
SOME THEORETICAL AND LEGAL ASPECTS OF INTERNATIONAL AND NATIONAL LEGAL REGULATION OF CROSS-BORDER COOPERATION IN UKRAINE

ViktoriiiaHolubieva

Advanced Doctorate in Law, Professor, International and European Law Department,
Institute of Law, Kyiv National Economic University named after Vadym Hetman, 4/1
PeremogyProspect,Kyiv, 03057, Ukraine, e-mail: vicgolubeva@ukr.net

Abstract: The article is aimed at generalizing modern trends in international and national, as well as institutional and legal regulation/support of international regional cross-border cooperation, overcoming a terminology accretion, which allows various forms of interstate and intrastate cross-border cooperation to be implemented. A number of improvements concerning the concepts of cross-border, inter-territorial, regional and integration cooperation, border, sub-regional/local, partnership/fraternal cooperation, territorial/local partnership/fraternal cooperation are proposed. In addition, the forms of cross-border cooperation are defined. The principal national legal and regulatory acts of Ukraine, which are within legal boundaries related to support/regulation of cross-border cooperation, are examined. As a result, it is stated that there is an international and national legal basis for Ukraine carrying out cross-border and interregional cooperation with border states, namely EU members.

Keywords: cross-border cooperation, regional cooperation, inter-territorial cooperation, Euro-regions, regional economic integration cross-border cooperation agreement

INTRODUCTION

A characteristic feature of modern international relations is the globalization and regionalization that are the processes naturally accompanied by the development of cross-border cooperation (hereinafter referred to as CBC). The scale and consequences of the problems and benefits (for example, economic, environmental) that the countries are facing have long gone beyond the boundaries of one state and, increasingly, require multilateral or bilateral international cooperation to overcome and prevent them.

The difficulty in reaching a consensus in terms of a single trend of development, the understanding that the effectiveness of a joint foreign policy is more likely in case of a limited number of participating states, and the impact of territorial and social and cultural proximity have led to regional integration processes and CBC between countries. The regional interethnic and supranational management of certain aspects of the life of states acquires an

increasing importance and continues to spread, and the composition of these social relations is expanding ever more. In today's world, CBC is an important component of state policy in various spheres of public life and the economy, and therefore the question of its legal (international and national) coverage and regulation arises.

Under the influence of intra-European integration processes and experience, as a result of EU expansion up to the Ukrainian border, an understanding of the value of boundary regions in ensuring social and economic progress, CBC and Europe-related expectations has been formed. Intensification of the CBC, aimed at strengthening and deepening the good neighborly relations between territorial communities and authorities are a driver of economic development of regions and countries, promoting the acceleration of the processes of international regional economic integration, resulting in the need for legal security, at both international and at intrastate levels.

Thus, in order to reflect the current trends of legal regulation of the international regional CBC, and to overcome a certain terminological stratification, the study of its theoretical and legal features is of immediate interest, as it enables the development of various forms of interstate and intrastate cross-border cooperation, their institutional and legal support, adaptation to the requirements of international acts and considering the best practices.

The theory and practice of the international contractual mechanism for the provision of CBC plays an important role for states, since international contracts contain the agreed will of the parties and in view of the unification of the provisions created specifically for the regulation of social relations in one or another field.

1. DATABASES AND METHODOLOGICAL FRAMEWORK

The regulatory and legal framework of the research consists of international agreements (bi- and multilateral) involving Ukraine, as well as national legal and regulatory instruments of Ukraine. The basis for the research includes materials from the official websites of the Verkhovna Rada of Ukraine and local authorities,¹ etc. Besides, while carrying out the research, we used materials of the Assembly of European Regions, international and national analytical materials as well as the results of academic studies by Ukrainian and foreign scholars related to legal support of cross-border cooperation.

The methodology of the research uses up-to-date methods of scientific knowledge. The general dialectical method of knowledge is the principal method outlining problems of cross-border cooperation. The logical-semantic method is used to study the conceptual framework, to identify general principles of cross-border cooperation. The method of comparison, analysis and synthesis is also used to study the law systematization problems and to interpret cross-border cooperation as a legal phenomenon. The structural logical method and comparative law method contributes to defining the ways of legal regulation improvement and to coming up with some suggestions concerning improvements in the Ukrainian legislation regarding cross-border cooperation.

¹Official website of the Transcarpathian Regional State Administration [online]. [2020-11-03]. Available at: <<https://carpathia.gov.ua/>>; Official website of Ternopil City Council. Mista-partnery ta pobratymy [Partner cities and twin cities]. In: *Official website of Ternopil City Council* [online]. 01.2020. [2020-01-23]. Available at: <<https://ternopilcity.gov.ua/mista-partneri/>>. [In Ukrainian].

2. CROSS-BORDER COOPERATION: CONCEPT, CONTENT, SPECIFIC ASPECTS

At the present stage, the “cross-border” and “regional” aspects largely compete with the “inter-regional” and “cross-regional” ones.² A number of universal and regional international multilateral contracts and resolutions of international organizations have been concluded and made for the legal regulation of the “cross-border nature” of various social and economic objects, circumstances and relations (for example, regarding the use of resources,³ environmental protection against pollution,⁴ international trade,⁵ transportation,⁶ transit⁷ and other⁸), within the legal framework of which CBC should contribute to prosperity, security, minimization of mutual negative influence, facilitation of coexistence of states, humanity, and nature. However, art. 2 of the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities (hereinafter referred to as EOC) stipulates the definition of the term “CBC” as “any joint actions aimed at strengthening and deepening the good neighborly relations between territorial communities or authorities, which are under the jurisdiction of two or more Contracting Parties, and at the conclusion of any necessary contracts or reaching agreements for this the purpose”⁹ (i.e. only in a limited spatial and subjective composition).

²The United States and Asia-Pacific Trade Agreement – Trans-Pacific Partnership (TPP) (Agreement) [online] [2020-11-04]. Available at: <<https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>>; Euronews. Everything you need to know about the EU-US trade deal. In: *Euronews* [online]. 17.04.2015 [2020-11-03]. Available at: <<http://ua.euronews.com/2015/04/17/the-world-s-largest-free-trade-zone-is-coming-what-will-it-mean>>.

