UDC 340.132:340.134:061.1ЄС(477)
DOI https://doi.org/10.32782/chern.v4.2025.37

B. Strilets
PhD in Law,
Associate Professor at the Department of Constitutional,
Administrative and International Law
Lesya Ukrainka Volyn National University
orcid.org/0000-0001-7043-7329

O. Kalian
PhD in Law, Associate Professor,
Professor at the Department of Entrepreneurship and Law
Poltava State Agrarian University
orcid.org/0000-0003-2345-3929

CERTAIN THEORETICAL ISSUES OF LEGAL TERMINOLOGY IN THE FIELD OF BRINGING UKRAINIAN LEGISLATION INTO LINE WITH THE EU ACQUIS

The article examines the theoretical foundations of legal terminology in the field of harmonising Ukrainian legislation with the EU *acquis* in terms of implementing the the EU-Ukraine Association Agreement and our country's candidate status. The authors analyse the content and correlation of the concepts of "harmonization", "unification", "approximation", "adaptation", "implementation", "transposition", etc. The need to develop a unified, scientifically sound approach to their use and to ensure conceptual clarity as a necessary condition for the implementation of the EU-Ukraine Association Agreement is substantiated. In this context, theoretical developments, the provisions of the Association Agreement, as well as the norms of EU regulations and directives are examined. It is argued that EU regulations mainly perform a unifying function through direct action and direct and uniform application in the member states of the integration association (an example is Regulation (EU) 2018/1672, which unifies the threshold for declaring cash at the border), while directives feature the logic of harmonisation by setting common objectives and minimum standards while preserving national discretion, for example, Directive 2014/65/EU in terms of admission of entities providing investment services, organisational requirements for them and the specifics of investor protection. The authors highlight the distinction between "unification" as the creation of identical rules in accordance with EU regulations and "harmonisation", which occurs in the case of the implementation of directives, and also show the place of "adaptation" in the context of law-making in Ukraine and "implementation" as a broader category that includes law enforcement. At the same time, it is noted that even in the case of harmonisation of legislation in accordance with directives, elements of unification can be traced. A conclusion is formulated on the need to unify terminology as a key factor in legal certainty, predictability of law-making and effective integration of the EU *acquis* into national law, particularly in the area of capital movement.

Key words: EU acquis, EU law, EU-Ukraine Association Agreement, harmonization, unification.

Стрілець Б., Кальян О. **ОКРЕМІ ТЕОРЕТИЧНІ ПИТАННЯ ПРАВОВОЇ ТЕРМІНОЛОГІЇ У СФЕРІ ПРИВЕДЕННЯ ЗАКОНОДАВСТВА УКРАЇНИ У ВІДПОВІДНІСТЬ ДО ACQUIS ЄС**

У статті розглянуто теоретичні засади правничої термінології у сфері приведення українського законодавства у відповідність до acquis ЄС в аспекті виконання Угоди про асоціацію між ЄС та Україною та кандидатського статусу нашої держави. Автори аналізують зміст та співвідношення понять «гармонізація», «уніфікація», «наближення/апроксимація», «адаптація», «імплементація», «транспозиція» тощо. Обґрунтовується необхідність формування єдиного, науково обґрунтованого підходу до їхнього вживання та забезпечення концептуальної визначеності як необхідної умови виконання Угоди про асоціацію між ЄС та Україною. В цьому контексті досліджуються теоретичні напрацювання, положення Угоди про асоціацію, а також норми регламентів та директив ЄС. Доводиться, що регламенти ЄС переважно виконують уніфікаційну функцію через пряму дію та пряме і однакове застосування в державах-членах інтеграційного об'єднання (прикладом є Регламент (ЄС) 2018/1672, який уніфікує поріг декларування готівки на кордоні), тоді як директиви реалізують логіку гармонізації, встановлюючи спільні цілі й мінімальні стандарти за умови збереження національної дискреції, наприклад, Директива 2014/65/ЄС щодо допуску до діяльності суб'єктів, що надають інвестиційні послуги, організаційних вимог до них та особливостей захисту інвесторів. Автори обґрунтовують розмежування «уніфікації» як створення однакових норм відповідно до регламентів ЄС і «гармонізації», яка має місце у випадку з імплементацією директив, а також показують місце «адаптації» в контексті здійснення правотворчої діяльності в Україні та «імплементації» як ширшої категорії, що включає правозастосування. Водночас зазначено, що навіть у випадку гармонізації законодавства відповідно до директив простежуються елементи уніфікації. Сформульовано висновок про необхідність уніфікації термінології як ключового чинника правової визначеності, передбачуваності правотворчості й ефективної інтеграції acquis ЄС у національне право, зокрема у сфері руху капіталу.

