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THE CONCEPT OF APPLICATION OF EUROPEAN LAW ON THE EXAMPLE OF PRACTICAL INTERACTION AMONG THE LEGAL SYSTEMS OF THE EUROPEAN UNION AND MEMBER STATES

This article is devoted to the analysis of practical interaction of the legal systems of the European Union and member States of formation of legal system of the European Union.

The article is based on a study of various approaches of interaction and mutual influence of norms of the European Union and domestic law.

The existing concepts about the ratio of international and domestic law are of interest from the position of their influence on the development of views about the interaction of international law in the domestic sphere and within the European Union.

European Union law and national law of member States represent two distinct legal orders. At the same time, Community law and national legal systems are closely related to each other, largely interdependent and complement each other. Such interdependence takes its origin in the fact that the right of Union was created with and under the direct influence of the national law of States. In order to implement the law of the Union, in many cases, it is necessary to use national mechanisms. Their relationships are characterized by such principles as the supremacy of Union law over norms of national law, direct action of Union law.

Key words: European Union, national law, legal system, international law, member States, international Treaty, constituent acts, the Court of the European Union, States, legislation.

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Еуропалық Одақ пен оған мүше мемлекеттердің заң жүйесінің тәжірибелік өзара қатынасы үлгісіндегі Еуропаның заңнамасын қолдану тұжырымдамасы

Бұл мақала Еуропалық Одақтың құқықтық жүйесін құрудағы Еуропалық Одақ пен мүше-мемлекеттердің құқықтық жүйелерінің тәжірибелік өзара қарым-қатынасын талдауға арналған.

Мақала негізінде Еуропалық Одақ нормалары мен мемлекетішілік құқықтың өзара қатынасы мен өзара ықпалының әр түрлі тәсілдерін зерттеуде жатыр.

Қазіргі кезде бар халықаралық және мемлекетішілік құқықтың арақатынасы туралы тұжырымдар халықаралық құқықтың мемлекет ішінде және Еуропалық Одақ аясындағы өзара қатынасы туралы көзқарастардың дамуына осы тұжырымдардың ықпалына қызығушылық білдіреді.

Европалық Одақ құқығы мен мүше-мемлекеттердің ұлттық заңнамасы екі дербес құқықтық тәртіпті құрайды. Сонымен қатар, Қоғамдастықтың заңнамасы мен ұлттық заңнамалық жүйелер бір-бірімен тығыз байланысты, көбіне олар өзара тәуелді және бір-бірін толықтырады. Мұндай өзара тәуелділік Одақтың құқығы мемлекеттердің ұлттық құқығына тікелей ықпал етумен жасалғанынан өз бастауын алды. Одақ заңнамасын жүзеге асыру үшін көп жағдайда ұлттық

механизмдерді қолдану қажет. Олардың өзара қарым-қатынасы Одақтың заңының мемлекетішілік құқықтық нормалардан үстемдігі, Одақ құқықтық нормаларының тікелей әрекет етуі секілді қағидалармен сипатталады.

Түйін сөздер: Еуропалық Одақ, ұлттық заң, құқықтық жүйе, халықаралық құқық, мүше-мемлекеттер, халықаралық келісімшарт, құрылтай актілері, Еуропалық Одақ Соты, мемлекеттер, заңнама.

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Концепция применения европейского права на примере практического взаимодействия правовых систем Европейского Союза и государств-членов

Данная статья посвящена анализу практического взаимодействия правовых систем Европейского Союза и государств-членов формирования правовой системы Европейского Союза.

В основе статьи лежит исследование различных подходов взаимодействия и взаимовлияния норм Европейского Союза и внутригосударственного права.

Существующие концепции о соотношении международного и внутригосударственного права представляют интерес с позиции их влияния на развитие взглядов о взаимодействии международного права во внутригосударственной сфере и в рамках Европейского Союза.

Право Европейского Союза и национальное право государств-членов представляют собой два самостоятельных правопорядка. Вместе с тем право Сообщества и национальные правовые системы тесно связаны друг с другом, во многом взаимозависимы и дополняют друг друга. Свое начало такая взаимозависимость берет с того, что право Союза создавалось с учетом и под прямым воздействием национального права государств. Для того чтобы реализовать право Союза, во многих случаях необходимо использовать национальные механизмы. Их взаимоотношения характеризуются такими принципами, как верховенство права Союза над нормами внутригосударственного права, прямое действие норм права Союза.

