilateral international conventions on the protection of intellectual property rights and to the adoption of regulations which provisions must comply with the applicable European Union law in the field of the European treaties (Berezovska, 2005).

Based on the analysis of the experience of cooperation of the associated countries with the EU, Muravyov (2003) highlights the following main ways of convergence of the national law of these countries with the EU law. First, it is the adoption of national legal acts that take into account, to varying degrees, the provisions of EU law. The second way involves the accession of a non-EU country to international agreements binding on the EU and its member states. The third way is the incorporation into national law of EU legal acts. Another way is the mutual recognition by the parties of the standards in force in each of them. Finally, as a means of harmonization, parallel

adoption by associated countries of normative acts that are identical or similar in content with the acts of the European Union can be used.

4. EU partnership and cooperation agreements

Partnership and cooperation agreements define similar ways of convergence of the national law of the respective third countries with the EU law. It is about concluding or joining international agreements, the adoption of national laws, provisions of which comply with the rules of the law of the Union, as well as the mutual recognition of the party's rules of the other party in a particular industry. However, such a process is predominantly one-sided, since its implementation involves bringing the legal norms adopted by third countries in line with EU law (Hobbies, 2009).

Today, the EU has concluded a partnership and cooperation agreements with most of the other countries that were part of the former USSR, including both neighboring states and EU partner countries. In particular, in addition to Ukraine, this applies to the Russian Federation (1997 Agreement), Armenia (1999 Agreement), Azerbaijan (1999 Agreement), Georgia (1999 Agreement), Kazakhstan (1999 Agreement), Kyrgyzstan (1999 Agreement), Uzbekistan (1999 Agreement), Tajikistan (Agreement 2010). At the same time, the agreement with the Russian Federation provides for the creation of a free trade zone, which is typical of association agreements.

EU Partnership and Cooperation Agreements and Associations may include provisions on the adaptation of the relevant legislation of non-member countries under EU law, and the main means of adaptation are the accession to the agreements to which the EU member states are party, the adoption of normative acts that comply with the rules of European integration right organizations, mutual recognition of the relevant standards in the participating countries. At the same time, it should be noted that the partnership and cooperation agreement also requires the creation of legal instruments covering different areas and not limited to customs procedures and trade in goods. The scope of their activities deeply penetrates the internal policies and legislation of the parties. For countries, this is a serious challenge, since the full implementation of such agreements will require far-reaching efforts to adapt domestic legislation in different directions: both in the political and economic spheres and in improving administrative and judicial procedures. Considerable measures must be taken in the direction of reforming and restructuring the economy in order to establish the necessary confidence among market participants, as well as institutions supervising their activities (Bytyak et al., 2017).

To a large extent, Association Agreements are similar to the Partnership and Cooperation Agreements (this includes provisions on political dialogue, the establishment of enterprises, movement of labor and capital, and cooperation in the economic, financial and cultural spheres). At the same time, the differences between association agreements and partnership and cooperation agreements are primarily due to trade issues, since the former are preferential agreements aimed at creating free trade areas for goods and services and cover virtually all trade issues between the parties.

Moreover, if the partnership and cooperation agreements are concluded with the states that choose the usual format of interstate cooperation, the association agreements (stabilization and association agreements) are concluded with the aim of preparing for the state to become a member of the Union and provide for a greater degree of self-restraint of sovereign rights in favor of the supranational association. In particular, the authorities of cooperation between the states and the EU on the basis of partnership and cooperation agreements only accept the recommendations, which are covered by the notion of soft law, which by their nature are political agreements. At the same time,

the state has four alternatives for the behavior: a) to fully implement the recommendation provided by the EU on the format of cooperation at the national level and to take appropriate measures; b) implement the partial implementation of the recommendation standard; c) keep the status quo; d) to improve the mechanism of implementation of the current legislation. In this case, in case of non-consideration or incomplete consideration of the provisions of the recommendations submitted by the EU, the state will not be brought to legal liability in contrast to the EU member states, which are obliged to implement the aquis communautaire in their own law-and-order. The specified circumstance can only create obstacles in the further process of its integration into the EU.