Ключові слова: acquis ЄС, право ЄС, Угода про асоціацію, гармонізація, уніфікація.

Problem statement and relevance. The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as the Association Agreement) defines the strategic directions for the integration of Ukraine's legal system into the European legal space, particularly in the field of investment legislation. At the same time, an analysis of the provisions of the Agreement reveals the practice of using legal categories such as "harmonisation", "approximation", "alignment", etc. without detailing their content. Such categorical uncertainty reduces the level of theoretical and legal justification for the essence of the process of bringing national legislation into line with the EU acquis, as provided for in the Association Agreement, Annex XVII thereto and other provisions therein and annexes thereto.

The ambiguity of legal terminology also creates the risk of double interpretation of Ukraine's obligations and complicates the effective implementation of the acquis and, in fact, does not comply with the principle of legal certainty, which may have negative consequences for both state bodies and economic entities.

The position of domestic scholars who emphasise the need to unify terminology as a starting point for harmonising Ukrainian legislation with EU law seems reasonable, since it is precisely a common categorical apparatus that is the key to achieving legal compatibility and mutual understanding in the legal sphere.

The relevance of the topic of this scientific article is determined, in particular, by the strategic importance of bringing Ukraine's investment legislation into line with the EU acquis; terminological uncertainty, which hinders the effective implementation of the Association Agreement; the need to develop a scientifically sound concept for the use of terms such as "harmonisation", "approximation", "alignment" and others.

Analysis of recent studies and publications. The issue of researching terms and concepts in the field of bringing national legislation into line with the EU acquis has been addressed by European scholars E. von Caemmerer, W. Camda, P. Catriona, M. Haag, O. Lando, J. Paisey Nicholas, F. Mrasori and others, as well as Ukrainian scholars, in particular V. Muravyov, R. Petrov, N. Mushak, O. Drachov, K. Berezna, V. Filatov, I. Yakovyuk, Y. Chernopishchuk, T. Kravchenko, I. Yavorska and others. However, there is still no scientifically sound and universally recognised concept for the use of terms such as "harmonisation", "approximation", "alignment" and others in law-making, which necessitates further scientific research.

Purpose and objectives of the study. The purpose of the article is to provide a theoretical justification and systematisation of approaches to the use of legal terminology in the field of bringing Ukrainian legislation into line with the EU acquis, as well as to determine the specifics of the application of the concepts of "harmonisation", "approximation" and "alignment" (non-exhaustive list) and to form a single scientifically sound approach to their use in the national legal system.

To achieve this goal, the following tasks are to be accomplished:

to analyse the content and scope of use of the terms "harmonisation", "approximation", "alignment" and others in the text of the Association Agreement and in the EU acquis;

to identify the scientific approaches of domestic and foreign scholars to the unification of legal terminology in the field of European integration;

to distinguish between the legal categories that denote the process of bringing Ukrainian legislation into line with the EU acquis and to identify their essential characteristics;

to justify the need to develop a unified conceptual and categorical framework as a prerequisite for the effective implementation of the acquis into national legislation.

Presentation of the main material. We agree with the opinion of Ukrainian scholars V. Muravyov and N. Mushak that, despite the use of different terms in the EU acquis and in EU agreements with third countries, this essentially refers to the same process of bringing national legislation into line with the acquis. [1, p. 14]. Nevertheless, defining the essential characteristics of Ukraine's commitments to implement the EU acquis should involve a common understanding of the methods/forms and a distinction between their areas of application. The opinion of Ukrainian scientist V. Gomonay that the starting point for harmonising Ukrainian legislation with EU law is the unification of the terminology used in these two legal systems is reasonable [2, p. 205]. Achieving common understanding in the legal sphere is impossible without this key element.