Ключевые слова: Европейский Союз, национальное право, правовая система, международное право, государства-члены, международный договор, учредительные акты, Суд Европейского Союза, государства, законодательство.

Introduction

In the contemporary world the interaction of international and national law becomes more and more tight. International law, regulating inter-state relations, increasingly involves issues that are the subject of national law. There is a kind of extension of the scope of international law, not accompanied, nevertheless, by a reduction in the scope of national law. In this «non-traditional» sphere, the norms of international law operate through and with the help of national law» (Лукашук, 2002).

The occurring in the modern world integration of countries, strengthening their interdependence and joint solution of global problems lead to a new ratio of international and national law. It is becoming increasingly a multilevel, whether the ratio of these two legal systems, sources of law, or ways of mutual influence on each other. There are many difficulties and practical properties, because the acts of each country anchor the implementation of norms of international law in different ways.

In this case, it is advisable to illuminate the point of Khizhnyak V. S., according to which: «... can allocate a certain pattern in their relationships when:

- national law influences international law;
- international law influences national law.

These processes are periodically repeated and in a varying degree can relate to any state and the region» (Хижняк, 2002: 50).

This scheme of interaction of international and domestic law is appropriate for determining the interaction of EU law and the law of member States. Creating Community, States have implemented their ideas in the constituent treaties.

It should be considered, that any international treaties and other acts are created by the expression of the will of States. It is obvious that by the «announcement» of their wills States take into account provisions of its own law. The impact of EU law on national law of member States is obvious, because (and this was already mentioned) within the Union, there is harmonization and unification of the legal systems of the member States. Hence, there is

a change in legislation taking into account the provisions of EU law.

The existing concepts about the ratio of international and domestic law are of interest from the position of their impact on the development of views about the interaction of international law in the domestic sphere and within the European Union.

The supporters of the monistic theories, as it is known, have different views on the studied problem, but recognize the unity of these legal systems.

The essence of one of the approaches is reduced to the supremacy of domestic law. However, the theory of the rule of international law became the priority, since, as practice shows, international law has a positive impact on national law. The essence of the theory of the rule of international law is that the norms of international law are a priority over the norms of domestic law of States. States change their legislation, taking into account provisions of international treaties. This is a direct effect. Doubtless, national law also has an impact on the formation of the international, but this effect is only indirect. In case of conflict of domestic law to international law, the international provisions take precedence. According to supporters of this theory, «international law is the «supreme legal order», its norms can also extend to individuals» (Курс международного права, 1989: 275).

This approach is more acceptable for countries of continental system of law, which are part of the Union. It is characterized by the fact that the norms of international law, including EU law, are an integral part of national legal systems. However, it is required to comply with two indispensable conditions: first, the incorporation of EU law into national law must pass in accordance with the procedure, which is established in the Constitution of this state; second, it is recognized only that right of the EU, which was adopted in the framework of its powers (Терешкова, 1998: 320).

In modern conditions, according to Tereshkova V.V., «...it becomes undeniable applying the international law in case of discrepancy between international legal and domestic norms, governing the same matters. The norms of international law orient on this. According to her opinion, the question is important not about a rule of international or domestic law, but the main attention should be paid to the order of their interaction. Interaction must be such as to ensure the optimum functioning of both legal systems» (Энтин, 2000: 20).

According to the opinion of Topornin B.N., «... that the legal order, established in the Union, was rational and efficient, it must satisfy, among others, two indispensable conditions. First, the ratio of Union law and national law is intended to reflect the balance of interests, which represents on the one hand the Union, and on the other its member States. Second, criteria of effective legal regulation are mandatory: hierarchy of legal acts and modern technology to implement them» (Топорнин, 2001: 296).

Methodology

The methodological and empirical basis of the research consists in applying general methods of scientific knowledge: historical, comparison, analysis, synthesis, classification; special methods: formal-legal, structural-functional, comparative-legal. The application of the above methods led to a deep, qualitative analysis related to the interaction of the legal systems of the European Union and the member states.

Results and discussion

The Union law and national law represent two independent legal orders. At the same time, Community law and national legal systems are closely related to each other, largely interdependent and complement each other. Such interdependence takes its origin in the fact that the right of Union was created with and under the direct influence of the national law of States. In order to implement the law of the Union, in many cases, it is necessary to use national mechanisms. Their relationships are characterized by such principles as the supremacy of Union law over norms of national law, direct action of norms of Union law.

