International agreements of the European Union and acquis of the Union

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Abstract

The article deals with the impact of the EU acquis on the international relations between states taking into account the sustainability of integration processes within European Union. The methods of comparative analysis, historical and legal research, systematical approach are widely applied through the scientific study. The authors underline that the expansion of EU primary and secondary legislation into third countries' legal orders is most often achieved as a result of the conclusion of international agreements whose provisions reproduce the prescriptions laid down in the treaties establishing the European Union and in acts adopted by institutions of the EU. Special attention is paid to the association agreements between the EU and Mediterranean countries that envisage a gradual formation of the free trade area and imply that adjacent to the EU will be an area of economic stability, contributing to the development of its integration processes. One of the key results of the study is the statement that cooperation between the European Union and third countries and international organizations is provided due to so-called 'Europeanization' of their legislation.

Keywords: *international relations, EU acquis, Founding Treaties, European integration, harmonization, association agreement.*

JEL Classification: K33

1. Introduction

Making sustainable development of European integration deep and comprehensive the European Union law is a special phenomenon of modern legal reality. It has a significant impact on the sustainable development of organized integration not only within the Union but also in the whole world. This influence is permanently intensified due to the dynamic development of the EU. The main impulse for such a sustainable dynamism provides, first of all, the gradual deepening of integration processes within the European Union. We support the viewpoint of Biukovich L.[4] and Popescu M.[5] who say that it is definitely facilitated by the well-

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[4] L. Biukovic, "The New Face of CEFTA and its Dispute Resolution Mechanisms," *Review of Central and East European Law* 2008, no. 3 (May 2008): 257-294.
[5] M. Popescu, "Lisbon Treaty – the architect of a new European institutional structure," *Juridical Tribune – Tribuna Juridica*, vol. 3, issue 1 (June 2013): 116-129.

chosen model of legal regulation of European integration, whose elements in varying degrees find their reproduction in other international organizations. Shaw J.[6] states that the phenomenon of the European Union and its legal system in times of ups and downs is still in the focal point of many studies.

Parallel studies provided by Allott P.,[7] Barber N.,[8] Schutter O.,[9] Trebilcock M.,[10] Hooghe L.,[11] Curtin, D.,[12] Amhlaigh C.,[13] have been conducted into the EU international agreements in order to facilitate a better understanding of their compliance with international law instruments, to categorize them, to analyze their status in the EU legal order and their influence on the legal orders of third states as well as to hypothesize on the possibility of transplanting of EU norms in the internal legal orders of countries with which the EU concluded international agreements. Investigation carried out by Muraviov V.,[14] Hillion C.,[15] Mushak N.,[16] Henry J.,[17] McGoldrick D.,[18] Redmond J.,[19] Duthiel J.,[20] Lenaerts K.,[21] Wessel R.[22] determine that the fact that for a little less than the 70 years of its existence, EU law has actually been transformed from the sub-regional system of legal norms into the European-

[6] J. Shaw, "European Union Legal Studies in Crisis? Towards a New Dynamic," *Oxford Journal of Legal Studies*, 1996, no. 3 (October 1996): 122-134.

[7] P. Allott, "The Concept of European Union," *Cambridge Yearbook of European Legal Studies*, 2017, no. 3 (November 2017): 31-59.

[8] N. Barber, "The Constitution, the State and the European Union," *Cambridge Yearbook of European Legal Studies*, 2017, no. 2 (April 2017): 37-58.

[9] O. Schutter, "Fundamental Rights and the Transformation of Governance in the European Union," *Cambridge Yearbook of European Legal Studies*, 2017, no. 2, (November 2017): 133-175.

[10] M. Trebilcock, "The Law and Economics of Immigration Policy," *American Law and Economics Review*, no. 5 (Spring 2003): 271–317, http: // doi:10.1093/aler/ahg019.

[11] L. Hooghe and G. Marks, "A Post functionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus," *British Journal of Political Science*, no.1 (October 2009): 23-41.

[12] D. Curtin, "The Constitutional Structure of the European Union: A Europe of Bits and Pieces," *Common Market Law Review*, no. 17, (June 1993): 112-131.

[13] C. Amhlaigh, "Symposium – Crisis and Constitutional Pluralism in the European Union," *Cambridge Yearbook of European Legal Studies*, 2019, no. 21 (July 2019): 3-5.

[14] V. Muraviov, *Realization of the Association agreement between the European Union and Ukraine: means and legal tools* (Berlin: Lambert Academic Publishing, 2019, 56.

[15] C. Hillion, "New Framework for the Relations between the Union and its East-European Neighbours," *EUI Working Paper Law*, n. 21, (June 2007):147-154.

[16] N. Mushak, "Role of acquis in the EU legal order," *Evropsky Politichy a pravni Diskurz*, no. 4, (June 2016): 53-58.

[17] J. Macleod and J. Henry, *The External Relations of the European Communities* (Oxford, 1996), 432.

[18] D. McGoldrick, *International Relations Law of the European Union* (Oxford, 1997), 249.

[19] J. Redmond, *The External Relations of the European Community: the International Response to 1992*. (Basingstoke, 1992), 322.

[20] J. Duthiel, "De La Rochere. L'ere des competences partages a propos de l'entendue des competences exterieures de la communaute europeenne," *Revue du Marche Commun et de l'Union Europeenne*, (Spring 1995): 461-470.

[21] K. Lenaerts, "The European Community's Treaty-Making Competence," *Yearbook of European Law*, (Autumn 1998): 1-57.

[22] R. Wessel, "The Inside Looking out: Consistency and Delimitation in EU External Relations," *Common Market Law Review*, (Spring 2000): 1135-1171.

wide one, which confidently expands its influence outside the region, evidence of the significant potential of the EU law.

Nsour M.[23] underlines that due to the EU activities the tendency of regionalization gains momentum, which allows us of speaking of the proliferation of regionalism. Research provided by Schiemann K.,[24] Maresceau M.[25] stipulate that the gradual development of the European Union is impossible without the existence of favorable external conditions.

The particular attention to the proliferation of regional trade agreements (RTAs) that is closely linked with activities of the European Union (EU) in the area of trade was analyzed by Cremona M.,[26] Rau M.[27] We would like to state that for this research it is not important to dwell upon the term "regional agreement" that is whether it includes trade agreements between countries that are not within the same geographic region or between the countries that are within the same geographic region. The most important is that legal nature of regional or non-regional agreement is the same as well as the legal nature of the organs created on the bases of these agreements. Therefore, the terms RTA and FTA are used as synonyms.

