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NATIONAL LEGISLATION OF UKRAINE IN THE FIELD OF CROSS-BORDER COOPERATION: HARMONIZATION WITH EU LAW

Dr Yaroslava Kalat

Senior Researcher of the Cross-Border Cooperation Sector,
IRD NANU, Ukraine

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- a) Cross-border cooperation in view of the implementation of the Association Agreement between Ukraine and the EU.
- b) The main provisions of the legislation of Ukraine on cross-border cooperation and their alignment with European legal standards.
- c) Discussion questions.

LEGAL FRAMEWORK FOR THE DEVELOPMENT OF CROSS-BORDER COOPERATION IN UKRAINE

The institutional and legal framework of cross-border cooperation

Agreements between local government bodies, founding agreements, and statutes of cross-border cooperation authorities, strategies, programs, concepts, and other **normative documents of regional policy within the framework of cross-border cooperation**

National legislation (general regulatory acts: Constitution of Ukraine; Law On the State Border, etc.; specialized regulatory acts: Law On Cross-Border Cooperation; State Program for the Development of Cross-Border Cooperation, etc.)

Bilateral and multilateral international agreements (Association Agreement between Ukraine and the EU, Agreement between the Government of Ukraine and the Government of the Republic of Poland on interregional cooperation, Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on cross-border cooperation, etc.)

International legal acts (Madrid Convention and three additional protocols to it; European Charter of Border and Transborder Regions; European Charter of Local Self-Government) **and EU regulatory acts** (Regulation No. 1082/2006) **on cross-border cooperation**

CROSS-BORDER COOPERATION WITHIN THE ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN UNION AND UKRAINE

CHAPTER 27

Cross-Border and regional cooperation

Article 446

The Parties shall promote mutual understanding and bilateral cooperation in the field of regional policy, on methods of formulation and implementation of regional policies, including multi-level governance and partnership, with special emphasis on the development of disadvantaged areas and territorial cooperation, hereby establishing channels of communication and enhancing exchange of information between national, regional and local authorities, socio-economic actors and civil society.

Article 447

The Parties shall support and strengthen the involvement of local and regional-level authorities in cross-border and regional cooperation and the related management structures, to enhance cooperation through the establishment of an enabling legislative framework, to sustain and develop capacity-building measures and to promote the strengthening of cross-border and regional economic and business networks.

Article 448

The Parties shall strive to develop cross-border and regional elements of, *inter alia*, transport, energy, communication networks, culture, education, tourism, health and other areas covered by this Agreement which have a bearing on cross-border and regional cooperation. In particular, the Parties shall encourage the development of cross-border cooperation in regard to modernisation, equipping and co-ordination of emergency services.

Article 449

A regular dialogue will take place on the issues covered by Chapter 27 of Title V (Economic and Sector Co-operation) of this Agreement.

ACHIEVEMENTS IN THE CONTEXT OF CROSS-BORDER COOPERATION WITHIN THE ASSOCIATION AGREEMENT BETWEEN UKRAINE AND THE EU

- ✓ The legal framework for the formation and functioning of the Euroregional Cooperation Groupings and the European Grouping of Territorial Cooperation has been created, as well as transparent conditions for state support of cross-border cooperation projects have been introduced
- ✓ A foundation has been established to facilitate the exchange of experience and best practices between partner countries, attract additional resources for the development of Ukraine's border regions, and implement local initiatives through cross-border cooperation programs
- ✓ The first cross-border basin agreement aimed at developing partnerships between states (Ukraine and Moldova) for the implementation of integrated water resource management has been ratified
- ✓ The development of cross-border tourism by joining European cultural routes, three of which run through the country, was stimulated
- ✓ A new legal regulation of online payments and taxation of cross-border electronic trade in goods and services has been adopted
- ✓ The provision of electronic services to individuals by non-resident entities was improved

THE SUBSEQUENT STAGES IN THE ADVANCEMENT OF CROSS-BORDER COOPERATION WITHIN THE CONTEXT OF THE ASSOCIATION AGREEMENT BETWEEN UKRAINE AND THE EU