³UNO Convention on the Protection and Use of Transboundary Watercourses and International Lakes. March 17, 1992 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_273>; European Landscape Convention. October 20, 2000 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_154>.

⁴UNO Convention on Environmental Impact Assessment in a Transboundary Context. February 25, 1991 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_272>; UNO Convention on Long-Range Transboundary Air Pollution. November 13, 1979 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_223>; UNO Convention on Transboundary Effects of Industrial Accidents. March 17, 1992 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_262>; UNO Protocol on the Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal. December 10, 1999 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_793>; European Landscape Convention.

⁵International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention), May 18, 1973 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_643>; UNCITRAL Model Law on Cross-Border Insolvency. May 30, 1997 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_877>.

⁶UNO Convention on International Multimodal Transport. May 24, 1980 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_189>; NATO Memorandum of Understanding for the Facilitation of Vital Civil Cross-Border Transport Movements. September 13, 2006 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/950_018>.

⁷UNO Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; CIS Agreement on the Control of Transboundary Movements of Hazardous and Other Wastes. April 12, 1996 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/997_312>.

⁸European Convention on Transfrontier Television (ETS N 132). May 05, 1989 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_444>; UNO Convention on the Law of Treaties. May 23, 1969 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_118>.

⁹European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities. May 21, 1980, art. 2 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_106>.

In response to the challenges and trends of modern era, for the effective performance of tasks by the territorial communities and authorities, Protocol No.2 to the EOC of 1998 provided the aspects as follows:

- spreading the principles of CBC on interterritorial cooperation as well, that is, on the relations of not only border regions of neighboring countries but also of the regions of different countries that have no common borders;
- intensification of cooperation not only with neighboring authorities of other states (CBC) but also with the foreign authorities, which are not neighbors, but have common interests (interterritorial cooperation), and besides, such cooperation can be carried out not only within CBC framework between the territorial authorities or communities' bodies and associations, but also at the bilateral (interstate) level.¹⁰

These provisions of the Preamble to Protocol No.2 are the base for spreading the EOC action and enable the cooperating countries to bring their national legislation in compliance with the international requirements.¹¹

The Association Agreement of 2014 uses the terms “cross-border”, “inter-regional” and “inter-territorial” cooperation,¹² unlike the EOC¹³ and Chapter 27 of the Agreement¹⁴, where “cross-border” and “regional” cooperation are considered.

As a result of the accession of Ukraine to the EOC¹⁵ and the conclusion of an Association Agreement of 2014,¹⁶ it is important to adapt the national regulatory framework to EU legislation, for example regarding the conditions of business activity in the border regions, the customs regulation, the development of transport and communications, trade liberalization, the functioning of special (free) economic zones, trans-European corridors, expansion of the terms of influence of Euro-regions on the territory of Ukraine, the introduction of European traditions of regional management, etc. Moreover, the Preamble of the Association Agreement of 2014 emphasized the duty to “promote cross-border and inter-regional cooperation”, and Chapter 27 of Section V sets out a sectoral cooperation direction—“Cross-

¹⁰Protocol No.2 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities Concerning Interterritorial Cooperation, May 05, 1998[online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_520>.

¹¹ARTYOMOV, Ivan. *Transkordonne Spivrobitnytstvo v Yevrointehratsiyniy Stratehiyi Ukrayiny [Cross-Border Cooperation in Eurointegration Strategy of Ukraine]*. Uzhhorod: Lira, 2009, pp. 47-48. [in Ukrainian].

¹²Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States, of the Other Part. June 27, 2014, Preamble, Articles 76 and 83, Parts 3 and 5 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/984_al1>.

¹³European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities.

¹⁴Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States.

¹⁵Resolution of the Verkhovna Rada of Ukraine on the Accession of Ukraine to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities. July 14, 1993, no. 3384-XII [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/3384-12>>; Law of Ukraine on the Ratification of Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States, of the Other Part. September 16, 2014, no. 1678-VII [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/1678-18>>.

¹⁶Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States, of the Other Part. June 27, 2014 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/984_al1>;

Law of Ukraine on the Ratification of Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States, of the Other Part.

Border and Regional Cooperation”.¹⁷ Thus, we have grounds to assert the fundamental importance of CBC in the development of relations between Ukraine and the EU.

According to the national laws of Ukraine, “CBC” is a joint action aimed at establishing and intensifying economic, social, scientific, technical, ecological, cultural and other relations between territorial communities, their representative bodies, local executive authorities of Ukraine and territorial communities, relevant authorities of other states within their competence.¹⁸

Therefore, for unambiguous understanding and eliminating the terminological confusion, it is considered expedient to use the terms as follows:

- the “cross-border cooperation” and “cross-border cooperation agreement” terms shall be used in terms of regulation of interstate relations at the global level;
- for multilateral cooperation of states on the inter-territorial (inter-regional) level - to apply the “inter-territorial (cross-regional) cooperation” and “agreement on inter-territorial (cross-territorial) cooperation”;
- for the countries involved in regional economic integration (namely, free trade zones, common markets, customs, economic and political unions), to distinguish between “regional and integration cooperation” and “regional and integration agreements” as a component of “international economic integration agreements”, which is more in line with the intensified cooperation of the states;
- for neighboring countries with common borders –“border co-operation” and “agreements on border/coastal cooperation” or “on small border traffic”;
- for countries without common borders, the terms “sub-regional/local cooperation”, “sub-regional/local cooperation agreements” should be used;
- for relations between territorial communities/communities or authorities/governments of the countries without common borders, the terms “partnership/fraternal cooperation”, “partnership/fraternal agreements” should be used;
- for the relations between territorial societies/communities or authorities/governments of the countries that have common borders, the terms “territorial/local partnership/fraternal cooperation”, “partnerships/fraternal agreement/partnership agreements” should be used.

Considering mostly international and contractual public and legal nature and legal content of the terms, the process of their formation and application, realities and trends of institutional and legal coverage, as well as the practice of using the conceptual framework, a need of their normative revision appears, and the relevant status for agreements concluded by territorial communities/groups or authorities/governments must be established.