M. Hnatovsky points out that the internationalisation of national legal systems takes the form of approximation, harmonisation, unification or reception, depending on a number of factors (in particular, the objectives underlying integration, the legal traditions of the recipient state, etc.). They are classified according to the subject and method of legal regulation, the scope

and degree of similarity of legal norms, sources of law, the purpose of legal regulation, the circle of law-making entities, the method of enactment and the methods of implementation of norms [3, p. 5]. Based on the above definition, we consider it appropriate to view the terms specified in the Association Agreement as having a common goal, but differing in the legal means by which their goals are achieved.

In fact, the term "harmonisation" is mentioned only a few times in the Association Agreement: "...in order to harmonise the national statistical system with the European norms and standards" (Art. 355), "enhancing harmonisation of issues addressed within the framework of international organisations" (Art. 404) [4].

At the same time, the Association Agreement does not contain the concept of harmonisation, so it is worth referring to theoretical developments for its study. The Oxford Dictionary of Law defines "harmonisation of law" as "the process by which member states of the EU make changes in their national laws, in accordance with Community legislation, to produce uniformity, particularly relating to commercial matters of common interest". It is noted that EU directives relate precisely to the harmonisation of law [5]. British scholars P. Catriona and J. Paisey Nicholas note that harmonisation is the process of achieving compatibility of law by decreasing differences to achieve a level of similarity between legal systems, while recognising that some differences may remain. [6, p. 1037].

Domestic scholars, including V. Muravyov and N. Mushak, note that it is precisely the term "harmonisation" that most adequately characterises the goal of bringing national legislation into line with the acquis – to harmonise national rules in such a way that in both cases they create the same legal conditions for the activities of economic operators within the internal market. [1, p. 16].

The Small Encyclopaedia of International Law, edited by Yu. Boshytsky, rightly points out that "not only should national legislation be harmonised with international law, but the latter should also be harmonised with national law" [7, p. 88]. However, the Association Agreement mainly refers to unilateral harmonisation of Ukrainian legislation with the EU acquis, including in the field of capital movement.

The Association Agreement also uses other terms. In the preamble to the Agreement, the term "approximation" is mentioned four times: "DESIROUS of moving the reform and approximation process forward in Ukraine", "DESIROUS of achieving economic integration, inter alia ... through extensive regulatory approximation", "RECOGNISING that such a Deep and Comprehensive Free Trade Area, linked to the broader process of legislative approximation...", "COMMITTED to enhancing energy security, facilitating the development of appropriate infrastructure and increasing market integration and regulatory approximation...". In addition, "approximating" is mentioned once: "COMMITTED to gradually approximating Ukraine's legislation with that of the Union". Article 1 of the Association Agreement mentions "the progressive approximation of its *[Ukraine's]* legislation to that of the Union". In Article 114 it is mentioned that «the Parties recognise the importance of the approximation of Ukraine's existing legislation to that of the European Union" [8, p. 44].

It is also necessary to cite the definition of adaptation contained in regulatory legal acts. Thus, Resolution No. 1496 of the Cabinet of Ministers of Ukraine dated 16 August 1999 "On the Concept of Adaptation of Ukrainian Legislation to European Union Legislation" defines in paragraph 1 the term "adaptation" as "the process of convergence and gradual harmonisation of Ukrainian legislation with EU legislation" [119]. According to the Law of Ukraine "On the State Programme for the Adaptation of Ukrainian Legislation to European Union Legislation" dated 16 August 1999 No. 1496, the adaptation of Ukrainian legislation to EU legislation is the process of bringing Ukrainian laws and other regulatory acts into line with the acquis [111]. Thus, at the legislative level, this term has been chosen to bring national legislation into line with the EU acquis. The word "adaptation" essentially implies the adaptation of norms to a specific legal system.

The term "implementation" is used in Articles 4 and 5 of Annex XVII to the Association Agreement and is generally mentioned in the context of "...full enactment and complete and full implementation of all applicable provisions for the sectors concerned by regulatory approximation ..." [11].

