EUROPEAN LAW AS A LEGAL SYSTEM

[a]WOJCIECH SŁOMSKI, [b]MICHAŁ LISIECKI, [c]LESZEK KURNICKI, [d]GAWEŁ JAROSIŃSKI

[a,d]University of Economics and Human Sciences on Warsaw, 59, Okopowa Str., 01- 043, Warszaw, Poland
[b]Vistula University Branch: Academy of Aleksander Gieysztor in Pułtusk, 36B, Mickiewicza Str., 06- 100 Pułtusk, Poland
[c]Collegium Humanum, 1a, Moniuszki Str., 00-014, Warszaw, Poland
email: [a]wslomski@autograf.pl, [b]mml@pmpg.pl, [c]lecchk@kurnicki.eu, [d]gjarosinski@jarosinski.com

Abstract: The article considers the main stages of European law-making, traces the historical development of the law of the European Union. European law is considered as a set of legal norms that regulate the relationships which develop within the framework of European integration associations. An attempt was made to reveal the role of the EU legal system in creating a political and legal space in which European legal and administrative norms operate; the structure and functions of the EU institutions are outlined in terms of assessing the degree of their supranationality. The main scientific and practical significance of this study lies, in particular, in the possibility of using its provisions to enrich the concept of the legal standing of international organizations.

Keywords: European law; sources of law; legal mechanism; legislative process; Lisbon Treaty; supranationality.

1 Introduction

The European Union is undoubtedly a unique phenomenon of our time due to the introduction, in the conditions of the existence of two systems of law, international and domestic, a new form of association of states and ways of creating legal norms, the formation of EU law, which is a new type of ordered system of legal norms, being the result of development of different legal systems of EU member states.

European law is a special legal system that covers the legal provisions of the European system for the protection of human rights and European integration law that regulates the relationship developing in the process of European integration. The latter included, until the entry into force of the EU Constitution, the law of the European Communities and the law of the European Union, as well as branches of law that are formed in the process of formation and evolution of European integration entities. European law is a legal phenomenon that includes a set of legal norms of European integration law, as well as legal norms that ensure the functioning of the European system for the protection of human rights.

The law of the European Communities and the law of the European Union are largely coinciding but not identical concepts. The legal regime of the communities, which forms the first pillar of the Union, the common foreign and security policy, which forms the second pillar of the Union, and cooperation between the police and the courts in the criminal law field (the third pillar of the Union) have significant differences. This applies, in particular, to such important characteristics as the origin of legal norms, the procedure for action, the range of subjects and jurisdictional protection [18].

In the EU member states, the question was initially raised about the relationship of communitarian law with their national law and its implementation at the national level. The process of implementation of the legal acts of the European Union, including the creation of the order and procedures for their implementation, also covers the interpretation, practice of application, and enforcement of the rules of law corresponding to EU law by public authorities, the implementation of international legal norms by the state. In general, the procedure for implementing the norms of EU law as part of international law combines both law-making and organizational and executive activities [28]. In turn, the key point in the implementation of EU law is the actual action and application of its norms in the national legislation of the Member States. In fact, the main emphasis in the law of the European Union is made on avoiding a situation where its norm, for one reason or another, could not regulate certain legal relations within the framework of this international organization. It should be noted that this is typical for all legal norms.

In general, it can be argued that the law of the European Union is a system of norms that bind each state and which, thanks to the legal mechanism, have been transformed into the national legal systems of these countries [3]. It is obvious that in order for the European Union to function and develop effectively, the law of the European Union must be accepted equally in all member states, which will eliminate the uneven influence of EU law in the internal law of its member states. At the same time, some scientists emphasize the important role of EU law as a tool for the integration of states on the European continent, giving it a special place in the international legal order, since it plays a decisive role in the integration process [34].

European law has its own object of regulation - the European integration process, its own subject - social relations brought to life and associated with the development of European integration, its own system of law, which unites a number of branches of European law. Regarding a number of fundamental parameters, it is autonomous and original. As an integral part of European law, EU law also has an object, subject, and system of European law, but only to the extent that EU law is valid and applies to EU member states and does not contradict it [1; 2]. The fundamental features of European law are the principles of subsidiarity and proportionality, respect for fundamental human rights, legal certainty and legitimate expectations, equality and non-discrimination, cooperation, transparency - and the judicial decisions on which they are formulated.

At the same time, EU law is a hybrid of various legal systems and neither common law nor civil law. It draws on the legal traditions and systems of its member states, which are primarily based on common law, while also incorporating common law principles and practices. As a result, it is unique legal system that combines components of both civil law and common law.