At the same time, Association Agreements stipulate that joint bodies may be empowered to make binding decisions. For institutional mechanisms created under association agreements, a structure based on the model of EU institutions, but with limited functions, is commonly used. Typical is the establishment of the three main institutions: the Association Council, the Association Committee and the Inter-Parliamentary Committee of the Association. The peculiarity of the councils of associations is to empower them to make legally binding decisions for states. This competence is not owned by any of the bodies created under other EU treaties with third countries. At the same time, the decision of the associations of councils forms an integral part of the EU law and can be interpreted by the EU Court.

In addition, unlike the partnership and cooperation agreements, the indispensable economic foundation of an association with the EU is the creation of a free trade zone or a customs union between the EU and an associate country, the legal regime of which affects the state's exercise of its sovereign powers in the economic sphere. Thus, the free trade area provides for the abolition of customs rates, taxes, fees and quantitative restrictions in the mutual trade of industrial goods between its participants. At the same time, the states retain the right to independently carry out trade policies with third countries. The free trade regime does not require revision of existing free trade agreements with other countries. Therefore, the country can, at its own discretion, simultaneously introduce several free trade areas with different groups of countries, including the EU, (the largest free trade area between the EU and the three European Free Trade Association countries (Iceland (the only candidate state), Liechtenstein and Norway) is known as the Single Economic Space), but not to violate the commitments made under the agreements on the establishment of the specified trade regime. Instead, the customs union is a higher level of integration and provides for the introduction of certain restrictions on the right of the state to exercise sovereign rights in foreign trade. In accordance with the rules of this regime, not only the abolition of customs duties and other trade fees between its participants, but also the unification of rules of foreign trade with third countries and the introduction of a single customs tariff for all its members. Therefore, membership of the state in the customs union with the EU excludes the simultaneous possibility of its stay in other customs unions. Thus, the customs union restricts the parties to the right to independently conduct trade policy with third countries and requires concerted action with other members of the association. In particular, the EU customs union includes, in addition to its member-states, Turkey (one among the candidate countries), Andorra, Monaco and San Marino.

Consequently, if the legal basis for EU influence on the sovereignty of third countries is international agreements (first of all, the partnership and cooperation agreements and association agreements), then the basis of the legal rules that ensure the EU's influence on the sovereignty of candidate and neighboring countries is the acquis communautaire (joint work, the property of the Communities) - a set of legal and normative references, political declarations, legislative initiatives that have a regulatory impact on the EU's law and order. The value of the acquis communautaire concept lies in the fact that it guarantees the homogeneity, integrity and stability of the legal system

of the European Union, since it is based on the idea of the impossibility of changing its constituent parts in the process of cooperation. Therefore, in its relations with third countries, including candidate countries and neighboring states, the EU is trying to maximize the protection of community efforts. In connection with the above, one should agree with V.I. Muravev that the concept of joint development, as an important factor in European integration, has both internal and external aspects. It has the role of not only the legal basis for European economic integration, but also the creation of a legal framework governing EU relations with other actors of international law, especially with so-called third countries, including Ukraine. Although the political component is also gradually becoming an important component of the EU's relations with third countries, their relations in the economic sphere continue to form the basis.

5. Third countries and acquis communautaire.

The peculiarity of relations with third countries is their perception of the rights of the European Union, which promotes the involvement of the latter in the processes of European integration. This is done on the basis of the establishment of contractual relations with the European Union, which create the appropriate legal forms of integration with it. Attracting countries to European integration processes becomes possible only by adhering to the acquis communautaire, which requires the correction of some of their sovereign rights. Consequently, the rights and obligations covered by this notion are binding on all Member States and must also be fully adhered to in the applicant countries for accession to the EU on terms defined in the negotiation process. In particular, Art. 49 The CEU stipulates that any European state that respects the values defined in art. 2 of this Treaty (human dignity, freedom, democracy, equality, the rule of law, human rights, in particular persons belonging to minorities) and committed to their dissemination, may apply for membership of the Union. Consequently, the states that decide to elect a European integrational vector in their foreign policy must adhere to these fundamental values, which are concentrated on expressing the common constitutional and legal heritage of the countries of Western Europe and are the basis of the functioning of the EU, since they are considered a prerequisite for membership in the Union and cannot be revised (Kostyuchenko, 2010).