¹⁷Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States.

¹⁸Law of Ukraine on Cross-Border Cooperation. June 24, 2004, no. 1861-IV, art. 1 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/1861-15>>.

3. INTERNATIONAL LEGAL PRINCIPLES OF CROSS-BORDER COOPERATION REGULATION AND ITS INSTITUTIONAL LEGAL SUPPORT

Let us consider the system of sources of legal regulation of CBC in more detail, paying particular attention to its peculiarities in Ukraine.

The system of CBC sources can be conventionally divided into international and national (domestic) levels.

An incomplete list of sources of international laws (respectively, at the international level) is enshrined in the Statute of the International Court of Justice as following:

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: a) international conventions, whether general or particular; b) international custom; c) the general principles of law recognized by civilized nations; d) subject to the provisions ..., judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.¹⁹

Along with the various systems of classification of international agreements and the features in their basis,²⁰ as well as considering that the CBC applies to all spheres of society, its legal coverage in terms of the area of application (territorial application) and the subject of regulation on the international (global and regional) and national levels can be conventionally grouped as follows (with significant and influential examples of international multilateral agreements in the area of the existing regional understanding of CBC on the European continent):

- 1) international universal treaties and decisions of international organizations that relate fully or partially to CBC at the global level in various socially significant spheres, as discussed above;²¹
- 2) international regional regulatory instruments (international treaties and decisions of international organizations) concerning the functioning/development/cooperation of regions/territories (in general), including the issues of CBC;²²

¹⁹Statute of the United Nations Organization and the Statute of the UNO International Court. June 26, 1945, art. 38 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/995_010/page2>.

²⁰HOLUBIEVA, Viktoriia. Classification of International Preferential and Regional Trade Agreements. *Journal of Advanced Research in Law and Economics*. 2020, Vol. 11, No. 3, pp. 828-843, doi: 10.14505/jarle.v11.3(49).16

²¹ UNO Convention on the Protection and Use of Transboundary Watercourses and International Lakes; UNO Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; UNO Convention on International Multimodal Transport; UNO Convention on Environmental Impact Assessment in a Transboundary Context; UNO Convention on the Law of Treaties; UNO Convention on Long-Range Transboundary Air Pollution; UNO Convention on Transboundary Effects of Industrial Accidents; International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention); UNCITRAL Model Law on Cross-Border Insolvency; UNO Protocol on the Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal.

²²European Charter of Local Self-Government. October 15, 1985 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_036>; Elektronnyy fond pravovoyinormativno-tekhnicheskoydokumentatsii [Electronic fund of legal and normative-technical documentation]. Yevropeyskayakhartiya regional'nogo/prostranstvennogoplanirovaniya (TorremolinosskayaKhartiyaot 20 maya 1983 goda) [EuropeanRegional/Spatial Planning Charter (Torremolinos Charter, May 20, 1983)]. In: *Elektronnyy fond pravovoyinormativno-tekhnicheskoydokumentatsii*[online]. [2020-11-03]. Available at: <<http://docs.cntd.ru/document/902018818>>. [in Russian].; European Charter for Regional or Minority Languages. November 05, 1992 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_014>; EuropeanLandscapeConvention; Decision on the Concept of Interregional a Border Cooperation of the Member States of the Commonwealth of Independent States. September 15,

- 3) international legal regulatory instruments (international treaties and decisions of international organizations), which directly address CBC (as it is);²³
- 4) international regional multilateral or bilateral legal regulation of various (special branch) aspects of CBC,²⁴ including the decisions of international regional organizations;²⁵
- 5) national (nation-wide and local/regional /territorial) legal regulatory instruments of the countries that are fully or partially related to the activities of certain territories of the state, CBC or its separate aspects²⁶ (can be based on their legal hierarchy).

2004 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/997_826>; Treaty on Good Neighborly Relations and Cooperation between the Republic of Poland and Ukraine. May 18, 1992 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/616_172>; Treaty of Good-Neighborly Relations and Cooperation between Ukraine and Romania. June 02, 1997 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/642_003>; Treaty on the Foundations of Good Neighborly Relations and Cooperation between Ukraine and the Republic of Hungary. December 12, 1991 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/348_004/>; Treaty on Good-Neighborly Relations, Friendly Relations and Cooperation between Ukraine and the Slovak Republic. June 06, 1993 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/703_150>; Charter of the Congress of Local and Regional Authorities of Europe: Charter of the Council of Europe. January 14, 1994 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_674>.

23EuropeanOutlineConventiononTransfrontierCooperationbetweenTerritorialCommunitiesorAuthorities; Additional Protocol to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities. November 09, 1995. [online]. [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/994_099>; Protocol No.2 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities Concerning Interterritorial Cooperation; Law of Ukraine on the Ratification of Protocol No.3 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities Concerning the Associations of Euroregional Cooperation (EOC). May 16, 2012, no 4704-VI [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/4704-17>>; Association of European Border Regions, European Charter for Border and Cross-Border Regions. In: *AEBR* [online].15.09.2020 [2020-11-04]. Available at: <https://www.aebr.eu/files/publications/110915_Charta_EN_clean.pdf>; Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the Ukraine-Belarus Border Crossing Procedure for the Residents of Rokytno District of Rivne Region of Ukraine and Stolyn District of the Brest Region of the Republic of Belarus. January 23, 2013. [online]. [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/112_197>; Agreement between the Government of Ukraine and the Government of the Republic of Moldova on Cooperation between Border Regions of Ukraine and Territorial Units of the Republic of Moldova. March 11, 1997 [online]. [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/498_026>.

²⁴European Charter for Regional or Minority Languages; European Convention on Transfrontier Television (ETS N 132); Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States, of the Other Part.

²⁵Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) [online] [2020-11-04]. Available at: <<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1082>>;

KerivnipryntsypystalohoprostorovohorozvytkuYevropeys'kohokontynentu [Guiding principles for sustainable spatial development of the European continent]. European Conference of Ministers, Responsible for Regional Planning (CEMAT), 07-08.09.2000. Hannover, 2000 [online] [2020-11-03]. Available at: <<https://rm.coe.int/168070018e>>. [In Ukrainian].