These principles, according to Hartley T.K., «... that determines the ratio of EU law and national law was established by the Court and was enshrined in a number of its precedent-setting decisions. One of the foundations of the functioning of Union law is the principle of direct action of the norms Union law, reflecting the nature and forms of interaction of this system with the domestic law of member States. The direct action of legal norms represent the ability of a norm based on its content, to grant specific rights to individuals or legal entities that should be protected by national courts» (Hartley, 2014: 467).

If we analyze the content of the constituent treaties on establishing the European communities, it is possible to notice that the only reference about the ability of norms of EU law to direct action on the territory of States parties is the only article 189 of the Treaty establishing the EEC.

In particular, it provides that the regulations is intended for general application, it is mandatory in all its parts and shall be directly applicable in all member States.

It should be noted that in the literature and in case law of the Court of Justice of the EU it is possible to meet the terms "direct action" and «direct application». In the decisions itself, the European Court of Justice, beginning with the case Van Gend en Loos, was often used the term «direct action» instead of the expression «direct application», which, in turn, is not found in the constituent treaties. Although the Court in its decisions often uses both these expressions, sometimes like synonymous, sometimes not quite, however, some authors (Berman G., Glotova S.V.) propose to distinguish the meaning of these terms, as follows: «...the «direct application» of norms of Community law in the domestic law of the member States means that it becomes element of this legal order without any measures of formal incorporation. On the other hand, the expression «direct action» means that norms of Union law can create rights for private persons and not only obligations for the member States». Thus, the authors note, «...the consequence of direct action of norms of EU law is that private persons can protect such rights in national courts» (Глотова. 1999: 181).

We consider, that the division of the meanings of the terms do not play a big role, especially the notion of direct action, the Court formulated through interpretation of article 249 of the Treaty on EU (Treaty on European Union).

It is obvious that the principle of direct action in its present form developed under the influence of the practice of the Court. It is very complex and differently substantiates the direct action of EU law depending on whether secured it in the constituent treaties or in the acts of secondary law.

In contradistinction to ordinary international treaties, the constituent treaties of the EU contain norms directly regulating the scope of rights and obligations of the subjects of the domestic law of member States (Капустин, 2000: 598).

Here is an example of the implementation of these provisions in practice: «the Court in the case of Van Gend en Loos stated that EU law creates rights and duties first of all for the subjects of the domestic law of member States and thereby intrudes into the sphere of their internal competence. Rights of private persons arise not only in the case of their explicit mention in the treaty, but also proceeding from defined in its obligations for member States and EU institutions» (Van Gend en Loos v Nederlandse Administratie der Belastinge).

Thus, the Court of justice recognized the existence of two types of norms of the constituent treaties, which capable to create rights and duties directly at the subjects of the internal law of member States. Provisions addressed specifically to the subjects of national law belong to the first type.

Direct action of such kind of norms was recognized by the Court in the aforementioned judgment in the case of Van Gend en Loos, according to which the right of Communities creates rights and obligations directly to individuals of member States in the case of its explicit expression in the norms of the constituent treaties.

The second group of rules includes provisions that contain obligations for member States to refrain from committing certain actions. In mentioned case, the Court determined that «if the provision of article contains a clear and unconditional prohibition, which is an obligation for the state not to take certain actions, it is not accompanied by any clause of conditionality of the validity of this rule to the act of domestic law of member States, this prohibition has direct effect in legal relations between member States and the subjects of domestic law» (Песков, 2008: 101).

Thus, from the decision in the case of Van Gend en Loos, it follows that «the direct action of norms of the Union law means that the norms of the constitutive acts create invariable legal consequences by themselves, without any assistance from the national right to give them strength in the domestic legal system». It also means that «private persons can protect their rights arising from the rules of EU law, in governmental bodies of their countries, and that these authorities must ensure compliance with the obligations undertaken by States under the constitutive treaties and to protect individual rights» (Глотова, 2004: 78).

The court made it clear that «it meant by direct action: if a norm has direct action, it grants private persons rights which must be protected by national courts» (Глотова, 2004: 81).

In its final decision in mentioned case, the Court emphasized that theEU has formed a new kind of legal order in international law, the subjects of which are not only members States, but also their citizens. Because of this, regardless of the law of member States, EU law may provide for the individuals certain rights and impose on them certain responsibilities. The court also noted that all legal norms contained in the constitutive treaties of the EU and expressed in unconditional form, possess such qualities as validity, self-sufficiency, legal integrity, and can be directly applied to natural and legal persons

of States parties, without requiring a special procedure of implementation.