However, with respect to the accession countries, other conditions have been introduced, due to the significant difference between the states in the political, economic, social and cultural spheres and the desire to create a homogeneous environment within the Union. Therefore, during the latest enlargements of the EU, additional criteria were established, the conformity of which can testify to the ability of the state to fulfill the obligations of the Member State of the Union. This is primarily about the so-called Copenhagen membership criteria adopted by the European Council in June 1993 for candidate countries from Central and Eastern Europe, whose political, legal and socioeconomic systems functioned for a long time under conditions fundamentally different from the EU system coordinate. In particular, such conditions recognize the stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities (political criterion); availability of a functioning market economy, as well as the ability to withstand competitive pressure and market forces within the EU (economic criterion); the ability to take on membership obligations, including a commitment to the objectives of the political, economic and monetary union (criterion of the capacity to adopt the acquis communautaire). As an exception, there are transitional periods during which the new Member State is exempted from the obligation to comply with the specific requirements of the acquis communautaire. However, as the EU Court has pointed out, the purpose of such exceptions can only be to facilitate the adaptation of the new Member State to the requirements of the current EU law (Zemaneck, 1998).

The Madrid European Council of December 1995 also pointed to the need to create conditions for the gradual, harmonious integration of candidate countries, in particular through the development of a market economy, the correction of their administrative structures, and the creation of a stable economic and monetary environment. The same year, the community was enriched with the Schengen acquis, which was based on the Convention implementing the Agreement on the gradual abolition of checks at common borders of 14.06.1985 (Prechal, 1995).

Thus, the countries applying for EU membership should make changes to national legislation, including those concerning important spheres of sovereign powers (state migration, economic, non-pectoral policies, etc.). This also applies, to a certain extent, to neighboring states, which have the objective of working closely with the Union. In any case, each of the above groups of countries should implement a certain part of the acquis communautaire in their domestic law. At the same time, the specific content of the community product for countries that wish to conclude international co-operation agreements with the EU, is already determined during negotiations on the conclusion of such agreements. At the same time, the states themselves, having regard to the principledness of some of their national interests, may make certain safeguard clauses concerning the inability to accept some of the provisions of the community. That is, the specific content of the acquis communautaire may vary depending on the EU's approach to determining the level and purpose of cooperation between the parties.

6. Reforms and transformation in law and economy

According to the historical experience of the development of the Communities and the Union, the scope of the community product has been steadily increasing and extending to new areas in connection with the expansion and evolution of EU competence (ehis is due to the lack of clearly defined boundaries of the acquis communautaire). Therefore, new candidates are faced with more difficult political, economic and legal terms of entry, and their state sovereignty is a subject to a test.

While choosing a course on European integration, the fundamental problem of choice is always in front the state - between the willingness to transfer well-defined sovereign functions to supranational institutions and the opportunity to participate in the development of a common economic, social, foreign policy and policy of cooperation with the EU at the level of ordinary intergovernmental cooperation, involving only individual directions of activity of the Union. In any case, the impact on the sovereignty of the state is exercised through the direct authorization of this on its part, taking into account national interests, despite the EU's political aspirations. It is important that the EU, in its relations with the European states, emphasizes the priority of the political dimension of the process of integration and the establishment of political dialogue between the parties.

