Chystokolianyi Ia. Periodization of the Main Stages of Formation and Development of a Civil Society in the Independent Ukraine. This article is devoted to the problems of periodization of the main stages of the civil society genesis in independent Ukraine, as well as disclosing the essence and content of every basic step on the way of its formation. The author proves that the genesis of the civil society in Ukraine comprises seven main stages or phases. The first phase (1988-1991) – consolidation of the first legitimate institutes of civil society, aimed at national liberation struggle («People's Movement of Ukraine» and others) and overcoming the hegemony of the Communist Party in the Declaration of State Sovereignty of Ukraine; he second phase (1991-1996) – establishing of a civil society in independent Ukraine, represented by political parties, public organizations and trade unions and confirming in the Constitution of Ukraine in 1996 the foundations of civil society development and functioning; third phase (1996-2004) – the constitutional and legal regimentation of the main institutions of the civil society and giving them legal status in special laws and creating by the state legal mechanisms allowing them to be involved into state administration; fourth phase (2004-2010) - changes in the landscape of civil society and its institutions revitalization under the influence of the Orange Revolution of 2004; fifth phase (2010-2013) – strengthening the regulatory influence of the state on the development of civil society, formalizing the involvement of civil society institutes into the state governance; sixth phase (2013-2016) – revitalization of civil society activities and initiating by them Euromaidan in 2013 and Revolution of Dignity in 2014, increasing voluntary movements, anti-corruption and reform movements aimed at the European integration of Ukraine; seventh phase (2016 - present day) - the adoption of a new National Strategy for civil society development and mobilizing the potential of civil society for the defense of the territorial integrity of Ukraine, legal reforms and anti-corruption activities.

Key words: civil society, the genesis of the civil society, public organizations, management of public.

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Mechanism of Interaction Between Sources of International and National Law in Terms of European Integration

The article is dedicated to cover the problems of interaction between the norms of international and national law. Among the methods and mechanisms of inclusion or implementation the international law in the national legal system to distinguish science, including the following: reception, transformation, parallelization, sending, incorporation (adoption) obligation ex proprio vigore, theory of execution, admission and more. Ukrainian law, especially the text of the Constitution of Ukraine, needs further improvement to make Ukrainian Law as fully as possible consistent with the international legal obligations of Ukraine.

Key words: mechanism, interaction, reception, transformation, parallelization, sending, incorporation (adoption) obligation ex proprio vigore, theory of execution, admission.

Formulation of scientific problem and its significance. A dynamic development of interstate legal systems at the present stage, the expansion of interaction between national legal systems and between international systems needs effective legal mechanism that would take into account the concerted methods and would facilitate the harmonious functioning of these systems in a single legal space. To ensure such a condition today, special attention should be given to the establishment of a mechanism of interaction between international and national law.

Formulation of goals and objectives of the study. The purpose of the article is to highlight the features of the interaction of sources of international and national law.

Analysis of research of this problem. Value of international and domestic law continues to be the subject of study for many scientists, particularly such as I. Blischenko V. Butkevych, M. Buromenskiy, A. Vishensky, V. Denisov, D. Levin, I. Lukashuk, A. Merezhko, R. Mollerson, G. Tunkin, E. Usenko and others.

Presentation of the main material and justification of the research results. Determining the

mechanism of interaction of international and national law, it is necessary to point out the linguistic meaning of the term «mechanism». In the Ukrainian language, this term is interpreted in different ways: 1) a device that transmits motion; 2) internal structure, system of something; system; 3) a set of conditions and processes that make up a particular fact.

In jurisprudence this term is used fairly often from different angles, «the mechanism of legal effect», «regulation mechanism», «legislative drafting mechanism», «legal mechanism of control» and more.

However, the term «interaction» is interpreted as «collaboration, mutual relationship between objects in action as well as coordinated action between somebody or something. Thus, if the legal mechanism of interaction is defined as a system of legal means, the constitutional and legal mechanism will be interpreted as a system of constitutional and legal means» [4].

A number of States follows the concept «international law is a part of the national legal system», which is reflected in their constitutions. Some states even include international treaties in the list of sources of national law. For example, Art. 87 of the Constitution of Poland 1997 tell us that ratified international treaties are the sources of mandatory law in Poland.