Despite the fact that the Court established the content of the concept of direct action of the norms of the law of the Union, the operation itself in determining whether the disputed norm of direct action, is rather complicated. For the purpose of establishment of direct action of norms of EU law it is necessary to investigate each specific case. The court in its decision in Van Gend en Loos formulated a number of criteria to which the norm of EU law must be complied in order to be recognized directly in effect. Nowadays the arbitrage practice supports two basic requirements.

The first requirement is that the norm of Community law was clear and precise, or precise enough in the sense that it's basis of specific obligation, devoid of any ambiguity. Rule of law is accurate enough, if on the content of regulation and on a circle of persons, which it authorizes, contains provisions having such a degree of inner certainty and a sufficiency that individuals can refer to it, and the courts can use it. The second condition is that the norm of law must be meaningfully unconditional, that is, the norm of law is not supplied neither clauses nor conditions and does not require further activities of the organs of the Communities or member States (Глотова, 2004: 81).

As it noted above, the constituent acts of the EU are insufficiently firmly established the legal basis of direct action of their norms. In relation to regulations, by contrast, article 249 of the Treaty of the EEC provided that this act is binding in all its parts and shall be directly applicable in all States.

According to article 161 of the Treaty establishing the European community for atomic energy and article 249 of the Treaty of the EEC, the regulations is intended for general application, it is mandatory in all its parts and shall be directly applicable in all member States. The main feature of the regulations is its general in nature.

This means that it applies in advance to an undefined and unlimited number of member States, an undefined and unlimited number of legal entities and individuals under the jurisdiction of member States, and for an indefinite number of cases, unless the rules of these cases are not specified in such regulations. Regulations have the mandatory power in general, and this binding effect is enhanced by the possibility of sanctions in case of violation of its provisions.

This normative act is directly applicable in any member state. This means that the rules contained in regulations shall apply in the state without regards whether migrated provisions into domestic law.

Consequently, the regulations of the Union are one of the sources of law for the member States and subject to mandatory application in cases before national courts.

Thus, one of important characteristic differences between the regulations is that they create a legal relationship not only between the Union and the member States, but also between the Union and citizens of member States.

In Western literature it is noted that «there is no need to incorporate the provisions of the regulations into the national legislation of member States, as well as mandatory application in respect of the regulations of the principle of direct action. Member States have the right on the basis of reciprocity to establish special methods for the introduction of enactment foreign law in the domestic sphere. Because of the agreement between the member States, enshrined in the constitutive treaties, only regulations are acts of direct application» (Horspool, 2006: 485) (par. 2 of article 249 of the Amsterdam Treaty).

Herewith ... «their direct application is presumed, that is, it occurs in case if from the substance of the provisions of the regulations not follows otherwise» (Commission of the European Communities v Italian Republic).

Literature review

Hartley T.K. believes that «it is necessary to find the right meaning of the term «having a direct action», meaning, that including number of qualities of the regulations, which are not available in other types of sources of EU law». The author points out that «the fact of existence of the direct application of the regulations does not mean that they cannot contain provisions requiring member States to take measures for their implementation» (Hartley, 2013: 342).

Suffice is to remember here certain appellations that national courts (or judges) have received during the years of EC/EU law: for Judge David Edward, the national courts are the «Powerhouse of Community Law», for professor Monica Claes is that «these courts have a mandate derived from the European Constitution» (*Claes, 2006:* 32).

The European Court of Justice has repeatedly stressed that the implementation does not have to be in the form of law (European Commission v Germany). At the same time it admits that the form in which put on national measures of implementation, should be clear and specific, in other words, national regulations must be accessible to individuals by offering them the necessary legal protection. The

court considers that the use for the implementation of acts of the Executive authorities do not always satisfy the above requirements (European Commission v Germany). The basis of the Court's reasoning is based on two circumstances:

- contained therein rules have different nature;
- such acts are generally not subject to general publication.

If relatively to direct action of the regulations, the Treaty on the EEC contained a specific rule, regarding directives it was recorded that «the directive is binding upon each member State to which it is addressed, in relation to the expected result, but retain by the national authorities freedom of choice of forms and methods of action. As can be seen, the direct action of directive is not only not fixed, but on the contrary, it states that its implementation is a matter of national bodies of each state» (European Commission v Kingdom of the Netherlands).

Conclusion

Thus, the directive, unlike regulations, is binding only for the state, to which it is directed, and only with respect to the result to be achieved. As for the forms and means of its implementation, the question remains the competence of member States.