For instance, Cremona M. calls the EU itself is an RTA which may serve as a model of a FTA for other countries. The EU is committed to free trade and to regional and extra-regional economic integration among other European and non-European countries. The EU is the world's largest trading block. The EU has about forty free trade deals, which is much more than any other state. The Union has concluded various types of agreements with third countries depending of the level of integration that it intends to achieve with that country.

Molyneux C.[28] and Muraviov V.[29] state that the European Union law actively contributes to the creation of such environment, and acts as an important means of protecting the interests of European integration in relations with third countries. International agreements serve as the basic legal instrument of the regulation of the EU relations with third countries and international organizations. At the same time, they are part of the EU law, which means that the conclusion of international agreements creates potential opportunities for influence of the EU law on legal orders of third countries and international organizations.

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[23] M. Nsour, *Rethinking of the World Trade Order. Towards the Better Legal Understanding of the Role of Regionalism in the Multilateral Trade Regime*. (Leiden: Sidestone Press, 2010), 324.

[24] K. Schiemann, "The European Union as a Source of Inspiration," *Cambridge Yearbook of European Legal Studies*, no. 4, (June 2017): 325-336.

[25] M. Maresceau and E. Montaguti, "The Relations between the European Union and Eastern Europe: A Legal Appraisal," *Common Market Law Review*, no. 7 (June 1995): 1327.

[26] M. Cremona, *Flexible Models: External Policy and the European Economic Constitution* (Oxford: Portland Oregon, 2000), 220.

[27] M. Rau, *Conquering the EU Market with "New" Trade Agreements between the EU and Partner Countries* (Berlin, 2013), 144.

[28] C. Molyneux, "The Trade Barriers Regulation: The European Union as a Player in the Globalization Game," *European Law Journal*, no. 4, (Autumn 1999): 375-418.

[29] V. Muraviov, "Acquis of the European Union and the Legal Order of Ukraine," *European Studies. The Review of European Law, Economics and Politics*, no. 2, (Spring 2016): 66-78.

2. Purpose and methods

The purpose of the research is to disclose the essence of the EU acquis as a legal basis for sustainability of the European integration, identifying peculiarities and problems in the implementation of EU acquis in third countries legislation and the development of proposals for improving cooperation between the European Union and third countries within the current processes of the European integration.

The research methods are chosen taking into account the delivered purpose, object and subject of research. In order to establish objectivity and justification of scientific positions, conclusions and recommendations, a set of philosophical-worldview general scientific and special scientific methods were used in the article. Formally, the logical method is used to identify the basic concepts and legal categories relating to the analysis of the content and sources of the European Union acquis. The historical method is used in the process of analyzing the implementation of the EU acquis practice at different stages of the EU law sustainable development.

The system analysis method provided an opportunity to identify the internal connections between legal decisions and measures of EU acquis in EU law and formulate key conclusions and recommendations for improving the efficiency of international and legal cooperation of third countries with EU Member States. The comparative method is used for the comparison of the contents and volume of the EU acquis in external agreements of the EU with third countries, as well as in the process of analyzing the compliance of the legislation of third counties with EU acquis. The dialectical method is used in the analysis of the legal relations prevailing within the EU acquis and developed on the basis of the practical needs of the participating States in international agreements.

The logic and legal methods are applied in order to clarify the implementation of legal decisions and measures of the EU acquis into the third countries' legislation. Forecasting and simulation methods are used to identify modern problems and threats in the areas of EU acquis and develop proposals and recommendations for the harmonization of third countries legislation in accordance with the EU acquis.

3. The concept "EU acquis" in the EU Legal System

One of the legal factors that should introduce the element of stability in the development of the EU law is the allocation from a large number of its legal norms those of them that constitute the basis of the entire system of EU law. They form the so-called "acquis of the Union" or *acquis* [30].

In the EU law there is no definition of acquis. Even the ECJ has failed to play any noticeable role in the development of the EU`s *acquis* doctrine. In its judgments in Cases 80 & 81/77 *Commissionnaires Reunis et Ramel*, the ECJ referred to the

[30] V. Muraviov, *The Legal Grounds of the Regulation of the Economic Relations between the European Union and Third Countries* (Kyiv: Urincom, 2002), 426.

acquis as an update of the Community concerning the unification of the market[31]. However, as the practice has shown, this remained only one humble try to show its interest in giving the definition of acquis.

An explicit interpretation for the notion of the *acquis* can be found in the Opinion of the EC Commission of 23 May 1979 concerning the accession of Greece to the European Communities. It was specified further in the European Council's conclusions made at its session on 26 and 27 June 1992 in Lisbon already in regard to the *acquis* of the European Union as a structure encompassing the EC, the common foreign and security policy, co-operation in matters of law enforcement and internal affairs as well as EU international agreements.

According to the European Union law doctrine, the *acquis* is commonly understood as a body of legal rules, court decisions, doctrinal notions, recommendations, arrangements, etc., which have been established or adopted by the European Union in its practice and which should be unconditionally accepted by the States candidates for EU membership — that is, as something which may not be negotiated[32]. An attempt has also been made to define the types of *acquis* (accession *acquis*, institutional *acquis*, *acquis* concerning associations with third countries, *acquis* of the European economic space).

Preston C.[33] elaborates that the content of *acquis* for the countries intending to conclude international agreements with the EU may be determined only when the conclusion of such agreements is being negotiated and differs depending on the Union's level of co-operation between the parties.

A special importance of the *acquis* concept consists in guaranteeing homogeneity of the legal system of the European Union, since it is based on the idea that its elements may not be changed in the process of cooperation with other subjects of international law. As a whole, it ensures the integrity of this system and necessarily a uniform application of EU law in all the Member States[34].

Homogeneity of law of European Union is maintained, in particular, in the light of the interpretation given by the Court of Justice of European Communities (ECJ) to EU law in some of its rulings[35].

The term *acquis* is widely used in many international agreements of the European Union. Its use is manly connected with the association agreements between

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[31] Judgment of the Court of 20 April 1978. *Société Les Commissionnaires Réunis SARL v. Receveur des douanes.* In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content.html, consulted on 1.06.2020.

[32] C. Gialdino, "Some Reflection on the Acquis Communautaires*," Common Market Law Review*, no. 3, (Spring 1995): 1090-1112.

