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CONTENT

DIS-INTEGRATION: REFLECTIONS ON THE LEGAL, POLICY AND PRACTICAL CHALLENGES RESULTING FROM THE UK'S WITHDRAWAL FROM THE EUROPEAN UNION

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Abstract

In 2016 the UK citizens voted by a small margin to leave the European Union, a collaboration of which it had been a founding member. The following four years witnessed media messages that reinforced public narratives of 'taking back control' and 'national sovereignty', deepening social divisions and promoting populism. At the same time, as there had been no agreement about what withdrawal would mean, even between elected representatives, parliament consistently failed to achieve consensus on the terms of that withdrawal. Indeed, there was an unsuccessful attempt by the then prime minister to achieve a 'no-deal' withdrawal by illegally proroguing parliament. The rule of law is a vital balance in a democratic system. In the UK it is increasingly visible as contested ground as the right-wing government seek to legislate for political ends.

There is no doubt that the consequences of leaving the EU have been detrimental to Britain's economic health with a growth in homelessness and in the number of households experiencing food insecurity. At the same time, substantial legislation has been enacted to further limit people's freedom to protest and to seek to control inward migration. Most recently, controlling migration has become so politicised that a law is proposed to assert Rwanda's safety for people seeking asylum as a remedy to the supreme court's ruling that it was unsafe.

The functions of law have been identified by UK scholars as: the regulation of power structures; social engineering; shaping attitudes and behaviours; promoting ideology; and finding solutions to social problems. This paper shines a light on the destructive consequences of the law being used in the service of a neoliberal agenda, taking the perspective of a small NGO in southwest England to illustrate the consequences of Brexit for refugees, students and wider society.

Students and Refugees Together (START), winner of the European Citizens Award in 2017, has, for 22 years, provided support to people granted leave to remain whilst providing practical placements to students of social work and allied professions. From this perspective, the loss of international cooperation and the proliferation of new legislations has contributed to a dis-integration in social mobility, understanding and human rights.

Keywords: Law and policy, strengths approach, student learning, Brexit, international mobility.

Introduction

This paper shines a light on the destructive consequences of the law being used in the service of a neoliberal agenda, taking the perspective of a small non-government organisation (NGO) in southwest England to illustrate the consequences of Brexit for refugees, students and for wider society. Beginning with an account of the social and political context for the decision to leave the European Union I show how the referendum result created a dilemma for politicians on both sides. Maintaining a focus on law, policy and practice, a brief introduction follows to the NGO Students and Refugees Together (START). These sections provide the context for an examination of the way migration has become used by UK politicians as a means of demonstrating their effectiveness to the public, driving a narrative of nationalistic strength and border security. The 2023 Illegal Migration Act and the Safety of Rwanda (Asylum and Immigration) bill are evidence of a government moving 'towards

totalitarianism' as expressed by Lord Carlile, a leading barrister and crossbench peer.[1] The different functions of law are illustrated by a focus on the population generally, forced migrants specifically and students wanting to extend their education through international study. Finally, consideration is given to the role of academic institutions in the resistance to dis-integration and to activating that potential.

1. Leaving the European Union

It could be argued that the decision to leave the European Union came as a surprise to voters and to politicians alike. The referendum was issued by David Cameron (the then prime minister) as a strategy to silence right wing members of the Conservative party who were dissatisfied with the UK's relationship with the EU. Although a founder member of this collaborative body committed to peace and prosperity through consensus, the UK's identity, as a country without a land border with the rest of Europe, except on the island of Ireland, meant the relationship had always been ambivalent.[2]

The failure of Cameron's strategy is eloquently conveyed through the artist Grayson Perry's work in which he depicts the similarity between the voters on each side through two ceramic vases displayed in London's Victoria and Albert Museum. The pieces stand over a metre high and are decorated with images sourced from the public. Following the referendum Perry asked Leave and Remain voters to choose their favourite brands and colours, define Britishness, share pictures of their tattoos and send selfies. Both are finished in a blue glaze – the preferred colour of both sides. He says of the work "The two pots came out looking remarkably similar, which is a good result, for it shows that we all have much more in common than that which separates us." [3]

When the referendum was held, only 72.2% of those eligible to vote took part. Had this been a union ballot over whether to strike or not, it would not have been deemed valid. The government's own rules state: "Where the majority of those who were entitled to vote are normally engaged in providing important public services then at least 40 per cent of those entitled to vote must vote 'yes' to the industrial action proposed".'[4] The total number eligible to vote in the referendum was 46,500,000 of which 40% would have been 18,600,000. This contrasts with the 17,410,742 who actually voted to leave. It is significant to note that when the UK voted to leave the European Union on 23rd June 2016, although leave won 51.9% of the vote across the UK this was made up of 53.4% in England, 52.5% in Wales, 44.2% in Northern Ireland and 38.0% in Scotland. Remain won over 50% of the vote in three electoral regions: Scotland, Northern Ireland and London.[5] Nonetheless, the Conservative government chose to treat the decision as binding.

In keeping with events for which there has been little preparation and limited understanding of what it would mean, people largely behaved in defensive ways, each side claiming that others were misguided. This dramatic attitudinal division did not reflect previous party alliances and so all politicians were caught by a populist movement that precluded nuance, instead consistently referring to the outcome as 'the will of the people'. The following four years witnessed media messages that reinforced public narratives of 'taking back control' and 'national sovereignty', deepening social divisions and promoting populism. At the same time, as there had been no agreement about what withdrawal would mean, even between elected representatives, parliament consistently failed to achieve consensus on the terms of that withdrawal. Indeed, in order to fulfil his promise to 'get Brexit

[1] Weaver, M., UK's Rwanda Bill is a 'step towards totalitarianism' says Lord Carlile. The Guardian, 18th January 2024. https://www.theguardian.com/uk-news/2024/jan/18/uk-rwanda-bill-is-a-step-towards-totalitarianism-says-lord-carlile [L. s. 04.03.2024].
[2] Oliver, T. Europe's British question: The UK–EU relationship in a changing Europe and multipolar world. Global Society, 2015, 29(3), 409–426. https://doi.org/10.1080/13600826.2015.1044425.
[3] Artylist, Grayson Perry Brexit Vases go on Display at V&A, 2019, https://artlyst.com/news/grayson-perry-brexit-vases-go-display-va/ [L. s. 04.03.2024].
[4] Gov.UK, New Strike Thresholds for Important Public Services, Dept. for Business, Innovation and Skills, UK Government, 21st January 2016. https://www.gov.uk/government/news/new-strike-thresholds-for-important-public-services [L. s. 04.03.2024].
[5] Uberoi, E., Hawkins, O. and Keen, R., Brexit: How did the UK vote? House of Commons Library, Friday 24th June, 2016, https://commonslibrary.parliament.uk/brexit-how-did-the-uk-vote/ [L. s. 04.03.2024].

done', there was an unsuccessful attempt by Boris Johnson, the then prime minister, to achieve a 'no-deal' withdrawal by illegally proroguing parliament. The fascinating account of how this attempt was halted can be found in Jolyon Maugham KC's autobiography in which he describes his work to make the law available to the public through the crowdfunded 'Good Law Project'.[6] The rule of law is a vital balance in a democratic system. In the UK it is increasingly visible as contested ground as the right-wing government seeks to legislate for political ends, an issue to which I will return.

2. Students and Refugees Together

Students and Refugees Together (START) is an NGO I founded in 2001 in southwest England to provide practical placements for students on professional courses in Higher Education and at the same time to support refugees who are forcibly displaced to the city.[7][8] The organisation is underpinned by the strengths approach[9] which looks for possibility in even the most difficult circumstances. It recognises that everyone's contribution is essential and that we should never limit our own or others' aspirations. The dual purposes of education and refugee support are always held in tension and contribute to the longevity of the organisation.[10]

Staff numbers have varied over time between 3 to 8 depending on work and funding. A constant flow of students forms part of the team and at times, they outnumber the paid staff. Since 2001 more than 4,000 refugee households have accessed START's support and helped to train more than 300 professionals. Although many students are studying social work and occupational therapy, the organisation has provided learning for students of clinical psychology, medicine, dentistry, business administration, media studies, photography, geography, international relations and sociology. Countries of origin and study have included Germany, France, Switzerland, Ukraine, Norway, Netherlands and Czech Republic. In addition to the contracts START delivers, it has brought over 1.3 million GDP to the city from foundations and other bodies. Its work was recognised by the NHS Social Care Award in 2005, the SWAP learning and Teaching Award in 2011, the Social Care Institute for Excellence's 'Good Practice with refugees' publication in 2015, shortlisted for the Good Help Award in 2018 and invited to Brussels to receive the European Citizen's Award in 2017, an award given to "citizens, groups or organisations who have displayed exceptional achievements and commitment to areas promoting stronger integration, cultural cooperation and links to the European spirit".[11]

One of the key elements in START's success has been the ability to attract and work with students from other European countries whose courage in taking on an international placement enriches the individual, the team they work alongside and the refugees with whom they work and learn. As the professional supervisor for international students, I often explain to them that their perspective as a foreign national allows them to ask questions that a UK student would be expected to know the answer to. They can work alongside refugees as committed advocates and learn to be critical of the way law and policy affects individuals.

[6] Maugham, J., Bringing Down Goliath, London, W. H. Allen, 2023.
[7] Butler, A., 'A strengths approach to building futures: Students and refugees together', Community Development Journal, 40(2): 147–57.
[8] Butler, A. (2007) 'Students and refugees together: Towards a model of student practice learning as service provision', Social Work Education, 2005. 26(3): 233–46.
[9] Bellinger, A. and Ford, D., The Strengths Approach in Practice: How it changes lives., Bristol, Policy Press, 2022.
[10] Bellinger, A. and Testa, D., 'Student-led services', in A. Bellinger and D. Ford (eds) Practice Placement in Social Work: Innovative Approaches for Effective Teaching and Learning, Bristol: Policy Press, 2016. pp 5–19.
[11] Parliament honours winners of 2017 European Citizen's Prize, https://www.europarl.europa.eu/topics/en/article/20171009STO85664/parliament-honours-winners-of-2017-european-citizen-s-prize [L. s. 04.03.2024].

3. Legal, policy and practical challenges

3.1. Taking back control

Having set the scene for the NGO, I now return to an examination of the use of law for political ends. Throughout the confusion and uncertainty that followed the decision to act on the referendum result, one theme emerged consistently - that of the UK taking back control of its borders. Migration had already become highly politicised[12],[13],[14] but reducing inward net migration became emblematic of the UK's new status. The House of Commons library records that, on the 4th of December 2023, the then Home Secretary told parliament that 'Ministers believe that immigration is "far too high".[15] Net migration, calculated as the number of immigrants minus the number of emigrants, was previously estimated to be 745,000 in the last 12 months ending on 31 December 2022. This expressed belief is in spite of an ageing population and serious shortages of people in industries such as agriculture, health and social care.[16] ,[17],[18]

3.2. The functions of law

We have written previously about the profligacy of the UK government in seeking unsuccessfully to stem the flow of migration[19] as a sign of national sovereignty and control. Here I want to focus on the use of law and policy in service of this narrative.

The functions of law have been identified by UK scholars as: "the regulation of power structures; social engineering; shaping attitudes and behaviours; promoting ideology; and finding solutions to social problems".[20] After the referendum, the lack of agreement about what leaving the European Union meant, produced an intractable problem for the then prime minister in that the UK parliament refused to accept any proposal that could form the basis of a negotiated settlement. As already mentioned, Boris Johnson took the unprecedented step of illegally proroguing (or suspending) parliament to 'get Brexit done' by passing the deadline for a negotiated exit outside parliament's control. In a use of the law to 'regulate power structures' a case was brought and won, on behalf of the public.[21] This held Johnson to account and ensured the participation of the democratically elected representatives in the terms of leaving the EU. The Good Law Project continues to use the law to protect human rights in diverse areas such as environmental protection, corruption, and data management. It is a not-for-profit company primarily funded by members of the public who are consulted about which campaigns are pursued.[22]

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[12] Huysmans, J. and Buonfino, A., Politics of exception and unease: Immigration, asylum and terrorism in parliamentary debates in the UK. Political studies, 56(4), pp.766-788.issue. Handbook on migration and security, 2008. pp.273-295.
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[15] Hansard, 2023. https://hansard.parliament.uk/commons/2023-12-04/debates/921A08A2-F615-48F2-8C56-423A29556F9F/LegalMigration [L. s. 04.03.2024].
[16] Plummer, R., Where have all the UK workers gone? BBC News, 11.6.2021. https://www.bbc.co.uk/news/business-57400560 [L. s. 04.03.2024].
[17] CQC, The State of Care: Workforce Report, Care Quality Commission, 2021/2022, 2022. https://www.cqc.org.uk/publication/state-care-202122/workforce [L. s. 04.03.2024].
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[19] Bellinger, A and Ford, D., Solution or Problem: A Social Work View of UK Forced Migration Law and Policy, Vectors of Social Sciences, National University of Georgia, Tbilisi. 2023. https://vectors.ge/wp-content/uploads/2023/04/AVRIL-BELLINGER-DEIRDRE-FORD.pdf [L. s. 04.03.2024].
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[21] Maugham, J., Bringing Down Goliath, London, W. H. Allen. 2023.
[22] Good Law Project https://goodlawproject.org/. [L. s. 04.03.2024].

3.3. Illegal Migration Act (2023)

Here I focus on the Illegal Migration Act 2023 which has been widely condemned for breaching the European Convention on Human Rights[23] and thereby, as its name suggests, is itself an illegal act. Its impact last year has been one of shaping attitudes and behaviours - constructing people seeking asylum as unqualified for compassion or even as having human rights - purely based on their means of arrival in the country. Although presented as a solution for the social problem of people seeking asylum and expressed as an act of concern for the people risking their lives, there is no evidence that it acts as a deterrent to people smugglers or to forced migrants themselves. Instead, it promotes the ideology of 'strong leadership' and 'control of our borders' and allows government to further scapegoat people who seek safety in the UK. This has been further extended as criminal charges for manslaughter are being brought against individuals forced by the traffickers to steer the boats when people are drowned. By treating people seeking asylum as criminals, in the full knowledge that they had no choice, the government is engaged in social engineering.

Many of the provisions of the Illegal Migration Act 2023 have not yet been activated, in part because, since leaving the European Union, the UK has no removal agreements with any country except for Rwanda. You will be aware that no asylum seekers have yet been removed to Rwanda because the supreme court has judged it to be unsafe. To date the cost of this treaty with Rwanda is 290 million GDP and, by the government's own estimates, the cost of sending each person to Rwanda (169,000 GDP) would be significantly higher than the cost (106,000 GDP) of accommodating them in the UK.[24] Nonetheless, in response to the supreme court's ruling, the government took the extraordinary step of introducing The Safety of Rwanda (Asylum and Immigration) bill that states Rwanda is a safe place. This is being fiercely debated in parliament and will be contested through the courts again, a process that could take years. This attempt to use the law to find a solution to a social problem is unlikely to succeed. However, continuing to press for removals to Rwanda will maintain the symbolic political charge of migration in an election year. It is also an attempt to challenge the jurisdiction of the European Court of Human Rights.

3.4. Forced migration after Brexit

In the meantime, the number of people who arrived 'illegally' following Brexit increased substantially, in part because the Dublin agreement between the UK and Europe ended with Brexit. Delays in decision-making[25],[26] have resulted in rising pressure on the Home Office over the cost of providing accommodation for people waiting for a decision on their claim. In response to media-fuelled public anger, the government pledged to stop using hotels to accommodate people waiting for a decision by Christmas 2023.

