

**МІНІСТЕРСТВО ОСВІТИ ТА НАУКИ УКРАЇНИ  
ХАРКІВСЬКИЙ НАЦІОНАЛЬНИЙ ЕКОНОМІЧНИЙ УНІВЕРСИТЕТ  
ІМЕНІ СЕМЕНА КУЗНЕЦЯ**

**ЗАТВЕРДЖЕНО**

на засіданні кафедри правового  
регулювання економіки  
Протокол № 2 від 15.12.2023.

**ПОГОДЖЕНО**

Проректор з навчально-методичної  
роботи


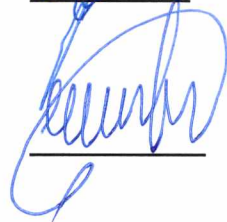
  
Каріна НЕМАШКАЛО

**МІЖНАРОДНЕ ПРАВО ТА ПРАВО ЄВРОПЕЙСЬКОГО СОЮЗУ  
робоча програма навчальної дисципліни (РПНД)**

Галузь знань	<b>всі</b>
Спеціальність	<b>всі</b>
Освітній рівень	<b>перший (бакалаврський)</b>
Освітня програма	<b>всі</b>

Статус дисципліни	<b>вибіркова</b>
Мова викладання, навчання та оцінювання	<b>англійська</b>

Розробник:  
к.е.н., доцент

  
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\_\_\_\_\_

Ганна БРУСІЛЬЦЕВА

Завідувач кафедри  
правового регулювання економіки

Юрій ШИНКАРЬОВ

Харків

2023

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
SIMON KUZNETS KHARKIV NATIONAL UNIVERSITY OF  
ECONOMICS**

**APPROVED**

at the meeting of the department  
of Legal regulation of the Economy  
Protocol № 2 of 01.09.2023

**AGREED**

Vice-rector of educational and methodical  
work

  
\_\_\_\_\_  
Karina NEMASHKALO



**INTERNATIONAL LAW AND LAW OF EUROPEAN UNION  
Program of the course**

Field of knowledge	<b>All</b>
Speciality	<b>All</b>
Study cycle	<b>First (bachelor)</b>
Study programme	<b>All</b>


Course status	<b>Selective</b>
Language	<b>English</b>

Developers:  
PhD (Economics),  
Associate Professor

  
\_\_\_\_\_

Hanna BRUSILTSEVA

Head of Legal regulation  
of the Economy Department

  
\_\_\_\_\_

Yuriy SHINKARIOV

**Kharkiv  
2023**

## INTRODUCTION

**Annotation of course:** Globalization of the world economy, strengthening of external integration processes, cooperation of Ukraine with international structures and institutions, orientation of the foreign policy course on integration into European Union structures, as well as significant level of trade and economic relations between Ukraine and the European Union (EU) necessitate studying the foundations of international law and EU law. Knowledge of the content of international law and EU law and the basic principles of its construction and functioning, the ability to correctly interpret and apply them in the democratization of the Ukrainian state and integration of its economy into world and European structures is a necessary condition for lawful and effective activities of these bodies, institutions and organizations, enterprises and their officials.

**The purpose** of the course is forming of legal knowledge in the field of international legal system and the legal system of the European Union, the creation of theoretical ideas about the subject, methods, principles, institutions and norms of international law and EU law, the formation of students' skills to correctly use the norms of international law and EU law in their own activities.

**The main tasks** of studying the course "International Law and Law of European Union" are students' mastery of the theoretical and regulatory framework of international law and EU law; the ability to apply in practice theoretical knowledge on international legal issues arising in the field of modern international relations; assimilation by students of the conceptual foundations of the origin and essence of international law and EU law; study of the system of sources of international law and EU law; analysis of the relationship between international law and national law as well as EU law and national law of its member countries; formation of students' understanding of the EU institutional system; analysis of legislative, executive, budgetary competence of the EU; clarification by students of the legal status, competence, structure, order of formation of the Council of the EU, the Parliament of the EU, the European Commission, the European Court of Justice Communities, the European Ombudsman, the European Court of Auditors, advisory bodies of the EU; study of legal aspects of deepening integration processes, accession to the EU of new member states.

**The subject** of study of the course is a system of legal rules that regulate public international relations and international relations between states within the European Union.