[33] C. Preston, "Poland and EU Membership: Current Issues and Future Prospects*," Journal of European Integration*, no. 2, (Spring 1998): 153-162.

[34] Judgment of the Court of 26 October 1982. *Hauptzollamt Mainz v. C.A. Kupferberg & Cie KG. a.A.* Case 104/81. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/html, consulted on 1.06.2020.

[35] Judgment of the Court of 5 February 1963. *NV Algemene Transport en Expeditie Onderneming van Gend & Loos v. Netherlands Inland Revenue Administration.* Case 26/62. In: *Official Journal of the European Union*. Available online: https://eur-lex.europa.eu/legal-content/html, consulted on 1.06. 2020.

the EU and third countries in the context of the harmonization of legislation of the associated countries with the EU law. The EU concluded association agreements with countries from Europe, Asia, Africa, Latin America. However, the term acquis is used mainly when the agreement provides for the obligations of the associated country to bring its legislation with compliance of the EU law, that is, when it deals with unilateral obligations of the associated country. Thereby, not all EU association agreements envisage such unilateral obligations in the area of harmonization of legislation.

The expansion of EU primary and secondary legislation (the founding Treaties and acts of EU institutions) into third countries' legal orders is most often achieved as a result of the conclusion of international agreements whose provisions reproduce the prescriptions laid down in the treaties establishing the European Union and in acts adopted by institutions of the EU. However, by no means all international agreements concluded between the European Union and third countries can ensure such penetration by provisions of EU law into the internal legal orders of the third countries. The most typical kinds of international agreements capable of serving as a basis for provisions of EU law to penetrate into the internal legal orders of third countries are association agreements, to same extent partnership agreements and, to a much smaller extent, agreements on trade and co-operation. These may also include acts adopted by organs of the association or co-operation - namely, resolutions or conventions constituting part of the institutional mechanism of such agreements.

There are several major routes - through the conclusion of international agreements - for EU primary and secondary law to penetrate into third countries' legal orders: the incorporation of the provisions of EU law into international agreements or acts of co-operation bodies set up within the framework of such agreements and references by the international agreements or by co-operation bodies' acts to provisions of EU primary and secondary law.

In this regard, association agreements and agreements on trade and co-operation may appear to be different from partnership and co-operation agreements in that the former, firstly, appear to reproduce a somewhat greater number of provisions of EU primary and secondary law and, secondly, the association or co-operation bodies created on the basis of their provisions are empowered to adopt binding acts containing the provisions of primary law of the European Union and references to secondary legislation acts of the EU.

This approach is clearly seen from the trade agreements that the EU has concluded with European countries. In particular, Articles 3, 4, 5 and 7 of the Agreement concluded in 1972 between the EU and Switzerland as regards the establishment of a free trade area (with the amendments of 2001) actually reproduce the provisions of Article 30 of the Treaty on the functioning of the EU (Lisbon Treaty) prohibiting the contracting parties from imposing new customs duties on imports and exports and charges having equivalent effect, as well as customs duties of a fiscal nature. Furthermore, Article 13 of the same Agreement is in fact a reflection of the provision of Article 34 of the EU Treaty prohibiting the imposition

between the Member States quantitative restrictions on imports and all measures having equivalent effect.

Article 20 of the mentioned Agreement entirely reproduces the provision of Article 36 of the EU Treaty referring to some exceptional grounds allowing the Member States to resort to the non-fiscal prohibitions or restrictions on imports and exports.

It should be noted that, according to EU law, Articles 30, 34 and 36 have been recognized by the ECJ as having a direct effect[36]. However, this does not necessarily mean that they may have the same status in the internal legal order of Switzerland.

Article 23 of the Agreement partly reflects provisions of Article 101, which applies to rules of competition (prohibiting, in view of incompatibility with the area of free trade, the agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition in the sphere of production and trade in goods), Article 82, which prohibits any abuse by one or more undertakings of a dominant position within the common market or in a substantial part of it, and article 107, which prohibits any aid granted through State resources distorting or threatening to distort competition by favoring certain undertakings or the production of certain goods.

On the other hand, Article 29 of the Agreement empowers a Joint Committee, set up on the basis of this document, to adopt decisions binding upon the Parties with the aim of implementing its provisions.

Similar provisions are also reproduced in the 1973 Agreement on a free trade area between the EU and Norway.

4. Peculiarities of the Agreement on the European Economic Area

A special note is the Agreement on the European Economic Area (hereinafter - EEA Agreement) which constitutes a reflection of a great many provisions of EU primary and secondary law. This Agreement was signed in May 1992. Its Parties are the EU, its Member States, and some of the most developed European Free Trade Association (EFTA) Member States as Norway, Island, and Lichtenstein.

O'Keeffe G. underlines that this Agreement is somewhat unique in treaty-making practice of European Union, since, essentially, it entirely reproduces the provisions the EU Treaty governing the co-operation in the economic sphere[37]. Moreover, annexes and protocols to the Agreement contain references to provisions of various acts of EU institutions and, thus, along with provisions of the Agreement

[36] Judgment of the Court of 29 November 1978. Pigs Marketing Board v Raymond Redmond. Case 83/78. In: *Official Journal of the European Union*. Available online: https://eur-lex.europa.eu/legal-content/html, consulted on 1.06.2020.

[37] G. O'Keeffe, "The Agreement on the European Economic Area," *Legal Issues of Economic Integration*, no. 1 (Autumn 1992): 6-17.

on the European Economic Area, they fix the vast majority of the norms that make up *acquis.* Such a structure of the Agreement is explained by the fact, that when its drafters were deciding whether it was necessary to include into it the relevant provisions of *acquis* of the EU, they found that, considering the scale of such work, it would be actually possible to identify and fully incorporate these provisions into the future agreement. For that reason, the drafters decided that it would be better to use the legislative technique of putting references to the respective provisions of *acquis* into annexes and protocols to the Agreement on the European Economic Area (hereinafter - EEA). In this connection, the EEA Agreement can be called a global agreement on association, as it grants to the associated countries a status which is essentially substitute for their membership in the European Union, not providing therewith for any participation of these countries in the activities of the EU institutions or their co-operation in matters of foreign and internal policy.

Muraviov V. highlights that the legal mechanism of the association with EEA reflects to supranational character of the institutions of the European Union[38]. Militaru I. defines the powers of decision-making to be vested to the executive authorities of the Parties to the Agreement and the representative bodies, like parliaments, exercise consultative functions only[39].