So, the states that choose the course for European integration, carry out numerous political, economic and legal reforms at the national level in many spheres of sovereign powers in order to realize their strategic goal. The scale of the measures taken by the states to acquire EU membership is evidenced, in particular, by Serbia, which as an applicant country for accession to the EU must implement 2,483 paragraphs of a 400-page document on the negotiation process.

In the Slovak Republic, following the submission of the application for accession to the EU, large-scale transformations began, which concerned virtually all segments of the legal system [19]. So, in the light of the acquis communautaire, amendments of Art. 78 of the Constitution of the country, which concerned the legal status of deputies, and Section VII of Chapter VII, devoted to

the judicial system of the Republic; a number of normative acts were adopted concerning preparation for the participation of the republic in the EU institutions; the legislation on security and the counteraction of crime was improved; the basic laws in the field of state security have been updated; the institutional mechanism of counteraction to corruption in the supreme bodies of state power and organized crime was developed; judicial system reformed.

The success of the process of European integration of Poland in 2004 was due to the adoption of important national acts: the Program of Action for the Adaptation of the Economy and the Legal System to the requirements of the European Agreement of 1993, the National Integration Strategy of 1997 and the National Program for the Preparation of Poland for EU Membership in 1998. The definitive feature of these documents was a clear set of tasks, the establishment of responsible for their implementation and the definition of sources of funding. In this regard, the well-organized institutional mechanism and the specificity of the adopted documents have become the determining factors for the consistent promotion of Poland to the EU.

7. The potential threat of restricting sovereign rights with EU membership

One of the most striking examples of the direct influence of the EU on the sovereignty of the candidate state is the European integration experience of Croatia, which in 2005 applied for membership of the Union, while the accession negotiations have been positively completed as of 30.06.2011. The country has successfully implemented a number of political and legal reforms, and made significant changes to its constitution of 1990. Being still in the status of an applicant country for accession to the EU, in 2009 the state added to the Constitution a separate section VIII on the European Union[1]. In particular, the Art. 145 provides that the exercise of rights deriving from the acquis communautaire of the EU should be carried out in the same way as those arising from national law. All legal acts and decisions of the EU institutions supported by the Republic should be applied in accordance with the acquis communautaire of the EU. The courts of the Republic are obliged to protect the rights of individuals based on the acquis communautaire of the EU. Bodies of executive power, local self-government and legal persons of public law are obliged to apply directly the rules of EU law. Such principled provisions on the country's commitment to the European Union demonstrate the country's great desire to integrate into this supranational union that practically does not exist in the constitutions of existing member states.

H. Grabbe notes that the process of Europeanization of countries located on the periphery of the EU has a powerful effect, mainly due to the use of the Union institutions of the principle of the conditionalism (determinism), by which it understands the set of means of transforming the ruling structures, the economy and civil society of the candidate countries in accordance with the standards Union, which are integrated into the process of acquiring EU membership. The main content of the model of conditionalism is to achieve such a ratio of costs and benefits, as a result of which internal changes are the answer of the candidate countries for the material and social benefits offered by the EU. These are financial and technical assistance, access to the EU market, institutional links and the proposal to begin accession negotiations. The potential threat of restricting sovereign rights in connection with EU membership does not in any way reduce the flow of those wishing to obtain the status of a Member State. This indicates a certain uniqueness of the European integration process, which is that States (even those who have relatively recently gained

[1] In the constitutions of other candidate countries, such provisions have not been introduced.

real independence - Montenegro, Bosnia and Herzegovina and others) are voluntarily willing to restrict their right to exercise their sovereign rights in favor of joining the EU.

In this conjunction, R. Baldwin defines four categories of political preferences for the implementation of the European integration policy for the state: 1) international security (integration accelerates economic development and reduces disparities in the levels of wealth and income in different countries, which sometimes leads to international conflicts); 2) internal stability (through the establishment of Western European concepts, legal norms, democratic institutions and the prospect of more rapid welfare of different social groups); 3) support for democracy and reform; 4) geostrategic advantages (Skovikova and Yakovyuk, 2010).