Those people granted leave to remain are the lucky ones. People arriving after July 2023 are in legal 'limbo' and increasingly accommodated in prison-like conditions in barges like the Bibi Stockholm or isolated 'camps'. Conditions are such that Médecins Sans Frontières are working in England to protect people's mental health.[27]

[23] European Convention on Human Rights (1950) https://www.echr.coe.int/documents/d/echr/Convention_Instrument_ENG
[24] Syal, R., Mason, R. and Adu, A., Home Office ordered to give full cost of Rwanda deportation plan, The Guardian, 8.12.2023. https://www.theguardian.com/uk-news/2023/dec/08/sunak-didnt-mislead-mps-over-costs-of-rwanda-deportation-plan-says-no-10 [L. s. 04.03.2024].
[25] Casciani, D., What's Behind the Home Office Migrant Backlog? BBC News, 1st November 2022. https://www.bbc.co.uk/news/uk-63477371 [L. s. 04.03.2024].
[26] House of Commons, Delays to processing asylum claims in the UK, Research Briefing, House of Commons, 20th March 2023. https://commonslibrary.parliament.uk/research-briefings/cbp-9737/ [L. s. 04.03.2024].
[27] Abdelmoneim, J., Explainer: Why is MSF treating people seeking asylum in the UK? 10th January 2024. https://msf.org.uk/article/explainer-why-msf-treating-people-seeking-asylum-uk [L. s. 04.03.2024].

3.5. START's response

START's work begins as people receive a positive decision. Since September referrals have trebled as the Home Office try to clear space for the people living in hotels. People were previously given 28 days to vacate their asylum accommodation but in August 2023 this was reduced to 7 days, indeed some people's termination of support letters stated that the newly granted refugee should "make immediate arrangements to vacate the premises". Although subsequently rescinded, this sudden change of policy increased people's feelings of vulnerability and put pressure on services.

The housing crisis that has been deepening since before the pandemic means that services for homeless people are at capacity and that street homelessness is now a real possibility. For the first time in 22 years, workers at START are providing sleeping bags and phone contact for refugees forced into rough sleeping. Concerns about whether students would feel discouraged by having to work in such circumstances have not been realised. In contrast, international students, in particular, have been highly motivated to support people by the severity of their circumstances. Being confronted by the desperate situation that refugees are in, stimulates the compassion and human connection students feel towards fellow travellers. Although the students are privileged and at START by choice, they too have experienced some of the difficult consequences of the UK's repositioning as Global Britain.

4. Consequences of Brexit

4.1. Erasmus programme

One of the casualties of Brexit has been international student mobility which had previously been positively thriving. The University of Plymouth had an Erasmus exchange programme for more than 30 years. There was active staff and student mobility across disciplines of public health, law, and social work for example. International conferences, like the one we are enjoying now, were held regularly and there was a particularly memorable occasion in 2002 when a German social work student was working with a group of older adults in an impoverished part of the city and facilitated their attendance at and contribution to a conference about service user participation in her home university in Esslingen.

The Erasmus, now Erasmus plus programme, was set up in 1987 to support, "through lifelong learning, the educational, professional, and personal development of people in education, training, youth and sport, in Europe and beyond, thereby contributing to sustainable growth, quality jobs and social cohesion, to driving innovation and to strengthening European identity and active citizenship".[28] More than 12.5 million students have benefited from the programme and its extension beyond Europe through the Erasmus Mundus scheme. The funding for each renewal has increased and the budget for 2021-2027 is almost double that of the previous programme. From a UK perspective, more European students came to the UK as a study destination than UK students travelling to Europe. This is borne out by the START and University of Plymouth experience where a steady inward flow of international students was not matched to UK students gaining academic credit abroad. This was understandable for social work students in particular because of the very circumscribed requirements for their qualification. Aryal and Nair argue that the imbalance between student numbers received and sent led the UK to believe it "was not reaping enough benefit from the Erasmus programme compared to other nations." If accurate, this conclusion shows a severely myopic understanding of benefit. It assumes that the students who are travelling (and their country of origin) accrue all the benefit. However, if we regard knowledge as something that is co-constructed rather than didactically transmitted, then the presence of international students can be appreciated as a stimulus and challenge to narrow xenophobic/colonial ways of thinking. As educators we are constantly learning with and from our students. International students bring the gift of questions from new perspectives.

[28] Aryal, S.J. and Nair, J., 'The Post-Brexit Impact on the Student Exchange Mobility Programme' Journal of Globalization Studies, 2022. Vol. 13 No. 2, November 2022 76–84 DOI: 10.30884/jogs/2022.02.05.

Regrettably, the Trade and Cooperation Agreement[29] now precludes the UK from participation in Erasmus programmes.

4.2. Turing scheme

The Turing scheme, developed to replace Erasmus, is intended to promote international study for UK nationals without restricting them to destinations in Europe. It was designed to fund up to 38,000 participants in 2022-2023 with more generous allowances than Erasmus for travel. Although a promising opportunity for UK students it has not yet been realised as the actual numbers fell far short at 20,000.[30] At the end of its first year, 79% of universities reported difficulties with the application process. Late confirmation and payment, sometimes after the student had returned, led to drop-out, particularly for those from lower income families. The government's own analysis shows that it has failed to match the previous system even for UK students wanting to study abroad. Also, unlike the Erasmus scheme, the Turing Scheme does not include staff mobility.

For incoming international students, there are new obstacles to be overcome. Undertaking a practical placement is covered by different regulations from those that apply to students registering for academic study. A visitor visa allows people to do a maximum of 30 days volunteering and exceeding that renders them liable for deportation. Practical placements at START must be a minimum of 60 days to allow induction and learning to be enough to make the experience mutually beneficial. Thus, even though incoming students are undertaking certificated educational activities and receive no payment, they are treated as workers and so must have a work visa. The emphasis on controlling inward migration has produced complicated and challenging systems for this.

Over the past 3 years, the university has worked to find ways of ensuring that students wanting to study and take up practical placements in the UK can do so without breaching the immigration rules. To date, students from Germany, Norway and Switzerland have negotiated the obstacles and we look forward to hosting a student from the Netherlands shortly.

5. Lessons from the UK

I have illustrated the experience of voting to leave the European Union, a choice made without detail of what it meant beyond Theresa May's repeated assertion that 'Brexit means Brexit'. I would argue that it introduced a period of greater political insecurity for which no-one was prepared. Opinion polls now reveal that more than 50% of those who voted Leave, regret their action. 62% of people surveyed think Brexit is 'more of a failure' and only 9% that it is more of a success. Support to re-join the EU is more than 60% but most seriously, there has been an increase in cynicism and apathy. The referendum and its consequences have significantly undermined trust in politics as people understand that their interests are not represented through government actions.

In this period of dis-integration, control of inward migration has been constructed as a measure of government effectiveness, allowing the further dehumanising and scapegoating of people seeking asylum who arrive by irregular means.

I have shown how the law can be used in the service of such a narrative and, equally how it can be invoked to control power structures and preserve democracy. The micro-focus on START gives life to the potential for preserving human rights that exist in difficult times, and the importance of engaging students in practical emancipatory work.

As a social worker and academic activist, I am committed to the strengths approach - working with the current conditions without accepting that dis-integration is inevitable, looking for allies and staying open to possibility. I believe we can preserve democracy through non-hierarchical

[29] Trade and Co-operation Agreement, 2020. https://commission.europa.eu/strategy-and-policy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement en#free-trade-agreement [L. s. 04.03.2024].
[30] Weale, S., Post-Brexit student exchange scheme 'hit by funding delays' The Guardian, 4th January 2024 replacement-scheme-inadequate-analysis-finds.

international relationships that preserve and promote human and environmental rights. Universities have a critical role here in that they provide an educational pathway to promote international learning, co-operation, and consensus. Our practice promotes active global citizenship for the professionals of the future.

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CHALLENGES AND PROSPECTS OF COOPERATION BETWEEN THE COUNTRIES OF THE SOUTH CAUCASUS: THE CONTEXT OF THE EASTERN PARTNERSHIP INITIATIVE

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Abstract

In today's increasingly intensified international competition and the world full of growing threats, the need to deepen cooperative relations between states is being activated with new force. World history is full of examples of both militaristic and political associations that were formed and changed according to specific historical circumstances.

No less important unions, the formation of which has an economic basis. In this case, the main motive of cooperation is to obtain a synergistic effect and strengthen positions on a global scale, to gain an advantage in the competitive struggle, to use existing resources and conditions more fully and effectively, etc.

A new understanding of cooperation is the implementation of the political initiative - Eastern Partnership by the European Union, which allows the Eastern neighboring countries of the European Union to start closer cooperation both with the member states and with each other, which can be considered as a new formula for their future success.

The Eastern Partnership initiative is a very big contribution from the European Union to the stability and development of the Eastern neighboring countries and, at the same time, it is a very good opportunity to support European security and the achievement of global goals. That is why the right steps taken by both sides lead to the achievement of multifaceted positive results for all parties involved.

From the mentioned point of view, it is especially important for the European Union to promote the development of the South Caucasus states when they become supporters of the international order and regulations. We consider this to be one of the important directions in which the cooperation between the EU member states and the countries of the Eastern Partnership (including the South Caucasus) should be developed. Therefore, it is a mutual interest and mutual need, which should be well understood by all EU member states.

Keywords: Eastern partisanship; regional commons; Regional cooperation

Introduction

In the modern world, in the conditions of increasingly intense international competition and growing threats, the need to deepen cooperation between states and regions is becoming more and more active. World history is full of precedents of both militaristic and political associations, which were created and changed according to specific historical circumstances. For example, during the American Revolution, the American colonies, supported by France, fought against Britain. But in both world wars of the 20th century, the United States, Great Britain, and France joined forces against Germany. Later, during the Cold War, these four countries stood together against the former Soviet Union and the Eastern Bloc countries. Currently, Western and Eastern Europe, Great Britain, USA, Canada, etc.,

have united against Russia and fully supported Ukraine. We want to remember the words of Winston Churchill: "We have no lasting friends, no lasting enemies, only lasting interests." It is the "interests" (in the listed cases, mainly political and military) that lead to the rapprochement and confrontation of the states.

At the modern stage, more and more importance is given to unions, the formation of which has an economic basis. In this case, the main motive of cooperation is to obtain a synergistic effect and strengthen positions on a global scale, to gain an advantage in the competitive struggle, to use existing resources and conditions more fully and effectively, to jointly deal with current challenges, etc.

A new understanding of cooperation is represented by the EU's political initiative - the Eastern Partnership, which allows its eastern neighboring countries to start closer cooperation both with the EU member states and with each other, which can be considered a new formula for their future success. The mentioned initiative, based on its content, is not limited to political or economic motives and covers a much wider range of problems, such as social, human rights, ecological, etc.

Cooperation of this nature is appearing to us as a mutually beneficial process, which should result in more dynamic, rule-of-law based, society-oriented, stable regions (eg: Europe, South Caucasus) and states, that will be united not only by economic and political interests, but also by values, principles, future visions and aspirations.

Based on the challenges and tasks facing Georgia, within the scope of this work, we have set as the goal of the study the analysis of the current situation of cooperation between the countries of the South Caucasus and the possibilities of its deepening, taking into account the global, common regional and intra-state approaches and developing recommendations based on them in terms of further improvement of the situation. The purpose of the research determined the structure of the work, within the scope of which the discussion developed in three main directions: description of the idea of Eastern Partnership in the context of the South Caucasus region, analysis of the current situation in the region, development of recommendations regarding future prospects.

1. "Eastern Partnership" as a global strategy for rapprochement with the European Union and its regional context

The Eastern Partnership[1], as it is known, is a political initiative aimed at deepening and strengthening relations between the European Union (member states) and its six eastern neighbors (Azerbaijan, Belarus, Republic of Moldova, Georgia, Armenia, Ukraine). In July 2021, Belarus officially withdrew from the initiative. Since the activation of the partnership until today, a number of important changes have taken place in the world, which have had a significant impact on the content of the initiative and the attitude towards a specific country, which has also reflected on the perspective of each of them. It is necessary to emphasize the fact that the "Eastern Partnership" should not be seen as an alternative to the prospect of joining the European Union. On the contrary, its purpose is to promote the deepening of the integration process of the partner countries in the European Union, the spread of common values and economic development.

Within the framework of the initiative, both the implementation of the European Neighborhood Policy (ENP) is promoted and concrete perspectives are offered to the partner countries, in order to achieve full rapprochement with the European Union, and it is focused on the further improvement of the economic and political situation through the support of reforms. In order to achieve this, bilateral and

[1] The European Commission published the Communiqué on "Eastern Partnership" on December 3, 2008, which was approved by the European Council on March 19, 2009.

multilateral cooperation formats are being developed. Bilateral cooperation is focused on the creation of a broad political and legal framework, while multilateral cooperation ensures the deepening of cooperation in the fields of common interests and the development of opportunities to jointly overcome existing challenges. It involves the strengthening of regional cooperation by creating joint projects in such topical areas as security, migration, trade, transport, energy, environmental protection, etc.

Within the framework of the European Neighborhood Policy, joint priorities for cooperation have been developed, which correspond to the challenges of our time and are adapted to the development of the region. In addition to good governance, democracy, rule of law and human rights, three other sets of joint priorities have been identified, each covering a wide number of areas of cooperation:

1) economic development, with a view to stabilization;
2) the security dimension and
3) migration and mobility.

Bilateral cooperation with most neighboring countries is drawn up by joint documents (partnership priorities, association agenda or similar). They are signed between the partner country, the European Union and its member states and establish the political and economic priorities of cooperation.

The EU's relations with its neighbors are guided by its global strategy,[2] which, among other important priorities, places significant emphasis on regional cooperation. A lot of attention is paid to the regional context in the "Eastern Partnership" project, within which one of the priority directions for using accumulated monetary resources is "regional development programs". The main goal of it is to maximize the reduction of economic and social differences between the partner countries. In addition, the "Eastern Partnership" agreement especially emphasizes the importance of cooperation based on the principle of joint ownership, which promotes equal distribution of responsibility for all participating parties. Such an approach takes the cooperation between the states (also in the South Caucasus) to a completely new level, focusing on combining efforts and coordinated actions. The term "region" can include both internal regions of individual states, as well as bilateral, sub-regional, inter-regional connections and even global players associated with regional (including joint) initiatives.

EU regional cooperation is based on specific regional strategies, such as, for example, the "Eastern Partnership" and the "New Agenda for the Mediterranean". Strategic priorities of regional cooperation are further reflected in regional multi-year indicative programs. Regional cooperation complements national aid programs, solves regional challenges, promotes cooperation between partners, etc. The EU also supports cross-border cooperation (CBC) between EU countries and neighboring countries that share land or sea borders. Transboundary cooperation also includes transnational cooperation within larger transnational territories or around sea basins and interregional cooperation. The CBC programs aim to support sustainable development across the EU's external borders, reduce disparities in living standards and address common challenges beyond these borders.

Within the framework of bilateral cooperation, Georgia has achieved significant success and we have already signed an "Association Agreement", Agreement on "Deep and Comprehensive Free Trade Area", Agreement on "Visa Facilitation and Readmission". Although, in this regard, Georgia has made more progress compared to other countries of the South Caucasus, but the current situation does not allow for relaxation, and further integration with the Euro-Atlantic structures is still facing a number of challenges.

It is true that the rest of the states of the South Caucasus are still far from a similar result, but following the change in the world geo-political situation and the reduction of Russian influence in our region, the further acceleration of integration into the Euro-Atlantic structures appears to us to be a very real process.