**The object** of the course is the general provisions of international law and law of EU and international relations.

Comprehensive and in-depth study of the course "International Law and Law of the European Union" contributes to the skills formation in the

application of the norms of international law and law of the EU in the conditions of the settlement of international and interstate relations.

Learning outcomes and competences formed by the course are defined in the table. 1.

Table 1

Learning outcomes and competencies formed by the course

<b>Learning outcomes</b>	<b>Competencies</b>
Ability to identify basic theories and views on the nature of international law	Apply basic knowledge of international law to assess the economic, managerial and socio-political factors of the environment of modern business systems
Ability to analyze the process of creating norms of international law, to determine the basic norms of international law	Apply the rules of international law in resolving existing issues
Ability to analyze the sources of international law, the peculiarities of their creation and application in international relations	Explain the range of sources of international law, features of their creation and application in international relations
Ability to carry out legal analysis of international agreements, to determine the conditions for concluding international agreements in accordance with international legal acts	To provide consultations on the conclusion of international agreements, the main conditions for their conclusion in accordance with international legal acts
Ability to analyze the process of creating the European Union, the current state and prospects for its development	Demonstrate knowledge of the history of the European Union
Ability to correlate the concepts of "EU law", "national law of the Member States" and "public international law"	Demonstrate knowledge of concepts European and EU law, their relationship, principles of EU law
Ability to identify sources of European Union law	Apply the sources of European Union law and highlight its main features
Ability to carry out legal analysis of standards for the formation of the institutional system, bodies and agencies	Carry out an analysis of the legal nature of the institutions and bodies of the European Union
Ability to analyze the basics of the legal status of human and citizen in the European Union	Determine the grounds for acquiring and terminating citizenship of the European Union. Define the fundamental rights, freedoms and responsibilities of man and citizen in the European Union
Ability to analyze the legal basis of Ukraine's international cooperation with the European Union	Ability to use the acquired knowledge and provisions of agreements between Ukraine and the European Union. Implement the strategy of Ukraine's integration into the European Union

## **COURSE CONTENT**

### **CONTENT MODULE 1. GENERAL PROVISIONS OF INTERNATIONAL LAW**

#### **Topic 1. International law in the system of international relations.**

##### 1. International law as a special legal system.

Features of the creation of norms, a special range of subjects, the main functions of international law.

##### 2. The subject of international legal regulation.

Types of relations governed by international law. International interstate relations, international non-state relations. Categories of issues included in the subject of regulation.

##### 3. Features of modern international law.

Improvement of international law, development of its principles and norms, international legal order, international "soft law".

##### 4. Interaction of international and domestic law.

The ratio of international public and private law.

##### 5. The system of international law.

Basic principles. Branches, sub-branches, institutes.

#### **Topic 2. History of formation and development of international law**

##### 1. History and science of international law.

##### 2. International law of the ancient world.

International law in international relations of the ancient world. The main institutions of international law of the ancient Indian and Chinese states, Mesopotamia and Egypt, Greece and Rome.

Formation of international law in the Middle Ages. Institutions of medieval international law.

##### 3. International law in the Middle Ages (from the V century to the Peace of Westphalia in 1648).

International law in the transition period from the Middle Ages to modern times. Peace of Westphalia in 1648, its significance for the development of international law.

##### 4. International law from 1648 to 1815.

The influence of the French and other bourgeois revolutions on the development of international law. Congress of Vienna in 1815.

##### 5. International law from 1815 until the end of the First World War.

Paris Congress of 1856, Berlin Congress of 1878, Berlin Conference of 1884-85, The Hague Peace Conferences of 1899 and 1907. International law as a means of de facto consolidating the division of the world and colonial conquests. World War I and international law.

6. International law from 1919 to the founding of the United Nations. Modern international law.

Paris Peace agreements 1919 - 1920 League of Nations. Genoa Conference of 1922 Locarno Conference 1925. Kellogg-Briand Pact. Convention on the Definition of Aggression 1933. Munich Agreement 1938. Soviet-German Pact (the so-called "Ribbentrop and Molotov Pact" and secret protocols to it.

The war of the Soviet Union with Finland (1939) and the exclusion of the USSR from the League of Nations (December 14, 1939).