- ✓ Establishing conditions for conducting cross-border activities in the non-state pension provision sector (*The action plan for implementing the Association Agreement between Ukraine and EU*)
- ✓ Reducing the influence of the border as a physical barrier by: - establishing close contacts between regional and local authorities; - increasing the efficiency of border procedures, including by improving the necessary border infrastructure (*the Agenda of the Association*)
- ✓ strengthening cooperation within the framework of the EU Strategy for the Danube Region (EUSDR), including through participation in political dialogue and implementation of tasks and projects regarding Ukraine, in cooperation with interested EU member states (*the Agenda of the Association*)

CROSS-BORDER COOPERATION IN THE LAW OF UKRAINE

“**cross-border cooperation** - joint actions aimed at establishing and deepening economic, social, scientific, technological, ecological, cultural and other relations between subjects and participants of such relations in Ukraine and relevant subjects and participants of such relations from neighboring states within the scope of competence, defined by their national legislation” (*Law of Ukraine “On cross-border cooperation” (2004)*)

“**cross-border cooperation** - joint actions aimed at establishing and deepening economic, social, scientific, technological, ecological, cultural and other relations between subjects and participants of such relations of Ukraine and relevant subjects and participants of such relations of other states within the competence defined their national legislation and international treaties” (*Draft Law of Ukraine on Cross-Border Cooperation 6082 and 9450*)

“**transfrontier cooperation** shall mean any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose” (*European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980)*)

“**European Cross-Border cooperation**, known as Interreg A, supports cooperation between NUTS III regions from at least two different Member States lying directly on the borders or adjacent to them” (*European Commission*)

INTER-REGIONAL COOPERATION IS A TYPE OF CROSS-BORDER COOPERATION?

“**inter-regional cooperation** is carried out between entities of cross-border cooperation, exercising executive power in the regions, cities of Kyiv and Sevastopol and/or representing common interests of territorial communities of villages, towns, cities, regions with relevant subjects of such relations of other states within the scope of competence defined by national legislation and relevant agreements on cooperation” *(Draft Law of Ukraine on Cross-Border Cooperation 6082 and 9450)*

“**Inter-regional co-operation** may be understood as the direct involvement of regional governments and parliaments in bilateral or multilateral co-operation schemes, other than those represented by trans-frontier co-operation, with regional governments in other countries” *(Recommendation 363 (2014) Inter-regional co-operation in Europe: trends and prospects)*

INTERTERRITORIAL COOPERATION IS A TYPE OF CROSS-BORDER COOPERATION?

“**interterritorial cooperation** is carried out between village, settlement, and city councils in Ukraine with relevant subjects of such relations in other states within the scope of competence defined by national legislation and relevant cooperation agreements. Rural, settlement, and city councils in Ukraine carry out such cooperation, including with relevant entities of foreign states that are not neighboring, but have common interests. Such cooperation can be carried out not only within the framework of cross-border cooperation, but also at the bilateral level by concluding agreements on inter-territorial cooperation” (Draft Law of Ukraine on Cross-Border Cooperation 9450)

“**“interterritorial co-operation”** shall mean any concerted action designed to establish relations between territorial communities or authorities of two or more Contracting Parties, other than relations of transfrontier co-operation of neighbouring authorities, including the conclusion of co-operation agreements with territorial communities or authorities of other States.”

“...territorial communities or authorities are increasingly co-operating not only with neighbouring authorities of other States (transfrontier co-operation), but also with foreign non-neighbouring authorities having common interests (interterritorial co-operation)...”

(Protocol No. 2 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities concerning interterritorial co-operation)

BORDER COOPERATION IS A TYPE OF CROSS-BORDER COOPERATION?

“**border cooperation** is carried out between subjects of cross-border cooperation of Ukraine, which exercise their powers on the territory directly adjacent to the state border, and relevant subjects of such relations of neighboring states within the scope of competence determined by national legislation and relevant cooperation agreements. Euroregion can be one of the forms of such cooperation. *(Draft Law of Ukraine on Cross-Border Cooperation 6082 and 9450)*”

DISCUSSION QUESTIONS:

- What do you understand by cross-border cooperation?
- Subjects and participants of cross-border cooperation: what does their legal capacity entail?
- Inter-regional cooperation, interterritorial cooperation and border cooperation are a type of cross-border cooperation?
- After the implementation of the Association Agreement between Ukraine and the EU regarding cross-border cooperation, what challenges and opportunities do you believe could Ukraine face in the context of further developing cross-border cooperation with the EU?

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THANK YOU FOR YOUR ATTENTION!

SYAYA@UKR.NET
SYAYAK@GMAIL.COM