Research by Blanchet T. deals with a far-reaching character of the EEA Agreement and states that it is first of all evidenced by its very structure[40]. The EEA Agreement comprises a Preamble and nine Parts laying down objectives and principles for the main four freedoms of the common market (free movement of goods, persons, capital, and services), covering the related spheres (rules on competition, social policy, consumer rights protection, environmental protection, statistics, entrepreneurial activity), co-operation outside the scope of the four freedoms, activities of co-operation institutions, etc.

As mentioned in Article 1(1) of this document, the aim of this Agreement of association is to promote a continuous and balanced strengthening of trade and economic relations between the Contracting Parties with equal conditions of competition, and the respect of the same rules, with a view to creating a homogeneous European Economic Area.

In other words, the goal is to create a market encompassing the territory of the European Union and that of the associated countries, with common rules regulating the relations between undertakings of all the Parties to the Agreement. The answer to the question what kind of rules these should be can be found in provisions of the EEA Agreement.

Since the main preconditions for the functioning of a common market are freedom of movement of goods, persons, capital, and services, the EEA Agreement

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[38] V. Muraviov, *The Supranational Character of the European Union Associations with Third Countries* (Springer, 2016), 211.

[39] I. Militaru, "The principle of empowerment in the European Union," *Juridical Tribune - Tribuna Juridica,* vol. 1, issue 2, (December 2011): 42.

[40] T. Blanchet and M. Westman-Clement, *The Agreement on the European Economic Area* (Oxford, 1994), 500.

extends to the associated countries the applicability, first of all, of those provisions of the EU Treaty which are connected with the maintenance of these freedoms.

However, control at the boarders remains to be in force. Freedom of movement of goods is, in particular, ensured by including into the EEA Agreement the provisions (Articles 10, 11, 12) essentially identical to those contained in Articles 30, 34, 35 of the EU Treaty - which lay down prohibitions against customs duties, quantitative restrictions on imports and exports, and also any other measures having equivalent effect. Article 36 of the EU Treaty is fully reproduced in Article 13 of the EEA Agreement as regards exceptions from such prohibitions. Likewise, the reflection of Articles 110 and 111 of the EU Treaty, which prohibit any discrimination in terms of internal taxation, can be found in Articles 14 and 15 of the EEA Agreement. Similar to the EU's regulation are also EEA Agreement provisions on State monopoly of a commercial character (Article 16).

As a rule, the EU's international agreements establishing free trade areas do not relate to agricultural products which are exchanged on the basis of special arrangements. This is entirely true for the EEA Agreement. However, this Agreement includes the so-called evolutionary provisions declaring the willingness of the Parties to also consider issues of trade in agricultural products (Articles 17-20). Therefore, this sphere has also been identified as being not excluded from the scope of EU law norms governing the common agricultural policy and fishery. Similarly, the Agreement contains the identical provisions governing the veterinary and phytosanitary matters (Annex 1 to the Agreement) and the same rules on trade in sea products (Protocol 9 to the Agreement).

Although the EEA Agreement refers to simplified border controls and formalities (Protocol 10 to the Agreement) and to co-operation in customs-related matters (Article 21, Protocol 11 and Part IV to the Agreement), it does not aim to build up a customs union, nor has it provisions on a common external tariff. Yet, the Parties agreed that a Contracting Party which is considering the reduction of the level of its duties or charges having equivalent effect applicable to third countries benefiting from most-favored-nation treatment should notify the EEA organs not later than thirty days before such reduction comes into effect; and it should take note of any representations by other Contracting Parties regarding any distortions ensued from such measures.

The EEA Agreement provides that anti-dumping measures, countervailing duties and measures against illicit commercial practices should not be applied in relations between the Contracting Parties (Art. 26).

Furthermore, it introduces unified procedures for regulating energy-sector relations (Annex 4 to the Agreement), rules on trade in coal and steel products (Protocols 14 and 15 to the Agreement), procedures for applying technical standards (Protocol 12 and Annex 2 to the Agreement).

Free movement of workers, freedom of establishment or the right to pursue economic activities are regulated on the basis of Articles 45 and 49 of the EU Treaty which are reproduced in relevant provisions of the EEA Agreement: Article 28 and Annex 5; Articles 31-35 and Annexes 8 and 11 to the Agreement). The EEA

Agreement also envisages measures concerning the mutual recognition of diplomas (formal qualifications) (Article 30 and Annex 7).

Almost all prescriptions of Articles 56-62 of the EU Treaty in regard to freedom to provide services are reproduced in the EEA Agreement as well (Articles 36-39 and Annexes 9-11 to the Agreement).

Finally, the EEA Agreement excludes any restrictions between the Parties on the movement of capital, even though these provisions only partly reproduce the respective rules of EU law on this matter (Articles 63 - 66 of the EU Treaty), since they keep intact some restrictions on certain direct investments and investments in real estate (Articles 40-45 and Annex 12 to the Agreement).

Apart from the rules of the four freedoms, the EEA Agreement also includes EU law rules relating to transport (Articles 47-52 and Annex 11 to the Agreement), social policy (Arts. 66-71 and Annex 18 to the Agreement), consumer protection (Art. 72 and Annex 19 to the Agreement), company law (Art. 77 and Annex 22 to the Agreement), statistics (Art. 76, Annex 21 and Protocol 30 to the Agreement), protection of the environment (Arts. 73-75 and Annex 22 to the Agreement), protection of intellectual property rights (Article 65, Annex 17 and Protocol 27 to the Agreement), procurement (Art. 65, Annex 17 and Annex 16 to the Agreement), rules on competition (Arts. 57, 59), etc.

The procedure for examining violations of rules on competition involves the distribution of powers between the EU Commission and the EEA Supervisory Body depending on the category of cases and the trade turnover of those participating in market relations within the free trade area created in accordance with the EEA Agreement (Article 56).

In addition to the EU Treaty provisions that govern internal market relations, the EEA Agreement reproduces some other rules of EU law aiming to create preconditions for the normal functioning of the whole legal mechanism of the Parties' co-operation. In particular, Article 3 of the Agreement mirrors Article 4.3 of the EU Treaty obliging the Member States to ensure the fulfillment of obligations under the Agreement and to abstain from any measure, which could jeopardize the attainment of the objectives of this Agreement (the so-called provisions on cooperation).