World War II and international law. Washington Declaration of 1942 Moscow, Tehran (1943), Yalta and Berlin (1945) conferences and their decisions. Nuremberg and Tokyo tribunals. The United Nations Conference in San Francisco and the Potsdam Conference and their importance for the development of international law.

Formation of the United Nations, UN Charter. Peace treaties of 1947. Peaceful settlement of problems with Germany and Japan.

### **Topic 3. Subjects of international law**

3.1. Concepts and types of subjects of international law.

Types and content of international legal personality. The ratio of the categories "subject of international law", "subject of international law". Modern approaches to legal personality.

2. The state as a main subject of international law.

Features of legal personality of states. Legal regulation of jurisdiction and immunity. Types of states.

3. Legal personality of international organizations.

4. Legal personality of peoples, nations fighting for their independence and recognized as such.

5. Legal personality of state-like formations.

Free cities, special status of the Vatican.

6. Legal status of legal entities in public international law.

The essence of the concept of "international legal entity".

7. Legal personality of individuals.

8. International legal recognition: concepts and meanings, theories of recognition.

Recognition of states, recognition of governments, recognition of the body of the nation fighting for its independence, the body of resistance. Forms of recognition: special, de jure, de facto.

9. Succession of states.

Theories of succession, theory of continuity.

### **Topic 4. Rules, sources and principles of international law**

1. Characteristics of rules of international law .

Features of the creation of rules in international law. Types of international law rules. Hierarchy of rules of international law. Rules of general international law.

2. Concepts and types of sources of international law.

Codification of international law. International agreement: concepts, features, types. International custom: concepts and features. Acts of international organizations and conferences. Decisions of international judicial and arbitration institutions.

3. The concept and classification of principles of international law.

General and industry principles. Legal consolidation of the principles of international law. System of general principles of international law, their content. Characteristics of certain sectoral principles of international law.

### **Topic 5. The law of international treaties**

1. The concept and sources of law of international treaties.

Concepts and types of international treaties. Structure, form and name of treaty.

2. Stages of treaties concluding.

Adoption of the text of the agreement. Establishing the authenticity of the text of treaties. Ways of expressing the consent of states to the binding nature of treaties. Reservations and statements to treaties. Depository and its functions. Registration and publication of treaties.

3. Validity and application of treaties.

Ensuring the implementation of treaties. Ways of interpreting treaties. The language of treaty.

4. Grounds and types of invalidity of international treaties.

Consequences of invalidity of treaties.

5. Termination and suspension of treaties.

Termination. Implementation. Denunciation. Cancellation. Revision. radical change of circumstances. Consequences of termination and suspension of the treaty.

## **CONTENT MODULE 2**

### **SPECIAL PART OF THE INTERNATIONAL ECONOMIC LAW**

#### **Topic 6. History of formation and development of European integration.**

6.1. Historical, economic and political ambush of integration in Europe.

The Marshall Plan (1948) is the beginning of European economic integration. Organization of the European Economic Union, European Payments Union. Memorandum of J. Monnet and Declaration of R. Schuman 9 May 1950

6.2. Three stages of supporting the development of the EC institutions.

The Maastricht Treaty and the transformation of the European Communities into the European Union (EU). The formation of a common foreign and security policy of the member states is the next stage and the second pillar in the development of the EU. Schengen agreements and the process of European integration. Legal cooperation (harmonization of the legal systems of the member states and domestic policy) is the third pillar of the EU. The role of the Amsterdam Treaty in the development of the "third pillar". Direct elections to the European Parliament, EU citizenship, common institutions and union law as factors in deepening political integration in Europe.

6.3. Adoption of the Constitution of the European Union and the crisis of its ratification.

The Lisbon Treaty (2009) and its significance for the development of the institutional system of the European Union.

### **Topic 7. General characteristics of European Union Law. Principles of European Union Law.**

7.1. EU law: concept, structure, action in time and space.

7.2. Correlation between the concepts of "EU law" and "European law". Correlation of EU law with the national law of the Member States. The principle of the rule of EU law over the national law of the Member States: the history of the formation of the principle, concepts, features of application in individual Member States. The principle of direct action of EU law in the national legal systems of the Member States: the history of the formation of the principle, concepts, conditions of recognition, the difference from direct application.