In an article by S. Perepolkin, with reference to A. Gaverdovsky, it is stated that the implementation of international law norms is a purposeful organisational and legal activity of states, carried out individually, collectively or within the framework of international organisations with the aim of timely, comprehensive and full implementation of their obligations under international law [12, p. 311]. The term "implementation" can be synonymous with the word "realisation", i.e. "introduction" of international law norms into

the practical activities of the state and other entities. [13, p. 312]. This position is similar to the definition given in S. Perepolkin's article, but the latter does not equate 'implementation' with "realisation", which, in our opinion, is correct, since, firstly, "realisation" of legal norms etymologically means "embodiment", and secondly, in theory, "realisation" is defined as "the embodiment of legal norms in the lawful behaviour of legal subjects". [14, p. 235], in this way, the concept of law-making is unjustifiably taken away.

Moreover, as O. Drachov notes, in Polish international law doctrine, implementation is used to describe the process of incorporating international law norms into domestic legal systems. This concept is also used to describe the process of incorporating EU directives into the legal systems of Member States [15, p. 221].

Ukrainian researcher K. Berezna, defining the difference between the categories of "adaptation" and "implementation", notes that the adaptation of Ukrainian legislation to the acquis of the European Union should be understood as the process of gradually bringing national legislation into line with the EU acquis through law-making. In turn, implementation is a process involving not only law-making at various stages, but also the further implementation and enforcement of legal provisions adopted by the relevant authorities [16, p. 39].

V. Filatov paid considerable attention to the development of implementation issues, considering implementation in two main aspects: thus, implementation is understood as the activities of state authorities, which are both international and domestic in nature and aimed at improving legislation through the country's fulfilment of its international obligations [17, p. 7]; implementation is also a process of bringing national legislation closer to international law through law-making, planning, coordination and control [17, p. 11]. M. Baimuratov and M. Almohammed emphasise the systematic nature of this activity and define the implementation of international law norms into national legislation as "a teleologically justified systematic process aimed at fulfilling the international legal obligations of the state, undertaken by it within the framework of international legal agreements..." [18, p. 78].

Thus, it appears that the category of adaptation includes only the law-making activities of public authorities, which involve amendments to existing regulatory acts. Implementation includes both the practical law enforcement aspect of such changes and law-making activities, i.e. it is a broader concept [19, p. 157].

According to Ukrainian researcher of EU law Y. Movchan, differentiation between adaptation and harmonisation occurs at the level of the subject, i.e. the term "harmonisation" is used when referring to EU Member States, while the term "adaptation" is used in relation to candidate countries (now applied to Ukraine), potential candidate countries and third countries. These concepts are similar in that both define the influence of European (international) law on the national legal order and, in turn, enrich European and international law, However, adaptation involves the synthesis of reciprocal norms with national norms, while harmonisation involves the process of harmonising legal norms within a single legal system. The mechanism for implementing both adaptation and harmonisation is implementation [20, p. 10].

I. Yakovyuk expresses a similar point of view. In his opinion, the concept of "harmonisation" characterises the process of bringing legislation into line with EU law, which takes place within the EU and is a statutory obligation exclusively of Member States. "Adaptation also characterises the process of bringing legislation into line with EU law, but it usually takes place outside the EU and concerns third countries in connection with their intentions to integrate into the EU, as well as countries that have acquired membership but, while still candidate countries, have not completed this process" [21, p. 19].

We believe that the concept of extending harmonisation only to EU Member States has its roots in the work of European scholars and is not entirely consistent with the national doctrine.[1] According to Danish scholar O. Lando, Europeanisation means unifying or harmonising European law. This term applies only to EU Member States [22, p. 184].

Some articles of the Association Agreement mention the term "convergence". "Gradual approximation of policies and legislation" (Art. 403), "promoting convergence in the field of higher education deriving from the Bologna process" (Art. 431). In addition, according to Article 1 of the Association Agreement, one of the aims of this association is "to promote gradual rapprochement between the Parties based on common values and close and privileged links, and increasing Ukraine's association with EU policies and participation in programmes and agencies" [4].