In Ukrainian law questions of the relation between national and international law to some extent are governed by the Constitution of Ukraine. It should be emphasized that the Constitution of Ukraine is not about international law in general, but only is his source as an international treaty. Moreover, it is not about all types of international agreement, but only on such contracts that require agreement for mandatory by the Verhovna Rada of Ukraine. Thus, under Part 1, Article 9 of the Constitution of Ukraine, international treaties ratified by the Verhovna Rada of Ukraine are parts of the national legislation of Ukraine.

However, Article 18 of the Constitution of Ukraine establishes a rule according to which external political activity of Ukraine is aimed on ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with the international community, according to generally accepted principles and norms of international law [1].

Priority of international treaties of Ukraine ratified by the Verhovna Rada of Ukraine by the Law of Ukraine «On international agreements of Ukraine» Part 1 of Article 19 of the Act, entitled «Effects of international treaties in Ukraine» stipulates that «international treaties of Ukraine ratified by the Verhovna Rada of Ukraine, are parts of national law and are applied in the manner provided for national legislation»; and pt. 2 of this article establishes the rule that «if another rules than those stipulated in the relevant act of legislation of Ukraine are used, the rules of international agreement must be applied» [2].

Unfortunately, current Ukrainian law contains no provisions that regulate the relationship between Ukrainian law and other sources of international law, primarily the international custom.

As an example of the close relationship between national and international law, regulation of citizenship may be used. On the one hand, international law leaves regulating issues related to specific conditions of nationality to national law, but on the other hand, international law requires that national legislation regarding the citizenship issues must be subordinated with international treaty and custom law of general character.

An example of the link between national and international law is also a fundamental principle of international law «pacta sunt servanda» (agreements must be followed), which has two aspects: 1) external or international, aspect that involves regulation of international relations; 2) internal aspect, which means that this principle serves as a bridge between international and national law that requires changes in national law according to international legal obligations.

According to this principle, the state must implement changes in its internal law that is necessary for the fulfillment of its international legal obligations. What also follows that the state should not invoke the provisions of its national law or gaps in it as the cause for failure of international legal obligations. This principle was repeatedly supported in the decisions of international courts and various international documents.

Norms of national law are essential for the implementation and effectiveness of international law. The state expresses its views on various important issues that are directly related to international law through its internal law. For example, the state with the help of national law sets the width of the territorial sea or environmental standards or human rights in a way that realizes and specifies the norms of international law.

It is also common when an international court considering the particular case, analyzes relevant provisions of national law, without which it is impossible to solve the problem of international legal character.

National law may serve as an evidence of compliance or non-compliance with international law in a certain state. The role of national law in the implementation of international law is also evident when it comes to treaties that leave state the ability to select specific national legal measures implementing the

provisions of this agreement.

Thus, international law requires the state to achieve the final result – the full implementation of international legal obligations and fair implementation of these commitments. On the other hand, international law is not too interested in specific means and methods of a government's international legal obligations, as international law does not define the methods and mechanisms of the implementation of international law in the field covered by national law. For this reason, different states have different decisions about the implementation of international law within its own legal system.

The relation between national and international law is determined by the legal system of each state. That is why this issue is solved differently in each state, and therefore it is difficult to present a comprehensive picture of the methods and mechanisms used by States in the implementation of international law in domestic law.

If to analyze the constitutional provisions of different countries in relation to international law, it can be concluded that states are trying to assert their sovereignty in the sense that only some of them give a significant advantage to international, rather than national law, and only a few States agree on the primacy of international law over own constitution. On the other hand, this does not mean that States ignore or disregard international law.

It should be recognized, that the relevant provisions of the constitutional law of various countries concerning the interaction of national and international law, are often quite abstract formulated, usually only the main principles for such cooperation, leaving the specification of the principles to the practice of law.

If it comes to a collision between the rules of international and national law where the relevant provision of constitutional law does not provide a clear primacy of international law, then it is appropriate that this conflict was solved on the basis of adherence to the international law and the interpretation of national law in respect of international law.