In general, the EU itself is a unique legal phenomenon that has developed in the course of the development of European integration within the European Communities and the European Union, the result of the implementation of the supranational competence of the European Union institutions. A comprehensive study of this phenomenon is of great interest to legal science, especially since the EU law acts as the most important regulator of European integration processes, not so much supporting the specifics of already formed social relations, but rather providing the possibility of their progressive evolution in order to intensify and strengthen the socio-economic and political unity of the EU.

2 Materials and Method

When writing the work, both general scientific research methods (dialectical, analytical, systemic, synthetic, problem-theoretical) and special ones (historical-legal, system-structural, structural-legal, comparative-legal, formal-logical and typological) were used, as well as formational and civilizational approaches.

The theoretical basis of the study included the constituent acts of the European Communities and the European Union, the normative acts of the EU institutions, the Treaty of Lisbon, as well as the judgments of the Court of Justice of the European Communities, certain international conventions. In preparing the article, many international and national legal acts were studied and used, including judicial decisions of the EU and Member States, as well as decisions of the European Commission and the European Parliament. Theoretical provisions concerning the definition and establishment of the essence of the concept of "source of law" are taken into account.

3 Results and Discussion

Namely law plays the leading role in solving various complex problems of European integration in the current conditions of global community' functioning. The law of the European Union is one of the most interesting and complex phenomena, the uniqueness of which is due to both the specifics of formation and the peculiarities of the legal nature.

As for the analysis of the development of a particular system of sources of law, including the law of the European Union, it is advisable to use the method of historicism, which allows considering the content of the main stages of its formation and development in the conditions of a certain historical era and taking into account the processes of an objective nature that characterize development such an integration association as the EU.

The sources of European Union law, being one of the main components of the legal system, are also distinguished by significant originality. The generally accepted and most common is the division of EU law sources into primary and secondary ones. While the primary sources, by which the founding documents are meant, constitute the "constitution" of the EU, then normative legal acts (regulations, directives, decisions) can be compared with laws and by-laws, although such comparisons are very conditional. The question of whether recommendations and opinions can be considered as sources of Community law is debatable [42]. In particular, the binding nature of the former ECSC (referred to below in more detail) allowed a recommendation to be considered as a source of law. Otherwise, the recommendations and conclusions, being optional, are not included, logically, in the system of sources of law. However, they are potentially auxiliary elements of the law-making process within the EU.

The European Court of Justice (formally just the Court of Justice) plays a particularly important role in the formation and evolution of European law. The decisions of the Court, which are in the nature of a precedent, have a significant impact on the European legal system [4]. As a general rule, judgments rendered by the EU Court of Justice are regarded as precedents and as such are binding on all Member States of the Union. However, despite frequent references to them, the Court itself rarely refers to its previous decisions. Apparently, the Court is influenced by the continental system, where the precedent is not formally a source of law [37].

It is customary to consider the period of the 1950s, which included the creation of the so-called European Communities, as the initial stage in the formation of the European Union and, accordingly, the system of its law. The first stage in the formation of the EU legal system began with the creation of the European Coal and Steel Community (ECSC), based on the adoption of the norms and principles of international law, which included the signing on April 18, 1951 of the corresponding Treaty establishing the ECSC [17].

If to turn to the ECSC, one can see that the main role in the implementation of the rule-making functions was played by the Supreme Governing Body, whose task was to "ensure the achievement of the goals set in this Treaty in accordance with its provisions" (Article 8 of the ECSC Treaty). The supreme governing body was not only a body of legislative power, whose functions were law-making and administrative work. In addition, the decisions of the Supreme Governing Body were binding: namely the activity of this structure predetermined the factors and conditions for the formation of a system of sources of law of the European association [14-16]. Along with this structure, an important role in the law-making process was played by the Special Council of Ministers and the Court, whose activities ensured the creation of a system of ECSC case law, as an important source of European Community law.

The second stage in the process of formation of the legal system of the European Union is attributed to the moment of signing the Treaty establishing the European Atomic Energy Community (Euratom Treaty) and the Treaty establishing the European Economic Community (EEC Treaty) on March 25, 1957 in Rome [9]. Just like the ECSC, Euratom was an instrument of partial European integration, actualizing a very narrow sphere of economic development of Western European states - nuclear energy[29]. Of great importance within this community were new acts that ensured the unification and harmonization of the system of national law of the countries that participated in this treaty.