From this, we can conclude that the concept of "convergence" (seems that "rapprochement"

[1] For example, Ukrainian scientist T. Pikulia notes that "... harmonisation of legislation is a complex process aimed at achieving a uniform impact on social relations in Ukraine, in the 27 EU Member States, and in three other Member States of the European Economic Area." [23, p. 475]

too) covers not only the legal sphere, but also the political and cultural spheres (the latter is referred to, for example, in Article 430 of the Association Agreement, which states that the parties shall promote … intercultural dialogue. When it comes to Article 405 of this Agreement, the term "gradual approximation" (in English) was translated into Ukrainian using two terms: "gradual convergence and harmonisation" (*«поступове зближення та гармонізація»*). In addition, the terms "gradual approximation", "alignment" and "regulatory approximation" are often mentioned in the Association Agreement [4]. It was the term "regulatory approximation" that was chosen for the title of Annex XVII to the Association Agreement [11].

The term transposition is mentioned in Articles 56 and 96 of the Association Agreement, as well as in Annex XVII to the Association Agreement, namely in Article 5(3): "Once a new or amended EU legislative act has been added to the relevant Appendix, Ukraine shall transpose and implement the legislation into its domestic legal system..." [11]. In official Ukrainian translations, this term is sometimes translated as *«впровадження»* ("introduction").

The issue of transposition (from Latin transpositio – transfer, rearrangement, transportation [24, p. 12]) of legislation was studied in detail by R. Petrov. According to the scholar, this is a process aimed at achieving "adaptation", "convergence", "harmonisation" and "unification" with the law of the EU or other international organisations, and involves the use of many methods and means to achieve the goal of transferring the EU *acquis* into the legal systems of third countries [24, p. 74].

According to V. Muravyov and N. Mushak, in areas of regulation not covered by national legislation, or where legislation is significantly outdated and in need of urgent updating, a revolutionary approach can be applied – the "transposition" of EU *acquis* norms into Ukrainian law. This is resorted to when it is necessary to accelerate the harmonisation process by directly incorporating the provisions of the *acquis* (without making significant changes or conducting the relevant parliamentary procedures in advance). In this case, the competence to adopt normative legal acts is mainly vested in the executive authorities [1, p. 15]. It is precisely the absence of substantial reworking that distinguishes transposition from transformation, which, as K. Savchuk notes, takes place with due regard for national legal trends and standards of legal technique [26, p. 513].

At the same time, in our opinion, both transposition and transformation can be considered forms of implementation. Considering the above, we believe that transposition in the field of free capital movement can be applied when adopting acts by *inter alia* the National Bank of Ukraine and National Securities and Stock Market Commission.

The Association Agreement does not contain the term "unification", but it is being studied by domestic scholars in the field of EU law; for example, research was conducted on the "unification of European contract law" [27, p. 10–11], "unification of conflict-of-law rules in EU law" [28], "unification of national legislation with EU law" [29, p. 69] etc. Unification was also addressed in the works of European lawyers. For the purposes of this study, it is necessary to examine in more detail the distinction between the concepts of "unification" and "harmonisation".

Let us refer to the findings of foreign researchers. British scholar W. Camda notes that unification involves replacing two or more legal systems with a single system, while harmonisation aims to bring together or coordinate different legal provisions or systems by eliminating major differences and establishing minimum requirements or standards [30, p. 485, 501]. Referring to this point of view, we can conclude that unification, compared to harmonisation, is more radical.

For example, E. von Caemmerer considered the problem of unifying European private law in the context of creating the so-called "United States of Europe" [31, p. 307]. This term was used because, in the context of a unified state, which the United States of Europe was supposed to be, it was appropriate to speak not only of harmonised legislation, but of unified legislation. I. Sammut wrote that by unification of law "the legal and social processes by which uniformity is achieved..." are meant [32, p. 836]. Another definition is as follows: "Unification is concerned with the creation of identical rules, whereas harmonization tends to produce more or less similar law in different countries" [33].