[2] Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign and Security Policy, available at: https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf [L. s. 14.03.2024].

2. Modern economic alliances and prospects for the development of economic cooperation in the South Caucasus

The situation created in the modern world (globalization, continuing crisis situations, new world order, etc.) significantly conditions the deepening of economic cooperation between states and the formation of various unions. Of course, this process is not only characteristic of modernity and it has a centuries-old history. In general, economic alliances imply cooperation between states in monetary and other resources, optimal use of national wealth and other areas. However, at the modern stage, as a result of the growth of economic globalization and financial integration, the growth of the interdependence of the economies of countries and regions, economic alliances have experienced a qualitative change and it can be said that they have moved to a new level of development.

A great example of an economic alliance is NAFTA (North Atlantic Free Trade Agreement), which eliminated many tariffs between Mexico, Canada, and the United States. Another good example of an economic alliance is the European Union - a group of European countries that agreed to recognize the euro as an official currency, unify customs borders, converge financial markets, etc.

Economic integration processes are mainly active among young and developing states. For example, we can mention: Benelux, Latin American Association for Integration, Central American Common Market, Caribbean Union, West African Economic Union, Swami and others. The positive results of cooperation are particularly evident in times of crises and unions, and close cooperation is of crucial importance both at the global and regional levels.

The experience gained and the results achieved in the field of economic cooperation and alliance formation in the world make us think that it is appropriate for the states of the South Caucasus to fully study the world experience and think about the future close economic rapprochement with each other.[3]

We can freely say that the world has entered the era of establishing a new global order. Consequently, countries like Georgia should review their foreign and domestic economic visions and respond to current changes and new opportunities as soon as possible. We will find here that a complex approach to the issue of this scale is necessary, which should mean the use of opportunities of partner and friendly countries and the activation of regional cooperation to enter international markets. This is because, in most cases, it is cooperation at the international level that is the guarantee of overcoming problems, because independently countries, comparatively, have a hard time dealing with challenges that cannot be predicted and, therefore, prevented in fact.

Based on the above, we think that the use of similar approaches by the countries of the South Caucasus is necessary, which will gain even more importance in the near future. Moreover, following the decline of Russia's influence in the region, the common European aspirations of the South Caucasus states (especially among the representatives of the younger generation) are becoming more and more evident. The time is not far when Georgia, Azerbaijan and Armenia will deepen their efforts towards economic rapprochement and finding ways to jointly overcome global challenges, in which the Eastern Partnership initiative can play an essential role. Therefore, the research and analysis of this process becomes more and more important.

Based on the above, we consider one of the important challenges facing the countries of the South Caucasus to be the search for cooperation opportunities and main directions on a regional scale, in order to overcome the current crises and achieve success in global competition.

3. "Regional Commons" - a possible new direction of regional cooperation

Within the framework of the Eastern Partnership (and not only), while discussing the prospects of cooperation between the countries of the South Caucasus, it is also possible to activate the issue of the so-called "Global commons". As a result of rapid economic development, growing international trade and multiple crises, a more chaotic international space is created and new challenges emerge. This is especially true for issues that are of a general human nature and cannot be limited to any one country

[3] Gavtadze, G. The role of local budgets in the regional policy of the state, monograph, Kutaisi, (in Georgian). 1999.

or group of countries. The so-called "Global commons" are areas that are not under the control or jurisdiction of any state, but are open to use by countries, companies, and individuals from around the world.

At the international level, their management is connected with increasingly complex processes in terms of meeting the interests, responsibilities and unification of the efforts of states, international organizations and non-governmental organizations. The management process is effective if there are appropriate regulations, binding agreements, institutionalized governing bodies and effective enforcement mechanisms. If we look at the experience of the last decade, it is easy to notice that for those challenges that are not covered by the UN legal framework (for example, air and sea pollution), more and more stakeholders are fighting to protect these global commons. As such, we can consider leading states and international organizations, as well as individual activists and volunteers.

It is true that such interests are dynamically growing, but this does not mean that they are trying to fundamentally change or violate the globally agreed rules of the game and existing approaches to governance. Many authors share the opinion that they do not have a declared interest, and moreover, they do not have the power to "disrupt the existing approaches to general management in the modern liberal international order."[4] However, it should also be noted that the parties involved in the process Increasingly diverse, multiple, and competing interests unwilling to shoulder the costs associated with protecting the common good will likely continue to attempt to influence management efforts to suit their own interests. In this case, in order to maintain stability, it is necessary to take a more prominent place in the development of similar globally managed processes, as well as regional players, whose interest and influence on the respective territory is much greater than that of other interested parties. Moreover, examples of this already exist, even in the form of the European Union and its policies.

The attitude of the European Union and Eastern Partnership countries, especially the South Caucasus (as an interconnected and compact region) to the mentioned issue, can be explained as follows: the leading place in the world system of managing global commons is occupied by the USA, which is the direct initiator in this direction of a number of institutions of international importance (ITLOS, ICAO, ITU). Therefore, it has a healthy ambition to be an independent, unique leader in this field, which means that it will not give up its own positions, even in favor of international unions. Therefore, any multilateral agreement on carbon emissions, marine pollution, space debris management and other issues that are not regulated by international agreements may require additional initiatives and involvement from both the EU and developing countries or groups of countries.

The European Union maintains the binding function and gives impetus to the building of institutions, strengthening and perfection of the normative base. This may cause South Caucasus countries and various interested parties (if they decide to get closer to the EU and, moreover, to join) to review and rethink their strategies, goals and interests.

We note here that different regions of the world are rapidly gaining strength and establishing positions in the global context. Consequently, in the future, it will be increasingly difficult to motivate them to unite and contribute to a common rules-based order, if it is not their desire. It is true that the EU has limited leverage to exert direct influence on the various "powerful players" of the world to push them to cooperate on certain issues, but it can promote the development of international institutions and individual regions to limit any attempts to disrupt existing joint agreements. These include:[5]

- On the one hand, the language of "responsibility", which is often used by Western countries in order to pressure developing states to change their approach to various issues,
- On the other hand, the language of "rights" that emphasizes the right of states and individuals to access and protect common goods.

[4] Gerald, Stang. Global commons: Between cooperation and competition, European Union Institute for Security Studies (EUISS), 2013. https://www.jstor.org/stable/pdf/resrep06840.pdf?refreqid=fastly-default%3A391713f440b9b773ec61c5562b6cdf8f&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&origin=&initiator=search-results&acceptTC=1 [L. s. 14.03.2024].

[5] Gerald, Stang. Global commons: Between cooperation and competition, European Union Institute for Security Studies (EUISS), 2013. https://www.jstor.org/stable/pdf/resrep06840.pdf?refreqid=fastly-default%3A391713f440b9b773ec61c5562b6cdf8f&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&origin=&initiator=search-results&acceptTC=1 [L. s. 14.03.2024].

Based on the above, if we shift the emphasis to the regional level, then together with "global", we can also talk about "regional commons". The wording, of course, is conditional and aims to expand the area of regional cooperation, taking into account the global context and unifying efforts to overcome common problems. Taking into account the location, potential and future prospects of the South Caucasus region, the directions for deepening intra-regional cooperation and the management of "regional commons" may be highlighted as follows:

- Cyber space, which is one of the biggest challenges for the modern world. It is related to the issue of state security and significantly determines economic stability. Therefore, the formation of a unified policy, the maximum convergence of legislation, the introduction of standards, the mutual exchange of data, may be the key issues in which direction we will begin to deepen cooperation;
- Digital infrastructure, the strengthening of which should ensure the maximum reduction of differences in Internet access, the strengthening of interstate electronic commerce opportunities, the increase in the scale of online education and, in general, the raising of the level of access to education, etc.;
- Management systems, which should be perfected and strengthened in accordance with the spirit of public administration reform, the idea of "good governance", and the goals of sustainable development developed by the United Nations. It should mean: diversity and maximum convergence of public services, their online availability, etc.;
- The function of the transport corridor is one of the most important, which will increase the possibility of establishing the South Caucasus as a transport-logistics hub. For this purpose, it is necessary to cooperate in the direction of simplifying and speeding up the circulation of relevant documents and information between the borders, convergence of the corresponding systems, etc.

Moreover, all of the above is reflected in EU4Digital[6] and Eastern Partnership initiatives, and their development is one of the powerful means of achieving the goals.

In view of the modern challenges of state development, the deepening of cooperation between the countries of the South Caucasus should be focused on overcoming such challenges as:

- formation of a sustainable, stable and integrated economy in the region, promotion of small and medium businesses; unifying efforts in terms of employment and labor migration regulation;
- Public administration reform and sustainable integrated development of local governments;
- Unification of efforts in the direction of the problems caused by climate change and the formation and development of environmental systems; prevention, preparedness and fight against natural and man-made disasters;
- Construction of a legal, democratic, social state and formation of an inclusive society;
- Further strengthening of higher education and research potential, promoting the formation of a solidary civil society;
- Strengthening of energy systems, increasing energy efficiency and maximum limitation of energy dependence on Russia, increasing the intensity of use of renewable energy sources;
- Integrated border management, etc.[7]

Achieving success in deepening the economic cooperation between the countries of the South Caucasus depends a lot on the discussion and good understanding of similar examples. In this regard, one of the best can be considered the existing models of cooperation between the Baltic and Eastern European states, which has been repeatedly reviewed by various authors (including us). Like the Baltic countries, the vision of the South Caucasus states should be directed towards the formation of three interrelated unified economic models. This will make it possible to create an integrated economic zone in our region, where there will be common factors and connections, however, adequate space will be provided for maintaining the individuality of each participating party, with a view to the prospects of further integration into the Euro-Atlantic structures.

[6] In more detail: https://eufordigital.eu/geo/discover-eu/the-eu4digital-initiative/ [L. s. 14.03.2024].
[7] Avalable at: https://www.consileum.europa.eu/media/53527/20211215-eap-joint-declaration-en.pdf [L. s. 14.03.2024].

Cooperation in the management of "Regional commons", in our opinion, can be considered in close connection with the issue of "Regional value chains" as deepening of economic cooperation and provision of economic development. Global and regional value chains (GRVC) [8] are known to have driven the growth of international trade since 1990, and now account for almost half of all trade. This process led to an unprecedented economic convergence - poor countries began to grow faster and get closer to rich countries. However, after the 2008 global financial crisis, the pandemic, and now the Russia-Ukraine war, trade growth has slowed and the expansion of GRVCs has stalled.

Based on the listed problems, the trade-based growth model has been facing serious threats for almost twenty years, the reasons for which can be considered as follows:

- New technologies bring production closer to the customer and may reduce the demand for labor resources;
- Conflicts between large states may lead to reduction and/or segmentation of GRVCs;
- It can be said that the world has entered the era of establishing a new global order, which essentially increases uncertainty and makes future prospects unpredictable;

Even a few years ago, the World Bank's World Development Report 2020 noted the following: The trade for development paradigm, in the era of global value chains, discusses whether the path to development is still through trade and GRVCs. It concludes that technological change is, at this point, more of a boon than a problem, and that GRVCs can continue to stimulate growth, create better and more jobs, and reduce poverty, provided that developing countries implement deeper reforms to promote participation in these "chains.", and the industrialized countries will implement an open, predictable policy, and all countries will restore and develop multilateral cooperation. [9] The last two conditions mentioned here are fully in line with the idea and spirit of the Eastern Partnership.

A similar situation is not alien to the small and developing countries of Europe, Asia or South America. Therefore, for the further improvement of the current situation with us, it is appropriate to get to know, share and use their experience, as we mentioned in connection with the examples of the Baltic States.

Conclusions

The deepening of cooperation between the states of the South Caucasus, in addition to the economic one, is caused by quite strong political events. The processes taking place in these countries are quite complex and contradictory and are influenced by many factors, both internal and external. In this regard, we consider it worth noting the fact that, at the current stage, the reduction of Russia's influence in the region has a significant positive effect on the expansion of opportunities for deepening cooperation between Georgia, Azerbaijan and Armenia and on ensuring their rapid economic growth, especially since the prerequisites for this (in the field of politics) are already in place.

From the mentioned point of view, in addition to strengthening the assistance of international institutions, it is no less important for the European Union to promote the development of the South Caucasus states when they become supporters of the international order and regulations. We consider this to be one of the important directions in which the cooperation between the EU member states and the countries of the Eastern Partnership (including the South Caucasus) should be developed. Therefore, it is a mutual interest and mutual need, which should be well understood by all EU member states. The Eastern Partnership countries are becoming the guarantors of the security of Central and Western Europe, and this was very clearly confirmed by the examples of Georgia (2008) and then, even more clearly, Ukraine (2014, 2022).

Similar to international cooperation in the context of global commons, in the case of the South Caucasus, we can talk about such special conditions' characteristic of the region as a whole, as well as

[8] GRVC – Global and Regional Value Chains. Often, only GVC is used in the sources, but for the purposes of this article, we will consider the "regional" compiler.
[9] Trading and Development in the Age of Global Value Chains, World Development Report 2020, available at: https://www.worldbank.org/en/publication/wdr2020 [L. s. 14.03.2024].

for individual countries, to which the provision of common-regional access, in general, can become an important prerequisite for the development and competitive advantage of the South Caucasus. First of all, we will consider air, water resources, transport-logistics systems, cyberspace (regional commons), sea, natural resources (individual advantages of states), etc.

It is necessary to note that the management of "regional commons" will be one of the biggest challenges that may arise in the process of ensuring a regional approach to the mentioned issue. Especially, this issue will become acute in crisis situations. Recent crises (for example, the pandemic) have shown us that even the most developed and powerful states, at first, took steps against a joint solution to the problem. Moreover, this can be expected in the case of developing countries. But it should also be noted that "regardless of what kind and scale of problems are created in the modern world, the most effective method of overcoming them can be considered the coordination of efforts and joint actions aimed at overcoming the crisis." At the same time, unification is given a decisive importance, and it does not matter whether it is at the world or regional level."[10]

As a result of the reasoning carried out in this article, we can say that the Eastern Partnership initiative is a very large contribution from the European Union to the stability and development of the Eastern neighboring countries and, at the same time, it is a very good opportunity to support European security and the achievement of global goals. That is why the right steps taken by both sides lead to the achievement of multifaceted positive results for all parties involved.

With the help of the Eastern Partnership, Georgia, Azerbaijan and Armenia gain access to new markets and customers, which is particularly facilitated by free trade agreements. One example of such an agreement is the "Deep and Comprehensive Free Trade Area Agreement with the European Union" signed between the European Union and Georgia. The partnership also facilitates access to new markets for tourism development and offers opportunities for youth.

In summary, we can say that, even if the three countries of the South Caucasus are understood as a single economic sphere, this does not mean that there will be "one size fits all". Obviously, specific solutions, their respective challenges, policy goals, and so on, are country-specific. However, as a whole, the countries of the South Caucasus are desirable to create a closely connected integrated economic zone, as a result of which, in the long term, economic growth in any one country will benefit the unified economy of the region as a whole. And the possible failure of an individual country will be covered (insured) by the overall potential of the region.

[10] Gavtadze, G., Karchkhadze, S., „Possibilities of Specialized Development of Economy and Deepening of Regional Cooperation in South Caucasus States", journal "Bulletin of Akaki Tsereteli State University", #2(20), Kutaisi, 2022. https://moambe.atsu.edu.ge/ge/article/432 [L. s. 14.03.2024].