The adoption of these sources of law predetermined the formation of conditions for the further development of the legal system of the European Communities and the corresponding sources of law. The main role here was played by the formation of the European Economic Community and, in particular, the Treaty on the EEC. In particular, this agreement laid the foundations for the integration of the states of Western Europe, determined the procedure and conditions for the functioning of the European Economic Community, and formulated the principles that later became the basis for the functioning of EU law. It is interesting that some authors even consider the Treaty on the EEC, taking into account the basic goals and objectives formulated in it, the "Constitution of the Communities" [17]. In the EEC Treaty, in comparison with the previous ECSC Treaty, the competence of the relevant institutions (Council, Commission, and Court of the EEC) was expanded and specified, which contributed to reaching a fundamentally different level of formation of sources of European law.

It is important to note that as the law of the European Communities evolved, it was partially separated from international law and simultaneously turned into an independent system, whose norms became binding both for all national states that were members of the Communities and for legal entities and individuals under their jurisdiction [11; 12]. Given this circumstance, the law of the European Communities can be regarded as a fundamentally new system of norms designed to regulate social relations in the specified region. The peculiarity of this legal system, from the point of view of legal scholars, was that the European Communities, embodying a new and original legal order, base their existence and functioning on a special and independent (autonomous) system of law [37]. According to experts, Community law has complex nature: it cannot be isolated from international law, but at the same time, a certain part of it is a form of coordination, convergence, and unification of the domestic law of member states [25]. At the same time, the 'ratio' of interstate and supranational methods of law formation does not give grounds for asserting the legislative autonomy of the Community bodies and their procedural independence from the Member States.

The next stage in the development of the European system of sources of law was the regulation of the Single European Act (EEA) of 1986, the provisions of which were amended and supplemented by the founding Treaties on the ECSC, the EEC. In addition, the Single European Act has become the basis for the legal transition to the highest level of integration processes - the formation of the monetary union of Europe. The conclusion of the EEA gave rise to the transformation of the functioning European Communities into such a union, which prioritized not only economic interests, but also political ones [31]. Thus, the European Parliament was endowed with new powers in the legislative process by the Single European Act, and the Council received both legislative and executive powers. The right of legislative initiative was vested in the Commission, and a judicial element affiliated with the Court of the European Communities (the Tribunal or the Court of First Instance) have been formed, having the authority of a certain category of claims and making decisions on them.

The fourth stage in the development and formation of the European system of sources of law began with the date of signing the Maastricht Treaty, or the Treaty on the European Union, in 1992. According to the provisions of this Treaty, the European Economic Community was called the European

Community, which indicates the universality of the status of the latter.

The agreement provided for the creation of a unified system of governing bodies or institutions of the European Union, including the Council, the European Parliament, the Commission, the EU Court of Justice and the Court of Accounts. As the text of the Treaty under consideration testifies, the accepted structure of sources of law is preserved here, including such acts of a regulatory nature as regulations, directives, and decisions as a central link [19-21]. The same treaty established the operation of a system of acts that was different from those adopted within the framework of the first "pillar" of the European Union: a general concept and principles, an adopted strategy, international treaties. The normative legal acts of the third "pillar" of the EU are distinguished by the fact that framework decisions (which are binding, but do not have direct effect) and decisions (which are acts of an individual nature) have a binding character. It should be noted that the Treaty on the European Union contains a provision on the basic legal principles of the EU (Article 6 of this Treaty), which states that "The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law" [48].

Particular attention is drawn to the remark that the general principles of European law as sources of EU law were established and consolidated not only in the founding documents, but also through discussion and recognition by the Court, which, for example, approved the principles of legal certainty, the principle of proportionality, and others. In addition, it is important to remember that the adoption of the Maastricht Treaty, the provisions of which concentrated all the founding treaties of the European Communities, became a new vector in the development of the European system of sources of law [22-24].

In the 21st century, a new stage of European integration began, the goal of which was to further democratize the EU, increase the efficiency of its functioning in the context of the further expansion of the European Union (the Lisbon Treaty of 2007, which amends the EU Treaty, the founding treaties of the European Communities, was intended to contribute to the solution of these problems). Let us emphasize that this treaty preserved the system of sources of law that was provided for by the Maastricht Treaty, which is evidence of certain stability in the development of the system under consideration [26; 27]. To reform the law of the EU as a whole, gradualism, showing the evolutionary nature of the development of both the European Union itself and its legal system, is characteristic.

The Lisbon Treaty became a new stage in the development of European law. Everything was done to ensure that the new document did not outwardly look like the old one, but contained all the basic provisions necessary for the functioning of the new Union, which were present in the draft Constitution. Nevertheless, according to the authoritative British expert community "Open Europe", 96% of the provisions of the draft Constitution of 2004 were transferred to the new treaty, which amended the Treaty on the European Union and the Treaty on the European Community [8; 9].

