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GENERAL DESCRIPTION OF THE GOVERNANCE INSTITUTIONS IN THE AGRICULTURAL SECTOR OF EUROPEAN UNION

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Summary

The European Union is a unique international association which main purpose is the maintenance of peace and well-being of their peoples. The Union is a shining example of successful political and legal cooperation and economic integration. The development of the agricultural sector in the European Union connected with Common Agricultural Policy which is one of the most successful development programs in Europe, and today is an integral part of the European integration processes. The implementation of the common agricultural policy provides certain founding treaties of the EU institutions. The most important role in the management of the agricultural sector of the EU economy performed three institutions forming the “institutional triangle”: the European Parliament, the Council of the European Union and the European Commission.

Key words: institute of the European Union, Common Agricultural Policy, European Parliament, European Commission, Council of the European Union.

Аннотация

Европейский Союз – это уникальное межгосударственное объединение, основной целью которого является поддержание мира и благосостояния своих народов. Союз является ярким примером успешного политико-правового сотрудничества и экономической интеграции. На развитие аграрного сектора экономики в Европейском Союзе направлена Общая аграрная политика, которая является одной из самых успешных программ развития Европы на сегодняшний день и неотъемлемой частью европейского интеграционного процесса. Реализацию Общей аграрной политики обеспечивают определенные учредительными договорами Европейского Союза институты. Наиболее важную роль в процессе управления аграрным сектором экономики Европейского Союза осуществляют три учреждения, образующие «Институциональный треугольник»: Европейский Парламент, Совет Европейского Союза и Европейская Комиссия.

Ключевые слова: институт Европейского Союза, Общая аграрная политика, Европейский Парламент, Европейская Комиссия, Совет Европейского Союза.

Introduction. The European Union is a unique political entity, whose sovereign member countries pool authority in key areas of government in order to reach shared goals. Every national of a member country is also an European Union citizen, giving them the right to participate in the democratic life of the Union. There are 3 institutions responsible for making policy and taking decisions: European Parliament, Council of the European Union, European Commission.

The purpose of article is to study the history of the institutions of the European Union in the management of agrarian sector of the economy to determine their functions and the order of their formation.

While writing the article was using the following methods: dialectical, empirical, comparison, description, analysis, synthesis, generalization.

State of study. The study of systems and institutions of the European Union are engaged in domestic and foreign scientists M.M. Biryukov, N.V. Buromenskiy, O.K. Vyshnyakov, V.M. Dovhan, V.N. Denysova, V.A. Zbankov, V.K. Zabihaika, V.I. Yevnitova, P.A. Kalinichenko, S.Y. Kashkin, V.Y. Slepak.

Presenting main material. The European Union (hereinafter – EU) – is a unique inter-state associations whose main purpose is to maintain peace, its values and the well-being of their peoples. The EU is a prime example of successful political and legal cooperation and economic integration. Following the signing of 13 December 2007 by the Heads of Member States the Lisbon Treaty considerably increased democratic and effective functioning of EU institutions [1, p. 13].



The development of the agricultural sector in the European Union aimed by Common Agricultural Policy (hereinafter – CAP), which is one of the oldest and most successful development programs in Europe and now is an integral part of the European integration project. Today CAP turned into a multifunctional program that covers support for agricultural markets in Europe, improving the quality of life in rural areas and environmental safety.

Implementation of CAP is providing by institutions of the EU with founding in the Treaties.

The term “institution of the European Union” can be defined as relatively separate unit of the European Union, which is involved in the implementation of its tasks and functions acting on his behalf, has the appropriate competence and structure, with the founding treaties and legislation of the volume power [2, p. 64].

The institutional structure of the EU is based on a scheme that differs significantly from the schemes of public administration.

According to ch. 1.2 art. 13 Consolidated version of the Treaty “About European Union” the Union shall have an institutional structure that seeks to spread values of the Union to realize the objectives of the Union, to serve the interests of the Union, its citizens and Member States and ensure consistency efficiency and consistency of policies and actions of the Union. Union Institutions are: the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Chamber. Each institution acts within the powers conferred on it by the Treaties, and in accordance with established procedures in them, conditions and objectives. Institutions interact on the basis of open cooperation [3].

The distribution of power between these institutions does not correspond to traditional notions of the separation of powers into three branches, is not the only executive, legislative or judicial powers of any of the institutions. The balance of power is somewhat different and meets the complex legal nature of the EU. The institutions are distinguished not by the terms of reference, and according to whose interests they represent. The

European Parliament represents primarily the interests of the people united Europe, the EU Council and the European Council expressing the will of the Member States, the Commission defends the interests of the EU. In each of the EU institutions manifest its specific function. The Council of Europe and the European Parliament are those institutions whose functions largely dominated by law-creating elements, the commission vested with executive functions and judiciary consider and decide disputes [1, p. 47].

According to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community in EU there is the three main decision-making institutions: the European Parliament – which represents the citizens of the EU and directly chosen by them; Council of the European Union – which represents the Member States; the European Commission, which represents the interests of whole Union [4].