The most difficult issue in the study of the legal nature of the directive – the question about its mandatory. As it already mentioned, the directive is mandatory only in respect of the result to be achieved. But the problem is how detailed is regulated the result in directive. There is no a single point of view on this issue.

Herewith there will be so-called vertical direct action of directives, i.e. the possibility for the subjects of the domestic law of member States refer directly to the provisions of the directive in their disputes with national authorities, in the case if there is not taken the necessary measures for their integration into domestic law of member States.

The situation is different with the justification for horizontal direct action of directives, that is, the possibility for individuals to invoke the provisions not incorporated into domestic law of the state of directives in disputes with other individuals.

The court concluded that the obligation for member States to achieve a particular result arising from the provisions of the directive is imposed on all the institutions of the state including its judiciary.

It follows that national courts must apply national law and in particular its norms concerning the execution of directives, in accordance with the letter and spirit of the directive. Imposing on national judges the obligation to interpret and apply the provisions of the directive in accordance with EU law, the Court of Justice acknowledged the directives as mediated indirect horizontal action.

Another form of acts of the Union is decisions, which are binding in all its parts for those to whom they are addressed. The decision is individual in nature. This means that it can be directed both to member States and private individuals and legal entities, and applies only to certain specific cases.

The decision, as the regulations is binding in general, i.e. creates legal consequences for those to whom it is directed. Decisions also have a direct action, despite the fact that, unlike regulations, the article 249 of the Treaty of Rome does not contain any reference to their direct application. For the first time the Court has recognized the opportunity to refer in national courts on decision of Community in its decision in the case of Grad (Franz Grad v Finanzamt Traunstein).

Constitutive treaties of the EU are insufficiently firmly establish the legal basis of direct action of their provisions, as their texts do not contain any references to the conditions of actions of their provisions. The court, indicating the approach to the nature and action of the EU constitutive treaties on the territory of member States, was guided by a kind of understanding of the nature of the Union created by these constitutive treaties, and the nature of the legal system, which was required for the effective functioning of the EU (Steiner, 2006: 94).

Direct action of provisions of the constituent acts is justified by the fact that the achievement of its fundamental objectives would be seriously hampered if they are not to be fulfilled inside the country by those whose behavior they regulate.

The legal order of the Union by itself cannot achieve the objectives for which the EU was founded, without the help of the national law. The principle of direct action contributes to the effective implementation of the rights of Communities (The European Union. Readings on the Theory and Practice of European Integration, 2003: 12). Direct action also establishes a direct connection between private persons and the EU legal order, now they can rely on the directives which are not implemented by government yet (European Union. Power and Policy-Making, 2006: 16).

Thus, the principle of direct action – the most important principle that defines the ratio and interaction of national law and EU law, facilitating the effective exercise of the right of communities in the domestic legal field.

As Pavelyeva E. A. argues, «...the ability of the majority legal norms that are taken in the framework of the European Union to direct action on the territory of the member States naturally entail the emergence of a very important issue about how to be in that case when any provision of EU law with the force of direct action contrary to the rule of the domestic national law of a State party. Obviously, such a conflict can be resolved only by fixing the normative priority of one over the other» (Павельева, 2007: 20).

Lepeshkov Y. A. believes that the principle of the primacy of Union law over national law of the member States due to the absence of its fixation in any of the constitutive treaties about establishing the European Communities is now regarded as «unwritten» (Лепешков, 1998), but along with that as the fundamental rules in force within the European communities.

At the time of creation of Communities, the principle of the primacy of the norms of its legal system was not directly enshrined in the constitutive treaties. It can be assumed that the main reason for its recognition served the article 5 of the Treaty on the EEU, which enshrines the classic principle of «pacta sunt servanda».

However, this norm was not enough to establish the absolute primacy of EU law. The fact that not in all member States the Constitution enshrines the principle of the rule of international law. In these conditions the problem managed to resolve it through the Court of the European Communities.

The arbitrage practice has gone on the way of the searching for an independent foundations of the primacy of norm of EU law. The European Court of Justice found it necessary to complement the concept of autonomous legal order of the Community by such most important feature, as the principle of the primacy of EU law over national law. The concept of direct applicability is wider than the concept of direct effect (Schütze, 2015: 86). However, the principle of direct action and the rule of EU law do not apply to all acts (Jones, Menon, Weatherill, 2012: 151).