The new definition of a qualified majority in the Council and the involvement of national parliaments in the activities of the Union played an exceptionally important role in strengthening the legitimacy of the Union [35; 36]. After difficult negotiations, it appeared finally possible to agree on a new formula for a qualified majority in the Council, although not without compromises and limitations. From the point of view of the legitimacy of the Union, this was an epoch-making phenomenon.

Speaking about what new this Treaty brought to the structure and law of the European Union, the following should be noted:

1. Simplification of the internal structure of the Union was carried out by eliminating (mostly) the "three pillar structure". This made it possible to abandon the confusing ambiguity of the concepts "European Union" – "European Community". All references to "European Community" have been replaced by mentioning "European Union". Of great importance is the formula that establishes that the Union replaces and inherits the European Community. The researchers note that "this is especially important for recognizing the legitimacy of by-laws, which contain the bulk of the legal norms governing relations in the EU. There are tens of thousands of them. No special work will be required to revise this huge mass of by-laws and check them for compliance with the rethought constituent acts in connection with the change in the structure and legal order of the EU" [18]. This made it possible, while introducing a fundamental novelty, to preserve the achievements and ensure the continuity of the law of the European Union, what is succinctly called "*acquis de l`Union*".

2. The granting of the status of a legal entity to the European Union (Article 47 of the Treaty on European Union) provided for by the Reform Treaty would significantly strengthen its position in the world and in negotiations with third countries, as well as with international organizations. Recognition of the principle of a single legal personality of the European Union is expressed in the following important prerogatives:

- The European Union is considered as a single subject of competence granted to it by the Member States;
- This competence is exercised by them through a single system of their own institutions, bodies, and entities;
- A unified system of legal acts (regulations, directives, etc.) issued in all areas of its competence is formed;
- It is recognized that the European Union has the "widest legal capacity" of a legal entity and its delictual capacity, i.e., ability to bear responsibility under contracts and other obligations;
- The right of the Union is provided for to conclude international agreements with third states and international organizations, to have privileges and immunities on the territory of the Member States, to establish diplomatic missions and representations;
- The fact that the Union has its own budget, financed from its own resources, also indicates its certain financial autonomy.

3. A partial, although not completely consistent, but important codification (more precisely, systematization) of the complex and not very clear system of basic constituent agreements, which has already been called the "jungle of agreements", has been carried out. The "constitutional" basis of the Union, the core of the EU's primary legislation, was the Treaty on European Union and the Treaty on the Functioning of the European Union (replacing the Treaty on the European Community). Two voluminous articles are devoted to them - Art. 1 and 2 of the Treaty of Lisbon.

An analysis of the founding Treaties of the EU also makes it possible to establish that the process of development of the law of the European Communities and the EU, the system of sources of their law was accompanied by a gradual development of the legislative process, i.e., the procedure for the adoption of normative legal acts by the institutions and bodies of the EU defined in the founding Treaties [38; 39]. It should be noted that legal scholars, using the terminology applied to the decision-making process in an international organization, call the process of creating the norms of European Union law "the adoption of a normative decision", understanding by the concept of "decision" all types of regulatory legal acts adopted within the framework of institutional system of the EU.

4. The new section develops and consolidates the system of democratic principles for the functioning of the Union, including the principles of democratic equality, representative democracy, and increasing the role of national parliaments.

5. A clearer delineation of competencies and powers between the European Union and the Member States has been made through the definition of an exclusive, shared, and supporting "category of competence". At the same time, the EU member states retained residual competence (this is increasingly more reminiscent of the structure of the division of competence in federal states) [7; 25].

Pursuing the line of the European Constitution of 2007, the Treaty of Lisbon officially expanded the competence of the Union to activities in such areas as the coordination of administrative cooperation between the Member States in the field of the implementation of the law of the European Union, services of general economic importance, civil defense, energy (with the exception of managed by Euratom), space, tourism, sports, coordination of measures to provide assistance to Member States affected by terrorist attacks or disasters and humanitarian assistance to third countries. [40]. Going beyond the draft Constitution, the Treaty of Lisbon strengthened the role of the European Union in combating climate change, regional and global environmental issues, and integration in the energy sector.

Treaty of Lisbon in Art. 5 of the EU Treaty systematized the basic principles of the competence of the European Union, for the first time clearly identifying in the constituent documents the most important principle of the functioning of this organization of political power - the principle of empowerment. It emphasizes the treaty origin, nature and source of the powers of the Union. [44; 45].From this principle it follows that the EU is not entitled to go beyond the competence granted to it by the Member States. It is obliged to be strictly guided in its activities by the goals and principles fixed in the founding agreements, and all residual competence is reserved to the member states.