For the purpose of ensuring that the associated countries uniformly apply EU law provisions making up the *acquis* of the EU, Article 6 of the EEA Agreement stipulates that the Agreement provisions reflecting the essentially identical prescriptions of the EU Treaty or acts of EU institutions should be interpreted in accordance with ECJ judgments which had been delivered before the entry into force of the EEA Agreement without prejudice to the future practice of the ECJ.

The same purpose is pursued by Article 107 of the EEA Agreement, which refers to the possibility for judicial authorities of the associated countries to ask, under a prejudicial procedure, the ECJ to decide on the interpretation of EEA rules corresponding to the rules of EU primary and secondary law. This also suggests that the competence of the ECJ extends to relations arising outside the EU.

Apart from EU law rules that had been in force before the signature of the EEA Agreement, the associated countries may be subject to provisions of future acts

adopted by EU institutions in the form of regulations and directives. This is provided for in Article 7 of the EEA Agreement, which stipulates that EU institutions' acts referred to or contained in the Annexes to the Agreement should be made part of the associated countries' internal legal orders. Where the mentioned acts are regulations, these have direct effect within the associated countries' legal orders and, where they are directives, they are binding in respect to the result to be achieved, with the choice of the way for their implementation being left with the authorities of these countries.

As to the harmonization of the internal legislation of the EEA countries with the EU legal rules, in general, it can be assumed that the process of harmonization of domestic law with the EU law which began on a voluntary basis by the EFTA Member States, after signing the agreement on the creation of EEA has got a purposeful character.

It should be noted that the agreement on creating EEA does not operate with the terms "harmonization", "convergence", "adaptation", etc.[41] Rather, it only refers to the specific areas of harmonization and the actions of the parties that should lead to it.

The EEA agreement envisages establishing and adhering by the Parties to the common health and safety requirements and related technical standards in this area (Protocol 12 and annex II) (Article 67).

The Parties shall use harmonized methods, definitions and clarifications, as well as joint programs and procedures for organizing work in the field of statistics (article 76). However, the agreement does not define how it will be achieved.

In areas such as research and technological development, information services, environmental protection, education, vocational training and youth, social policy, consumer rights protection, small and medium enterprises, tourism, the use of audiovisual means, civil protection, etc. harmonization of the national legislation of the associated countries shall be carried out by parallel adoption of identical or similar laws (article 80). It should be noted that harmonization by parallel adoption by associated countries of identical or similar laws in accordance with the EU law is foreseen only within the EEA.

The major association's institutions contribute to the harmonization of the legislation of the associated countries with the EU rules. In particular, at the stage of preparation of all draft resolutions by EU institutions, the provisions of which affect the issues covered by the EEA Agreement, experts from associated countries take part in the consultations within the working groups at the EU Committee of Permanent Representatives (CPR) (Article 99). Such working groups or committees are created on the basis of the internal regulations of the EU Council (Article 19) and consist of delegates from each EU Member State, who should be experts in their field. The draft resolutions prepared by the working group are sent to the CPR, which pass them to the EU Council for consideration and final adoption. Taking into account that the EEA agreement covers almost all spheres that pertain to the EU competence, experts from the associated countries have an opportunity to take part

[41] M. Dembour, *Harmonization and the Construction of Europe* (San Domenico, 1996), 231.

in preparing of the overwhelming majority of the acts of the EU institutions and thus are able to receive information about preparation of new EU legislation. This allows associated countries to make necessary changes in their domestic legislation in time and to bring it into compliance with the EU law.

Experts from the associated countries, together with the experts from the EU Member States also take part in drafting resolutions of the EU Commission, which are adopted within the framework powers delegated to the Commission by Council (comitology) (Article 100). Thereby, the representatives of the associated countries are able to inform in advance the relevant national institutions about the acts that are planned to be adopted in order to implement the EU Council resolutions.

The EEA Joint Committee is in charge for the coordination of harmonization. It takes decisions on the amendments to the Annexes to the EEA Agreement and shall try to find mutually acceptable solution to resolve any conflict arising therefrom. On the other hand, the EEA Joint Committee is also dealing with the coordination of issues related to the preparation of new legislative acts by the associated countries in accordance with the EU law (article 102).

In general, the creation within the EEA free trade area implies the implementation by the associated states of the legal acts, which constitute the predominant share of the Union's acquis. They are mainly the directives approved in connection with the establishment of the EU internal market[42].

As well as EU laws that had been in force before the signing of the EEA Agreement, associated countries may also be subject to provisions of future acts adopted by EU institutions in the form of regulations and directives. This is provided for in Article 7 of the EEA Agreement, which stipulates that EU institutions' acts referred to or contained in Annexes to the Agreement should be made part of the associated countries' internal legal orders. Where the acts are regulations, these have direct effect within the associated countries' legal orders and, where they are directives, they are binding in respect to the result to be achieved, with the manner of their implementation being left with the authorities of these countries.

The conclusion of the EEA Agreement created legal frameworks for extending - by establishing a free trade area within the EEA - the EU-led European economic integration to the associated countries. This was the first step towards building an internal market comprising the market of the EU and markets of the associated countries. Being included into the EEA Agreement, EU laws regulating economic relations within the internal market have become an integral part of the internal legal order of each associated country. In practice, this suggests that the effect of the rules regulating the main freedoms of the internal market has been extended to the associated countries with the prospect of applying common rules to regulate economic relations within the European Economic Area.

Legal frameworks for the functioning of the free trade area within the EEA are created mainly by the direct inclusion of EU laws into the EEA Agreement. The Annexes to the Agreement contain references to the sets of rules applicable to a

[42] S. Prechal, *Directives in European Community Law. A Study of Directives and their Enforcement in National Courts* (Oxford: Clarendon Press, 1995), 311.

certain sector of the EU internal market. The Agreement also provides for the incorporation of association bodies' acts into the legal orders of associated countries that contain provisions of the certain EU regulations or directives or refer to such acts, with the latter keeping those special legal characteristics that they have in EU law. As a result of this process, the *acquis* is deemed to be the basis for the regulation of relations within the framework of cooperation with EU. Such a far-reaching application of EU law rules to regulate relations within the EEA does not give rise to problems for associated countries, since the level of their economic and legal development is sometimes greater than the respective levels of most of the EU Member States.