7.3. Correlation of EU law with public international law. General principles and norms of international law. 1950 Convention for the Protection of Human Rights and Fundamental Freedoms

7.4. Principles of EU law: concepts, classification, sources.

### **Topic 8. Sources of European Union Law**

8.1. Sources of EU law: types and hierarchy.

The content of the concept of the *acquis communautaire* ("achievement of the Community") and the peculiarities of the application of this concept in the legislation of Ukraine.

8.2. General characteristics of the EU founding treaties as sources of primary EU law.

The structure of the contract, the procedure for making changes, geographical and temporal scope of contracts.

8.3. General characteristics of EU secondary law sources.



Regulation and directive as sources of EU law. Legal acts *suigeneris* as a source of EU law. Individual and recommendatory acts of the EU: types, legal force, legal significance.

8.4. International treaties as sources of EU law.

8.5. The question of the existence of a rule of precedent for judgments of the Court of Justice.

## **Topic 9. General characteristics of the institutional system and institutions of the European Union**

9.1. Genesis of the EU institutional system.

The composition of the EU institutional system: institutions, bodies, agencies. Sources of the legal status of the EU institutional system. Definition and difference between the status of EU institutions, bodies, agencies. Interests represented by EU institutions, bodies, agencies.

9.2. Fundamental principles of the EU institutional system.

The principle of institutional balance, the principle of priority of EU law, the principle of proportionality and subsidiarity.

9.3. European Parliament: composition and formation procedure, legal status of deputies, organizational structure, opportunities, work procedure.

9.4. European Council: composition, powers, working order and decision-making. Head of the European Council (President of the EU).

9.5. Council of the European Union: composition and order of formation, organizational structure, opportunities, work order. EU High Representative for Common Foreign and Security Policy.

9.6. European Commission: composition and formation procedure, organizational structure, opportunities, work order.

9.7. Judicial system of the EU: composition, order of formation, jurisdiction. The legal nature of the decisions of the EU Court.

9.8. European Central Bank: composition and formation procedure, organizational structure, opportunities, work procedure, legal force of decisions.

9.9. Accounts Chamber: composition and formation procedure, organizational structure, opportunities, work procedure, legal force of decisions.

## **Topic 10. Bodies and agencies of the European Union**

10.1. EU bodies: status, functions and tasks.

Sources of the legal status of EU bodies.

10.2. Economic and social committee: composition, formation procedure, opportunities, legal force of decisions. Participation in the legislative process in the EU.

10.3. Committee of the Regions: composition, formation procedure, opportunities, legal force of decisions. Participation in the legislative process in the EU.

10.4. Ombudsman: order of appointment, functions. The procedure for applying to the Ombudsman, the legal force of decisions.

10.5. EU agencies: status, functions and tasks. Sources of the legal status of EU agencies.

10.6. European Investment Bank: functions, capital formation and the procedure for providing investments.

10.7. European Police Office (Europol): objectives and areas of jurisdiction, powers, governing bodies.

10.8. Eurojust: purpose of activity and subjects of jurisdiction, powers, governing bodies.

10.9. European Defense Agency: goals of activities and subjects of jurisdiction, powers, governing bodies.

### **Topic 11. Human rights in the European Union**

11.1. Citizenship of the European Union Formation of the institution of the legal status of the individual in EU law.

11.2. Normative legal acts regulating the bases of the legal status of a person and a citizen in the EU.

The role of the case law of the EU Court of Justice. Charter of Fundamental Rights of the European Union 2000, its legal force, structure and content. Features of the classification of rights in the Charter.

11.3. Principles of the legal status of a person and a citizen of the EU.

The principle of equality, the principle of respect for human rights and fundamental freedoms, the principle of guarantee and priority of human rights and fundamental freedoms.

11.4. The core values that the EU is working to protect.

Human dignity, freedom, democracy, equality, the rule of law and respect for human rights, in particular those of persons belonging to minorities. Prospects for further development.

11.5. Guarantees of the rights and freedoms of a person and a citizen of the EU: institutional, procedural and material.

11.6. Features of EU accession to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950

11.7. EU citizenship institution: history of formation, nature, order of acquisition and loss.

11.8. Basic rights and obligations of EU citizens

Freedom of movement and residence within the territory of the European Union, political rights, the right to apply to EU bodies, the right to diplomatic and consular protection, the right to access documents of the EU institutions, the right of civil initiative on draft laws. Restrictions on the embodiment of

rights and freedoms, their limits are permissible. The main duties of an EU citizen.

