

малися вагомі рішення задля спільної мети здобуття миру та безпеки, взаємне порозуміння (насамперед Франція та Німеччина), відновлення економічної стабільності та поява на міжнародній арені. Європейська інтеграція є поштовхом до створення Європейського Союзу, який засновано на принципах до прав та основних свобод людини, демократії, верховенства права.

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## THE EUROPEAN UNION LAW

The European Union Law is a unique legal phenomenon developed in the process of European integration within the framework of the European Communities and the European Union; a result of the implementation of the supranational authority of the European institutions. The European Union law is a specific legal system with independent sources and principles that have been developed at the border-line of international law and domestic law of the EU's Member States. The autonomy of the European Union law is affirmed by a case-law of the Court of Justice of the European Communities.

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The European Union has its origins in Communities set up after World War II that aimed to create lasting peace. Over the years, the EU has grown to include 27 member states. Member States remain independent sovereign nations, although they pool this sovereignty together in order to gain strength in certain areas and world influence.

The European Community law (the EC law) is the core of the European Union law and the European communities law. The EC law is based on its legal principles – the most general propositions which determine meaning, contents, implementation, and development of all other norms of the EC law [1].

Principles of the EC law are divided into functional and general ones. The functional principles include the principle of the supremacy of the EC law and the principle of direct effect of the EC law. The principle of supremacy means the priority of the norms of the EC law over the norms of the national legislation of Member States, i.e., the latter should not contradict the former. The principle of direct effect means the direct application of the EC law on the territories of Member States that is the norms of the Community law are implanted into national legal systems without any transformation. These principles have been developed in judicial legislation by the Court of Justice in interpreting the constituent documents of the organization. General principles of the EC law include the principle of the protection of human rights and fundamental freedoms, the principle of proportionality, the principle of nondiscrimination, the principle of subsidiarity, and a number of procedural principles. The principle of proportionality and subsidiarity is extremely important, because it underlies everything the European Union does in areas where it does not have the right of exclusive competence [2, c.121–122].

The European Union law has an original system of legal sources that form a complete system of sources with hierarchy of acts typical for such systems. The system of sources of European Union law includes two groups of acts – acts of the primary law and acts of the secondary law.

Primary sources, or primary law, come mainly from the founding Treaties, namely the Treaty on the EU and the Treaty on the Functioning of the EU. These Treaties set out the distribution of competences between the Union and the Member States and establishes the powers of the European institutions [3]. They therefore determine the legal framework within which the EU institutions implement European policies.

Moreover, primary law also includes: the amending EU Treaties; the protocols annexed to the founding Treaties and to the amending Treaties; the Treaties on new Member States' accession to the EU.

The secondary law of the European Union has various categories of lawmaking forms as sources. The first category of secondary law acts is statutory acts, including regulations, directives, and framework decisions. The second category is individual acts, including decisions. The third category is recommendatory acts, including recommendations and opinions. The next category of secondary law acts is an act on coordination of the Common Foreign and Security Policy (CFSP), as well as on the Police and Judicial Cooperation in criminal matters (PJC). This category of acts includes common position, joint actions, and common strategy. Secondary law sources include *sui generis* acts – the «informal» legal acts adopted by bodies of the Union (usually decisions or resolutions of a concrete body) that have not been stipulated by constituent treaties. The last category of secondary law sources can be defined as international acts which include: decisions and acts of representatives of Member States conventions between Member States made on the basis of constituent treaties; international agreements of the European Union [4].

A separate category of sources is made out of jurisdiction acts – case-law of the Court of Justice. EU case-law is made up of judgments from the European Union's Court of Justice, which interpret EU legislation.

The EU consists of many various institutions:

- The European Parliament
- The European Council
- The Council (Council of Ministers)
- The European Commission (The Commission)
- The Court of Justice of the European Union
- The European Central Bank
- The Court of Auditors.

The European Treaties establish the European institutions to make, execute and arbitrate European Law. Focus of the «classical» four EU institutions (Parliament, Council, Commission, Court of Justice of the EU). The European Parliament is the most supranational institution of the EU. It is the only real multinational legislative assembly in the world and plays an increasingly important role in the European integration process. Although under the original Treaties the Parliament's role was purely advisory, it has kept growing, particularly in the legislative and budgetary fields, with each amendment of the Treaties. At present the EP exercises four functions: legislative, political, supervisory and budgetary. Currently, the European Union law is characterized by codification and enforcement.

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## EUROPEAN IMMIGRATION LAW: SCHENGENANDNON-SCHENGEN

One of the key aims of the European Economic Community (EEC) was to facilitate the free movement of workers between the constituent nations. This objective was one of the «four freedoms» enumerated in the 1957 Treaty of Rome which created the EEC. The signatory nations – France, Germany, Italy, Belgium, the Netherlands and Luxembourg – agreed inter-alia to work towards the «the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital» [1, article 3(c)].

This was one of the first attempts to replace individual, national immigration laws with a supra-national law – relatively simple in that era

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