Thus, due to its dissemination on all important areas of cooperation, defined by the EEA agreement, as well as the application of a broad set of means to implement it, harmonization of legislation of the associated countries provides for a very high level of integration of the economies of the EEA states. In order to complete the assessment of the role and consequences of harmonization within the EEA, it is necessary to pay attention to the fact that the mechanism of harmonization, introduced by the EEA Association Agreement, is supplemented by the national harmonization mechanisms established for decades of cooperation in each associated country on their own initiative. Their activities allowed to join the EU such former members of the EEA as Sweden, Finland and Austria without any significant difficulties, since in advance they harmonize their legislation with acquis.

5. The role of the acquis in the association agreements with Balkan and Euro-Mediterranean partnership countries

The Stabilization and Association Agreements (SAA) between the EU and the Balkan countries (Serbia, Montenegro, Bosnia and Herzegovina, North Macedonia, Albania) take into account that these Balkan countries are real and potential candidates for EU membership. It is no coincidence that the harmonization of their legislation with the EU law has a global nature and is not limited to the acquis of the internal market. Therefore, the harmonization of the legislation of the Balkan countries that have concluded the SAA with the EU can be regarded as one of the most effective means of spreading legal integration on these countries[43].

It should be noted that in general all SAA has the same structure and very often even the same numbering of chapters and articles, the provisions of which govern a particular field of relations. This fully applies to the provisions on harmonization.

That is also characteristic that all SAA actually provide for the same approach to the harmonization of legislation.

In order to indicate the process of bringing associated countries' legislation in line with the EU law, the terms "harmonization", "convergence", "adaptation", "mutual recognition" etc. are often used.

[43] F. Snyder, *The Europeanisation of Law: The Legal Effects of European Integration* (Oxford-Portland, 2000), 348.

As a rule, the provisions of the SAA on harmonization of legislation of the associated countries with EU law include both "solid" and "soft" obligations of the parties, depending on the areas in which harmonization is carried out. However, when determining most of such areas the nature of the relationship with a particular country is, as a rule, taken into account, although certain areas, including the protection of intellectual property rights, competition laws, etc., are enshrined in all SAA without exception.

Unlike the former European agreements with the countries of Central and Eastern Europe (Bulgaria, Romania, Czechoslovakia, Slovakia, Poland, etc.), the SAA do not underline that the harmonization of the legislation of these countries with the EU law is the main prerequisite for their integration into the European Union. It is characteristic that SAA just specifically emphasizes the important role of harmonization for cooperation between the Parties. In particular, Article 72 SAA with Montenegro states that the country will try to bring its current and future legislation into line with the EU legislation, gradually extending this process to all acquis elements defined in the Agreement. Similar provisions are fixed in Article 74 SAA with Kosovo[44], Article 72 SAA with Serbia[45], Article 70 SAA with Albania[46], Article SAA US with North Macedonia[47] etc.

At the same time, it should be noted that this provision does not provide a guarantee for the accession of associated countries to the European Union. It rather acts as an indication of the important role given to the harmonization in creating the conditions for the preparation of these countries for closer integration in the EU. For its part, the Union provides monitoring of the implementation of measures regarding the harmonization of legislation and related law enforcement activities in these countries.

According to the SAA, Albania at the first stage of harmonization will apply fundamental elements of the acquis domestic market, rules of competition, rights of intellectual, industrial and commercial property, public procurement, standardization and certification, financial services, ground and sea transport, company rights, accounting, consumer protection, personal data protection, health and safety in the

[44] The Stabilization and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part, 16.3.2016. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/EN/TXT/html, consulted on 1.06. 2020.

[45] The Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, 29.04.2008. In: *Official Journal of the European Union*, http://ec.europa.eu/enlargement/pdf/serbia/key_document/saa_en.pdf, consulted on 1.06.2020.

[46] The Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, 28.4.2009. In: *Official Journal of the European Union*, http://eur-lex.europa.eu/LexUriServ/LexUriServ.html, consulted on 1.06. 2020.

[47] The Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, 20.3.2004. In: *Official Journal of the European Union.* http://eur-lex. europa.eu/LexUriServ.html, consulted on 1.06.2020.

workplace, equal opportunities. During the second phase of the transitional period, harmonization of legislation will extend to other elements of the "common reserve" identified in the resolution of the Stabilization Council and the Association (Article 6).

According to SAA with Montenegro, harmonization of its legislation should begin with fundamental elements of the acquis internal market, including legislation in the financial sector, freedom, security and justice sectors, as well as in trade related areas. In the following phases, which should define the Stabilization Council and the Association, harmonization should focus on those elements of the *acquis* remaining (Article 72)[48].

The transition period for FTA creation depending on the country may last from five (Article 8 of SAA with Montenegro) to ten (Article 5 SAA with North Macedonia) years.

Unlike the cooperation of the Parties within the EEA, the SAA does not provide for any mechanism of early informing associated countries on the preparation of new legislative acts in the European Union, which puts them into difficult situation concerning the harmonization of legislation, since they have to be in the position of catching up all the time.

It should also be noted that associates of the Balkan countries have no experience of voluntary harmonization.

Unlike the EEA harmonization of national legislation of Balkan countries with the EU law is not limited to the creation of a free trade area and pursues the goal of accession of countries to EU.

Association agreements between the EU and Euro-Mediterranean Partnership countries also envisage a gradual formation of the free trade area, and imply adjacent to the EU will be an area of economic stability, contributing to the development of its integration processes.

EU has concluded association agreements with most of the Mediterranean countries-participants of the Barcelona's process: Algeria (2005 p.); Egypt (2004); Israel (2000); Jordan (2002); Morocco (2000); Palestinian Liberation Organization (1997); Tunisia (1998); Lebanon (2003); Syria (2008).

A common approach to regulating the relations in associations with Mediterranean countries is to include EU laws or references to provisions of EU secondary legislation in the associated agreements. Detailed examples of this are as follows:

The Agreement on Association between the EU and Tunisia, concluded on 30 March 1998[49] reproduces or contains references to EU Treaty provisions and to

[48] The Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, 29.04.2010. In: *Official Journal of the European Union*, http://ec.europa.eu/enlargement/ pdf/montenegro/key.pdf, consulted on 1.06.2020.

[49] Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, 30.03.1998. In: *Official Journal of the European Union*, http://eur-lex.europa.eu/LexUriServ/Lex.html, consulted on 1.06.2020.

certain acts of EU institutions' regulating the conditions for common market competition, State aid measures (Art. 36.2), freedom to provide services (Art. 36.2), measures relating to the common agricultural policy (Art. 36.5), etc.