A long-awaited large-scale institutional reform has been implemented, contributing to increased efficiency, coordination of actions, and further democratization of the Union. The three-level system of governance of the European Union, consisting of institutions endowed with power, other bodies (created on the basis of constituent documents and by decision of the institutions), and a new category called institutions (which were previously considered as a kind of bodies) was refined [46]. Two new institutions have been added to the list of institutions - the European Council and the European Central Bank. The European Council, located in the list of institutions immediately after Parliament, is the highest body of political leadership and coordination. According to experts, the European Council is increasingly acting as the supreme arbiter in determining and implementing the political course of the EU [10]. It has acquired the right to make legally binding decisions, but is not formally empowered to pass laws aimed at unifying or harmonizing the national law of member states.

It is interesting to note that with the signing of the Lisbon Treaty, new opportunities for development also arose in such a delicate and often confidential area as the cooperation of the countries belonging to the European Union in the field of security and defense that is actively strengthening in various directions [33]. The Treaty of Lisbon, in a special section (Articles 42-46) of the Treaty on European Union, recognized the common security and defense policy as a legally autonomous direction of the Union's activities. The Treaty expands the range of missions that the EU can carry out abroad, establishes the principle of collective self-defense, and declares the formation of a special European Defense Agency. Moreover, as a kind of advanced cooperation, which represents an opportunity to unite on any issue only those countries that are ready and able to cooperate in a particular military field, "permanent structured cooperation" in the field of military potentials is provided [32].

Changes in the judicial system of the Union were of a very cautious nature, since it functions very successfully. All judicial bodies of the Union received a common new collective name - the Court of Justice of the European Union (Article 19 of the EU Treaty). This system includes three links. The highest level is the Court (formerly the Court of Justice of the European Communities). The middle one is the Tribunal (previously it was the Tribunal of First Instance, which did not correspond to this name at all, since it was in fact a court of second instance in relation to specialized tribunals) [47]. The lower level is formed by specialized tribunals, of which only one has been created so far - the Public Service Tribunal of the European Union. To improve the selection of candidates for the highest echelons of the judiciary, a special qualification board has been established. The most important change in this area is the substantive expansion of the jurisdiction of the courts, which was previously limited to the framework of only the "first pillar", i.e., communities (which is why it was called the Court of Justice of the European Communities). The exemptions remained in the realm of the common foreign and security policy, where the renewed EU Court of Justice would have no jurisdiction [43].

The Treaty of Lisbon was intended not only to strengthen the effectiveness and efficiency of the Union and its bodies, but also to enhance its ideological attractiveness for the peoples of the participating countries and the whole world. This ideology is aimed at the formation of "Europatriotism", strengthening the moral component of European life and is fully consistent with the growing foreign policy and defense activity of the EU [9]. Strengthening the ideological orientation of the primary legislation of the European Union most of all was served by two innovations.

Lisbon Treaty in Art. 2 of the EU Treaty for the first time included a new legal category –"values of the Union". These values represent the moral foundations of the European, and, in fact, the world civilization. To respect and follow them is the duty and obligation of both the Union as a whole and each member state. This is at the same time an enduring requirement for every state joining the Union. Disrespect for these values may result in the application of sanctions to the violating state in the form of suspension of certain rights associated with EU membership (Article 7 of the Treaty on the European Union). The values of the Union include [30]:

- Human dignity;
- Liberty;
- Democracy;
- Equality;
- Constitutional state;
- Human rights (including the rights of minorities).

This system of values is complemented by "characteristics" of qualities that all countries participating in the Union must meet: pluralism; non-discrimination; tolerance; justice; solidarity; equality of women and men [9].

Union, as it were, raises them to a new, higher level. Thus, European law performs a kind of moral function. Thanks to legal consolidation, social norms act as a powerful factor in the conscious and purposeful impact of the social community on the image, method, and forms of people's life. At the heart of morality, there is the idea of a fair and holistic community, therefore, outside of morality in this concept, the existence of law is not possible. Morality, being the "spiritual bond" of law, is designed to strengthen the social system and at the same time control law. Law, therefore, is dependent on morality, being one of its fundamental types; the legal ideal is the highest manifestation of moral consciousness and means the synthesis of the moral ideal and the social norm. Thus, legal regulation is based on morality [13].

What makes the European law a unique phenomenon is that "it cannot be altered unilaterally by the governments of the member states and all are collectively bound by it. Fundamentally more important is the fact that European law confers rights and duties without the further participation of the member states" [41].