²⁶ResolutionoftheVerkhovnaRadaofUkraineontheAccessionofUkrainetotheEuropeanOutlineConventiononTransfrontier CooperationbetweenTerritorialCommunitiesorAuthorities; Law of Ukraine on the Promotion of Regions Development. September 08, 2005, no. 2850-IV [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/2850-15>>; LawofUkraineonCross-BorderCooperation; Order of the Ministry of Regional Development and Construction of Ukraine on Methodical Recommendations for Supporting Cross-Border Cooperation Projects at National and Regional Levels. January 27, 2009, no. 46 [online] [2020-11-04]. Available at: <https://zakononline.com.ua/documents/show/115083__115083>; Law of Ukraine on General Scheme of Planning of the Territory of Ukraine. February 07, 2002, no. 3059-III [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/3059-14>>; Resolution of the Cabinet of Ministers of Ukraine on the Approval of the State Strategy of Regional Development for the Period to 2020. August 06, 2014, no. 385 [online] [2020-11-04].

In general, the CBC is implemented (directly emerges and is detailed) on the basis of (typically bilateral) administrative, economic or technical agreements concluded by local authorities of border regions within the limits of their powers, or agreements on regional economic integration between the states. Above mentioned agreements include a wide range of areas of cooperation, supply of goods or the provision of services, including transportation, roads and highways, public airports, electric, gas, and water supply; nature sanctuaries, resting places; environmental safety, education, professional training and research; sharing of medical institutions; joint youth and sports centers, and camps; mutual assistance in emergency situations; problems relating to the inhabitants of the borderlands (employment, housing and municipal services, social insurance, etc.); recycling of waste; agricultural sector and others.²⁷

It is characteristic that the competence of the states, according to EOC, includes two interstate agreements only (on the CBC development and on the regional cross-border connections) that set the legal limit for the agreements between territorial communities/authorities:

- five “standard interstate agreements” on the CBC development; cross-border regional advice; cross-border local connections;
- CBC on a contractual basis between local authorities; CBC bodies between local authorities;
- six “statutes, agreements between local authorities and the framework agreements on the general principles of cooperation between local authorities”, namely on the creation of an advisory group between the local authorities;
- coordination of management of cross-border local state affairs;
- the creation of cross-border associations based on the “private law”; supply of goods or the provision of services between the local authorities of the border areas (of a “private law” type);
- creation of CBC bodies between local authorities; supply of goods or the provision of services between the local authorities of the border areas (of a “public law” type).²⁸

Available at: <<https://zakon.rada.gov.ua/laws/show/385-2014-%D0%BF>>; Order of the President of Ukraine on the Approval of the State Regional Policy Concept. May 25, 2001, no. 341/2001 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/341/2001>>; Order of the Ministry of Economy of Ukraine on Approval of the Procedure for the Development of the Projects (Programs) of Cross-Border Cooperation, Samples of a Worksheet of Conclusions of Preliminary Review of the Cross-Border Cooperation Projects (Programs), a Sheet of Results of Assessment of the Cross-Border Cooperation Project (Program). June 03, 2005, no. 158 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/z0667-05>>; Order of the President of Ukraine on the Procedures for Economic Cooperation of the Regions of Ukraine with Neighboring Regions of the Republic of Belarus and Territorial Units of the Republic of Moldova. June 06, 1994, no. 271/94 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/271/94>>; Resolution of the Cabinet of Ministers of Ukraine on the Approval of the State Program of Development of Cross-Border Cooperation for 2016-2020. August 23, 2016, no. 554 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/554-2016-%D0%BF>>.

²⁷ILCHENKO, Nataliia. *Transkordonne Spivrobitnytstvo v Ukraini: Perspektyvy Rozvytku Yevrorehioniv [Cross-Border Cooperation in Ukraine: Euroregions Development Prospects]*. *State Construction*. 2012, Vol. 2, p. 4. [Online] [2020-11-03]. Available at: <<http://www.kbuapa.kharkov.ua/e-book/db/2012-2/doc/2/21.pdf>>. [in Ukrainian].

²⁸

European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities; ARTYO MOV, Ivan. *Transkordonne Spivrobitnytstvo v Yevrointehratsiyniy Stratehiyi Ukrainy [Cross-Border Cooperation in Eurointegration Strategy of Ukraine]*, pp. 44-45.

For example, the CBC between Ukraine and the EU is regulated by a number of international interstate bilateral agreements, including the Treaty on Good Neighborly Relations and Cooperation between the Republic of Poland and Ukraine,²⁹ the Treaty on the Foundations of Good Neighborly Relations and Cooperation between Ukraine and the Republic of Hungary,³⁰ Treaties between Ukraine and the Slovak Republic on Good-Neighborly Relations, Friendly Relations and Cooperation³¹ and on Ukraine and Slovak Republic Border-Crossing Regulations, Cooperation and Mutual Assistance in Border Issues³² the Treaty of Good-Neighborly Relations and Cooperation between Ukraine and Romania,³³ etc.

The CBC, in which Ukraine participates with the former Soviet countries cannot be overlooked, particularly, Agreement between the Government of Ukraine and the Government of the Republic of Moldova on Cooperation between Border Regions of Ukraine and Territorial Units of the Republic of Moldova;³⁴ the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the Inter-Regional and Cross-Border Cooperation between Ukraine and the Republic of Belarus;³⁵ the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the Ukraine-Belarus Border Crossing Procedure for the Residents of Rokytno District of Rivne Region of Ukraine and Stolyn District of the Brest Region of the Republic of Belarus³⁶ and so on.³⁷

Ukraine has borders with seven countries, 19 of the 27 territorial units are the border ones; respectively, the cooperation agreements have been concluded with neighboring territories of adjacent countries; moreover, there are numerous cooperation agreements with regional authorities of many other (non-neighboring) states of the world. The number of such agreements ranges from one (Kherson region) to 49 (Kharkiv region),³⁸ for example:

²⁹Treaty on Good Neighborly Relations and Cooperation between the Republic of Poland and Ukraine.