The Commission, Council and Parliament created an “institutional triangle” that plays a key role in decision-making procedure of the EU. This “institutional triangle” develops the political principles and laws that apply for the entire Union.

In our opinion the most important role in the management of the agricultural sector of the EU economy carried out by three institutions that enforce form the “institutional triangle”, namely the European Parliament, the Council of the European Union and the European Commission.

In 1957, the Treaty of Rome assigned to the European Parliament consultative status and control body, and the body which elects the Ombudsman. According to art. 14 of the Maastricht Treaty and the Lisbon Treaty, the European Parliament was enshrined leading place among the institutions established in the EU [5, p. 190].

The European Parliament has the exacted internal structure. The head of the Parliament is President, who elected for two and a half years, the Chairman assist by 14 deputies and 6 questeur – officials responsible for administrative and financial matters. Up to now the European Parliament consists of representatives of 15 countries of Europe.

According to art. 286 Consolidated version of the Treaty on European Union

and the Treaty on the Functioning of the EU the European Parliament adopts its rules and procedures by majority vote [3].

In July 2014 was approval the Rules of Procedure of the European Parliament of eighth convocation. Pursuant to Rule № 196 in Parliament established standing committees whose powers are defined in the annex to the Rules of Procedure. Members are elected, with the possibility of reelection, for two and a half years [6].

Annex VII Powers and responsibilities of standing committees to the Rules and Procedures of the European Parliament in this institution created 20 committees. In the context of the CAP the most interesting are work of the Committee of Agriculture and Rural Development and the Committee on Fisheries.

The Committee of Agriculture and Rural Development in accordance with the tasks assigned to it has an impact on: 1) the implementation and development of the CAP; 2) rural development, including the activities of the relevant financial instruments; 3) drafting of legislation on veterinary and phytosanitary measures health, animal feed and legislation on animal husbandry and welfare; 4) improve the quality of agricultural products; 5) supplies of agricultural raw materials; 6) expanding diversity of plant varieties; 7) forestry.

Committee on Agriculture and Rural Development is primarily responsible for reviewing and, if necessary, amend the legislative proposals of the European Commission to prepare reports on the implementation of the CAP to continue to be taken in the European Parliament during the plenary session. It has 45 full members and 45 substitute members. The powers and duties of the Committee, is currently the most widespread than ever, because of the entry into force of the Lisbon Treaty, the European Parliament has the power of joint decision-making with the Council of Ministers of Agriculture, and accordingly may directly affect the implementation of the CAP and thus affect the agricultural sector of the EU economy.

Committee for fisheries in accordance with the tasks assigned to it has an impact on: 1) the operation and development of the Common fisheries policy and its management; 2) conservation of fishery resources; 3) the common organization of the market fish products; 4) structural policy in the fisheries and aquaculture,



including the financial instruments for fisheries management; 5) international agreements regarding fishing.

The European Commission (hereinafter – Commission) is the EU institution established in the European integration process to represent and support the interests of whole Europe. This institution has no analogues in the world among national government systems, carries out a role of bodyguard of the Treaties and Legal domain and ensure the proper use of the Member States the provisions of the primary and secondary EU law.

History of Commission dates back to the signing on the 25 of March 1957 in Rome so-called Rome Treaties: Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community (Euratom). Both Treaty came into force on 1 of January 1958 [7, p. 45].

Under the provisions of the Maastricht Treaty signed on 7 February 1992 the Commission has been urged to act according to the common foreign and security policy, cooperation in the sphere of internal affairs and justice sector [9].

According to art. 17 Consolidated version of the Treaty “the European Union” and the Agreement “On the Functioning of the European Union” European Commission defends the general interest of the Union and put forward appropriate initiatives in this direction. It ensures the implementation of agreements and measures to be adopted on the basis of their institutions. Commission under the control of the EU Court of Justice oversees the application of the law in the European Union. The Commission takes the budget and manages the programs, exercise coordinating, executive and management functions, as laid foundation agreement provides representation of the Union in external relations, except in areas of Common Foreign and Security Policy and other cases caused by the memorandum of initiating annual and perennial planning of the Union with a view to achieving interinstitutional agreements [3].

Another important powers of the Commission is to adopt regulations that are legally binding EU law. Legislative activity is a result of the commission of a multilateral consultative process that may be implemented in various ways [12].

In its activity the Commission is

guided by the “Rules and procedures of the Commission” adopted by the European Commission in the 2000. These rules governing the meetings of the Commission and its decision-making procedure [13].

As previously noted in the Commission helps by the administration, which includes the General Directorate. Overall the Commission as part of the administration are 33 Directorates General. In the context of the CAP the most interesting are activities of the General Directorate for Agriculture and Rural Development.