## **Topic 12. Legal regulation of Ukraine's cooperation with the European Union**

12.1. History of relations between Ukraine and the European Union. Development of relations between the USSR and the European Communities. Agreements between the USSR and the Communities in 1989. Recognition of Ukraine and the development of relations against the background of the emergence of the European Union.

12.2. Agreements between Ukraine and the European Union.

System of agreements between Ukraine and the European Union. Ukraine's regional cooperation with the EU. Contractual and legal cooperation of Ukraine with the European Union in the field of justice, freedom and security. Contractual and legal cooperation of Ukraine with the European Union in matters of visa-free regime.

12.3. Strategy of Ukraine's integration into the European Union.

EU Strategy for Ukraine 1994, EU Common Position on Ukraine 1994, EU Common Strategy on Ukraine 1999. Ukraine's EU Integration Strategy 1998. Ukraine-EU cooperation at the present stage. Ukraine-EU Association Agenda. Association Agreement between Ukraine and the EU of June 27, 2014. Cooperation of Ukraine with the Eastern Partnership countries on the implementation of the Common Security and Defense Policy.

The list of practical (seminar) studies in the course is given in table 2.

Table 2

### **The list of practical (seminar) studies**

<b>Name of the topic and/or task</b>	<b>Content</b>
Topic 1. Task 1.	To know the essence and content of the main categories and concepts, institutions of international law
Topic 2. Task 2	To reveal the stages of international law. To analyze the features of modern international law
Topic 3. Task 3	To reveal the concept of international legal personality. Clarify legal personality of states, international organizations, of peoples, nations fighting for their independence, state like formation, individuals; To understand and reveal the concepts of recognition of states and governments; To know the legal frameworks of the succession of the states
Topic 4. Task 4	To know the basic principles, source and

	<p>rules of international law</p> <p>To be able to apply the norms of international law when solving existing issues</p>
Topic 5. Task 5	To know the concept and sources of law of international treaties, stages of treaties concluding, Validity and application of treaties.
Topic 6. Task 6	<p>To know the prerequisites for the formation and main stages of the formation of the EU</p> <p>To analyze the basic concepts and principles of the science of modern law of the European Union</p>
Topic 7. Task 7	<p>To know the basic principles of EU law;</p> <p>To reveal the theoretical provisions of EU law, systematize and analyze them;</p>
Topic 8. Task 8	<p>Orientate in the system of legal sources, analyze provisions of EU law;</p> <p>To compare the norms of EU law and other sources of the EU legal system</p>
Topic 9. Task 9	To know the structure, functions and powers of EU institutions: European Parliament, European Council, Council of European Union, European Commission etc.
Topic 10. Task 10	To know the status, functions and powers of Bodies and agencies of the European Union: Economic and social committee, Committee of the Regions, Ombudsman, European Investment Bank, European Police Office, Eurojust, European Defense Agency etc.
Topic 11. Task 11	To determine and evaluate the legal status of a human and a citizen in the EU
Topic 12. Task 12	To know the legal frameworks of cooperation between Ukraine and Europe Union

The list of self-studies in the course is given in the table 3

Table 3

### The list of self-studies

Name of the topic and/or task	Content
Topic 1-12.	Study of lectures and international legal acts
Topic 1-12	Preparation for practical study
Topic 12.	Conducting of an individual task
Topic 1-12	Conducting of a creative task
Topic 6,12	Writing modular control

The number of hours of lectures, practical (seminar) studies and hours of self-study is given in the technological card of the course.

## **TEACHING METHODS**

For the reaching certain educational results and educational process activation teaching the academic discipline involves the following methods of studies:

Verbal (lecture (Topic 1-12), problematic lecture (Topic 7,11,12).

Visual (demonstration (Topic 1-12).

Practical (practical task (Topic 1-12). Individual task (Topic 15).

## **FORMS AND METHODS OF ASSESSMENT**

The university uses a 100-point accumulative system for evaluating the learning outcomes of higher education students.

Current control is carried out during lectures, practical, laboratory and seminar classes and is aimed at checking the level of readiness of the student to perform a specific job and is evaluated by the amount of points scored:

– for courses with a form of semester control as grading: maximum amount is 100 points; minimum amount required is 60 points.