Domestic scholar Y. Chernopishchuk notes that legal unification is a process of convergence between two or more legal systems, a process aimed at "replacing two or more legal systems with a single legal system." At the same time, "harmonisation of law" is defined as the process of coordinating or bringing together individual legal provisions of different legal systems, which is achieved by eliminating fundamental contradictions or differences, as well as by establishing at least minimum common requirements and standards [33, p. 67]. A similar point of view is expressed by V. Muravyov and

N. Mushak: unification, like harmonisation, also creates equal legal conditions for economic entities, but in the case of unification, the result is achieved in a different way – through the adoption of regulations that directly govern the behaviour of entities and do not provide for coordination with them of national legislation [1, p. 16], although such coordination may occur in practice.

T. Kravchenko notes that "unification" is the creation of identical, universally binding norms in the domestic law of different states. In turn, harmonisation represents the coordination of general approaches and concepts for the development of national legislative systems, as well as the process of developing general legal principles and individual decisions. According to the author, the uniform application of unified norms in different EU Member States is a key characteristic of unification, and this is precisely what distinguishes it from harmonisation, which is focused on establishing a single regulatory outcome [34, p. 132].

Therefore, it seems that the term "unification" should be applied to the process of creation of identical norms via regulations that have direct effect which results in bringing national legislation into line with their provisions, while harmonisation is used in accordance with the provisions of directives.

Thus, Regulation (EU) 2018/1672 on controls on cash entering or leaving the Union [35] sets a uniform threshold of EUR 10 000: any carrier entering or leaving the EU with cash equal to or above that amount shall declare that cash to the competent authorities of the Member State (Art. 3). The Regulation also provides a mechanism for unaccompanied cash – authorities may require the sender, recipient or their representative to submit a disclosure declaration within a deadline of 30 days (Article 4). These rules apply directly and uniformly across all Member States, a classic case of unification. In contrast, Directive 2014/65/EU (MiFID II) [36] harmonises access to investment activities and conduct-of-business rules by laying down authorisation requirements (Article 5), organisational requirements for investment firms (Article 16), and investor-protection obligations, including information duties and suitability/appropriateness assessments (Articles 24–25), as well as the obligation to execute orders on terms most favourable to the client (Article 27). These are detailed minimum standards to be implemented in national law representing harmonisation with limited discretion of Member States which implement the mentioned directive.

However, even within harmonisation via directives, elements of unification can be observed. For example, the initial capital requirements for electronic money institutions are set by Directive 2009/110/EC (the so-called E-Money Directive) [37]. Article 4 therein expressly requires authorised electronic money institutions to hold initial capital of not less than EUR 350,000, applicable uniformly across all Member States – i.e., a unifying block embedded in a directive. By contrast, Directive 2004/25/EC on takeover bids [38] imposes a mandatory bid once control is acquired (Article 5(1)), but leaves to national law the percentage of voting rights that confers control (Article 5(3)) and the look-back period for calculating the "equitable price" – set as the highest price paid over a period to be determined by Member States of not less than six and not more than twelve months (Article 5(4)). Thus, the Directive sets common goals and core protections, while concrete parameters remain with Member States, so this is en example of harmonisation with a relatively broad discretion.

Conclusions. An analysis of the provisions of the Association Agreement and the EU *acquis* shows that the terms such as "harmonisation", "approximation" and "alignment" are used to describe the process of bringing national legislation into line with European standards, but they have different scopes of application and their own essential characteristics. However, despite the fact that the use of these terms is determined by a common goal, their meaning is justified by the degree and instruments of integration.

In scientific literature, domestic and foreign researchers interpret the above terms differently, but the dominant approach is that they cover a single process of convergence of legal systems. At the same time, the need to unify terminology as a key prerequisite for effective dialogue between Ukraine and the EU is emphasised.

Scientific analysis of the relevant legal categories shows that the term "adaptation" is enshrined in domestic legislation as the main form of law-making activity, "implementation" is a broader legal category that includes law-making and law enforcement aspects, while "transposition" and "transformation" can be considered as specific forms of implementation. "Unification" and "harmonisation" differ in the degree of integration of norms, and "convergence" covers not only the legal but also the political and economic spheres.

It should also be noted that the formation of a unified conceptual and categorical framework is of fundamental importance for ensuring the consistency and predictability of law-making and law enforcement activities. A

unified terminology base will help to avoid double interpretations of the provisions of the Association Agreement in particular and the EU acquis in general, and will ensure the effective implementation of European standards into national law.