³⁰Treaty on the Foundations of Good Neighborly Relations and Cooperation between Ukraine and the Republic of Hungary.

³¹ Treaty on Good-Neighborly Relations, Friendly Relations and Cooperation between Ukraine and the Slovak Republic.

³²Agreement on Ukraine and Slovak Republic Border-Crossing Regulations, Cooperation and Mutual Assistance in Border Issues. October 14, 1993 [online] [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/703_001>.

³³ Treaty of Good-Neighborly Relations and Cooperation between Ukraine and Romania.

³⁴Agreement between the Government of Ukraine and the Government of the Republic of Moldova on Cooperation between Border Regions of Ukraine and Territorial Units of the Republic of Moldova.

³⁵Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the Inter-Regional and Cross-Border Cooperation between Ukraine and the Republic of Belarus: Resolution of the Cabinet of Ministers of Ukraine. October 23, 2013 [online]. [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/112_190>.

³⁶Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on the Ukraine-Belarus Border Crossing Procedure for the Residents of Rokytno District of Rivne Region of Ukraine and Stolyn District of the Brest Region of the Republic of Belarus.

³⁷Agreement between the Government of Ukraine and the Government of the Republic of Belarus on Cooperation of Border Regions of Ukraine and the Republic of Belarus. May 12, 1997 [online]. [2020-11-04]. Available at: <https://zakon.rada.gov.ua/laws/show/112_006>.

³⁸MIKULA, Nadiia, TOLKOVANOV, V'iacheslav. *Transkordonespivrobitnytstvo [Cross-Border Cooperation]*. Kyiv: Kramar Publishing, 2011. [in Ukrainian], p. 28; MIKULA, Nadiia. *Mizhterytorial'ne ta transkordonespivrobitnytstvo [Interterritorial and cross-border cooperation]*. Lviv: IRR of NAS of Ukraine, 2004. [in Ukrainian], pp. 372-378.

- Framework Agreement on Inter-Regional Cooperation between the Zakarpatska region of Ukraine and the Košickýkraj of the Slovak Republic, 1999;
- Agreement on Cooperation between the PrešovskýKraj Government of the Slovak Republic and the Zakarpatska Regional State Administration of Ukraine, 2000;
- Agreement on Trilateral Cooperation of Zakarpatska region (Ukraine), Satu Mare județ (Romania) and the Szabolcs-Szatmár-Bereg megye (Hungary) of 06.10.2000 within the framework of initiatives/programs of Community Initiative concerning trans-European cooperation intended to encourage harmonious and balanced development of the European territory (INTERREG I, II, IIA, IIB, IIC, III, IV, IVA, IVB, IVC);
- Framework Agreement on Inter-regional Cooperation between the Zakarpatska region of Ukraine and the Maramureșjudeț of the Republic of Romania, 2001;
- Agreement concluded between the Zakarpatska Regional State Administration of Ukraine and the WojewództwoPodkarpackie of the Republic of Poland on the CBC of 21.06.2002;
- Agreement between the Kharkiv Regional State Administration and the Administration of the Belgorod Region of the Russian Federation on Trade and Economic, Scientific and Technical and Cultural Cooperation dated December 06, 2001, etc.³⁹

We can't help mentioning that in terms of the current situation in Eastern Europe some project are standing idle or are even supposed to be canceled/reviewed.

It is also necessary to pay attention to such forms of CBC, as the activities of Euroregions, the neighboring programs performance and so on. On the territory of such border areas as Vinnytsia, Volyn, Zakarpatska, Ivano-Frankivsk, Lviv, Luhansk, Odesa, Sumy, Kharkiv, Chernivtsi, Chernihiv, Donetsk regions, since the year 1993 nine Euro-regions have been created –“Buh” (29.09.1995, Ukraine, Poland, Belarus), “Upper Prut” (22.09.2000, Ukraine, Moldova, Romania), “Dnister” (02.02.2012, Ukraine, Moldova), “Dnipro” (29.04.2003, Ukraine, Russia, Belarus), Carpathian Euro-region (14.02.1993, Ukraine, Poland, Slovakia, Hungary, Romania), “Lower Danube” (14.08.1998, Ukraine, Moldova, Romania), “Slobozhanshchina” (07.11.2003, Ukraine, Russia), “Donbas” (29.10.2010, Ukraine, Russia) and “Yaroslavna” (24.04.2007, Ukraine, Russia).

Five Euro-regions were created with the EU Member States (Republic of Poland, Slovak Republic, Romania, Hungary).⁴⁰ All Euro-regions established with the participation of the regions of Ukraine are not legal entities. The activities of Euro-regions are legalized by the signing of cross-border agreements based on the provisions of the EOC⁴¹ and relevant interstate bilateral agreements concluded between Ukraine and neighboring states. The activities of Euro-regions are regulated by the statues, which have certain differences among themselves.

Within the framework of the Programs of Cross-Border Cooperation of the European Neighborhood and Partnership Instrument “Poland-Belarus-Ukraine”, “Hungary-Slovakia-Romania-Ukraine”, “Romania-Moldova-Ukraine”, “Black Sea” and “Ukraine-Romania” in

³⁹Agreement between the Kharkiv Regional State Administration and the Belgorod Region Administration of the RF on the Trade and Economic, Scientific, Technical and Cultural Cooperation. December 06, 2001 [online] [2020-11-04]. Available at: <<http://old.kharkivoda.gov.ua/images/users/Ugoda%20Belgorod.pdf>>.

⁴⁰Resolution of the Cabinet of Ministers of Ukraine on the Approval of the State Program of Development of Cross-Border Cooperation.

⁴¹ EuropeanOutlineConventiononTransfrontierCooperationbetweenTerritorialCommunitiesorAuthorities.