Among the numerous and diverse methods and mechanisms of inclusion or implementation the international law in the national legal system in science name the following: reception, transformation, parallelization, sending, incorporation (adoption), mandatory «ex proprio vigore», performance theory, admission etc.

The essence of the reception consists in the fact that based on national law, norms of international law become rules of national law. It means that national law repeats the content of international law. So can it be, for example, when the state adopts a national law which follows the provisions of the international agreement.

Transformation and parallelization are seen as variations of the reception. So, the transformation foresees sequential transformation of norms of international law in a similar (though not necessarily identical) provision of national law by the so-called «transformer» that is a legal act of national law. It means that international law is not directly applicable in national law, and requires certain changes (such as changes in regulations hypotheses about its recipients) to ensure that its provisions could operate effectively in a different system of law.

Professor I. I. Lukashuk looks at the concept of transformation quite critically and rightly points out that the term «transformation» is conditional and it has restricted to the fact that it is widely acknowledged [3, p. 244].

From the perspective of S. V. Chernichenko, the term «transformation», despite its convention, can still be preferred to the other terms. Moreover, in his opinion, the transformation happens in all cases where the domestic law is in conformity with international law, even if the formulation of an international agreement can cause illusion about the direct application of its provisions to regulate domestic relations [5, p. 151].

In science distinguish two types of transformations: general transformation and special (individual) transformation. General transformation consists in the inclusion to the national system of law the whole or a part of international law (treaties or decisions of international organizations or international customary law only) based on the overall national law (usually the norm of constitution). Special transformation, in turn, involves the conversion of a particular source of international law (separate agreement or decision of an international organization) into national law by a particular national legal act.

Scientists sometimes distinguish direct and indirect transformation. Thus, according to I. I. Lukashuk, at direct transformation rules of contract generate identical rules in national law by virtue of the act of ratification or acceptance of another type of contract. This kind of transformation is sometimes called incorporation or inclusion.

At indirect transformation based on the international agreement national normative act is published and fully reflects the content of the contract [3, p. 225].

Parallelization means repetition of international law in domestic law. This implies that the legislator creates national law which corresponds to international law, that such national rules which though are not always identical, but are similar in content to the norms of international law.

In relation to such legal mechanisms as a reference, incorporation and mandatory ex proprio vigore their common feature is that although they can not convert international law into national law, but these mechanisms promote that that international law causes effects in national law.

Thus, sending means that domestic law indicates the national court or other authority to the obligation to apply certain rules of international law, which therefore does not become national law, although it has implications in the field of law.

As an example of sending scientists suggest Article16 of the Constitution of Portugal, which states: «The provisions contained in the Constitution and related laws and fundamental rights of citizens should be interpreted and be in accordance with the Universal Declaration of Human Rights».

The concept of incorporation, sometimes also called adoption, can be interpreted in different ways. Incorporation is often contrasted with the transformation because it: 1) is not a lawmaking act; 2) is more automatic than a transformation of character; 3) does not change the nature of international law.

Thus, the essence of incorporation is that international law is automatically incorporated into domestic law and is a part of it, while the transformation assumes that international law becomes part of domestic law to the extent that they have been included in national law by law, judgment or even custom.

Obligation or efficiency of international law in the state ex proprio vigore (on own power) means that in the absence of a national law clear indication of the inclusion of international law is definitely the law (e.g. treaty). It may still have an effect on interstate relations.

The theory of implementation sometimes is regarded as a form of incorporation. The essence of this theory is that international law is not a subject of transformation into national law and it is applied in the domestic legal order itself. According to this theory, the rules of international law are applicable in domestic law of the state, supplemented by government order (act of the state law) aimed at ensuring the effective implementation of these standards.

Advocates of implementation theory refer to art. 59 (2) of the Constitution of Germany 1949, which states: «The agreements that regulate the political relations of the Federation or relate to cases that are the subject of a federal law require the consent and collaboration of relevant the federal law authorities in the form of the federal law».

One of the proponents of the theory of admission is a German scientist G. Schwan, who formulated the admission in connection with the application of the European Communities. According to this author, the law of the European Communities is not a subject for transformation into domestic law, but is only «allowed» to use in the national law.