Bibliography

1. Муравйов В., Мушак Н. Гармонізація законодавства України з правом Європейського Союзу в рамках Угоди про асоціацію між Україною та ЄС. Вісник. 2013. № 8. С. 12–18.
2. Гомонай В. В. Зближення законодавства України з правовою системою Європейського Союзу. *Держава і право.* 2009. Вип. 44. С. 204–212. (дата звернення: 16.09.2025).
3. Гнатовський М. М. Становлення та тенденції розвитку європейського правового простору: автореф. дис. ... канд. юрид. наук: 12.00.11. Київ, 2002. 22 с.
4. Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. *Official Journal of the European Union.* L 161/3. 29.05.2014. URL: https://publications.europa.eu/resource/cellar/4589a50c-e6e3-11e3-8cd4-01aa75ed71a1.0006.03/DOC_1 (дата звернення: 17.09.2025).
5. Harmonization of laws. Oxford Reference. URL: http://www.oxfordreference.com/view/10.1093/oi/authority.20110803095921694 (дата звернення: 17.09.2025).
6. Paisey Nicholas J., Catriona P. Harmonisation of Company Law; Lessons from Scottish and English Legal History. *Management Decision 42*. 2004. No. 8. P. 1037–1050.
7. Мала енциклопедія міжнародного права / за заг. ред. Ю. Л. Бошицького. Київ: Кондор-Видавництво, 2013. 440 с.
8. Стрілець Б. В. Гармонізація законодавства України і ЄС за Угодою про Асоціацію: термінологічні питання. Традиції та інновації розвитку приватного права в Україні: освітній вимір: матеріали VI Всеукр. наук.-практ. конф. (м. Полтава, 02 черв. 2017 р.). Полтава: ПУЕТ, 2017. С. 43–46.
9. Про Концепцію адаптації законодавства України до законодавства Європейського Союзу: постанова Кабінету Міністрів України від 16.08.1999 р. № 1496. URL: http://zakon.rada.gov.ua/laws/show/1496-99-%D0%BF (дата звернення: 17.09.2025).
10. Про загальнодержавну програму адаптації законодавства України до законодавства Європейського Союзу: Закон України від 18.03.2004 р. № 29. URL: http://zakon3.rada.gov.ua/laws/show/1629-15 (дата звернення: 17.09.2025).
11. Annex XVII (“Regulatory Approximation”) to Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. *Official Journal of the European Union*. L 161. 29.05.2014. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:22014A0529(01) (дата звернення: 17.09.2025).
12. Перепьолкін С.М. Інтерпретація терміну «імплементація» у правовій доктрині. *Юридичний науковий електронний журнал.* 2021. № 9. С. 310–313. URL: http://lsej.org.ua/9_2021/78.pdf (дата звернення: 17.09.2025).
13. Куц М. О. Про особливості тлумачення терміна «імплементація». *Часопис Київського університету права.* Київ, 2010. № 2. С. 133–138.
14. Загальна теорія права: підручник / за заг. ред. М. І. Козюбри. Київ: Ваіте, 2015. 392 с.
15. Драчов О. В. Імплементація міжнародних зобов’язань в правові системи Польщі та України (порівняльний аналіз): дис. … канд. юрид. наук: 12.00.11. Київ, 2012. 229 с.
16. Бережна К. В. Імплементація норм права Європейського Союзу в адміністративне законодавство України: концептуальні проблеми. Прикарпатський юридичний вісник. 2016. Вип. 5 (14). С. 36–40.
17. Філатов В. В. Імплементація міжнародних норм до митного законодавства України: автореф. дис. … канд. юрид. наук.: 12.00.07. Львів, 2012. 16 с.
18. Баймуратов М. О., Алмохаммед М. А. Особливості входження норм міжнародного права в національне конституційне право України. Вісник Центральної виборчої комісії. 2016. № 2 (34). С. 75–85.
19. Стрілець Б. В. Правове регулювання інвестиційної діяльності в Європейському Союзі: дис. … канд. юрид. наук: 12.00.11. Київ, 2020. 238 с.
20. Мовчан Ю. В. Міжнародно-правове регулювання інтеграційних процесів в Європейському Союзі: автореф. дис. ... канд. юрид. наук: 12.00.11. Київ, 2010. 22 с.
21. Яковюк І. Адаптація і гармонізація законодавства в умовах інтеграції: проблема співвідношення. Вісник Академії правових наук України. 2012. № 4. С. 29–42.
22. Форманюк В. Уніфікація та гармонізація договірного права Європейського Союзу. Юридичний вісник. 2015. № 1. С. 183–190.
23. Пікуля Т. О. Гармонізація законодавства в процесі переговорів про вступ України до Європейського Союзу. Юридичний науковий електронний журнал. 2024. № 8. С. 474–476. URL: http://www.lsej.org.ua/8_2024/8_2024.pdf (дата звернення: 25.09.2025).
24. Петров Р. А. Транспозиція «acquis» Європейського Союзу у правові системи третіх країн: монографія. Київ: Істина, 2012. 384 с.
25. Петров Р. А. «Транспозиція» права як складова процесу приведення законодавства України у відповідність до «acquis» Європейського Союзу. Право України. 2013. № 6. С. 70–76.
26. Європейське право: право Європейського Союзу: підручник: у 3 кн. / за заг. ред. В. І. Муравйова. Київ: Ін Юре, 2015. Кн. 3: Право зовнішніх зносин Європейського Союзу. 408 с.
27. Гайдулін О. О. Зближення контрактного права країн-членів Європейського Союзу: основні засоби та напрями: автореф. дис. … канд. юрид. наук: 12.00.03. Київ, 2009. 20 с.
28. Чевичалова Ж. В. Уніфікація колізійних норм у праві Європейського Союзу. Теорія і практика правознавства: електронне наук. фахове видання Нац. ун-ту «Юридична академія України ім. Ярослава Мудрого». 2013. Вип. 2. URL: http://nauka.jur-academy.kharkov.ua/download/el_zbirnik/2.2013/48.pdf (дата звернення: 25.09.2025).
29. Чернопищук Я. Уніфікаційні процеси в європейському правовому просторі: герменевтика та аксіологія конституційно-правового аналізу. Юридичний вісник. 2011. № 1. С. 66–72.
30. Camda W. J. Comparative Law: A Theoretical Framework. 1974. 519 p.
31. Von Caemmerer E. The Problem of the Unification of Private Law in Europe. *University of Colorado Law Review.* 1964. P. 307–320.
32. Sammut I., Tying the Knot in European Private Law. *European Review of Private Law.* 2009.