The final control includes current control and assessment of the student.

Semester control is carried out in the form of a semester exam or grading.

During the teaching of the academic discipline, the following control measures are used:

Current control (performing practical tasks (36 points), performing creative tasks (36 points), performing individual tasks (8 points), written control work (20 points).

Semester control: grading

More detailed information about the evaluation system is given in the work plan (technological card) for the academic discipline.

## **Recommended literature**

### **Basic**

1. International migration, economic development and policy [Текст] / ed. C. Ozden, M. Schiff ; ed. C. Ozden, M. Schiff. — Washington : The World Bank; Palgrave Macmillan, 2007. — 299 p.  
<https://documents1.worldbank.org/curated/en/690611468315560611/pdf/405230Intl0mig101OFFICIAL0USE0ONLY1.pdf>

2. Бестужева С. В. Міжнародна економічна діяльність України [Електронний ресурс] : навчально-практичний посібник / С. В. Бестужева. – Х. : ХНЕУ ім. С. Кузнеця, 2019. – 194 с. <http://www.repository.hneu.edu.ua/handle/123456789/20575>

### Additional

3. Суц О. П. Місце міжнародного економічного права у системі права / О. П. Суц, О. Г. Остапенко, А. В. Матвеева // Наукові інновації та передові технології (Серія «Державне управління», «Економіка», «Право», «Педагогіка», «Психологія»). - 2023. - № 3(17). - С. 176-184. <http://www.repository.hneu.edu.ua/handle/123456789/29209>

4. Рогова О. Г. Фрагментація міжнародного права: трансформація доктрини чи наукового дискурсу. / О. Г. Рогова, О. Г. Остапенко // Актуальні проблеми держави і права: збірник наукових праць. - Одеса: Видавничий дім «Гельветика», 2022. - Вип. 94. - С. 99-109. <http://www.repository.hneu.edu.ua/handle/123456789/28246>

5. Брусільцева Г. М. Особливості застосування міжнародного гуманітарного права по відношенню до цивільних осіб / Г. М. Брусільцева / Матеріали Науково-практичної конференції «Захист прав людини в умовах воєнного стану» (Харків, 31 січня 2023 року) - Харків : ХНЕУ ім. С. Кузнеця, 2023. - 128 с. Режим доступу : - <https://goo.su/kvz6>

6. Європейська конвенція про захист прав і основних свобод людини. – Київ: Право, 1999.

7. Конституція України від 23.07.1996 р. № 254к/96-ВР // ВВР України. – 1996. – № 30. – Ст. 141

8. Ковалів М.В., Тимчишин Т.М., Ніканорова О.В. Основи права Європейського Союзу навчальний посібник. Львів: Львівський державний університет внутрішніх справ, 2020. 212 с. Режим доступу : <https://dspace.lvduvs.edu.ua/bitstream/1234567890/3227/1/%D0%9A%D0%9E%D0%92%D0%90%D0%9B%D0%86%D0%92%20%D0%9C.%D0%92.---%D0%9E%D1%81%D0%BD%D0%BE%D0%B2%D0%B8%20%D0%BF%D1%80%D0%B0%D0%B2%D0%B0...--%D0%BF%D0%BE%D1%81%D1%96%D0%B1%D0%BD%D0%B8%D0%BA-.pdf>

9. Комарова Т. В., Трагнюк О. Я., Яковюк І. В. Право Європейського Союзу (в питаннях і відповідях) : навч.-довід. посібник / за заг. ред. І. В. Яковюка. Харків : Право, 2019. 178 с. 8. Корнієнко В. О. Україна в Європі і світі. URL : онлайн-гід з питань євроатлантичної інтеграції : навч. посібник. Вінниця : ВНТУ, 2017. – 24 с.

10. Лола Ю. Ю., Брусільцева Г. М. Імплементация інституту державного приватного партнерства: досвід ЄС// Ю.Ю. Лола, Г.М. Брусільцева // Пріоритетні напрями розвитку науки під час воєнного

стану: міжнародна науково-практична інтернет-конференція. – Одеса, 24 червня 2022 року. – 228 с. Режим доступу : [https://el-conf.com.ua/wp-content/uploads/2022/07/Odesa\\_240622.pdf](https://el-conf.com.ua/wp-content/uploads/2022/07/Odesa_240622.pdf)

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