Conclusions and perspectives for further research. Thus, the analysis of different methods, mechanisms and theories of application of international law in the framework of national law, shows that, regardless of them, the state always has a duty to implement its international legal obligations under the principle of integrity, because it is the only way to ensure effective implementation and effectiveness of international law. In addition, it is important to emphasize that in practice principle of adherence is alleged to international law, according to which national law should be interpreted and applied in a manner consistent with the norms and principles of international law.

Ukrainian law, especially the text of the Constitution of Ukraine, needs further improvement to make Ukrainian Law as fully as possible consistent with the international legal obligations of Ukraine.

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Колодяжна В. Механізм взаємодії джерел міжнародного та національного права в умовах євроінтеграційних процесів. Стаття присвячена висвітленню проблем взаємодії норм міжнародного та національного права. Серед методів і механізмів включення чи реалізації міжнародного права у національну систему права у науці виокремлюють, зокрема, такі: рецепція, трансформація, паралелізація, відсилання, інкорпорація (адопція), обов'язковість ex prgprio vigore, теорія виконання, адмісія тощо. Відповідно до сучасного міжнародного права національне законодавство повинне тлумачитися і застосовуватися відповідно до норм і принципів міжнародного права. Українське законодавство, зокрема текст Конституції України, потребує подальшого вдосконалення, щоб привести Основний Закон України у максимально повну відповідність із її міжнародно-правовими зобов'язаннями.

Ключові слова: механізм, взаємодія, рецепція, трансформація, паралелізація, відсилання, інкорпорація (адопція), обов'язковість ex proprio vigore, теорія виконання, адмісія.

Колодяжная В. Механизм взаимодействия источников международного и национального права в условиях евроинтеграционных процессов. В статье рассматривается проблема взаимодействия норм международного и національного права. Среди методов и механизмов ввода и реализации международного права в национальную систему права в науке выделяют, в частности, такие: рецепция, трансформация, инкорпорация (адопция), обязательность ex proprio vigore, теория исполнения, адмиссия и т.д. В соответствии с современным международным правом национальное законодательство должно толковаться и применяться в соответствии с нормами и принципами международного права. Украинское законодательство, в частности текст Конституции Украины, нуждается в дальнейшем совершенствовании, чтобы привести Основной Закон Украины в максимально полное соответствие с ее международно-правовыми обязательствами.

Ключевые слова: механизм, взаимодействие, рецепция, параллелизация, отсылка,, инкорпорация (адопция), обязательность ex proprio vigore, теория исполнения, адмисия.

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I. Kononchuk

Legal Status of European Union Citizens

This article analyzes and evaluates the legal status of European Union (EU) citizens. The main stages of citizenship formation are defined. Founding treaty provisions and acts of secondary legislation concerning the European Union citizenship are examined. Migration and political rights and requirements of EU citizens are described. The notion «EU citizenship» has different sense from the notion «state citizenship», it complements rather than replaces national citizenship, and therefore it has subsidiary character. Implementation of EU citizenship strengthens the international nature of EU, democratizes its political life, as it emphasizes that the goal of the union is about development of personality of its citizens through giving them supplementary rights and freedoms and increases EU supranationality.

Key words: European Union citizenship, citizens of European Union, legal status of citizens, migration rights, political rights.

Formulation of scientific problem and its significance. EU citizenship is aimed to define the legal relation between the citizen and the Union. Its reflection can be found through the rights and duties of the citizens, as well as their participation in the political life of the country. The rights and duties of the citizens are protected by the institutions and member states of EU.

On the current stage of development, the institute of EU citizenship is undergoing the process of formation that is why there are some discussions concerning its proper understanding. In these conditions, the problem of further improvement of its content becomes actual nowadays.

Taking into account Ukraine's orientation towards Europe, it should not stay away from the research of the above mentioned processes, that is why the perspective of obtaining the EU citizenship by the citizens of Ukraine leads to the need of comprehensive study of the theoretical problems of EU citizens' legal status.

Analysis of research of this problem. M. Baymuratov, M. Vitruk, O. Juravka, M. Entin,