Zakarpatska region, the “SUNRISE-Sustainable Use of Natural Resources by Small Enterprises” project is being implemented, which involves the creation of favorable conditions for business development in the field of renewable power sources for a better use of human and natural resources of the region; the improvement of knowledge of the local entities and the region population motivation through the use of local endogenous resources by small business, etc.⁴²

For example, The Carpathian Euro-region in the literature is seen as an evolutionary form of governance with two main functions: to produce bottom-up initiatives in the border region and to serve as an EU integration mechanism.⁴³

In Ivano-Frankivsk region, the “Investing in culture. System Measures to Promote Cultural Education” project is implemented, which includes improving the skills of the staff of local cultural institutions, artists and teachers. The COSME Program for Small and Medium Enterprises’ Competitiveness Recovery, which is implemented through technical cooperation with the EU, should also be mentioned separately, and it envisages the improvement of conditions of access to financial resources, improvement of regulatory environment for their functioning, and creation of a business culture.

That means it is not unreasonable to assert that in Ukraine CBC is being considered from two viewpoints: as an instrument for the development of border areas and as a factor in the implementation of European integration-related aspirations. Thus, the CBC of the border regions of Ukraine can be divided into two trends:

- CBC, carried out on the border of Ukraine with EU countries;
- CBC in the so-called “new border” areas, along the borders of the former Soviet republics, in particular Belarus and Moldova.⁴⁴

In modern conditions, the CBC of Ukraine is most intense with the EU (through its member states) in the following forms:⁴⁵

- 1) Euro-regions activity;
- 2) the performance of neighborhood programs;
- 3) activities of international regional organizations and associations (for example, such as: the Assembly of European Regions, the Association of European Border Regions (AEBR), the Council of European municipalities and regions (CEMR), the Conference of Peripheral Maritime Regions (the CPMR), the Conference of Local and Regional Authorities (CORLEAP), and the Associations and Conferences of Major European Cities (EUROCITIES),⁴⁶ etc.);
- 4) interregional cooperation (agreements on CBC);

⁴²Official website of the Transcarpathian Regional State Administration.

⁴³SHABAN, Tatiana. Cross-Border Cooperation in the Carpathian Euroregion: Ukraine and the EU. *Borders in Globalization Review*. 2019, Vol. 1, No. 1, pp. 43-53, doi: 10.18357/bigr11201919258.

⁴⁴ILCHENKO, Nataliia. *Transkordonne Spivrobitnytstvo v Ukrayini: Perspektyvy Rozvytku Yevrorehioniv* [Cross-Border Cooperation in Ukraine: Euroregions Development Prospects], p. 5.

⁴⁵PETRENKO, Zoia. *Prykordonnespivrobitnytstvo v kontekstiyevrointehratsiynohokursu Ukrayiny* [Cross-border cooperation in the context of Ukraine's European integration course]. Abstract of PhD thesis, National Academy of Sciences of Ukraine, Institute of World Economy and International Relations, 2001. [in Ukrainian].

⁴⁶MIKULA, Nadiia, ZASADKO, Valentyna. *Transkordonnespivrobitnytstvo Ukrayiny v kontekstiyevrointehratsiyi* [Cross-Border Cooperation of Ukraine in the Context of Eurointegration]. Kyiv: NISR, 2014. [in Ukrainian].

5) cross-border cooperation programs within the framework of the European Neighborhood Instrument (since 2007).⁴⁷

Consequently, in current practice of CBC, the international treaties (bilateral and multilateral, as a rule, regional ones) are applied, and in some cases - the decisions of international organizations. A separate and the most numerous group of international treaties in CBC is made up of bilateral agreements.

4. SPECIFIC ASPECTS OF THE NATIONAL INSTITUTIONAL LEGAL MECHANISM OF CROSS-BORDER COOPERATION INVOLVING UKRAINE

In today's conditions of geopolitical, economic, social and cultural relations between the states, the CBC is an effective mechanism for solving common problems, especially in the border regions. However, CBC can be effective only with the sufficient legal and regulatory coverage not only at the international but also at the national level. The legal basis of CBC in Ukraine includes the Constitution,⁴⁸ concluded international treaties (regulating relations in this area and duly approved/ratified by the Verkhovna Rada⁴⁹), which are elaborated and implemented through legislative (codes and laws) and subordinate legal acts of the state (decrees of the President, resolution of the Cabinet of Ministers, orders of Ministries/Departments) and Acts/decisions of local authorities.

Consider the main national regulatory acts of Ukraine included in the legal field of CBC coverage/regulation, as well as the institutions (entities) taking part in their emergence.

The principles and priorities of state policy are enshrined in the Law of Ukraine On the Principles of Internal and External Policies, which states that the main basis of domestic policy in terms of development of local self-government and the promotion of regional development is the development and implementation of inter-regional economic relations and CBC projects aimed at increasing the competitiveness of the regions as the basis of their dynamic development.⁵⁰

The status of modern cross-border and inter-territorial cooperation of Ukraine with neighboring border states from the viewpoint of the international law is defined by the accession to the formed international legal mechanisms within the framework of EOC and the protocols thereto⁵¹), and also to the concluded bilateral international agreements on state

⁴⁷OLIINYK, Yuliia. Transkordonnepivrobnytnstvo yak chynnykvidnosynasotsiatsiyiUkrayiny taYeS [Cross-Border Cooperation as a Factor of Association Relations between Ukraine and the European Union].*Lviv Polytechnic National University.Ukrainian National Concept: Reality and Prospects of Development*.2013, No. 25, pp. 35-140. [2020-11-03]. Available at: <<http://ena.lp.edu.ua:8080/bitstream/ntb/21121/1/24-135-140.pdf>>. [in Ukrainian].

⁴⁸Constitution of Ukraine. June 28, 1996, art. 18 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/main/254%D0%BA/96-%D0%B2%D1%80>>.

⁴⁹Law of Ukraine on International Treaties of Ukraine. June 29, 2004, no. 1906-XV [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/1906-15>>.

⁵⁰Law of Ukraine on the Fundamentals of Domestic and External Policy. July 01, 2010, no. 2411-VI, art. 4 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/2411-17>>.

⁵¹EuropeanOutlineConventiononTransfrontierCooperationbetweenTerritorialCommunitiesorAuthorities; Additional Protocolto the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities; Protocol No.2 to the European Outline Convention onTransfrontier Cooperation between Territorial Communities or Authorities Concerning Interterritorial Cooperation; Law of Ukraine On the Ratification of Protocol No.3 to the European Outline Convention onTransfrontier Cooperation between Territorial Communities or Authorities Concerning the Associations of Euroregional Cooperation (EOC);

borders with neighboring countries and in different spheres of economic, ecological, and humanitarian relations, which are the real legal mechanisms in the process of European and regional integration.

