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INTERNATIONAL SCIENTIFIC SESSION IN FRANCE

In January, 9.-16. 2010 the international theoretical and practical conference «Modern tendencies and prospects of development of European law: experience for Ukraine» took place in France. It was organized by Shevchenko Kyiv National University, Savoy University and Ukrainian Association of Comparative Law. The conference took place in Shamburg (the centre of French “Silicon Valley” and the place, where Savoy University is situated) and Shamon (the famous centre of Alpine tourism and traditional place of international economic, political, cultural and scientific forums).

Co-chairpersons of organizing committee of the conference were director of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine, academician of NAS of Ukraine, president of Ukrainian Association of Comparative Law Yurii Shemshuchenko, dean of the faculty of law of Shevchenko Kyiv National University Ivan Gritsenko and president of Savoy University Zhilber Anzhenie; vice-chairmen were the senior staff scientist of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine, Scientific secretary of Ukrainian Association of Comparative Law Aleksei Kresin and associate professor of the finances department of Shevchenko Kyiv National University Alexander Rozhko. Ukrainian, Austrian and French jurists took part in this conference.

While opening the conference, Yurii SShemshuchenko and Aleksei Kresin noted that this conference was the first experience for Ukrainian Association of Comparative Law concerning the conducting of scientific events out of Ukraine. They expressed the hope that it would become the tradition of meetings of Ukrainian scientists of comparative law with foreign colleagues in different countries for the purpose of studying the functioning of foreign law systems, interconnection of law and culture of different nations, functioning of the systems of the higher legal education and also acquaintance of colleagues with modern achievements of Ukrainian comparative legislation, search of the models and developments of concrete projects of effective scientific cooperation.

The vice-president of Savoy University Erick Bruna noted that educational institution, which he presented, has a number of contracts about cooperation with Russian universities and realized with them long common educational and scientific projects. He thanked for the initiative of Shevchenko

Kyiv National University and Ukrainian Association of Comparative Law concerning the conduction of meeting in France and hope on the active cooperation with Ukrainian educational and research institutions.

Speeches of the participants were dedicated to the formation of European law as a phenomenon in the context of European integration, to the question about the character of supranational (integration) law, to the modern tendencies and contradictions of the law development of EC, Council of Europe, OSCE, to the role of comparative legislation as the instrument of cognition and approximation of European law systems, to the creation and awareness of European law, to the Ukrainian and French experience of legal education development in the context of Bolognese process.

As it was mentioned in the speech “Problems of codification of ecological law in European countries” of Yurii Shemchuchenko, the transboundary character of ecological problems of the modern world and also piling up of big number of international universal and regional legal acts of different content in this sphere is the objective foundation for asking the question concerning the codification of international law of environment in one act. The modern international ecological law is not perfect way for solving the corresponding problems because it is not systematized and not codified. Its system doesn't have the basic legal act, which would fix this legal niche and provide the complex approach in ecological sphere. It could be called Ecological constitution of Earth; its creation was initiated by Ukrainian scientists almost 20 years ago – in 1992.

Yurii Shemshuchenko marked out that ascending principle for fixing the tasks of modern ecological law; corresponding international and national codifications should be recognition and guarantee of inalienable right of human on save environment. The corresponding scientific guarantee of this right was developed in 70th-80th years of XX century by Soviet, including Ukrainian, scientists and now it is included to the constitutions of some Central European and Soviet countries. This right should be the basic right for Ecological constitution of Earth and become the initial point for construction of all other ecological rights of human. For realization of such document the ineffective Program of UN on environment (UNEP) should be reformed in international specialized organization – Council of ecological security of UN. For judicial protection of Ecological constitution of Earth can be responsible the international court, the idea of creation of which was realized in 1994. It is reasonable to create such court under the aegis of UN.

Yurii Shemshuchenko also noticed that one of the main tendencies of ecological law development in some European countries is passing the ecological codes. Such codes were passed recently in Switzerland (1999) and France (2000), Russia and Germany create now such codes. He also emphasize that the standing law of Ukraine “About the protection of environment” of 1991 is old and that's why the main direction of national ecological legislation perfection is its further codification on the basis of passing the Ecological code of Ukraine. To his opinion, such basic act won't substitute the natural and resort codes and laws but must exist with them. Its correlation with

these codes and laws could be characterized as the interconnection of the integrated and differentiated parts in regulation of ecological public relations in the system “human - environment”.