European Commission General-Directorate for Agriculture and Rural Development is responsible for implementing programs to support agriculture and rural development policy, the latter in conjunction with other General Directorates concerning structural policy. It consists of 11 Directorates dealing with all aspects of the Common Agricultural Policy, including support for farmers, market measures, the implementation of policies for rural development, quality policy for agricultural products, financial and legal issues in agriculture, analysis and evaluation, as international relations relating to agriculture.

The Council of the European Union (hereinafter – the Council) is third of the seven European institutions. It is part of a bicameral of legislative body of the EU, represented by the heads of EU member states; the second part of the legislative body is the European Parliament [13].

According to art. 16 of the Treaty of European Union Council in cooperation with the European Parliament performs legislative and budgetary functions. It performs the function of policy development and coordination function, as established by the constituent Treaties [3].

The Council has a clearly defined internal structure of the constituent documents. The Council meets in different configurations, the list of which is adopted according to art. 236 “Treaty on the Functioning of the European Union” by the European Council a qualified majority.

In our days in the Council are working of ten configurations. In the context of the CAP the most important is study the Configurations of Agriculture and Fisheries.

Configuration of Agriculture and Fisheries adopt legislation in a number

of areas related to food production, rural development and fisheries management. Council adopts legislation, in most cases, together with the European Parliament. The main objectives of the configuration of the Council of Agriculture and Fisheries is taking measures relating to CAP and are aimed at increasing agricultural productivity, ensuring a decent standard of living for the agricultural community, to stabilize agricultural markets, ensure the availability of supplies and ensure that consumers receive products at reasonable prices.

Conclusions. Most important role in the governance process in the agricultural sector of the EU economy carried out by three institutions that enforce form the “institutional triangle”, namely the European Parliament, the Council of the European Union and the European Commission.

The European Parliament endowed with legislative initiative, can accept and initiate adoption of the provisions of the necessary to achieve the objectives of the EU, including in the agricultural sector. The European Commission executes in the institutional system of the EU several roles executive character: controlling application of the law in the Union, holds the current policy that is co-ordinating, managing and executive function, and provides a representation of the EU in external relations with the exception of the common foreign and security policy and other cases specified constituent treaties. Council in the conjunction with the European Parliament executes legislative and budgetary functions. As established by the memorandum of the Council serves as a policy development and coordination functions.

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ИНСТИТУТ ПРЕФЕКТОВ ВО ФРАНЦИИ: ОПЫТ ДЛЯ УКРАИНЫ

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Summary

In the article the features of functioning of the institute of prefects in France are investigated, legal principles of creation of the institute of prefects in Ukraine are studied on the basis of French experience with the purpose of search of mechanisms for realization of reforms of decentralization of power and development of local self-government in Ukraine.

Key words: institute of prefects, prefects, territorial management, decentralization, reform of state administration, constitutional reform, development of local self-government.

Аннотация

В статье исследованы особенности функционирования института префектов во Франции, изучены правовые принципы создания института префектов в Украине на основе французского опыта с целью поиска механизмов для реализации реформ децентрализации власти и развития местного самоуправления в Украине.

Ключевые слова: институт префектов, префекты, территориальное управление, децентрализация, реформа государственного управления, конституционная реформа, развитие местного самоуправления.

Постановка проблемы. Осуществление реформы государственного управления, децентрализации власти и местного самоуправления в Украине предопределяют изучение лучшего европейского опыта. Европейский опыт проведения децентрализации власти и реформирования местного самоуправления, в частности создание института префектов на примере Франции, может быть полезным для Украины, способствовать обеспечению эффективности таких реформ и помочь избежать ошибок в их проведении.

Актуальность темы исследования подтверждается степенью нераскрытости темы: в настоящее время недостаточно проведено исследований относительно особенностей функционирования института префектов во Франции, а также правовых механизмов создания института префектов в Украине на основе французского опыта.

Состояние исследования. Научный анализ проблем осуществляется многими отечественными учеными и экспертами. Среди них следует назвать П. Ворону [6], В. Гротову [8], Ю. Ковбасюка [11], Ю. Ганущака [7], И. Чипенко [7], О. Скорохода [10], А. Ткачука [12] и других, работы ко-

торых послужили фундаментальной базой для дальнейшего исследования рассматриваемых вопросов.

Целью и задачей статьи является исследование особенностей функционирования института префектов во Франции, научных взглядов и разработок по этой проблеме, а также изучение правовых принципов создания института префектов в Украине на основе французского опыта с целью поиска механизмов для реализации реформ децентрализации власти и развития местного самоуправления в Украине.

Новизна работы заключается в том, что в ней сделана попытка исследовать не только особенности французского опыта создания института префектов, но и отечественный опыт, а также механизмы его улучшения.

Изложение основного материала. Украина, ратифицировав Соглашение об ассоциации между Украиной, с одной стороны, и Европейским Союзом, Европейским содружеством по атомной энергии и их государствами-членами, с другой стороны (далее – Соглашение) [1], заявила о внедрении принципов демократического управления, что позволит ей обеспечить европейские стандарты жизни и выход на ве-