To perform its international legal obligations in CBC, Ukraine has developed and adopted national regulatory acts “lex special”: for example, the Law of Ukraine On Cross-border Cooperation⁵² (the fact that none of the European countries has a similar law, regulating the CBC, which, in turn, in this regard are guided by the EOC provisions, is of great importance,⁵³ etc.⁵⁴ It should be noted separately that in 2011 Ukraine has also contributed to the implementation of the EU Strategy for the Danube region (for example, it forms a cross-forest woodworking cluster for development of cooperation within the Carpathian and the Alpine conventions in the Danube basin; improves CBC for the protection of the population and territories from manmade and natural disasters, etc.).⁵⁵

Despite the availability of the Law of Ukraine On the CBC⁵⁶, there is no full-fledged system mechanism of regulation in CBC. It could be stated⁵⁷ that in fact there is a process of decision-making centralization, when the main role in the CBC coordination in Ukraine is played by the Ministry of Regional Development, Construction and Housing and Communal Services.⁵⁸

It should be noted that the CBC parties are the territorial communities, their representative bodies, and local executive authorities of Ukraine, which interact with the territorial communities and the relevant authorities of other countries within the scope of their competence, established by the legislation in effect and agreements about CBC, which can

Resolution of the Verkhovna Rada of Ukraine on the Accession of Ukraine to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities; Law of Ukraine on the Ratification of the Protocol No. 3 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities in Terms of Associations of Euroregional Cooperation (EOC). May 16, 2012, no. 4704-VI [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/4704-17>>.

⁵²Law of Ukraine on Cross-Border Cooperation.

⁵³ARTYOMOV, Ivan, VASHCHUK, Oksana. *Yevrorehional'ne Spivrobitnytstvo Ukrayiny: Problemy i Perspektyvy [Cross-Border Cooperation of Ukraine: State, Problems, Prospects]*. Uzhhorod: SPC Grazhda, 2013. [in Ukrainian], pp. 12-13; European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities.

⁵⁴Law of Ukraine on the Ratification of Association Agreement between Ukraine, of the One Part, and the European Union, European Atomic Energy Community and Their Member States, of the Other Part; Order of the President of Ukraine on the Procedures for the Activation of Eurointegrational Border Cooperation. December 19, 2007, no. 1236/2007 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/1236/2007>>; Resolution of the Cabinet of Ministers of Ukraine on the Approval of the State Program of Development of Cross-Border Cooperation; Order of the President of Ukraine on the Procedures for Economic Cooperation of the Regions of Ukraine with Neighboring Regions of the Republic of Belarus and Territorial Units of the Republic of Moldova; Order of the President of Ukraine on the Procedures for the Development of Economic Cooperation of the Regions of Ukraine with the Neighboring Border Regions of the Russian Federation. March 25, 1994, no. 112/94 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/112/94>>.

⁵⁵Resolution of the Cabinet of Ministers of Ukraine on the Approval of the State Program of Development of Cross-Border Cooperation, Annex 1, sub-clauses 9, 17, 18.

⁵⁶Law of Ukraine on Cross-Border Cooperation.

⁵⁷STUDENNIKOV, Ihor. Transkordonnospivrobitnytstvo yak dzerkalorehional'noyipolityky v Ukrayini [Cross-Border Cooperation as a Mirror for the Regional Policy in Ukraine]. *Economic Journal – XXI*. 2005, No. 1-2, pp. 94-95. [online]. [2020-11-03]. Available at: <<http://soskin.info/ea/2005/1-2/20050111.html>>. [in Ukrainian]; ARTYOMOV, Ivan, VASHCHUK, Oksana. *Yevrorehional'ne Spivrobitnytstvo Ukrayiny: Problemy i Perspektyvy [Cross-Border Cooperation of Ukraine: State, Problems, Prospects]*, pp. 46-47.

⁵⁸Order of the Ministry of Regional Development and Construction of Ukraine on Methodical Recommendations for Supporting Cross-Border Cooperation Projects at National and Regional Levels.

conclude “treaties on CBC”, regulating legal, organizational, economic and other aspects of this cooperation.⁵⁹ Consequently, the European Charter of Local Self-Government⁶⁰ has a significant value for the CBC, which after ratification⁶¹ has become part of the national law of Ukraine and influences the content of the Laws On Local Government in Ukraine⁶² and On Local State Administrations.⁶³ In particular:

- local self-government authorities and territorial communities have received the right of membership in associations, in order to protect and promote their own interests, as well as the vested right to cooperate with local authorities in other states;⁶⁴
- the powers of executive bodies of village, town and city councils are provided in the field of foreign economic activity;⁶⁵
- on the basis of clause 15, part 6 of art. 55, the head of the district and regional council represents the council in external relations.⁶⁶

Local State Administration in CBC ensures fulfillment of obligations under international treaties of Ukraine in the respective territory; promotes the development of international cooperation in economics, human rights protection, counterterrorism efforts, environmental security, health, science, education, culture, tourism, physical education and sports; concludes contracts with foreign partners on cooperation within the scope of competence defined by the legislation; promotes foreign economic relations of enterprises, establishments and organizations located on its territory, regardless of the forms of ownership; contributes to the development of the export base and to the increase of production for export; arranges border and coastal trade; promotes the activities of customs authorities and border guard services, creating conditions for their proper functioning; according to the established procedure, proposes to attract foreign investments for the development of the economic potential of the relevant territory for the relevant bodies.⁶⁷

Thus, Local governments as actively interact with partner municipalities, international organizations, participate in joint projects. The implementation of various international projects includes local communities into participation in the municipal activities.⁶⁸

At the same time, there some general adverse factors that prevent the use of the Euro-region as an organizational structure in Ukraine: flawed administrative-territorial division

⁵⁹Law of Ukraine On Cross-Border Cooperation, art. 1.

⁶⁰European Charter of Local Self-Government.