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ORDOLIBERAL SOCIO-ECONOMIC POLICY AS A MODEL OF REFORMS FOR THE EASTERN PARTNERSHIP COUNTRIES[1]

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Abstract

The Ordoliberal economic policy is a valuable source of inspiration for many countries wanting to reform their political and socio-economic systems. It is also a valuable "object" of research and analysis. Ordoliberalism was initially introduced only in the Western occupation zones, then, after the reunification of Germany in 1990, it was extended to the area of the former German Democratic Republic and, to some extent, constituted a reference point for reforms in the countries of Central Europe. In turn, the Eastern Partnership is an initiative based on close cooperation between the EU and six Eastern European countries that are not members of the EU structures. It was inaugurated ten years ago on the initiative of Poland and Sweden.

This publication tries to answer the question to what extent the German experience with ordoliberalism can be useful for countries undergoing the process of systemic transformation, with particular emphasis on the countries of Eastern Partnership countries. The analysis was prepared using the institutional and legal method, while the main source base were available scientific publications and published documents.

Keywords: Ordoliberalism, Eastern Partnership, Social Market Economy.

Introduction

Since its inception, ordoliberalism has become an extremely significant economic model, inspiring many countries to undertake political and socio-economic reforms. Its influence extends not only to Western regions, where it was initially introduced, but also to Central and Eastern European areas. Simultaneously, the Eastern Partnership Initiative, initiated by Poland and Sweden, constitutes a crucial pillar of cooperation between the European Union and six Eastern European countries outside the EU structures. In the face of challenges related to systemic transformation processes, the question of leveraging German ordoliberal experience becomes exceedingly relevant. Can economic policy models such as ordoliberalism serve as effective tools for Eastern Partnership countries in their pursuit of systemic reforms?

In scientific research concerning ordoliberalism and its potential application in the context of the Eastern Partnership, several key trends can be observed. Firstly, there are studies analyzing the principles and philosophy of ordoliberalism, as well as its impact on the economic and social development of Germany, especially after World War II. These studies seek to understand how ordoliberal economic policies have influenced the shaping of institutions and economic stability in the country.

Secondly, there are works that examine the adaptation of ordoliberal principles in Central European countries following the collapse of the communist system. These studies aim to assess how ordoliberalism could be applied in the context of political and economic transformation, as well as its advantages and limitations in these contexts.

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Thirdly, research on the Eastern Partnership focuses on analyzing the cooperation between the European Union and Eastern European countries such as Ukraine, Moldova, and Georgia. These studies aim to identify areas of mutual interest and potential benefits arising from enhanced cooperation, including the application of appropriate economic policy models.

In the context of these research trends, this article seeks to contribute to the discussion by enhancing the understanding of the potential benefits and challenges associated with utilizing ordoliberalism as a reform model for Eastern Partnership countries. Through the analysis of existing research and its own interpretation, this article aims to enrich the scientific debate on the role of ordoliberalism in addressing contemporary socio-economic challenges.

1. Ordoliberalism in Theoretical Perspective

The origins of the ordoliberal school trace back to the 1930s[2]. The conventional date marking the emergence of ordoliberalism can be attributed to the establishment of the so-called Freiburg Circle in 1938, which brought together prominent figures such as Walter Eucken, Franz Böhm, Alexander Rüstow, Adolf Lampe, Leonhard Miksch, and Constantin von Dietze.

Ordoliberalism can be regarded as a German variant of liberalism characterized by its emphasis on order (Ordnung). Its roots can be traced back to German historicism, a movement that emphasized the special role of state power and rejected concepts of a self-regulating economy. Justyna Bokajło argues that ordoliberalism is a philosophical-political trend intended to address the escalating "crisis of capitalism" coinciding with the Great Depression, advocating for a departure from laissez-faire principles and centralized economic management[3]. In practice, this meant that ordoliberals advocated for the so-called "third way," which would serve as a solution between unfettered economic freedom and the constraints imposed by central control. According to Elżbieta Mączyńska, the foundation of ordoliberalism as a theoretical strand in economics lies in the ideas of "ordo," the essence of which is the establishment of an order corresponding to human nature and ensuring balance in the economy[4]. In this context, the role of a strong state is crucial, which will not merely limit itself to the function of a "night watchman" but actively engage in organizing and fostering competition within the framework of an economic order based on free competition[5]. The construction of an order stemming from the ordoliberal concept of a social market economy, both in Poland and in Central and Eastern Europe, requires the state to establish stable, inviolable legal and institutional rules ensuring market competition in the long term, among both entrepreneurs and individuals. Such an order should be understood in terms of Ordnung and the equilibrium structure of "ordo," from which the term ordoliberalism derives[6]. To make this possible, it is necessary in socio-economic practice to adhere to the principles defined by Walter Eucken as main, constitutive, and regulatory for the economic order.

One of the fundamental principles of ordoliberalism is individual freedom, as it enables autonomous decision-making. Consequently, it allows for the self-realization of individuals and the preservation of human dignity[7]. According to Ludwig Erhard, a person is only truly free when they are capable of restraining themselves in situations where freedom would cause harm to others or merely be arbitrary self-will[8]. The researcher believed that the most effective way to safeguard individual freedom is by

[2] Goldschmidt, N., Die Entstehung der Freiburger Kreise, 2015. p. 9. www.kas.de [L.s. 10.01.2024].
[3] Bokajło, J., Społeczna Gospodarka Rynkowa jako instrument walki politycznej wpływający na kształt ładu społeczno-gospodarczego RFN – prolegomena, 2014. [in:] P. Pysz, A. Grabska, M. Moszyński (red.), Spontaniczne i stanowione elementy ładu gospodarczego w procesie transformacji – dryf ładu czy jego doskonalenie? PTE, Warszawa, p. 299.
[4] E. Mączyńska Ordoliberalizm – użyteczność w warunkach nieładu instytucjonalnego, [in:] P. Pysz, A. Grabska, M. Moszyński (red.), Ład gospodarczy a współczesna ekonomia, PWN, Warszawa, 2014. p. 111.
[5] Bokajło, J., Społeczna …, op. cit., s. 301.
[6] Brdulak, J., Florczak, E., Gardziński T., Uspołecznienie kapitalizmu w Europie Środkowo-Wschodniej, „Myśl Ekonomiczna i Polityczna", 2019. Nr. 1(64), p.79.
[7] Bokajło, J., Niemieckie ordo i społeczna gospodarka rynkowa w procesie europeizacji, „Przegląd Zachodni", 2017. Nr. 2, p. 266-268.
[8] Pysz, P., Społeczna gospodarka rynkowa. Ordoliberalna koncepcja polityki gospodarczej, PWN, Warszawa, 2008. p.100-103.

limiting state power, which, in his opinion, is achievable only within a market-based economic system[9].

Another important principle of the ordoliberal concept of economic policy is the principle of competition. Franz Böhm expressed his views on competition, stating that "it is the best tool in history for limiting power, as it places the consumer at the center of attention"[10]. Competition is therefore crucial because it allows for the elimination of planning and regulation problems, ensuring consumer freedom. Moreover, it forces market participants to innovate, advance technologically, be creative, and maintain discipline, thereby contributing to increased production efficiency and enabling income and profit distribution based on performance. Another advantage of competition is preventing the emergence of monopolies and limiting economic and political power, thus ensuring citizens' freedom beyond the realm of the economy. Due to the fact that competition requires high performance from market participants, tendencies to limit it will always arise among entrepreneurs. Therefore, the most important role of the state should be to provide conditions for intense competition[11].

For Ludwig Erhard, a crucial element of state activity was supplementing economic policy with social policy to ensure a dignified life for those in need. This means that in ordoliberalism, social policy is an integral part of economic policy under the assumption that individuals, out of a sense of responsibility, must first take care of their own security. Only when all possibilities fail would they receive assistance from the state[12].

The principles constituting the economic order, as formulated by Walter Eucken, are of fundamental importance for the efficient functioning of a competitive economic order[13]. They are formulated in the following seven points:[14]

1. The functioning of a market economy is based on private property, as the direct consequence of common ownership is collective responsibility, which often results in its absence in practice. Private property has the advantage of promoting responsible treatment, leading to greater efficiency and better utilization of resources. However, it should be noted that Walter Eucken also recognized the risk associated with excessive ownership concentration, which paradoxically could pose a potential threat to the market economy. Therefore, he emphasized that private property cannot be used to create monopolistic structures, and it is the task of the state to counteract this process.
2. Only stable and exchangeable currency guarantees price comparison with their global counterparts. This allows market participants - producers and consumers - to easily calculate and plan, enabling them to make adequate consumption and investment decisions. Inflation or deflation disrupts the proper functioning of the price mechanism as a measure of the scarcity of goods.
3. Free formation of prices in markets activates the price mechanism, which, in addition to its informational function, also serves as an indicator of the scarcity of goods and resources. Compared to centrally planned economies, where prices were centrally regulated, the freely operating price mechanism signals consumer needs that must be taken into account by producers if they want to remain competitive in the market. It is essential for the smooth functioning of the market economy, ensuring that prices and their relationships accurately reflect the scarcity of goods and resources
4. Freedom to contract and settle guarantees that no economic initiative will be hindered. However, it is necessary for restrictions on competition, such as the formation of monopolistic agreements or cartels, to be removed through active competition policy.

[9] Schlecht, O., Ordnungspolitik für eine zukunftsfähige Marktwirtschaft, FAZ, Frankfurt a.M., 2001. p. 15.
[10] Böhm, F., Demokratie und ökonomische Macht, [in:] F. Böhm (ed.), Kartelle und Monopole im modernen Recht, C.F. Müller, Karlsruhe, 1961. p. 22.
[11] Erhard, L., Wohlstand für alle, ECON Verlag, Düsseldorf, 2000. p. 9.
[12] Florczak, E., Gardziński, T., Social Enterprise in the Order of Social Market Economy. "International Journal of New Economics and Social Sciences", 2019. 1(9), p. 127-145.
[13] Grabska, A., Moszyński, M., Pysz, P., Stanowiony i spontaniczny ład gospodarczy w procesie transformacji systemowej Polski i byłej NRD, Instytut Badań Gospodarczych, Toruń, 2014. p. 45.
[14] Eucken, W., Grundsätze der Wirtschaftspolitik, UTB, Tübingen, 2004. p. 254-291.

5. Full accountability of business owners for decisions and actions taken. Any forms of limiting this accountability and shifting the consequences of erroneous decisions onto other participants in economic activity and society are considered manifestations of monopolistic tendencies.
6. Stability is a fundamental requirement of economic policy. When economic policy is not sufficiently stable, then the competitive order cannot function fully.
7. The final constitutive principle is market openness. It enables the integration of domestic industry into the international division of labor. At the same time, open markets hinder entrepreneurs from abusing power and exploiting workers, and they also counteract monopolization.

Adhering solely to the principles constituting the economic order does not yet guarantee an economically efficient and socially accepted process of economic management. Therefore, Walter Eucken also defined principles regulating the economic order, which translate into specific actions in economic practice. Under the concept of regulating principles, Walter Eucken understood all those areas commonly associated with competition policy, social policy, business cycle policy, and structural policy[15]. The author defines four regulating principles related to current actions in the process of economic management[16]. These are: 1) monopoly control, 2) income policy, 3) economic calculation, and 4) regulations concerning anomalies on the supply side. As rightly noted by Piotr Pysz, "the policy of shaping a competitive economic order based on constitutive principles, and the policy tools applied to realize its regulating principles, should constitute a coherent whole" [17].

In summary, ordoliberalism considers the market economy and private property as key elements of the economic system. Unlike other liberal doctrines, ordoliberalism does not attribute crucial importance to the market mechanism in regulating social processes. Hence, it advocates for the coordination of political and economic goals and for state supervision to establish a smoothly functioning market system[18]. This approach appears to be a fundamental difference between ordoliberalism and the popular late 20th-century neoliberal doctrine, which believes that a smoothly functioning market system can emerge without state intervention. Experiences of countries undergoing systemic transformation confirm the validity of ordoliberal assumptions in this regard.

Ordoliberals also recognized serious risks associated with the efforts of private entities to create monopolies, which would in turn limit market competition. However, they allowed for the possibility of the existence of so-called "technical monopolies" in exceptional circumstances, whose activities would be related to the production and provision of services fundamental to society. Consequently, they also agreed to limited state ownership in the market economy, for example, in the banking or mining sectors[19]. Ordoliberals also identified threats to competition freedom from the state, mainly through its negative impact on entrepreneurs. The solution to this problem was seen in limiting the role of the state to creating legal and institutional frameworks for economic activity development.

The goal of the competition order proposed in ordoliberalism is primarily to achieve a fair distribution of the income generated by society. This doctrine assumes the necessity of a comprehensive approach to the realities of economic life[20]. The state should strive to protect weaker individuals, prevent injustices, and create conditions for ensuring social peace and harmonious coexistence of different social strata, as only in this way can prosperity be achieved and maintained. It is important, however, that the state, through its activities, does not limit the individual initiatives of individual units[21].

[15] Enste, D.H., Soziale Marktwirtschaft aus ordnungspolitischer Sicht, Roman Herzog Institut e.V., München, 2006. p. 5-8.
[16] Eucken, W., Grundsätze …, op. cit., 2004. s. 291-304.
[17] Pysz, P., Społeczna …, op. cit., 2008. s. 74.
[18] Piecuch, W., Ordoliberalizm i społeczna gospodarka rynkowa, 2023. p. 5.
http://www.wpia.us.edu.pl/sites/wpia.us.edu.pl/files/addressbook/9212/eak2_artykul.pdf [L.s. 11.12.2023].
[19] Ibid, p. 6.
[20] Mączyńska, E., Pysz, P., Liberalizm-neoliberalizm-ordoliberalizm, 2015. p. 11. www.pte.pl [L.s.11.02.2024].
[21] Piecuch, W., Ordoliberalizm …, op. cit., 2023. p. 7.

2. Eastern Partnership - initiative overview

The Eastern Partnership is a European Union initiative defining the eastern dimension of EU policy established within the framework of the European Neighborhood Policy. The initiative, conceived by Polish diplomacy in collaboration with Swedish diplomacy, aims to deepen cooperation with six eastern neighbors of the EU, namely Belarus, Ukraine, Moldova, Georgia, Azerbaijan, and Armenia. The Eastern Partnership was launched in 2009[22].

The genesis of the Eastern Partnership has its roots in the EU neighborhood policy, which aims to support stability, democracy, the rule of law, and economic development in the region neighboring the European Union[23]. The Eastern Partnership was created in response to the desire of these countries to approach the EU and their interest in cooperation in political, economic, social, and cultural areas. Implementation of the project is intended to include trade preferences, visa facilitation, and aid programs. According to the intentions of the Polish government, in the longer term, the Eastern Partnership is to prepare the countries covered by it for accession. The initiative received support from the President of the European Commission and the leaders of the other EU countries during the June summit of the European Council in 2008. The initiative was supposed to be based on the gradual integration of the six aforementioned partner countries into EU projects and the integration of their economies with the EU single market. However, it should be emphasized that the Eastern Partnership is not one of the stages of EU enlargement policy, therefore it does not guarantee membership to the participating countries[24]. Characteristics of the Eastern Partnership encompass four main areas of cooperation:

1. Political and social reforms: Supporting processes of democratization, institution-building, human rights protection, gender equality, and combating corruption.
2. Economy and sustainable development: Supporting economic reforms, trade liberalization, infrastructure development, energy, and sustainable development.
3. Mobility and security: Promoting people-to-people exchanges, cultural cooperation, as well as strengthening cooperation in the field of security, including combating crime and terrorism.
4. Energy: Supporting energy efficiency, renewable energy development, and improving energy security in the region.