The Candidate of Law Aleksei Kresin, senior staff scientist of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine, Scientific secretary of Ukrainian Association of Comparative Law devoted his speech to the role of comparative law in the development of European law cognition. He pointed that formation of the idea of all-European law was made possible by the development of the comparative law theory.

The first direction in comparative law, which conceptualized the regional features in law, was historical school of law. But till the 1920th years the methodological arsenal of comparative law gave the opportunity to conduct the investigation between the Roman-German and Anglo-American law, which systems of law sources are different. There was no comparison of law of other countries because of unavailability to take into account the non-legal factors, which determines the law development. Then, expanding the sphere of examined sources on the basis of idea about functioning school, the formal differences were overcome and continental and common law were compared systematically. The approach, which can open the legal map of the world for comparative cognition and can explain the essence of European legal community, was formulated in 1960th by Rene David, who suggested the pluralistic (although rather eclectic) criterion of comparison and classification of legal systems in legal community, which would take into account not only juridical technical features but also the influence of religious, ideology and culture on law. Before David some elements of this criterion were developed by V. Diltei, M. Veber, R. Puand, G. Gurvich and others. This approach became the basis for reconsideration of legal map of the world, awareness of equivalence of non-west law and values of law differences, and according to this – non-universality of European legal inheritance, its regional character and also its historicity and influence on its formation of Christian doctrine, canon law, certain generality of development of political legal ideas. David, on the basis of the idea about cultural value determination of law, about the supranational legal values pointed to the existence of “one community of western law”, which unites Anglo-American, Roman-German and socialistic law. Henceforth, we can talk about the development of axiological school in comparative law, which is based on the civilization ideas, and about the corresponding idea about the existence of supranational “law traditions”. On the value bases the classic understanding of western legal tradition was formulated by G. Berman, who declared about the formation of modern European legal systems on the basis of medieval European legal system of Catholic canon law – “the first legal system of the modern West”. To the opinion of the speaker, the development of comparative discus assists the appearance of the idea of European legal space in the documents of international organizations.

Aleksei Kresin pointed that blur and unformed borders of “Europe” and European legal space is connected with non-conceptualization of obvious difference between “European” and that, which characterizes the former colonies of European countries and also questions concerning the “European”

East Europe. Maybe the new paradigms of comparative law will assist the remove of these obstacles on the way of legalization and realization of European law concept.

The head of the international connections department of law and economic sciences faculty of Savoy University professor Zhil' Pesan informed the present about the modern tendencies in French higher education and specifically such as creation of associations of universities, which would be directed to the unification of human and material resorts for the purpose of increasing of quality of education and its resort provision. More detailed this thesis was discussed on the example of associations of Savoy and Grenoble universities.

The speech of Candidate of Law, scientist of Institute of international relations of Shevchenko Kyiv National University Elena Grinenko was dedicated to the features of international legal personality of EC on the modern level, answers to the questions if EC has features of intergovernmental organization, federation, confederation of supranational or state formation. The speaker noted that EC is a special formation, which had passed the way from intergovernmental formation but it didn't get the status of the state. To her opinion, from the point of view of its international legal features, Community is now at the stage of state formation. Before enuring of Lisbon agreement (December, 1. 2009), EC had the dualistic legal nature: within its "first support" – Communities – it owned international legal personality, which was fixed by agreements, within second and third "supports" of Community, it got the right to sign the agreements with states and international organizations, which are obligatory for the institutions of Community and which are realized in practice. Elena Grinenko pointed that the concept "European law" includes Communities law and norms of "soft law", with the help of which the common foreign policy and collaboration in law enforcement sphere, which was characterized as the right of Community, are regulated. Together they form the third legal system near international and national law.

Candidate of Law, associate professor of Institute of international relations of Shevchenko Kyiv National University Xenia Smirnova examined the establishment of common policies of EC concerning the Third World countries, formation of principles of common foreign policy of EC concerning Ukraine and analyzed its changes in the context of transformation of European policy of neighborhood in East partnering after the signing of Lisbon agreement, the prospects of formation of association EC-Ukraine. As it was mentioned by the speaker the basic document, which regulates the relations of Ukraine with EC, forms the new principles, mechanisms and instruments of collaboration, becomes the Agenda of association of 2009. Priority and fundamental for scientific ensuring of development of relations between Ukraine and EC becomes now the study of principles of differentiation and transformation in common foreign policy of EC concerning Ukraine and legal preconditions of agreement about association.