⁶¹Law of Ukraine on the Ratification of the European Charter of Local Self-Government. July 15, 1997, no. 452/97-BP [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/452/97-%D0%B2%D1%80>>.

⁶²Law of Ukraine on the Local Self-Government in Ukraine, May 21, 1997, no. 280/97-BP // [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80>>.

⁶³Law of Ukraine on Local State Administrations. April 09, 1999, no. 586-XIV [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/586-14>>.

⁶⁴European Charter of Local Self-Government, sub clause 2, 3 art. 10; Law of Ukraine on the Local Self-Government in Ukraine, clause 2 of art. 15.

⁶⁵Law of Ukraine on the Local Self-Government in Ukraine, art. 35.

⁶⁶Law of Ukraine on the Local Self-Government in Ukraine.

⁶⁷Law of Ukraine on Local State Administrations, art. 26.

⁶⁸BIELSKA, Tetiana, KHOMAIIKO, Kseniia. Cooperation of authorities with international organizations as an important aspect of social and economic development of Ukraine. *Public Governance*. 2018, Vol. 2, No. 12, pp. 68-79, doi: 10.31618/vadnd.v1i12.80.

model, the lack of competency of public authorities that are subjects of cross-border cooperation, mismatches of resources and others.⁶⁹

Then, the legal status of Euro-regions is not clearly defined in compliance with the regulations.

The status of agreements on twin-cities, partner cities, friendly cities, agreements with foreign Ukrainians, is also unclear from the legal point of view.⁷⁰ (Are they a kind of CBC agreements, or is it a separate type of contracts?). Generally, the legal status of CBC agreements concluded by territorial communities, their representative bodies, local executive authorities of Ukraine remains uncertain in the regulatory legal acts of Ukraine.

Since the Law of Ukraine On International Treaties of Ukraine⁷¹ indicated that “an international treaty of Ukraine concluded in writing with a foreign state or another person under international law, which is regulated by international law, regardless of whether the treaty is contained in one or more related documents, and regardless of its particular title (treaty, agreement, convention, pact, protocol, etc.)”, but the territorial communities, their representative bodies, local executive authorities of Ukraine are not the persons under international law.

A similar definition is provided in clause “a” of art. 2 of the Vienna Convention on the Law of Treaties of 1969, “international treaty” means an international agreement concluded between states in writing and regulated by international law, regardless of whether such an agreement is contained in one document, two or more related documents, and regardless of its specific title.⁷² On the other hand, according to the Law of Ukraine On Foreign Economic Activity,⁷³ a foreign economic agreement (contract) is a “materially executed agreement between two or more entities of foreign economic activity (specifically, the economic activity) and their foreign counterparts, aimed at establishment, change or termination of their mutual rights and obligations in foreign economic activity”. That means the territorial communities, their representative bodies, local executive authorities of Ukraine, cannot conclude these agreements, as they are not the business entities.

Such a limitation of powers and rights of the local-self-government bodies along with the significant differences in administrative and territorial arrangements and patterns of territories division in accordance with EU standards creates obstacles in the CBC with the participation of Ukrainian regions.⁷⁴

⁶⁹FETKO, Yuliia. To the Actual Issues of Legal Supply of Ukraine’s Transborder Cooperation. In: *Supporting the Euro-Atlantic Integration of Ukraine through the Example of Transcarpathia. Materials of International Conferences*. Kisvárdá-Uzgorod: Tizsa EGTC, Uzhgorod National University, University of Nyíregyháza, 2018, pp. 311-316.

⁷⁰Official website of Ternopil City Council. Mista-partnery ta pobratymy [Partner cities and twin cities].

⁷¹Law of Ukraine on International Treaties of Ukraine, art. 2.

⁷²UNO Convention on the Law of Treaties.

⁷³Law of Ukraine on Foreign Economic Activity. April 16, 1991, no. 959-XII, art. 1 [online] [2020-11-04]. Available at: <<https://zakon.rada.gov.ua/laws/show/959-12>>.

⁷⁴MAZUR, Anatolii, KUBAI, Oksana. Scientific-Methodological and Practical Principles of Regional Economic Systems Integration. *Baltic Journal of Economic Studies*. 2019, Vol. 5, No. 2, pp. 117-123, doi: 10.30525/2256-0742/2019-5-2-117-123.

Also, the current legislation of Ukraine that regulates the activity of cross-border cooperation does not contain norms governing the formation, functioning, termination and taxation of activities of associations of Euro-regional cooperation.⁷⁵

Thus, the question is which group of public and legal or private and legal contracts include the CBC agreements, and hence, which is the procedure of their entry into force, their legal force (mandatory/imperativeness) in general, the consequences of failure to perform, etc. According to the author, the CBC agreement should be of a public character, but this requires unambiguous legal confirmation in all national legal acts of Ukraine relevant to this field.

CONCLUSION

Therefore, in general, there are grounds to state the existence of an international and national legal basis for carrying out the cross-border and inter-territorial cooperation of Ukraine with bordering states, in particular, with the EU members. The practical significance of the aforementioned international and national legal acts is that they form the basis of CBC regulation in various aspects (spatial, subjective, objective, and topical).

As the analysis shows, there are a number of topical issues in CBC, both theoretical and practical. While investigating the CBC problems, one should proceed from the fact that this is a many-sided scientific and applied problem, as CBC: 1) is a factor of the integration process, usually regional, which facilitates the free movement of goods, capital and persons across borders; 2) makes it possible to combine efforts to solve common problems in the border regions and cross-border areas; 3) promotes the mobilization of local resources and their efficient use in order to increase the living standards of the population of the border areas; 4) plays an important role as a “testing ground” for testing and adaptation of, for example, European norms, tools for increasing the role of regions, financial support mechanisms, etc.

Under the current conditions of expanding processes of globalization, the role of CBC of regions is growing and new opportunities for activating various spheres of life are emerging. Cross-border cooperation is a joint action aimed at establishing and intensification of economic, social, scientific, technical, environmental, cultural and other relations between states, territorial communities and the local authorities of different countries.

⁷⁵FETKO, Yuliia. To the Actual Issues of Legal Supply of Ukraine’s Transborder Cooperation.