The Association Agreement between the EU and the Palestinian Liberation Organization concluded on 16 July 1997[50] states that the parties are obliged to be guided by provisions of the EU Treaty and EU institutions' acts relating to measures of the common agricultural policy of the EU (Article 30.6).

Article 8 of the Association Agreement between the EU and Israel on 23 June 2006, actually reproduces the provisions of Article 30 of the EU Treaty prohibiting the contracting parties from imposing new customs duties on imports and exports and charges having equivalent effect, as well as customs duties of a fiscal nature. Articles 16 and 17 of the Agreement reflect the provisions of Articles 34 and 35 of the EU Treaty prohibiting the imposition of quantitative restrictions on imports and exports and all measures having equivalent effect between the parties.

Article 36 of the Agreement also partly reflects the provisions of Article 101, which apply to rules of competition[51].

Association agreements between the EU and non-European Mediterranean countries, which are parties to the Barcelona's process, also include a wide range of measures to harmonize the national legislation of these countries with the EU law. Thus, the Association agreement between the EU and the Palestine Liberation Organization includes a general provision which states that the purpose of the cooperation of the parties is to harmonize the Palestinian law with the EU law in the areas covered by the Agreement (article 41). At the same time, the areas covered by the harmonization include only the promotion of investments (Article 39), standardization and conformity assessment (Article 40), agriculture and fishing (article 44), transportation (Article 46), customs (Article 52), statistics (Article 53). Harmonization in these areas is reduced to introduction on the Western bank and the Gaza Strip of standards and technical regulations which are compatible with those that operate in the EU.

However, it should be pointed out, that since these countries are located outside Europe, they do not perspectives to join the EU, excluding Turkey[52]. Therefore, the importance of harmonizing the legislation of the Mediterranean countries with the EU law is reduced mainly to the creation of a legal environment for economic development of these countries and the gradual introduction of free trade area between the EU and the countries of the region.

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[50] Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestanian Authority of the West Bank and the Gaza Strip, of the other part, 16.07.1997. In: *Official Journal of the European Union*, http://ec.europa.eu/world/agreements/prepareCreateTreaties Workspace.html., consulted on 1.06.2020.

[51] Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the State of Israel, 21.6.2000. In: *Official Journal of the European Union*, http://eeas.europa.eu/delegations/israel/documents/eu_israel/asso_agree_en.pdf, consulted on 1.06.2020.

[52] J. Inglis, "The Europe Agreements Compared in the Light of their Pre-Accession Reorganization, *Common Market Law Review*, no. 5, (Autumn 2000): 76-85.

Similar provisions exist in other association agreements concluded by the EU with Mediterranean countries.

In some agreements technical assistance is provided in certain areas of cooperation. In particular, in the EU – Tunisia Association Agreement the EU has committed itself to providing administrative and technical assistance in order to establish standards that meet the current EU and international norms in the field of money laundering (Article 61).

Thus, the creation of legal frameworks for regulating relations within associations between the EU and Mediterranean countries involves the application of EU primary and secondary law for purposes of co-operation only within a limited scope. The association agreements between these countries and the EU only contain certain rules of the EU Treaties. At the same time, they contain a significant number of references to a broad range of rules regulating economic relations in specific sectors of the internal market of the Union. This implies that the EU *acquis* extends its applicability to the majority of the associated countries of the Mediterranean region.

6. New generation of EU Association Agreements and acquis of the Union

The Association Agreement between Ukraine and the European Union and its Member States (AA) can be attributed to a new generation of EU agreements on cooperation with third countries[53]. Almost similar agreements have been concluded by the EU with Moldova[54] and Georgia[55]. All those agreements resulted from the Eastern Partnership Policy proclaimed by the European Union in 2008[56]. It foresees a substantial upgrading of the level of political engagement with eastern partners, including the prospect of a new generation of Association agreements, far-reaching integration into the EU economy, easier travel to the EU for citizens providing that security requirements are met, enhanced energy security arrangements benefiting all concerned, and increased financial assistance. By means of concluding such agreements, the EU is going to form around it the area of stability and economic, political and legal cooperation.

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[53] Association Agreement between the European Union and its Member States, of the one Part, and Ukraine, of the other Part. 21.03.2014. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/html, consulted on 1.06.2020.

[54] Association Agreement between the European Union and its Member States, of the one Part, and Moldova, of the other Part. 30.8.2014. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/EN/TXJ.html, consulted on 1.06.2020.

[55] Association Agreement between the European Union and its Member States, of the one Part, and Georgia, of the other Part, 30.8.2014. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/enhtml/, consulted on 1.06.2020.

[56] Communication from the Commission to the European Parliament and the Council. European Partnership. 3.12.2008. In: *Official Journal of the European Union*, http://www.euronest.europarl.europa.eu/euronest/webdav/shared/general_documents/COM(2008)823.html, consulted on 1.06.2020.

The Agreement enshrines some provisions identical to the provisions of the EU founding treaties (it is primarily about the common values of the Union (article 2 and 3 TEU). In addition to respect for democratic principles, the rule of law, human rights and fundamental freedoms, including the rights of national minorities, non-discrimination of minorities, respect of diversity, human dignity etc., the principles of good governance, market economy, which should facilitate the participation of Ukraine in European policies have been added to them in the AA. Among those principles and values of the EU law human dignity is believed to be the most valuable one. R. Arnold considers human dignity as "necessary and the very basis of a constitutional order which is freedom-oriented? No matter whether written or implicit"[57].

On the other hand, it should be borne in mind that the practical realization of all those principles and norms substantially depends on their interpretation of each of these by the parties. To prevent possible differences regarding the interpretation of these principles and values political dialogue has been established within the framework of the majority of the EU agreements on cooperation.

Others concern the definition of a legal person for the purposes of the Agreement. It practically coincides mutatis mutandis with the definition contained in the article 54 of the Treaty on the Functioning of the European Union (TFEU).

The general exemptions on the freedom of supply of services actually contain certain similar provisions of the article 36 TFEU. Thus, nothing in the area of establishment, trade in services and electronic commerce shall be construed in such a way as to prevent the adoption or enforcement of measures: necessary to protect public security or public morals or to maintain public order; necessary to protect human, animal or plant life or health; necessary for the protection of national treasures of artistic, historic or archaeological value.