Desire Prantl, scientist of the Institute of civil law of Innsbruck University, analyzed the policy of Ukraine concerning the harmonization of consumer contract law with the norms of European law.

She noticed that some regulations of Ukrainian law are corresponding to the European standards and are sometimes better than minimal demands of EC directives. But the level of these regulations realization is rather low in Ukraine and it should be taken into account at the analysis of the adopted level of Ukrainian law and execution of Agreement about partnership and collaboration between Ukraine and European Communities.

Candidate of Law, associate professor of economics department of Shevchenko Kyiv National University Alexander Rozhko, examining the experience of legal regulation of e-money turn-over in European countries and EC and opportunity of its using in Ukraine, emphasized that topicality of this subject matter is stipulated by the necessity of establishment of the efficient rules and conditions of execution of e-money emission and establishment of the control over it, because e-money emission can influence negatively on the stability of world financial system and regular functioning of payment systems.

As it was mentioned by A. Rozhko, the considerable contribution in the creation of common European market and harmonization of the supervision and regulatory basis concerning e-money in Europe was the approval of Directive 2000/46/EC by the European Commission in 2000. The speaker emphasized that common for the countries of EC and Ukraine are such problems of legal ensuring of e-money turn-over as attainment of the efficiency of classification and categorization of the e-money products, conformity of payment systems and saving the balance between protection of the system users, reliability and stability of systems and supporting of innovations in payment sphere.

Professor Michelle Julienne, dean of the law and economic sciences department of Savoy University dedicated his speech to the features of French higher education in common and specifically legal, features of education qualifications awarding, noticed the system of state financing system and its transformation within the participation of the country in Bolognese process.

Candidate of Law, junior researcher of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine Olga Semchik studied the question of perfection of legal ensuring of education and science financing of Ukraine in the context of Bolognese process. She noted the fact that the full entry to the European research space and European space of higher education foresees state financial support of researches and students. Except of fulfillment of requirements of Ukrainian legislation and ratified international legal acts, there must be reformed the normative legal ensuring of stimulation and state support of the subjects, who give finances for the development of education and science – giving of tax benefits to the enterprises-customers of scientific production and those, who help scientific and educational institutes financially; using of concessionary terms for its crediting.

Junior researcher of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine Katherine Nastechnko, analyzing the mechanisms of legal acts passing in the EC countries and Ukraine, emphasized the forms of participation of civil society structures in passing of such acts in European countries and noticed that it was necessary to overcome negative attitude to lobbyism in

Ukraine. Also she mentioned the necessity of taking into account European experience concerning the strengthening of the role of universities and research institutions in the rule-making process.

The postgraduate student of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine Lavrentii Zaruk dedicated his speech to the analysis of activity of Bureau of democratic institutions and human rights OSCE concerning the generalization and knowledge diffusion and experience in sphere of law on the freedom of peace meetings. He noticed the advantages and disadvantages of new version of Guidelines of freedom of peace OSCE meetings, problems of application of this document's regulations in Ukraine, possible prospects of further recommendation rule-making of OSCE.

Also during the conference spoke Candidate of Law, associate professor of Shevchenko Kyiv National University Natalia Guberska – with speech “Some tendencies of financial law in European countries” and postgraduate student of Koretskyi Institute of State and Law of National Academy of Sciences of Ukraine Olga Kosakhovska – with speech “Application of principles of proper government in EC countries”.

The attendees of the conference got acquainted with functioning of law and economic sciences department and library of Savoy University. This university, which has its history from the preparatory schools of Turin University, which were founded in 1404, was created as separate educational institute in 1969. Now it is one of the biggest in France. As a result of talks with the leaders of Savoy University it was decided to sign agreements about collaboration and to conduct a workshop in 2011. The cultural program of the conference foresaw the visit to Geneva, ancient Alpine city Annecy and the highest mountain peaks of Europe situated around Shamon.

As a result of the work of the conference «Modern tendencies and prospects of development of European law: experience for Ukraine», the publication of collected scientific works.