17. P. 813–840. URL: https://www.um.edu.mt/library/oar/bitstream/123456789/115122/1/Tying_the_knot_in_European_private_law%282009%29.pdf (дата звернення: 25.09.2025).

33. Gebauer M., Berner F. Unification and Harmonization of Laws, in: Max Planck Encyclopedias of International Law. Last updated: August 2019. URL: https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1123 (дата звернення: 17.09.2025).

34. Кравченко Т. До питання про уніфікацію законодавства. Право України. 2006. № 4. С. 131–133.

35. Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005. *Official Journal of the European Union.* L 284. 12.11.2018. URL: https://eur-lex.europa.eu/eli/reg/2018/1672/oj/eng (дата звернення: 25.09.2025).

36. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) Text with EEA relevance. *Official Journal of the European Union.* L 173. 12.6.2014. URL: https://eur-lex.europa.eu/eli/dir/2014/65/oj/eng (дата звернення: 25.09.2025).

37. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (Text with EEA relevance). *Official Journal of the European Union.* L 267. 10.10.2009. URL: https://eur-lex.europa.eu/eli/dir/2009/110/oj/eng (дата звернення: 25.09.2025).

38. Directive 2004/25/EC of the European Parliament and of the Council of 21 april 2004 on takeover bids (Text with EEA relevance). *Official Journal of the European Union.* L 142. 30.4.2004. URL: https://eur-lex.europa.eu/eli/dir/2004/25/oj/eng (дата звернення: 25.09.2025).

Дата першого надходження рукопису до видання: 19.09.2025
Дата прийнятого до друку рукопису після рецензування: 16.10.2025
Дата публікації: 26.11.2025