The desire of countries to join this image can be explained (simplified) by Maslow's theory of motivation, according to which the basic human needs (motivating one or another of its activities) are the need to provide physiological needs (the lowest level of motivation), the need for security, social recognition, social participation and self-development (the highest level of motivation). These three pillars of the image of the EU (peculiar concepts - securing stability and security, access to the cornucopia and accession to the elite) have such an effect on the behavior of countries wishing to accede to the EU. These myths are so powerfully cultivated both within the EU and in accession candidate countries that often do not even suspect them of unreality, and they are often used in studies (or statements) as axioms.

The European Union is capable of influencing the sovereignty of neighboring countries that consider close cooperation with the EU a very important foreign policy direction, but for various reasons, they do not apply for membership or the Union is not ready for accession. In this regard, the European Neighborhood Policy (ENP) is being implemented within the EU - a special EU policy that defines a special legal regime for enhanced cooperation between the EU and its neighbors, enabling them to participate in various EU activities through closer political, economic, cultural cooperation and cooperation in the field of security. At the same time, the ENP is in no way linked to the membership procedure. It is intended to prevent the emergence of a new line of division between the enlarged European Union and its neighbors and enable the latter to participate in privileged relations that will be based on the mutual recognition of common (in fact, European) values, especially in the areas of rule of law, good governance, respect for human rights, including the rights of minorities, the promotion of good-neighborly relations, as well as the principles of a market economy and sustainable development. The depth of these relationships depends on how effectively these values are being implemented by neighboring countries. To this end, it is foreseen that the EU will annually assess the implementation of bilateral agreements with its neighboring states.

Romano Prodi once pointed out that the good neighborly policy implies that there will be a number of countries around Europe in the East and West with which the EU will eventually be able to have all the common - economy, trade, culture, etc. - with the exception of the state (supranational) institutions - the European the Parliament, the European Council, the Commission. This is due to the fact that Europe needs frontiers, and therefore there should be a clear idea of where Europeans want to achieve a united Europe.

8. Evolution of EU treaties

It should be noted that the European Union has diversified its approach to working with different groups of neighboring countries, which was the launch of the European-Mediterranean Partnership (EMP, Barcelona Process), the Stabilization and Association Process for the Balkans,

the initiation of the Eastern Partnership, which envisages in-depth cooperation with the six eastern neighbors of the EU (Azerbaijan, Belarus, Armenia, Georgia, Moldova and Ukraine) in order to create the necessary conditions for accelerating the process of political association and further economic. To this end, the Eastern Partnership provides support for political and socio-economic reforms in partner countries, contributing to their rapprochement with the European Union. At the same time, the Eastern Partnership policy envisages further simplification of the visa regime (as it was established with Moldova in 2014 and with Ukraine in 2017) and gradual movement towards its liberalization; creation of in-depth free trade zones; support for the process of approximation of legislation and strengthening of the institutional mechanism of the countries concerned; promotion of regional development on the basis of EU regional measurement policy; creation of an integrated border management system; cooperation in the field of energy security.

The above programs do not foresee the introduction of a qualitatively new level of relations with the Union, but only aimed at improving the relations between the neighbors themselves under the supervision of the Union and in accordance with its requirements, as well as the provision of the interests of the very Union in the field of energy security. Thus, the implementation of the Eastern Partnership program will certainly help to bring its members closer to the EU standards in a certain way, will improve the interaction between them, but in fact, the European Union will receive much more benefit from its implementation (Preston, 1998).