Cooperation within the Eastern Partnership occurs at various levels, both bilaterally and multilaterally. The EU supports projects aimed at strengthening democracy, the labor market, education, as well as socio-economic development in the countries covered by the Eastern Partnership. It is worth noting that the political situation and relations with the European Union differ among the individual countries covered by the Eastern Partnership. Some of these countries express clear aspirations to join the EU, while others maintain more diverse relations with the Union. For example, Belarus maintains a more independent policy, and its relations with the EU are currently limited by the political situation in the country.

The position of individual EU member states regarding the establishment of the Eastern Partnership was diverse. The Visegrad Group member states, Sweden, and the Baltic states played the most significant role in initiating and implementing the program. Germany's approach was crucial for building consensus; initially skeptical about political integration with Eastern European countries, Germany showed significant support for economic integration. Romania and Bulgaria, which joined the EU in 2007, supported the initiative while expressing concern about the potential duplication of tasks between the Partnership and the Black Sea Synergy. Countries such as France, Spain, Greece, Portugal, Cyprus, and Malta supported the plans to establish the Eastern Partnership due to the need to support democratization processes in the post-Soviet territory but were concerned about reducing

[22] Mizerska-Wrotkowska, M., Geneza i instytucjonalizacja Partnerstwa Wschodniego [in:] Między sąsiedztwem i integracją. Założenia, funkcjonowanie i perspektywy Partnerstwa Wschodniego Unii Europejskiej, Warszawa, 2011. p. 43-44.
[23] Fiszer, J.M., Stanowisko Rosji wobec akcesji Polski do NATO i Unii Europejskiej, „Myśl Ekonomiczna i Polityczna" nr 1, 2018. p. 278.
[24] Jesień, L., Eastern Partnership – Strengthened ENP Cooperation with Willing Neighbours, „PISM Strategic Files" 3/2008, 2008. p. 7.www.pism.pl/zalaczniki/Strategic_File_3.pdf [L.s.15.01.2024].

funding for the southern dimension of the European Neighborhood Policy. The initiative was also supported by the United Kingdom and Turkey, which is a candidate for EU membership[25].

3. To what extent can ordoliberalism be attractive to Eastern Partnership countries?

Ordoliberalism, as an economic model, can bring several potential benefits to Eastern Partnership countries, which are still seeking not only stability but primarily economic development. The first benefit of potentially implementing ordoliberalism in Eastern Partnership countries is the possibility of ensuring institutional stability. Ordoliberalism promotes strong regulatory institutions, which are crucial for ensuring economic and political stability. For Eastern Partnership countries, which have often struggled with problems of corruption, weak institutions, and political instability, adopting ordoliberal principles can help build solid institutional foundations.

Another benefit is the understanding and acceptance by the governments of these countries that the market is the main driver of growth, but a market that will be "controllable" - contrary to, for example, a liberal approach. For Eastern Partnership countries undergoing economic transformation processes after the fall of the communist system, promoting free-market principles may be crucial for stimulating investment, economic growth, and job creation, and due to substantive supervision, it can serve to build trust both in the market and in the state.

In connection with the aforementioned trust, another potential benefit may be the building of a culture of financial responsibility. Ordoliberalism emphasizes the importance of financial responsibility and sustainable management of public finances. For Eastern Partnership countries, which often struggle with public debt and ineffective management of state finances, adopting ordoliberal principles can help build a healthy and stable financial foundation.

Competition and innovation: Ordoliberalism favors competition as a factor stimulating innovation and economic efficiency. For Eastern Partnership countries, which often face problems of monopolistic economic structures and lack of innovation, promoting healthy competition can accelerate the modernization process and improve competitiveness in international markets. The last of the potential benefits is related to ensuring an important place for small and medium-sized enterprises (SMEs) in the concept of economic policy. It should be emphasized that the ordoliberal approach emphasizes support for SMEs as a key element of economic development. For Eastern Partnership countries, where the SME sector can be a significant driver of economic growth and job creation, promoting ordoliberal policies can contribute to the development of the private sector.

4. What difficulties might Eastern Partnership countries encounter when implementing a reform model based on ordoliberal socio-economic policy?

Implementing a model of reforms based on ordoliberal social-economic policy may encounter several challenges for the Eastern Partnership countries. The potential implementation of such reforms does not necessarily guarantee only benefits but may also generate various difficulties. Firstly, there might be a limited awareness and societal acceptance of the processes inherent in this model. The ordoliberal model advocates for market freedom and competition, which may face societal resistance, especially if the population does not fully understand or accept the assumptions of this model or is attached to traditional customs. Lack of societal support can hinder reform implementation and expose the government to protests and social resistance.

These difficulties associated with acceptance and societal awareness can exacerbate challenges in restructuring economic sectors. Implementing ordoliberal policy may necessitate the restructuring and liberalization of various economic sectors, which may encounter resistance from societal interest groups striving to maintain their privileges and positions in the market, which they could lose. This can be particularly evident in disputes where conflicts of interest arise. Implementing ordoliberal

[25] Zawadzka, S., Dekada Partnerstwa Wschodniego – stan obecny i wizja rozwoju w unijnym dyskursie politycznym, „Studia Wschodnioeuropejskie", nr 10, 2019. p. 6.

reforms may face resistance from oligarchic structures and business interests striving to maintain their positions and privileges formed during the Soviet era.

Finally, challenges in implementing a model based on ordoliberal social-economic policy may stem from a tense geopolitical situation and political uncertainty. Essentially, all Eastern Partnership countries find themselves in a region characterized by high geopolitical dynamics, where the European Union competes with Russia for political and economic influence. Geopolitical tensions may limit the opportunities for reform implementation and expose countries to external pressure, hindering effective reform implementation.

As a result, Eastern Partnership countries may encounter numerous difficulties and challenges when attempting to implement ordoliberal social-economic policy, requiring flexibility, determination, and support from the international community, including the European Union.

Conclusions

The popularization of the German economic model, rooted in ordoliberalism, is a natural consequence of the increasing importance of Germany's role in Europe. Germany primarily shapes the development directions of the European Union in the economic sphere, and its voice in making key decisions both within the EU and in its immediate vicinity is decisive in many matters. Faced with the growing strength of populist groups and the consolidation of authoritarianism in Russia and Belarus, the fundamental question becomes how to counter the threats to liberal democracy. Ordoliberals already recognized numerous risks associated with mass democracy, assuming the possibility of irrational trends and even totalitarian tendencies. Therefore, they considered actions by the state aimed at reducing social inequalities and ensuring a fair income distribution to be justified and reasonable. In their opinion, this was to serve the defense of freedom - fundamental to a democratic and market-oriented state system[26]. Decentralization of power, both state and private, also serves a similar function.

Ordoliberalism constitutes an interesting point of reference and a valuable source of inspiration for many countries facing the reform of their own economic systems. A characteristic feature of the German economic model is its high productivity and efficiency, combined with low unemployment and stable prices[27]. Similarly, numerous solutions in the field of social policy or labor market policy seem to be an interesting point of reference for creators of socio-economic policy in other countries.

Therefore, when attempting to assess the utility of ordoliberalism in building a democratic political system with a market economy, particular attention should be paid to the specific political, economic, and socio-cultural conditions of a given country. There are no two countries in the world with identical political solutions, and attempts to directly implement system solutions effective in one country often end in failure. The market economy functioning in most countries has numerous faces, and where capitalism based on ordoliberalism is just one of many possible patterns for reforms. The German government, cooperating with international organizations and assisting numerous countries in reforming their economies, often exerts pressure to implement reforms strictly according to German patterns and recommendations, which often leads to unnecessary tensions and conflicts - even if these recommendations could prove effective in the long run. Assuming that Germany would increase its engagement in the process of reforming Eastern Partnership countries, similar behavior from Germany can be expected. This attitude contains a certain paradox because one of the fundamental assumptions of ordoliberalism is taking responsibility for one's own actions. By excessively intervening in decisions made by other countries, it constitutes a contradiction in itself, although it should be noted that external intervention often determines the success of reforms - especially in the initial phase, when new institutions are being built, and emerging difficulties in the social and economic spheres discourage societies from consistently implementing the reform path.

[26] Willgerodt,, H., Peacock, A., German Liberalism and Economic Revival, [in:] A.T. Peacock, H. Willgerodt (ed.), Germany's Social Market Economy: Origins and Evolution, Palgrave Macmillan, New York 1989, p. 6.
[27] Cichocki, M.A., Zmiana niemieckiego paradygmatu w Europie, „Analizy Natolińskie" nr 2(54), 2012. p. 2.

In this context, it is particularly important to create an attractive and achievable perspective of integration with a bloc of states with similar systemic solutions. After almost 15 years of existence of the Eastern Partnership, we can certainly state that in the face of numerous problems faced by the European Union, but also in the current geopolitical situation in Eastern Europe, the prospect of integrating Eastern European countries into European structures becomes an even greater challenge. This process is not helped by numerous disintegrative tendencies within the EU itself. In practice, this means that the possibility of democratizing these countries and adopting Western European standards will be difficult to achieve. It should even be expected that due to the numerous problems in these countries (unemployment, corruption, poor economic situation, or unstable political situation), these countries are more likely to drift towards authoritarian regimes rather than democratic ones. Nevertheless, ordoliberalism still constitutes a valuable source of inspiration for other countries, including Eastern Partnership countries, in terms of implementing liberal democracy and a market economy.

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JURISDICTION OF TRANSNATIONAL ADMINISTRATIVE-LEGAL ACTS IN THE PROCESS OF EUROPEAN INTEGRATION

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Abstract

Transnational administrative-legal acts exhibit the feature of exerting influence not only within the jurisdiction of the originating state but also across the borders, encompassing the territories of other states. Such acts are one form of harmonization and "integration" of activities within the European Union.

The European integration process entails progressively aligning and synchronizing laws, policies, and regulations across European Union member states to establish a unified market and foster deeper political and economic collaboration. This progression involved the delegation of specific governmental authorities from national administrations to EU institutions. Consequently, transnational administrative-legal acts play a crucial role in promoting and regulating this integration.

European Union law exerts a varied impact on the collaboration and organization of administrative entities, along with its influence on the judiciary. In part, this includes the obligation to recognize administrative bodies or judicial decisions of other states.However, there are few areas in which the enforcement of EU law is fully regulated by national law. There are frequent cases where the enforcement standards of the member states are applied to the law of the European Union, which, in some cases, damages the idea of a unified application of the law of the European Union.

Transnational administrative-legal acts often require cooperation and coordination among member states in order to effectively address existing challenges. The European integration process promotes this cooperation through various mechanisms.

In this way, it is important that when applying the national legal norms, the practical realization of the objective of the European Union norm is not hindered and, at the same time, the national interests of the candidate country are not harmed. This concerns the application of both substantive and procedural law norms.

The present article discusses the issue of transnational administrative-legal acts in the process of European integration; The typology of transnational administrative-legal acts is presented, the precedents of the European Court of Justice and their influence on the principle of territoriality and the right to effective justice are analyzed.

Keywords: Transnational administrative-legal act, Jurisdiction

Introduction

Jurisdiction is a separation of powers tool within the court system that resolves the question of which court has jurisdiction to hear a case and make a decision.[28]

It can be said that Jurisdiction fulfills two main functions: first, cases are distributed as evenly as possible, across the country, among courts of the same level, according to the area of operation; Second - the international jurisdiction of the courts of this or that country is determined - the question of which state's judicial system should resolve the dispute between the parties is resolved.[29]

[28] Kobakhidze, A., Civil Procedure Law, Tbilisi, "Sakartvelos Matsne" 2003, 253.
[29] Liluashvili, B., "International Cout of Justice, The legal nature of the agreement between parties", 6, 7-8, Scientific Journal Law and the World. 2017.

Due to the dynamism of the development of public law-relations, the complexity of national enforcement systems, the lack of clarity of the applicable criteria and the diversity of adjacent situations, disputes about enforcement cannot be avoided.[30]This issue has serious legal consequences, since if the court made a mistake in the proceedings and considered a case that was not within its jurisdiction, its decision may be overturned. In the context of international arbitration, additionally, the decision made by the court may not be enforced and, at the same time, seriously "damage" the sovereignty of this or that country, especially when the cases concern transnational administrative-legal acts.

The problem acquires special relevance on the path of Georgia's European integration, since the introduction of the enforcement mechanisms of the European Union legislation will call into question the borders of Georgia's national and European jurisdiction. In the areas within which the member states enforce the law of the Union, there is an obligation to observe the relevant norms of the law of the Union. This requirement includes substantive, organizational and procedural law.

It is important to note that when considering the question of enforcement of transnational administrative-legal acts, courts often need to decide how to apply and interpret these acts in their own legal framework.

Overall, the territorial scope of transnational administrative-legal acts in the context of European integration reflects the difficulty of balancing national sovereignty with the need for harmonized rules and regulations to facilitate cross-border cooperation and trade.

The legislation of the European Union provides for such cases when the court of a member state can recognize as invalid an individual administrative-legal act issued by an administrative body of another member state. Introducing such a form of territorial jurisdiction will be a completely new institution for the Georgian reality, therefore it is important to study its positive and negative aspects.

The decisions of the administrative bodies of the member states in the Union, in some cases, are made through indirect administration, in particular, "co-administration", or "mixed administration", which makes it even more difficult to resolve the issues of dispensation, in case of a dispute - especially, in the background when, in the European Even within the Union, this issue has not yet been settled to the end and is being resolved by court practice.

Nevertheless, before considering the internationalization of courts, it is appropriate to define the concept and signs of transnational administrative-legal acts in order to better understand the issues of internationalization of the settlement of disputes arising on their basis.

1. Transnational administrative-legal act

In any country, administrative bodies use various legal forms of activity to exercise their powers, among which the individual administrative-legal act occupies a special place, which is a way of individualizing and concretizing the legal order.[31]

It is one of the important tools for the implementation of the own authority by the administrative body. Based on the principle of the rule of law, it is important for the regulatory legal basis for the issuance of an individual administrative-legal act to be as clear, understandable and unambiguous as possible, which will give the interested parties the opportunity to protect their rights and interests, if they are harmed based on this act[32].

An individual administrative-legal act is an act authorized by the state or municipality (official) in accordance with the law, adopted (issued), mandatory for execution, which is one-time and/or affects a limited circle of persons. The effect of such acts is also limited in space, i.e. with territorial jurisdiction.

[30] Kopaleishvili, M., Skhirtladze, N., Kardava, E., Turava, P., Textbook for Administrative procedural law, Tbilisi, 2008, 141.
[31] Turava, P., Phirtskhalashvili, A., Kardava, E., “Administrative production in public service”, Tbilisi, 2020, 115.
[32] Makaridze, D., The legal nature of the individual administrative legal act, Scientific Journal Law, 1, 2016. 364.

It has legal force in the territory over which the state sovereignty extends, or the competence of its issuing authority. As a rule, such a space is the territory of the state, with officially recognized borders.

One of the "unique forms" of an individual administrative-legal act is known in administrative law - a transnational administrative-legal act.

Transnational is an administrative-legal act issued by the administrative body of one country, the effect of which, for example, on the basis of an international treaty or agreement, goes beyond the jurisdiction of the country that issued it, and extends to the territory of another country; In addition, it has binding force for execution[33]. It acquires such power automatically or based on the recognition of the relevant body of another country.