Thus, the system of sources of EU law also includes the decisions, conclusions and recommendations. They are acts of «declarative» nature and not legally binding. In Western literature there is a point of view that these acts are a package (motive) for execution. In particular, recommendations and conclusions are legal acts (Fairhurst, 2014: 82). However, they must have value and must be implemented accordingly.

Recommendations should be taken into account to effectively achievement of the realization of rights of Communities, also by the national courts of member States.

Interacting with national law, European Union law has established the principle of priority actions.

The norms of EU law respond to common needs and interests of all member States, unlike domestic law, which ensures individual interests of only one state.

And it is worth noting that the first and most important consequence of the primacy of EU law is the exception of the norms of domestic law to the law-enforcement sphere which is incompatible with EU law.

Thus, the principle of the primacy of EU law over national is determined by a number of conclusions:

- EU law grants rights to individual subjects of legal relations carried out in the member States, and those rights should be protected by national legislation and by national courts;
- national legislation cannot prevail over EU law, regardless of which rule was adopted earlier;
- member States cannot adopt or maintain measures that are intended to harm the useful effect of the norms of EU law;
- member States cannot justify its failure to comply with obligations stipulated by the agreement, recalling its Constitution.

Revealing the content of the principle of priority of EU law over national law, it is necessary to consider the issue of the action of the primacy of Community law against the norms of the constitutions of the member States. As you know, the Constitution is the highest expression of the sovereign will of the people.

Therefore, as a rule, the legal basis of the expression of the consent of the State on the accession to the European Union establishes by granting the last necessary competence and recognition of all its features (Craig, de Burca, 2011: 34). Some authors believe that «it is impossible to speak about the primacy of Community law over the Constitution. In contrast to this position, there is a view that EU law has primacy over a constitutional right» (Павельева, 2007: 62).

It is impossible to speak about the conflict between the norms of the constitutions and norms of EU law. The Constitution applied in full in those areas which continue to remain in the sovereign authority of States, and in areas transferred to the Union and governed by the law of the EU, EU law applies in its entirety, and the state cannot invoke the Constitution to prevent the application of the existing norm of EU law.

This implies that the concerned member States must «adapt» their constitutions to the requirements of EU law until their accession to the Union in order to fully enforce the rules of EU law in their domestic legal systems.

Consequently, there was an understanding in member States of the EU that the doctrine of the primacy of EU law applies to any domestic law, including the norms of the constitutions. Danger to cause conflict with the constitutional courts of the States prompted the EU Court to make a statement of the absolute nature of the doctrine of the primacy of EU law over internal law, regardless of their status or origin. The European Court of Justice stated that a state cannot invoke internal difficulties or provisions of national law, including constitutional, to justify failure to observe obligations and time limits set out in rules of EU law, and that appeal to the norms of internal law including constitutional provisions in order to limit the effect of rules of EU law cannot be allowed because this affects the unity and effectiveness of this law.

The effectiveness of the legal system of the EU is largely dependent on the willingness of national courts to recognize the right of the EU and the interpretation of this right by European Court of Justice.

In this capacity, the legal position of the primacy of EU law developed by the Court, although reminiscent of the doctrine of the primacy of international law, however, is formulated in more categorical terms. The principle of the primacy of EU law applies regardless of the form of legal norms (constitutive Treaty, the act of Community or agreement with a third country) and the norms of national law (the Constitution or other legal acts); it also applies regardless of whether the adopted a legal norm of the EU before or after the adoption of national standards: the national norm in all cases must give way to EU law.

Summing up the above, it should be noted that EU law and national law have to work closely together, helping and complementing each other. This primarily manifests itself in the fact that the Union and member States should take all necessary measures for the effective interaction between two legal systems. This is only possible if the coherence of the Union and the member States implemented through the interaction of EU institutions and bodies of member States.

We emphasize that the member States pledged to implement the norm according to which measures taken by various States should ensure the application of Union law with the same efficiency and rigor with which they apply national laws. The European Court of Justice in its practice has developed and elaborated a number of principles, thereby guaranteeing the highest efficiency of EU law, including its application on the territory of the member States and judicial protection against violations of the rights of the Union by member States and their authorities, and private individuals. By itself, the rule of EU law is not able to fully achieve the goals for which the Union was established. For this it needs the support and foundation in the form of the national law. The constituent acts and acts of its organs for effectively performing should not be only under the control of the relevant authorities of the member States of the EU, but also to apply them in practice, the most rational way.

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