The Court stated in *Van Gend en Loos* (1963) that the member states have restricted their sovereign rights. Again, the Court of Justice declared in *Costa v. ENEL* (1964) that when member states entered the European Community, their "sovereign rights were permanently limited". If the member states could contest

them, the duties of the European Community would not be absolute but rather contingent. The European Court of Justice holds that international law is always superior to domestic law. In *Internationale Handelsgesselschaft* (1970), the Court of Justice stated that even constitutional provisions of the Member States can be struck down. No matter whether the national legislation was passed before the state joined the European Union, national courts must disregard national laws that may contradict with European law, according to decision in *Simmenthal SPA v. Commission* (1979). An individual may sue a member state (the government) for damages for loss incurred as a result of a member state's failure to implement a European Union Directive, according to the decision in Francovich *and Bonifaci v. Italy* (1992) [5].

A more recent example that establishes the superiority of European Union law over domestic law is *Hutter v. Technische Universität Graz* (2009). Even though this issue was initially filed before Austrian courts, it serves as an excellent illustration of how all of the European Union's members have curbed their national sovereignty rights over a number of policy areas - in this case, education policy. Although this case may seem irrelevant now, after Brexit, it still contributes to understanding the very essence of European law. The United Kingdom frequently grumbled about having to follow European laws and regulations, but this is true for all other members of the EU as well. A nation must restrict its national sovereignty by signing the different European Treaties; this is the cost of membership. In the Hutter case, the Court of Justice ruled that an Austrian state statute allowing companies to treat workers differently based on their age violated the Equal Treatment Directive 2000/78 of the European Union. The Austrian Government unsuccessfully argued that this difference in treatment between age groups was necessary to advance a legal and proportionate goal, namely to facilitate the entry of younger apprentices into the labor force and to ensure that general education was not treated less favorably than vocational education [8]. It would be necessary to overrule the discriminatory Austrian national law in order to bring it into compliance with EU law.

The European Commission, the EU Court of Justice, and the European Parliament are the main conductors of supranationality and at the same time bodies for implementing integration decisions. Potential conflicts between states are usually resolved at the level of interaction between EU institutions as a result of a complex procedural mechanism. This mechanism is constantly being improved in connection with the need to solve the problems of admitting new countries to the Union, with the expansion of the competence of integration institutions.

As a result of the long and painstaking work of far-sighted European politicians and EU institutions, an integration association that has no analogues was created. It did not become a federation, as was intended by the “founding fathers” of the common market [6]. The principle of separation of powers does not apply in the EU system. It is based on the principle of institutional balance, which guarantees the participation of almost all communitarian institutions (but to a different extent) in lawmaking. A special role here belongs to the Commission, a unique body of the EU, which has no similarity within the national framework.

Supranationality is capable of changing the balance of power in the world, since it is about the consolidation of a powerful group of countries. As supranationality spreads to new areas (military-political in particular), the international role of “United Europe” in the context of globalization and the growing interdependence of states could increase. How significant an integrated Europe will turn out to be in world politics largely depends on its supranational quality. Thus, a new object of research is being introduced into political science - the phenomenon of “supranationality”, considered from the standpoint of both political and legal theory, which determines the need for further systematic legal research in this area.

Literature:

1. Bashtannyk, V., Novak, A., Tkachenko, I., Terska, S., Akimova, L., & Akimov, O. (2022). Anti-corruption as a component of state policy. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXV, 79-87.
2. Bondar, O., Petrenko, G., Khalilov, A., Vahonova, O., Akimova, L., & Akimov, O. (2022). Construction Project Management Based on the Circular Economy. *IJCSNS. International Journal of Computer Science and Network Security.* 22 (9), 630-635. DOI: 10.22937/IJCSNS.2022.22.9.82
3. Bordin, F., Muller, A., & Pascual-Vives, F. (2022). The European Union and customary international law. Cambridge University Press.
4. Borodin, Y., Sorokina, N., Tarasenko, T., Volkova, N., Akimova, L., Akimov, O. (2023). Social Policy Development In The Conditions Of Digital Transformation Of Society. *Ad Alta: Journal of interdisciplinary research*, 13(01), XXXIV, 40-46. DOI: 10.33543/1301344046
5. Chalmers, D., Davies, G., & Monti, G. (2010). *European law: Cases and materials*. Cambridge University Press.
6. Coman, R. (2022). *The politics of the rule of law in the EU polity: Actors, tools and challenges*. Palgrave Macmillan.
7. Craig, P. (2013). *The Lisbon Treaty: Law, politics, and Treaty reform*. Oxford University Press.
8. Craig, P., & Burka, G. (2020). *EU law: Text, cases, and Materials*. Oxford University Press.
9. Craig, P., & Burka, G. (2021). *The evolution of EU law*. OUP Oxford.
10. Davies, K., Munster, M., & Dusterhoft, I. (2022). *Understanding European Union law*. Routledge.
11. Dulski, Paweł., Ilnicki, Aleksander., Kurnicki, Leszek., & Słomki, Wojciech. (2022). The Personal and Common good in the theory of state solodarism. *Ad Alta: Journal of interdisciplinary research*, 12(2), XXIX, 79-85.
12. Dupkala, R., & Ambrozy, M. (2022). Education Towards «Dialoque of cultures» In the context of axiological pluralism. *Ad Alta: Journal of interdisciplinary research*, 12(1), 17-22.
13. Frischhut, M. (2019). *The ethical spirit of EU law*. Springer.
14. Gaievska, L., Karlova, V., Bobrovska, O., Kulynych, M., Akimova, L., & Akimov, O. (2023). Public-Private Partnership As A Tool For Implementing State Policy. *Ad Alta: Journal of interdisciplinary research*, 13(01), XXXIV, 21-30. DOI: 10.33543/1301342130
15. Gavkalova, N.L. Akimova, L.M, Zilinska, A.S. Lukashev, S.V, Avedyan, L.Y., & Akimov, O.O. (2022). Functioning Of United Territorial Communities And Identification Of Main Problems Of Organizational Support Of Local Budget Management. *Financial and Credit Activity Problems of Theory and Practice*, *2*(43), 107–117. DOI: 10.55643/fcaptp.2.43.2022.3708
16. Gavkalova, N.L. Akimova, L.M, Zilinska, A.S. Avedyan, L.Y., Akimov, O.O. & Kyrychenko, Y.V. (2022). Efficiency In The Context Of Ensuring Sustainable Territorial Development. *Financial and Credit Activity Problems of Theory and Practice*, *4*(45), 234–243. DOI: 10.55643/fcaptp.4.45.2022.3830.
17. Hartley, T. (2010). *The foundations of European Union law*. Oxford University Press.
18. Kaczonowska-Ireland, A. (2013). *European Union law*. Routledge.
19. Karpa, M., Kitsak, T., Domsha, O., Zhuk, O., Akimova, L., & Akimov, O. (2023). Artificial Intelligence As A Tool Of Public Management Of Socio-Economic Development: Economic Systems, Smart Infrastructure, Digital Systems Of Business Analytics And Transfers. *Ad Alta: Journal of interdisciplinary research*, 13(01), XXXIV, 13-20. DOI: 10.33543/1301341320
20. Koshova, S., Lytvynova, L., Kaliuzhna, S., Akimov, O., & Akimova, L. (2022). Regulatory and Legal Aspects of Information Support for the Provision of Administrative Services in the Field of Public Administration as a Communicative Culture of a Public Servant. *IJCSNS. International Journal of Computer Science and Network Security*, 22 (9), 595-600. DOI: 10.22937/IJCSNS.2022.22.9.77.