In this case, in addition to territorial jurisdiction, the concept of extra-territorial jurisdiction is used with such legal acts, which means that the jurisdiction of the state can also be extended to the situation that is created outside its territory.[34]

Transnational administrative-legal acts are widely used within the framework of the European Union and through them the harmonization of the activities of the administrative bodies of the member states is carried out. at the horizontal level[35]. The same can be said about the candidate countries. The closer the third country is to the European Union, the more demands the latter places on it in terms of legal harmonization[36].This process is based on the principles of mutual trust and recognition, through which a space without national borders is created and maintained.[37]

Union law forms the legal basis for issuing transnational administrative-legal acts in the European Union. Although transnational administrative-legal acts have cross-border effects, they still remain legal acts of the issuing state and are fully subject to the legal regime of the issuing state, However, when the issue concerns the extension of the validity of such acts to the territory of another member state, it is mainly based on the principle of mutual trust. For the current legal configuration of European integration, the realization of the principle of mutual trust remains a difficult task, Because the member states still do not have enough confidence in the standards of each other's legal system.[38]

In order to better understand the concept of a transnational administrative-legal act, it is appropriate to review its types. In legal literature, transnational administrative-legal acts are divided into two groups: acts without transnational effect[39] and acts with transnational effect.

The act is without transnational effect, when it is necessary to examine such circumstances, facts, and evidence that arose in the territory of another country and their acquisition was carried out within the framework of the principle of mutual recognition. A classic example of such acts are the acts issued

[33] Gerontas, A., Deterritorialization in Administrative Law: Exploring Transnational Administrative Decisions, Columbia Journal of European Law, 2013, 427. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2367124 [L. s. 09.02.2024].
[34] Antelava, T., "Extraterritorial Jurisdiction Test in the Case Law of the European Court of Human Rights: Lack of Consistency from Bankovich to Alaskan, Constitutional and International Mechanisms of Human Rights Protection", Article Collection, Tbilisi, 2010, 11, https://lawlibrary.info/ge/books/giz2010-ge-Mechanismen-des-Menschenrechtschutzes.pdf [L.s. 09.02.2024].
[35] Harmonization of the activities of administrative bodies at the horizontal level, within the framework of the European Union, implies the cooperation of the administrative bodies of the member states with each other, with the obligation to exchange information. In addition, in many areas, member states are obliged to recognize and take into account the decisions of administrative bodies of other states (Articles 197, 337 of the Treaty on the Functioning of the European Union). available here: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF [L. s. 09.02.2024].
[36] Surmava, L., The issue of compliance of Georgian legislation with EU legislation in the field of state aid, dissertation, TSU, 2012.
[37] Judgment of the Court (Fourth Chamber) 10.11. 2016. Openbaar Ministerie v. Ruslanas Kovalkovas, Case C-477/16 PPU. Para. 27, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62016CJ0477&qid=1691400673399 [L.s.09.02.2024].
[38] Mirianashvili, G., "Conflicting human rights protection standards within the framework of the Council of Europe and the European Union in the field of extradition", dissertation, TSU, 2020, 148.
[39] Acts without transnational effect are acts whose effect does not directly extend to the territory of another country, but directly affect the issuance of administrative legal acts in another country, that is, without them, administrative proceedings in another country will not end with the issuance of an act.

on the basis of the worldwide taxation principle[40], on the basis of which the income received by legal and natural persons from activities performed in another country will be taxed in the country where the act was adopted, or in the country of residence. Often, in the case of taxation in the country of source of income, in order to avoid double taxation, the country of residence undertakes to credit the taxpayer with the tax paid in the country of source of income. Accordingly, all acts issued in the tax field will be based on facts and evidence obtained in the territory of this country as well as in other countries[41].

The issuance of such transnational administrative-legal acts is provided for in the Directive 2011/92/EU on the environmental impact of public and private projects.[42] According to which, if a public or private project is implemented in the territory of one member state and affects the environment of another member state, then the latter can initiate a separate administrative proceeding related to the environmental impact. During such proceedings, when examining the evidence, circumstances and facts, it is possible to use the documentation obtained in the administrative proceedings started in another member state.[43]

Acts of recognition are also without transnational effect. A classic example of this is driving licenses. 2006/126/EC Directive on driving licenses[44], which is based on the principle of mutual recognition of driving licenses, It is determined that, if the authorities of one Member State have issued a driver's license in accordance with the Directive, other Member States are not entitled to require the holder to provide documentation in order to verify compliance with the requirements for issuing a driver's license.

The presence of a driving license issued by a Member State shall be considered as evidence that its holder has complied with the requirements of the Directive at the date of issue of the license in the Member State where the document was issued[45]. However, there is an exception to this rule, namely, according to Article 11, Paragraph 4 of the Directive, "... [subparagraph 2] a Member State may refuse to recognize any driving license issued by another Member State to an applicant, if his driving license restricted, suspended, or revoked [cancelled] in the territory of the first State".

In this context, the Court of Justice of the European Union stated that the case provided for in Article 11(4)(2) of the Directive is a "derogation" from the general principle of mutual recognition of driving licenses and must therefore be interpreted strictly as an exception.[46]

Thus, the above-mentioned example shows us that a member state has the possibility to refuse to recognize the legal force of a transnational administrative-legal act issued by another member state, if there is a proper reason for this, and this is determined by the legislation of the European Union.

Nevertheless, the decision of the administrative body of the member state on non-applicability of the transnational administrative-legal act in its own territory has no influence on the effect of this act in other member states. The same can be said about the validity of the administrative-legal act.

As mentioned, the second category of transnational administrative-legal acts includes acts that have a transnational effect. When issuing such an act, any member state can give it extraterritorial force, ie. to extend its action to the territory of another country. This can have both factual and legal consequences. Granting such force to acts is usually regulated by an international treaty; Based on the legislation of the European Union, acts with transnational effect can be divided into two groups: acts

[40] The Notion of "Transnationality" in Administrative Law: Taxonomy and Judicial Review, German Law Journal (2021), 22, 329, https://www.cambridge.org/core/journals/german-law-journal/article/notion-of-transnationality-in-administrative-law-taxonomy-and-judicial-review/795DBE31244E0F882346B79E0F40C41A [L.s. 09.02.2024].
[41] UN Model Convention on Double Taxation Between Developed and Developing Countries, Article 23.
[42] Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC - Commission Declaration. available here: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0018 [L.s. 09.02.2024].
[43] see Footnote 15. Article 7.
[44] Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast) (Text with EEA relevance). https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006L0126 [L.s. 09.02.2024].
[45] see Footnote 17. Article 11.
[46] Opinion of Advocate General Bot delivered on 10 November 2011, Wolfgang Hofmann v. Freistaat Bayern, Case C-419/10, para. 64, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62010CC0419 [L.s.09.02.2024].

that are granted extraterritoriality automatically, immediately upon issuance, and acts that require the recognition of that country in order to extend their validity to the territory of another country.

The administrative-legal act, immediately after its issuance, has the effect of extraterritoriality, if this is provided for by the legislation of the Union. For example, Article 19, paragraph 1 of Directive 2001/18/EC on the Intentional Release of Genetically Modified Organisms provides that if written consent has been given to the use of genetically modified organisms in a member state, then the use of these products is allowed throughout the Union.[47]

Accordingly, such a decision, according to the existing rules, automatically has a transnational effect, although there may be such a case when the administrative-legal act issued by a foreign state enters the regime of necessary recognition - it will also affect a specific territory, although the foreign state will be able to request the person authorized by the act (the addressee of the act)) to comply with additional conditions arising from the national legislation of the addressee state.

Failure to comply with these conditions will lead to a violation of the national legislation of the Member State, with the possibility of imposing administrative responsibility, although this will not affect the transnational effect of this act. For example, in Directive 2016/1629/EC on the establishment of technical requirements for inland [land] navigation vessels,[48] it is provided that Union inland navigation certificates are issued by the competent authorities of the Member States and have a transnational effect on the territory of the Union, However, other Member States may require the holder of such a certificate to comply with additional requirements for navigation certification imposed by the Member State concerned.

In the second case, the extraterritoriality of the administrative-legal act depends on the recognition by the addressee country; Another example of this is Directive 98/5/EC,[49] according to which the admission of a lawyer of one country to perform professional duties in the territory of another country requires a decision of the relevant body of the host country.

In addition to the described cases, there are situations when the act, by its nature, can simultaneously be a carrier of transnational effect and without it. For example, with the 2011/92/EU directive, the case of two independent administrative proceedings on the same project in different countries is envisaged, when this project affects both countries[50].

The fact that the implementation of the project in one of the countries depends on the administrative-legal act issued in the other, the decision, and the request for specific information, on the basis of which the act is adopted, remains without transnational effect.

2. Determination of the trial court

The role of each government body in the system is determined, first of all, by the importance and scope of the issues assigned to it. To resolve these issues, each body is equipped with appropriate procedural, material-legal and organizational-legal powers.[51]

The court making the decision to accept the lawsuit must, among other issues, decide one of the most important ones, namely, the issue of witchcraft. The court is obliged, on its own initiative, to check

[47] Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the Deliberate Release into the Environment of Genetically Modified Organisms. Article 19, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0018 [L.s. 09.02.2024].
[48] Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L1629 [L. s. 09.02.2024].
[49] Ibid.
[50] Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained. available here https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31998L0005 [L. s. 09.02.2024].
[51] Demetrashvili, A., Kobakhidze, I., "Constitutional Law" Tbilisi, 2011, 352.

this component, at the stage of admissibility of the claim,[52] i.e. He must determine his authority to consider and resolve the dispute.

Among the courts, according to the rules of arbitration, the distribution of disputes serves the purpose of access to justice on the spot, the economy and efficiency of the process[53], while taking into account the form of public administration, the principles, the goals of the territorial division of the administrative body, and the particularities of the specific dispute.

Assessment of legality of transnational administrative-legal acts is closely related to state sovereignty and territoriality; Consequently, the rules of appeasement established in private international law cannot be applied to such acts.[54] Thus, when assessing the legality of these acts, along with the substantive issue, the issue of territorial encroachment should be resolved independently[55] This implies the division of courts according to the territory over which the activity of a given court extends.[56] According to the general principle, the court of one country is not authorized to assess the legality of an administrative-legal act issued in another country and thus, potentially, affect the legality of an administrative-legal act issued in another country. The dispute must be resolved on the basis of national legislation, based on the interests of the claimant, taking into account the principles of effectiveness and equivalence.[57]

by the court of the country from which the act originates. The sign of belonging to the legal relationship refers to the place of validity of the norms regulating the disputed legal relationship.[58]

Despite the recognized general principle, the legislation of the European Union, in relation to transnational administrative-legal acts, provides for such cases when a court of a member state can recognize as invalid an individual administrative-legal act issued by an administrative body of another member state and its legal effect extends not only to the country issuing the decision in the territory, but also on the entire union.

Such a thing is allowed, only if it is explicitly stipulated by the legislation of the European Union. For example, paragraph 1 of Article 34 of the Visa Code of the Union provides[59], visa will be invalidated if it becomes clear that the conditions for its issuance were not fulfilled at the time of issuance, especially if there are substantial reasons to suspect fraudulent acquisition. Typically, the competent authorities of the issuing Member State will invalidate the visa. However, another Member State's competent authorities may also invalidate the visa, in which case the authorities of the issuing Member State will be notified of the annulment.

In this regard, the judicial practice of European justice is also interesting, which, taking into account the principle of "sincere cooperation" operating within the Union, It makes all national courts responsible for the correct enforcement of EU law and enables them to declare invalid an act issued in another country if European law can be applied in the case of annulment. The European Court of Justice, which interprets EU law and resolves disputes regarding the application of European law, plays an important role in resolving the issue of enforcement of transnational administrative-legal

[52] Kurdadze, S., Khunashvili, N., "Civil Procedural Law of Georgia, Tbilisi", 2012, 174.
[53] Decision No. BS-96 (G-19) of the Administrative Affairs Chamber of the Supreme Court of Georgia December 9, 2019.
[54] Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (recast). (https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R1215). [L. s. 09.02.2024]. Article 1. The act does not apply to administrative cases, including the responsibility of the administrative body and the implementation of the state's powers for any action or inaction.
[55] Decision No. BS-507 (G-23) of the Administrative Affairs Chamber of the Supreme Court of Georgia. May 17, 2023.
[56] Decision No. BS-1398 (G-22) of the Administrative Affairs Chamber of the Supreme Court of Georgia. December 7, 2022.
[57] Muir, E., Eliantonio, M., „Conclusions on the "Proceduralisation" of EU Law Through the Backdoor, Final Version in a Special Issue of Review of Administrative Law, 2015/1 Forthcoming, Maastricht Faculty of Law Working Paper No. 2015/2. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2620729 [L.s. 09.02.2024].
[58] Ruling of the Administrative Affairs Chamber of the Supreme Court of Georgia dated September 26, 2020 NBS-748 (G-19).
[59] Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). available here: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009R0810 [L.s. 09.02.2024].

acts. Persons affected by transnational administrative-legal acts may apply to the court of justice and request protection of the right and clarifications regarding the legislation of the Union.

When solving the issue of enforcement of transnational administrative-legal acts, the European Court of Justice uses the Charter of Fundamental Rights of the European Union[60] as a source of law.

and Union legislation. Under the Charter, private individuals are non-privileged litigants (unlike member states and bodies) within the Union's judicial system. Their participation in the direct process is possible only in lawsuits filed regarding the invalidity of administrative-legal acts. At the same time, a private person is obliged to prove his locus standi - that the contested administrative-legal act directly and individually concerns them[61].

The individual connection of the confirmation with the legislation of the European Union, which is more general in nature than the national legislation, creates a big problem in practice. It is not only the types of European regulations that do not require harmonization that cause disputes.

During legal disputes, the member states are considered as the subject of the Charter, based on Article 51, only if they apply European legislation[62], which narrows the category of cases under consideration and makes the use of this mechanism ineffective, although the content of this article of the Charter has been expanded and clarified by the practice of the European Court of Justice. , that "the court is authorized to assess the actions of member states in terms of human rights protection in cases where these actions fall within the scope of European Union law".[63]

Despite the scarce practice of the European Court of Justice on witchcraft cases, there are still interesting decisions in this direction; The Grand Chamber of the Court made a decision on the "Berlioz case[64]in which the French tax authority sent the Luxembourg tax authority a request for information on "Berlioz" in accordance with Directive 2011/16/EU on administrative cooperation in the field of taxation[65] Accordingly. After receiving the request and studying the circumstances of the case, it was determined that the French tax authority was requesting information about "Berlioz's" subsidiary company Cofima in order to determine the issue of accounting for taxes paid by "Berlioz" abroad (in Luxembourg).

According to the decision of the head of the Luxembourg tax authority, based on the national tax legislation, Berlioz was required to provide additional information regarding the taxes paid[66].

The company provided information to the Luxembourg tax authority only to the extent required by the directive.[67]

It did not take into account the additional requirements stipulated by the Luxembourg legislation. Berlioz was fined 250,000 euros for not providing complete information[68]. The imposed fine was appealed to the Luxembourg court.

[60] The Charter of Fundamental Rights of the European Union. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12016P/TXT&rid=3 [L.s 09.02.2024].
[61] Papava, I., "The Charter of Fundamental Rights of the European Union as an Instrument for the Protection of Human Rights", (2019) #13, Scientific Journal Law and the World, 83. http://www.library.court.ge/upload/20702020-12-23.pdf [L.s. 09.02.2024]
[62] See footnote 34, Article 52.
[63] Judgment of the Court (First Chamber) of 18.12.1997 Daniele Annibaldi v. Sindaco del Comune di Guidonia and Presidente Regione Lazio, Case C-309/96, Para. 12. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A61996CJ0309 [L. s. 09.02.2024].
[64] Judgment of the Court (Grand Chamber) of 16,05,2017, Berlioz Investment Fund SA v. Directeur de l'administration des contributions directes, Case C-682/15, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62015CJ0682&qid=1691400960941 [L.s. 09.02.2024].
[65] Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC. https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32011L0016 [L.s. 09.02.2024].
[66] see Footnote 38, p. 36 and 37.
[67] see Footnote 38, p. 24.
[68] see Footnote 38, p. 25.