Investigating the EU's influence on the sovereignty of candidate countries and neighboring states, it worth to draw attention to the peculiarities of the indirect influences of the EU on the sovereignty of candidate countries and neighbors with unresolved secession conflicts. This is due to the existence of a requirement that a country cannot become a member of the EU without internal conflicts. In this case, the mechanisms of such influence and its consequences may differ significantly. Thus, the European Union can sometimes help resolve the secession conflict, with the aim of returning separatist education to an officially recognized state. For states such as Bosnia and Herzegovina, Georgia, Cyprus, Moldova, the possibility of acquiring membership in the EU is seen as the most effective means of restoring territorial integrity and the realization of state sovereignty throughout the country. However, the policy of Europeanization carried out by the European Union can not only help restore sovereignty, but also prevent its preservation in countries with secessional conflicts, as evidenced by the situation with Serbia. Thus, the European Union consistently pursued a policy not only to support the separatist aspirations of the Kosovar Albanians, but in fact in every way supported the withdrawal of Montenegro from a single state with Serbia. One of the requirements for Serbia's accession to the EU was to resolve the Kosovo status problem, which sought to gain independence. The fulfillment of this requirement actually meant the loss of Serbia's sovereignty over part of its territory, which is associated with the historical process of self-identification of the Serbian people.

9. Conclusion

An analysis of the relationship between the EU and the candidate countries and neighboring states suggests that a supranational organization of power is able to exert a significant influence on the sovereignty of these categories of states. The EU's membership policy towards the countries with which it borders is used by the Union to ensure the national interests and security of the Member States and the association as a whole. At the same time, such a policy of the EU significantly influences the content and direction of economic, political, administrative and legal reforms implemented in the candidate countries and neighboring states, as well as foreign policy

activities. In any case, the impact on the sovereignty of the state is exercised through the direct authorization of this on its part, taking into account national interests, despite the EU's political aspirations.

References

BASARAB, M. 2004. **The Experience of European Integration of Poland: Perspectives for Ukraine**. Author's abstract. Dis ... Cand. Polite. Sciences: 21.01.01 / MB Basarab; National other strategist research, national in-t probl. international security, Vol. 15, p. 8. Russia.

BEREZOVSKA, I. 2005. **Legal regulation of relations of the European Union with the associated countries: author's abstract**. dis ... Cand. Juridical. Sciences: 12.00.11 / Irina Andreevna Berezovska. Vol. 20. Nº 8: 16. Russia.

BYTYAK, Y., YAKOVYUK, I., TRAGNIUK, O., KOMAROVA, T., & SHESTOPAL, S. 2017. **The State Sovereignty and Sovereign Rights: the Correlation Problem**. Russia.

HOBBIES, Y. 2009. **Legal status of candidate countries for accession to the European Union: problems of sovereignty**// State and Law. Vol. 44. pp. 614-619. Russia.

KOPCHA, V. 2011. **Legal reform in the Slovak Republic in connection with joining the European Union: main directions** // Entrepreneurship, economy and law. Nº 2. pp. 115-119. Russia.

KOSTYUCHENKO, Y. 2010. **Legal regulation of cooperation between Ukraine and the European Union: Author's abstract**. dis ... Cand. Of juridical Sciences: 12.00.11- International law. Vol. 20. p. 9. Russia.

MURAVYOV, V. 2003. **Legal principles of regulation of economic relations of the European Union with third countries**: dis ... dr Jurydical Sciences: 12.00.11/ Viktor Ivanovich Muravyov. Vol. 451. p. 211. Russia.

PRECHAL, S. 1995. **Directive in European Community Law**. Oxford. Vol. 394. p. 289. UK.

PRESTON, C. 1998. **Poland and EU membership: Current issues and future prospects**. Journal of European Integration, Vol. 21, No 2: 147–168. UK.

SKOVIKOVA, A., & YAKOVYUK, I. 2010. **Legal problems of definition and implementation of state sovereignty at the present stage**. M.: LLC NIPKTS Voskhod-A, Vol. 320. p. 224. UK.

ZEMANECK, K. 1998. **Is the Term Soft Law Convenient?** In Liber Amicorum: Professor Ignaz Seidl – Hohenveldern / Edited by Hafner G., Loible G., Rest A.,Sucharia-Behrmann L., Zemanek K. The Hague. pp. 843 – 862. UK.