The AA provides for the creation of conditions for competition, which exist in the European Union. In this regard, the relevant provisions of the AA (articles 253, 256) contain direct reference to the articles of TFEU, which regulate competition on the internal market (Article 101, 102 and 106), as well as the provisions of the Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EU Merger Regulation) and their implementing regulations and amendments.

However, the most powerful impact of the acquis on the internal legal order of Ukraine is mainly achieved via harmonization of legislation[58]. The Agreement borrowed the approach to the harmonization of legislation used in the EEA Agreement. To make the Agreement much compact all acquis is listed in the Annexes - LXIII in total.

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[57] R. Arnold, "Anthropocentric Constitutionalism in the European Union: Some Reflections," in *The European Union – What Is Next? A Legal Analysis and the Political Visions on the Future of the Union*, ed. Naděžda Šišková (Chech Republic: Wolters Kluwer, 2018), 347.

[58] N. Mushak, "The impact of the harmonization with the EU legal norms on the Ukrainian national legislation," *Scientific Letters of Academic Society of Michael Baludansky*, no. 2 (Autumn 2014): 97–100.

The Annexes define general principles and obligations on regulatory approximation.

The Trade Committee is in charge for updating the Annexes. When a new or amended EU legislative act has been added to the relevant Annex, Ukraine is obliged to transpose and implement the legislation into its domestic legal system.

For the granting of full internal market treatment in a specific sector the parts of the acquis listed in Annexes shall be made part of Ukraine's internal legal order while an act corresponding to a EU Regulation or Decision shall as such be made part of the internal legal order of Ukraine and an act corresponding to the EU Directive shall leave to the authorities of Ukraine the choice of form and method of implementation.

Ukraine shall ensure that at the end of the relevant time period, its legal order is fully compliant with the EU legal act to be implemented.

Entry into force of the AA marks the first stage of the integration of Ukraine into the EU through the creation of a DCFTA between the two sides. AA is part of EU law, and its provisions have a priority over the internal law of the EU Member States. At the same time, AA becomes part of the Ukrainian legislation and its implementation involves the widespread use of EU law in the internal legal order of Ukraine. It sets a complicated task to Ukraine regarding the creation of new legal instruments to regulate cooperation with the European Union and improve the legal basis for their application and the Europeanization of its legislation.

Harmonization of the Ukrainian legislation means its reforming by incorporating in the national legislation of new regulations as a result of the implementation of AA, securing in it the legal doctrines of primacy and direct effect of EU law, carring out of political and legal reforms, especially the constitutional, administrative, judicial. These processes are closely intertwined and concern the European integration of Ukraine as a whole since the speed of the European integration of Ukraine in political, social, cultural and legal spheres depends on their realization.

The Comprehensive and Enhanced Partnership Agreement between the EU and Armenia (CEPA)[59] [64], which was signed in 2017, is called as an association agreement *light*. Unlike the association agreements with European countries the CEPA contains neither a DCFTA nor a simple free trade agreement (FTA), as Armenia forfeited its competence to negotiate free trade agreements to the Eurasian Economic Union (EAEU). It also does not foresee any gradual integration into the EU Internal Market.

On the other hand, Armenia kept most provisions of its draft Association Agreement.

[59] Joint Proposal for a Council decision on the conclusion, on behalf of the European Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part. 25.9.2017. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/html, consulted on 1.06.2020.

As the Association Agreements with Ukraine, Moldova and Georgia the CEPA provides for gradual regulatory approximation with the key elements of the EU *acquis* and international instruments. To this end the CEPA contains the lists of EU legal acts that are annexed to the agreement, and timetable for approximation. Those include the *acquis* in such areas as environmental and climate action; the development and expansion of road, rail and air transport; energy; financial services; safety at work, equal treatment, gender and racial equality, anti-discrimination and essential labor market regulations etc.

The European Union concluded association and FTA agreements with Latin American countries – Chile, Mexico, Peru and Columbia, Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama), Mercosur (Argentina, Brazil, Paraguay and Uruguay).

Signed in 2002, the agreement with Chile, as well as other association agreements with Latin American countries envisages the creation of the FTA. The harmonization of the legislation of Chile with the EU law allotted one of the key roles in the creation and functioning of the FTA[60].

However, the association agreement with Chile differs greatly from the association agreements between the EU and the countries that are parties to Barcelona's process in that it is not about bringing the domestic legislation of Chile in line with the elements of the acquis of the Internal Market. The main goal of harmonization of legislation in this case is the creation of conditions for free admission of goods to the markets of EU and Chile respectfully.

The ways of harmonization include, first of all, accession of Chile and the EU to international legal documents, which consolidate international standards in a particular area, and their proper implementation, mutual recognition of standards of the parties, or conclusion between the EU and Chile of international agreements on such recognition.

7. Conclusions

1. The EU international agreements with third countries are focused mainly on trade relations and trade-related spheres. They form legal framework for to sustainable development of economies integration with the countries, which conclude such agreements with the EU. The acquis of the Union is the main legal instrument of economic and political integration.

2. One of the main results of the co-operation between the European Union and third countries and international organizations is the so–called ‘Europeanization’ of their legislation. By the ‘Europeanization’ of national legislation one may conceive the incorporation of the norms created by the European Union into the national legislation of the third countries.

[60] Agreement establishing an association between the European Union and its Member States, of the one Part, and Chili, of the other. In: *Official Journal of the European Union*, https://eur-lex.europa.eu/legal-content/html, consulted on 1.06.2020.

3. Although legal bases for the 'Europeanization' of national legislation of the countries that concluded international agreements with the EU is formed by the international agreements themselves, all such international agreements by no means can provide the penetration by provisions of EU law into the internal legal orders of third countries. The most typical types of international agreements capable of serving as a basis for provisions of EU law to penetrate into the internal legal orders of third countries are association agreements, partnership agreements and agreements on trade and co-operation. All such agreements are framework treaties many provisions of which are supposed to be realized by other legal acts. Association agreements may appear to be different from partnership agreements and agreements on trade and co-operation in that the formers, firstly, appear to reproduce a somewhat greater number of provisions of EU primary and secondary law and, secondly, the association bodies created on the basis of their provisions are empowered to adopt binding acts containing references to secondary legislation of the EU.

4. The process of the 'Europeanization' of national legislation reflects largely the legal policy of the EU.

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