The claimant sought annulment of the act on the grounds that it was issued based on a French administrative-legal act and therefore should have been considered within the framework of the information required by the administrative-legal act issued by the French tax authorities.[69]

The question before the European Court of Justice was to assess the scope of control of the Luxembourg tax authority in relation to the administrative-legal act issued by the French tax authority. The European Court of Justice held that the Luxembourg court was the competent court to review the legality of the act issued by the French administrative authorities within the framework of the directive.[70]Since he was assigned the obligation to fulfill the secondary legislation of the European Union. This decision can be evaluated as the enforcement of the law of the European Union.[71]

A similar decision was made in the Donelan case, which related to the regulations established by Directive 2010/24/EU[72]. The European Court of Justice has confirmed that the national court is authorized not only to review the legality of the administrative-legal act of another member state and to recognize it as invalid, but also to discuss the manner of preparation and issuance of the act. According to the factual circumstances, Donnellan, an Irish citizen, challenged the fine imposed by the Greek customs authority in an Irish court and requested the annulment of the fine act[73]. Pursuant to the directive, the Greek administrative authority requested the relevant Irish authority to enforce the decision, which the relevant authority did. [74] Donnellan appealed against the decision of the Irish authorities on the grounds that he was not afforded an effective remedy in Greece because he was unaware of the penalty and only learned of it during the enforcement phase[75].

In this case, the European Court of Justice discussed two issues: on the one hand, the principle of mutual recognition, which obliged the Irish authorities to implement the decision of the relevant Greek authority, and on the other hand, the effect on legal protection. Donnellan was not given the possibility of such a defense, since he was not aware of the decision of the relevant Greek authority and could not appeal the act. This, in turn, required the relevant Irish authority to refuse to enforce the Act[76].

The Court emphasized the importance of the principle of mutual trust, especially in the case of enforcement of mutual assistance mechanisms. The subject must have the opportunity to appeal the actions of the member state[77],Both in the courts of this member state and in the courts of the country that enforces the act. A system of mutual assistance, based on the principle of mutual trust, increases legal certainty between member states, when a person can challenge a decision in the country of enforcement as well. Accordingly, the Irish court was deemed to be the arbitral tribunal to review the legality of the Greek decision to impose the fine[78].

Thus, if a member state does not provide a person with effective judicial protection, in connection with an administrative-legal act, this justifies the court case of another member state[79].

A similar decision was made by the court on the refusal to issue a Schengen visa, which was based on the refusal issued by another member state. It should be noted that such a resolution of the issue, which allows the national court to review the administrative-legal acts of another member state, based

[69] see Footnote 38, p. 26.
[70] see Footnote 38, p. 59.
[71] see Footnote 38, p. 82.
[72] Council Directive 2010/24/EU of 16 March 2010 Concerning Mutual Assistance for the Recovery of Claims Relating to Taxes, Duties and other Measures, https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:084:0001:0012:EN:PDF [L.s. 09.02.2024].
[73] Judgment of the Court (Second Chamber) of 26 April 2018, Eamonn Donnellan v. The Revenue Commissioners, Case C-34/17, para. 30, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62017CJ0034 [L. s. 09.02.2024].
[74] see Footnote 46, p. 32.
[75] see Footnote 46, p. 32.
[76] see Footnote 46, p. 38.
[77] see Footnote 46, p. 45.
[78] see Footnote 46, p. 46.
[79] see Footnote 46, p. 40.

on the legislation of the European Union, has been recognized by the highest instance of the French Administrative Court In the Forabosco case[80]

Thus, the Court of Justice of the European Union has contributed by making decisions on the cases of annulment of transnational administrative-legal acts, thus opening the possibility for the national courts of the member states to indirectly assess the legality of the administrative-legal act issued in other member states, based on the content and scope of the secondary law sources of the European Union.

Conclusion

The review of transnational administrative-legal acts showed that such acts in the European Union are adopted by the administrative body of the member state. They operate on the territory of other member states, without recognition by the latter through special procedures.

These acts constitute a significant intervention in the jurisdiction of another Member State and therefore strict conditions for the admissibility of their actions must be met. The complexity and interconnectedness of transnational administrative-legal acts is a significant challenge for the judicial system of any country, which often lacks the necessary traditional authority to resolve these disputes.

Transnational administrative-legal acts are both a challenge and an opportunity in the process of European integration. By establishing a common legal framework, promoting cooperation between member states and providing effective mechanisms for transnational acts, the European Union strives to harmonize regulations, protect fundamental rights and promote cross-border cooperation.

As the European Union continues to expand, the consideration of transnational administrative-legal acts and the study of their applicability require constant efforts on the way to adapt to the new reality by the candidate states.

Transnational administrative-legal acts can have a significant impact on fundamental rights and values. Protection of rights is unthinkable without administrative justice. The competence of administrative courts in the European Union is based on laws and judicial practice, general and exceptional rules established by historical metamorphoses;[81] The latter, sometimes, expand or limit the scope of administrative justice, therefore, the judicial practice established by the member states and the European Court of Justice is important. Although the concept of a transnational administrative-legal act is not new in European law, it is less clear about the issues of enforcement, unlike in the private legal field. In relation to these acts, on the one hand, when determining the adjudicating court, the principle of territoriality is used, when the national court is deprived of the opportunity to consider the issue of legality of the administrative-legal act of another country, since it is protected by jurisdictional immunity and adjudication is based on national law. On the other hand, the national court is considered a competent court, To verify the legality of the act issued by the administrative bodies of another member state, within the framework of the legislation of the European Union, since it is assigned the obligation to fulfill the secondary law of the Union. On the other hand, in the case of consideration of a transnational administrative-legal act by a court of another member state, the application of this principle should not harm the right to effective court protection.

Along with the development of the European integration process, the consolidation of transnational administrative-legal acts will remain one of the central issues. Strengthening of the common legal base

Efforts to deepen cooperation between member and candidate countries and mechanisms to grant legal force to transnational administrative-legal acts at both the European and national levels, which will play a key role in the path of Georgia's European integration.

[80] see Footnote 13, 341.
[81] Ruling of the Administrative Affairs Chamber of the Supreme Court of Georgia of May 11, 2022 No.: BS-204-204 (C-18).

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EUROPEANIZATION OF GEORGIA: RECEPTION OF EUROPEAN PUBLIC LAW IN GEORGIA

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Abstract

European integration is a supranational form of cooperation based and developed on the foundation of broad consensus of the states. Europeanization of law with European interpretation is a demonstrative process of convergence of national and supranational legal systems in the space of European integration, which is not only a nebulous political act, but a more binding and legal definition.[1]

The Association Agreement (AA) signed between the European Union and Georgia on June 27, 2014, expresses absolute respect for the sovereignty, and territorial integrity of the internationally recognized borders of the Georgia. European association is a foreign and domestic policy priority declared by the Georgian people. The instrument for the implementation of this policy is the association agreement and legal approximation.

The opportunity of complex transformation within the framework of the Association Agreement is a great advantage for present and future generations. From the historical perspective, the full and successful implementation of the legal reforms determined by the association agenda is a normative prerequisite for the European Union which provides a unique opportunity for Europeanization of the country.[2]

The association agreement envisages the gradual convergence of the national legislation of Georgia with the legal acts of the European Union and international legal regulations. One of the areas of legal approximation is public procurement, which falls under the exclusive jurisdiction of the European Union. The Europeanization of state procurement, as the declared political will of the Georgian state, requires the transposition of European legal experience into national law.

In accordance with the association agreement[3], the public procurement law of Georgia should be adapted to the public procurement law of the European Union (gradual approximation). In order to ensure the fulfillment of the obligations defined by the agreement and the convergence of the state procurement legislation with the EU directives, Georgia adopted the Law of Georgia "On Public Procurement" adjusted to the European public procurement law.[4] With the implementation of the Law of Georgia "On Public Procurement", the currently valid regulation of the Law of Georgia "On State Procurement" is declared invalid and the European public law is adopted into the national law.[5]

Keywords: Association Agreement, Public Procurement, Disputes Centre, Sanctioning of Contractor.

Introduction

The European Union is the only supranational organization. Its formation and development in various fields was carried out at the expense of reducing and receding the sovereignty of its member states.[6]

[1] Kalichava, K., Europeanization of Georgian Administrative Law in Terms of European Integration - Past Experience and Future Perspectives, Journal of Law, No. 2, 2017, p. 296.

[2] Gegeshidze, A., Georgia's European Perspective: How to Approach the Future, Opening of Georgia's European Perspective, Levan Mikeladze Foundation, Tbilisi, 2018, p. 12.

[3] Article 146, "Association Agreement between Georgia, on the One Hand, and the European Union and the European Atomic Energy Union and Their Member States, on the Other Hand", 2014.

[4]The main tender definitions of the Law of Georgia "On Public Procurement" will come into effect on January 1, 2025.

[5]„The Law of Georgia "On State Procurement" is declared invalid from January 1, 2025 - the date of entry into force of the Law of Georgia "On Public Procurement".

[6] Pirtskhalashvili, A., Mirianashvili G., Human Rights Protection Policy in European Union Law, Tbilisi, 2018, p. 19.

The association agreement arises the obligation of Georgia to harmonize the national legislation with the European Union through its reception in the national law. The definition of the Constitution of Georgia,[7] the constitutional bodies within their authority to take all measures to ensure the full integration of Georgia in the European Union and the North Atlantic Treaty Organization (NATO), confirms that European integration and joining the European Union is the highest value and legitimate interest of the Georgian people and the state itself.[8]

The reform of the state procurement law is related to the unification of the national procurement norms with the EU procurement law, which is required by the international association agreement of Georgia as a candidate country for EU membership. With the implementation of the Law of Georgia "On Public Procurement", the Georgian public legal order finally separates from the post-Soviet law and harmonizes with the precedent public procurement law of the European Union. Taking into account the directives of the Association Agreement, a number of issues of procurement law are being changed institutionally and legally - a new tender type institution (DRC) and tender definitions are being introduced.

The innovative law of Georgia "On Public Procurement" aims at implementing the regulations established by the European directives stipulated by the association agreement into the national legislation. Based on the international agreement, the large-scale reformation affected the tender content norms of the state procurement law. Taking into account the relevant regulations of the association agreement[9], the following procedures are changed:

- Stages related to state (public) procurement
- Eight main procedures of the procurement process were defined
- Rule of evaluation of the evidence submitted by the economic operator (bidder) at the tender selection-evaluation stage
- Rule of evaluation of the economic operator at the tender selection-evaluation stage
- Grounds for disqualification of the economic operator at the tender selection-evaluation stage
- Registration of the economic operator in the official register of the white list
- The procedure for registering an economic operator in the official register of the black list
- Grounds for early removal from the register of the bidder registered in the blacklist register (the so-called self-cleaning mechanism)
- In case of violation of the tender form of the affidavit, the evaluation test of the dishonest action of the economic operator (bidder)
- In cases of urgent need, procurement will be carried out without prior publication through negotiation procedures (analogous to the simplified procurement procedure)
- Purchase of services up to 100,000 GEL will be carried out without the participation of the procurement committee (analogous to the tender commission)
- The Law of Georgia "On Public Procurement" creates a transparent bidding, competitive environment for the participation of bona fide and potential entities in the public procurement process.

[7] Article 78, Constitution of Georgia, August 24, 1995.
[8] Kardava, E., The Place of the Association Agreement as an International Treaty of Georgia in National Law, Georgian-German Journal of Comparative Law, No. 2, 2021, p. 25.
[9] Article 141-149, "Association Agreement between Georgia, on the one hand, and the European Union and the European Atomic Energy Union and their member states, on the other hand", 2014.

1. Dispute Resolution Centre (DRC) as a Collegial Administrative Body with Quasi-Judicial Status

The association agreement[10] belongs to the rank of international agreements of Georgia, which is equally binding for both contracting parties - the European Union and Georgia. This is a European type of transaction between two equal state entities. The association agreement - as a treaty of international status, is hierarchically and politically higher than the national law, but lower than the supreme law of the state - the constitution. In case of legal conflict between association agreement and national law, the norm of national law should be changed, and in case of legal conflict with the constitution - association agreement should be amended.

According to the norms of the tender content of the association agreement, each party must ensure the creation of an institutional environment necessary for the proper functioning of the public procurement system. The Georgia undertakes to establish a collegial appeal body, the task of which will be to review the decisions made by the purchaser state bodies or purchaser organizations in the selection of the winner for the conclusion of the contract. According to the procurement law tender norms of the association agreement[11], the Collegiate Appellate Body considers that such tender body can be as follows:

- Public institution - state institution
- Public institution - state institution, separated from the purchasing organization
- Public institution - state institution, separated from economic operators
- The decision of the tender commission of the procuring organization is appealed by the economic operator to the Public Procurement Disputes Resolution Centre (DRC)
- Decisions made by the independent body (DRC) can be appealed through the courts

In public procurement, the Tender Disputes Resolution Centre (DRC), as a collegial administrative body, discusses tender disputes arising from the procurement tender process against the Tender Commission[12]. The Dispute Resolution Board is not a personified (mediator, arbitrator) appellate institution for the wide-spread protection of tender dispute resolution rights. According to the Law of Georgia "On Public Procurement", the Council is a sovereign body,[13] however, the Disputes Centre is not considered the only non-alternative way for general courts to relieve themselves from administrative cases.

The Dispute Resolution Centre (DRC), as a collegial administrative body, although it does not administer justice and as a judicial institution does not presuppose the development of law, however, when considering disputes arising from procurement law, it interprets the tender norms and performs a quasi-judicial function. Members of the Disputes Centre also perform the function of a quasi-court (judge) during the consideration of tender disputes, and therefore, at this time, they are not just observers of the dispute review process, but represent independent decision-making and important procedural actors. The institution of the dispute board defined by the procurement law, exercising quasi-judicial authority, gives the bidder a procedural opportunity to review the decision of the tender commission on its disqualification from the tender through an appeal.

When discussing disputes arising from public procurement law, it is important to exercise the right to a fair trial by the contracting parties of the procurement process (the right to procedural fairness) in order to avoid a tender conflict. According to the Convention on the Protection of Human Rights and Fundamental Freedoms,[14] every person has the right to a fair and public hearing by an independent and impartial court established by law within a reasonable period of time when determining his/her civil rights and duties, or the validity of a criminal charge against him/her (the right to a fair hearing).

[10] "Association Agreement between Georgia on the one hand and the European Union and the European Atomic Energy Union and their member states on the other", 2014.
[11] "Association Agreement between Georgia on the one hand and the European Union and the European Atomic Energy Union and their member states on the other", 2014.
[12] An institution with the status of a collegial administrative body.
[13] Article 83, Law of Georgia "On Public Procurement". February 9, 2023.
[14] Article 6, "European Convention for the Protection of Fundamental Human Rights and Freedoms", 1950.

The right to a fair trial is an absolute right in national tendering proceedings and is consistent with EU public procurement law. The right to a fair trial in public procurement (in the tender process) would be simulated if judicial control of the decisions of the Disputes Centre would be impossible in the national legal space.

2. Suspensive Effect of a Complaint Filed with the Dispute Resolution Centre (DRC)

Based on the association agreement, the law on public procurement, which will be implemented from 2025, offers bidders three alternatives to appeal: the tender commission of the procuring organization, the public procurement Dispute Resolution Centre and the court.