21. Kostiukevych, R., Mishchuk, H., Zhidebekkyzy, A., Nakonieczny, J., & Akimov, O. (2020). The impact of European integration processes on the investment potential and institutional maturity of rural communities. *Economics and Sociology*, 13(3), 46-63. DOI:10.14254/2071-789X.2020/13-3/3.
22. Kryshtanovych, M., Akimova, L., Gavkalova, N., Akimov, O., & Shulga, A. (2022). Modern Technologies for Ensuring Economic Security in the Context of Achieving High Efficiency of Public Administration. *IJCSNS. International Journal of Computer Science and Network Security*, 22 (2), 362-368. DOI: 10.22937/IJCSNS.2022.22.2.42.
23. Kulikov, P., Anin, O., Vahonova, O., Niema, O., Akimov, O., & Akimova, L. (2022). Scientific and Applied Tools for Project Management in a Turbulent Economy with the Use of Digital Technologies. *IJCSNS. International Journal of Computer Science and Network Security.* 22 (9), 601-606. DOI: 10.22937/IJCSNS.2022.22.9.78
24. Lappo, V.V., Soichuk, R.L., & Akimova, L.M. (2022). Digital technologies of support the spiritual development of students. *Information Technologies and Learning Tools*, 88 (2), 103-114. DOI: 10.33407/itlt.v88i2.3403.
25. Laursen, F. (2012). *The making of the EU's Lisbon Treaty: The role of Member States*. P.I.E-Peter Lang S.A., Éditions Scientifiques Internationales.
26. Mihus, I., Akimova, L., Akimov, O., Laptev, S., Zakharov, O., & Gaman, N. (2021). Influence of corporate governance ratings on assessment of non-financial threats to economic security of joint stock companies. *Financial and Credit Activity: Problems of Theory and Practice*, *6*(41), 223–237. DOI: 10.18371/fcaptp.v6i41.251442.
27. Mishchuk, H., Bilan, S., Yurchyk, H., Akimova, L., & Navickas, M. (2020). Impact of the shadow economy on social safety: The experience of Ukraine. *Economics and Sociology*, 13(2), 289-303. DOI:10.14254/2071-789X.2020/13-2/19.
28. Odermatt, J. (2021*). International law and the European Union*. Cambridge University Press.
29. Orlova, N., Ladonko, L., Filipova, N.., & Mital, O. (2020). Reputation Of Socially Responsible Corporations In The World Financial Market. *Financial And Credit Activity: Problems Of Theory And Practice.* 35 (4), 144-151.
30. Piris, J-C. (2010). *The Lisbon Treaty: a legal and political analysis*. Cambridge University Press.
31. Robinson, G. (2016). *Optimize European Union law*. Routledge.
32. Rosas, A. (2022). European Union Law and national law: A common legal system? In: Karjalainen, K., Tornberg, I., Pursiainen, A. (eds) *International Actors and the Formation of Laws*, 11-28. Springer, Cham.
33. Rosas, A., & Armati, L. (2018). *EU Constitutional law: An introduction*. Hart Publishing.
34. Schutze, R. (2023). *An introduction to European law* (4th ed.). Oxford University Press.
35. Serohina, T., Pliushch, R., Pobirchenko, N., Shulga, N., Akimova, L., & Akimov, O. (2022) Pedagogical innovations in public administration and legal aspects: the EU experience. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXV, 7-13.
36. Shestakova, S., Bondar, N., Kravchenko, I., Kuznetcova, M., Akimova, L., & Akimov, O. (2022) Comparative characteristics of social leave: international and foreign experience. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXV, 27-32.
37. Solanke, I. (2022). *EU law*. Cambridge University Press.
38. Staniewski, M., Slomski, W., & Awruk, K. (2015). Ethical aspects of entrepreneurship. *Filosofija-Sociologija*, 26 (1), 37-45.
39. Staniewski, M., Slomski, W., & Ryzinski, R. (2015). Are ethics in entrepreneurship possible at all? *Filosofija-Sociologija*, 26 (3), 193-200.
40. Sukhova, K., Borodin, Y., Tarasenko, T., Komarova, K., Akimova, L., & Akimov, O. (2022) Organizational mechanism of state management of social services in territorial communities. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXVII, 188-192.
41. Terpan, F. (2016). Soft Law in the European Union - The changing nature of EU Law. *European Law Journal, 21*(1), 68-96.
42. Terzev, V., Petkov, M., & Krastev, D. (2018). Sources of European Union law. Proceedings of *SOCIOINT 2018 - 5th International Conference on Education, Social Sciences and Humanities*, 2-4 July 2018- Dubai, U.A.E, pp. 511-516.
43. Trybus, M., & Rubini, L. (2012). *The Treaty of Lisbon and the future of European law and policy*. Edward Elgar Publishing.
44. Vasylevska, T., Shevchenko, S., Sydorenko, N., Gradivskyy, V., Akimova, L., & Akimov, O. (2022). Development Of Professional Competence Of Public Servants In The Conditions Of Decentralization Of Public Authority. *Ad Alta: Journal of interdisciplinary research*, 12(2), XXIX, 61-66.
45. Venediktov, V., Boiko, V., Kravchenko, I., Tyshchenko, O., Akimova, L., & Akimov, O. (2021) European standards of mediation in civil disputes and their implementation in Ukraine: theory and practice. *Ad Alta: Journal of interdisciplinary research*, 11(2), XXI, 25-29.
46. Zahorskyi, V., Bobrovskyi, O., Bondarenko, D., Karpa, M., Akimov, O., & Akimova, L. (2022). Ensuring Information Security in the System of Public Management of Sustainable Development of the Region: EU Experience. *IJCSNS. International Journal of Computer Science and Network Security.* 22 (8), 163-168. DOI: 10.22937/IJCSNS.2022.22.8.21
47. Zapara, S., Pronina, O., Lohvinenko, M., Akimova, L., & Akimov, O. (2021) Legal regulation of the land market: European experience and Ukrainian realities. *Ad Alta: Journal of interdisciplinary research*, 11(2), XXI, 18-24.
48. Ziegler, K., Neuvonen, P., & Moreno-Lax, V. (2022). *Research handbook on general principles in EU Law: Constructing legal orders in Europe*. Edward Elgar Publishing.

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