- The decision on the disqualification of the economic operator (bidder) from the tender is made collegially by the tender commission of the procuring organization.
- The decision of the tender commission of the purchasing organization is an individual administrative-legal act[15]
- The decision of the tender commission of the procuring organization on the disqualification of the economic operator (bidder) from the tender is appealed once to the public procurement Dispute Resolution Centre and then to the court
- The decision of the Public Procurement Dispute Resolution Centre is an individual administrative-legal act
- Decision for dishonest action[16] to register a disqualified bidder on the black list is issued by the Chairman of the State (Public) Procurement Agency of the State Procurement Agency of the State of Ukraine as a decree, which is appealed directly to the court.
- The decree of the chairman of the LEPL State (public) Procurement Agency is an individual administrative-legal act.

The role of the Dispute Resolution Centre in the tender dispute between the conflicting parties is very important. According to the Law of Georgia "On Public Procurement", the decision of the procuring organization can be appealed to the Public Procurement Dispute Resolution Centre no later than ten days after the notification of the decision. The dispute centre determines the admissibility of a qualified and active bidder's claim within two working days after the registration of the claim, and issues a decision within ten working days from the notification of the claim's admissibility:

- Full satisfaction of the complaint
- Partial satisfaction of the complaint
- Refusal to satisfy the complaint

The decision of the Public Procurement Disputes Resolution Centre (DRC) is subject to appeal in the Tbilisi City Court under the administrative law from the moment the relevant decision is published on the official website of the Disputes Centre.[17]

As soon as the Dispute Resolution Centre (DRC) recognizes the bidder's tender complaint as admissible, a "suspension effect" applies in electronic tender procedures, the same as the bidder's fixed protest (tender appeal). That is, once the Dispute Centre recognizes the complaint as admissible, the procurement procedures are considered suspended until the council makes a new decision.

"Suspension effect" is a legal guarantee of rights protection for the tenderer participating in the tender, since the protection of his/her tender interest and the restitution of the violated rights must be done before the procuring organization starts the process of pre-contractual negotiations with the other tenderer.

Qualifying tender stages of the "suspension effect" in the procurement tender process are:

- The procuring institution electronically announces the state procurement (electronic tender) for the purpose of procuring services.

[15] Decision of the State Procurement Dispute Resolution Centre in case DET230012244_02, September 15, 2003, p. 7.
[16] Dishonest act committed by the bidder in order to obtain the right to enter into the contract.
[17] www.drc.gov.ge.

- Electronic tender is a public legal institution and information about the tender is also public
- Tender qualification requirements of bidders and submitted documentation (evidence) are determined by the tender.
- The bidder participating in the tender process uploads the documents (evidence) confirming the qualification requirements in the electronic procurement module.
- The purchasing institution (tender commission) at the tender selection-evaluation stage assesses the compliance of the bidder's qualification data with the tender requirements
- In case of non-compliance of the bidder's qualification data with the tender requirements, the tender commission takes a sanctionable decision (disqualification) of the bidder participating in the tender process.
- The tender commission starts the process of pre-contractual negotiations with the bidder with the next lowest price.
- The disqualified bidder appeals the sanctioned type (disqualification) decision made by the tender commission.
- The Procurement Disputes Resolution Centre will review the admissibility of a complaint by a disqualified bidder.
- As soon as the Dispute Resolution Centre recognizes the bidder's complaint as admissible, the electronic procurement tender procedures are stopped (suspension effect)
- The tender commission makes the decision to suspend the procurement tender procedures (tender)
- During the suspension of tender procedures (tender), the entities[18] participating in the tender process are restricted from tender activation
- During the suspension of the tender process, the procuring organization is authorized to make the purchase only in case of urgent necessity.[19]
- In case the claim of the bidder disqualified from the tender is recognized as admissible, the Disputes Centre will review the case on its merits
- The claimant has the right to file a complaint before the Dispute Centre makes a decision.
- In case of appeal by the bidder, the appeal will not be considered
- In the event of the annulment of the decision of the Tender Commission by the Disputes Centre, the tender procedures must be renewed

In public procurement law, the suspensive postulate has a dampening effect on the decisions of the tender commission. The tender's purpose of the suspensive effect is to protect the economic operator (bidder) from the unfair tender intervention of the tender commission until the final decision is made, which de facto means returning to the situation that existed before the disputed administrative-legal act was issued.

The legal definitions of international and public procurement law norms and the tender mandate obviously enable the Dispute Centre to exercise the function of the supervisory institution delegated to it, but only with the reservation that it should not invade the exclusive competences of the court and should not try to implement parallel public law and justice, which is a worthy and legitimate interest to protect the constitutional order.

The suspension-tender process of the national law does not conflict with the normative reservations of the European, precedent procurements on preventive and repressive tender actions and is unified in the relevant norms of the national law.

3. Dispute Resolution Centre (DRC) Investigative Power

From the moment the claim of the bidder is recognized as admissible, the activity of the Disputes Centre moves to a completely new stage of the bidding process, and the Board operates for a quick and fair resolution of the dispute. A sanctioned bidder or an entity wishing to participate in the

[18] Procuring organization, bidders with active and passive status participating in the tender.
[19] Article 3, paragraph 1, subparagraph "R", Law of Georgia "On Public Procurement". February 9, 2023.

procurement process, who believes that the tender commission's decision is clearly unfair and/or the tender condition is discriminatory, has the right to submit a complaint (Locus Standi) through the unified electronic procurement system[20] appeals the decision of the procuring organization. In case of discrimination of the tender condition, the tender condition (record) is appealed, the legal interest of which is the cancellation of the inappropriate record of the legislation, and in the case of disqualification of the bidder from the tender, the decision of the tender commission is appealed, in which the legal basis of the request (tender norm) is the cancellation of the inappropriate decision of the tender commission.[21] In the case of a tender dispute related to the record of a discriminatory tender condition, the bidder must submit evidence to the Disputes Centre that proves the discriminatory nature of the tender condition, after which the tender commission bears the burden of proving that the tender condition is non-discriminatory.[22]

After receiving the complaint, the tender commission of the procuring organization (respondent) is obliged to submit a tender response to the Council (DRC) regarding the subject of the dispute[23] as a procedural means of tender defense and all kinds of relevant written evidence that justifies the sanctionable decision taken by him/her against the bidder. Failure to submit a pleading is not a basis for issuing a decision in absentia as established by the Civil Procedure Law in tender proceedings.[24] Nor is the non-appearance of the counterparty[25] a legal prerequisite for leaving the complaint unconsidered by the Dispute Centre. The Dispute Centre has the right to make a decision to leave the complaint unconsidered in case of a complaint by the bidder[26]. In all other types of tender disputes, the Council shall consider and decide the tender dispute on its merits.[27] Complaints submitted by a claimant or other interested person to the Disputes Centre shall be considered on the basis of an oral hearing, which is an essential part of the right to a fair trial. In the process of a tender dispute, the parties' procedural authority is exercised in accordance with the principles of disposition and competition, that is, the party involved in the tender process of the dispute concentrates on presenting to the Dispute Centre the evidence on which its tender acceptance is based. The evidence presented by the contractors of the tender process in the tender, disputed process does not have the form of pre-established evidence for the Dispute Resolution Centre. A member of the Dispute Resolution Centre (DRC) assesses the evidence submitted by the participants in the process based on his or her own conviction, based on a thorough, complete and objective investigation of the tender dispute.

Absolute discretion and inquisition is the measure of self-initiative of the Dispute Resolution Centre (DRC) in tender proceedings.[28] However, the Disputes Centre is bound by the tender request of the bidder - it is not authorized to go beyond the scope of the tender complaint and is limited in its right to assist the sanctioned bidder in transforming the tender request.[29]

4. Dispute Resolution Centre (DRC) as an Institution with the Status of an Administrative Body

Complete submission of the necessary tender documentation to the administrative body (tender commission) is the realization of the procedural right of the interested person, which according to the General Administrative Code of Georgia belongs to the right of the person, the evaluation and conclusions of the administrative body depend on the quality of its use, however, improper realization

[20] www.tenders.procurement.gov.ge.
[21] Decision of the State Procurement Dispute Revsolution Centre on case DET210000665_02(NAT), March 22, 2021.
[22] Decision of the State Procurement Dispute Revsolution Centre on case DIS160019380_01, July 28, 2016.
[23] Decision of the State Procurement Dispute Resolution Centre on case DET230012244_02, June 8, 2017.
[24] Article 229, Civil Procedure Code of Georgia, November 14, 1997.
[25] A person participating in the tender process, a purchasing organization, a bidder.
[26] Article 17, Resolution No. 826 of the Government of Georgia dated December 31, 2020, "On Approval of the Regulations of the Council for Review of Disputes Related to State Procurements".
[27] Article 14, Resolution No. 826 of the Government of Georgia dated December 31, 2020, "Approving the Regulations of the Council for Review of Disputes Related to State Procurements".
[28] Article 4, Administrative Procedure Code of Georgia, July 23, 1999.
[29] Article 28(1), Administrative Procedure Code of Georgia, July 23, 1999.

of this right in the state procurement procedure leads to the sanctioning of the bidder - disqualification.

The procedural right of the economic operator (bidder) to submit the requested tender documentation in good faith as evidence in accordance with the tender conditions is transformed in state procurement as a procedural obligation of the economic operator (bidder). Evaluating the evidence submitted by the bidder in the tender process and determining their relevance to the tender requirements is the legal competence of the tender commission. The decision of the tender commission of the procuring organization on the disqualification of the economic operator (bidder) is subject to the legal control of the Public Procurement Disputes Resolution Centre (DRC) as an institution supervising the legality and impartiality of public procurement.

The Public Procurement Dispute Resolution Centre (DRC) is an administrative body defined by the General Administrative Code of Georgia,[30] the decisions of which related to the tender process (decisions made on the complete, partial or refusal to satisfy the complaint) fully meet the qualifying tender conditions of the individual administrative-legal act[31]

- One of the subjects of the tender, dispute relationship is the Dispute Resolution Centre (DRC) - an administrative body[32]
- Tender, disputed legal relationship is derived from public law legislation
- The action of the Dispute Resolution Centre (DRC) is aimed at regulating a specific tender relationship
- The personal tender intervention of the Dispute Resolution Centre (DRC) establishes, modifies, terminates and confirms the tender legal position of the economic operator.

The decision (individual administrative-legal act) made by the Dispute Centre within the scope of discretionary authority consists of introductory, descriptive, motivational and resolution parts and contains written justification. As soon as the decision is made, it is uploaded to the unified electronic procurement system, it is public and it is considered delivered to the interested person.

4.1. Sanctioning of unscrupulous contractors in public procurement law

According to the Law of Georgia "On Public Procurement", in order to obtain the right to enter into a contract, the secret negotiation between the entities participating in the procurement, bypassing the procurement procedure, is a dishonest act and it is the basis for the disqualification of the economic operator from the tender. The tender conflict between the contracting parties of the procurement process arises when the economic operator violates the terms of Article 58 of the "Public Procurement" Law of Georgia[33] in order to gain material advantage or advantage and creates a risk of substantial violation of the legal interest of the procuring organization. The tender commission evaluates the tender documentation submitted by the bidder through the electronic module, upon determining the dishonest action of the bidder, makes a decision on the disqualification of the subject from the procurement procedure based on the standard of reasonable assumption at the procurement selection-evaluation stage.[34] Dishonest action in procurement procedures is also the basis for registering a bidder in the official register of the black list[35], and at the same time it is a punishable action established by a special norm of criminal law.[36]

[30] Article 2, paragraph 1, subparagraph "a", General Administrative Code of Georgia, June 25, 1999.
[31] Article 2, paragraph 1, subsection "d", General Administrative Code of Georgia, June 25, 1999.
[32] Decision of the State Procurement Disputes Review Board on the case DET230012244_02, September 15, 2003, p. 7.
[33] Article 58, Law of Georgia "On Public Procurement". February 9, 2023.
[34] Decision of the Tender Commission on electronic tender No. 4 NAT230027193, January 31, 2024.
[35] Decree of the Chairman of the State Procurement Agency of the State Procurement Agency No. 609 on electronic tender NAT230027193, February 22, 2024.
[36] Article 195(1), Criminal Code of Georgia, July 22, 1999.

Conclusion

As soon as the Dispute Resolution Centre (DRC) recognizes the bidder's tender complaint as admissible, a "suspension effect" applies in electronic tender procedures - the same bidder's fixed protest (tender appeal). In public procurement law, the suspensive postulate has a dampening effect on the decisions of the tender commission. The tender purpose of the suspension effect is to protect the economic operator (bidder) from the unfair tender intervention of the tender commission until the final decision is made.

The legal definitions of international and public procurement law norms and the tender mandate obviously enable the Dispute Centre to exercise the function of the supervisory institution delegated to it, but only with the reservation that it should not invade the exclusive competences of the court and should not try to implement parallel public law and justice, which is a worthy and legitimate interest to protect the constitutional order.

The measure of self-initiative of the Dispute Resolution Centre (DRC) in tender proceedings is absolute discretion and inquisition. However, the Disputes Centre is bound by the tender request of the bidder - it is not authorized to go beyond the scope of the tender complaint and is limited in its right to assist the sanctioned bidder in transforming the tender request.

According to the Law of Georgia "On Public Procurement", in order to obtain the right to enter into a contract, secret negotiations between the entities participating in the procurement, bypassing the procurement procedure, is a dishonest act and it is an unconditional basis for disqualification from the tender. The tender commission evaluates the tender documentation submitted by the bidder through the electronic module, upon determining the dishonest action of the bidder, makes a decision on the disqualification of the subject from the procurement procedure based on the standard of reasonable assumption at the procurement selection-evaluation stage. Dishonest action in procurement procedures is also the basis for registering a bidder in the official register of the black list, and at the same time it is a punishable action established by a special norm of criminal law.

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GEORGIA - THE CROSSROADS OF EUROPE AND ASIA - AN IMPORTANT FACTOR IN THE REGIONAL ENERGY LANDSCAPE

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Abstract

Since independence, Georgia's full-fledged integration into the European Union is not only the foreign policy goal of our country, but also the driving force for the construction and development of a democratic state. Georgia's strategic location and possession of rich renewable, unconventional energy resources give us a unique chance to become a hub, a "middle corridor" and a conduit for "green energies". Georgians are ready to use this opportunity for further alignment with the ambitious energy goals of the European Union and the "Green Agreement" of Europe.[1]

Our push towards the European Union has been preceded by intensive communication and cooperation on energy legislation, regulations and energy policy, as well as improving energy infrastructure. This is how the so-called mega-project of the 21st century - the Black Sea submarine cable project - was created. The initiative involved in the project is more than simple infrastructure development; It is a symbol of Georgia's integration and interconnection with the European Union. The Black Sea submarine cable will not only enhance energy security and diversity, but also serve as a renewable energy exchange channel between Asia and Europe.

The idea of the Black Sea submarine cable project was born in Georgia, and Georgian geologists carried out technical works to explore the bottom of the Black Sea. At the next stage, Azerbaijan, Romania and Hungary were included in this project. The most important agreement was signed by the representatives of all four countries.

The purpose of our research is to determine in advance what economic benefits Georgia will receive during the implementation of this important project, and we will be able to export the energy of renewable resources of our country, if we remain only as a transit corridor, which is also very attractive, although less profitable.

While working on the article, we evaluated the potential of Georgia's renewable, non-traditional energy sources, their target indicators and characteristics. Based on the researched information, we developed conclusions and recommendations.

Keywords: renewable, non-conventional energy resources, Black Sea submarine cable, energy security, "green energy", European integration.

Introduction

In June 2020, the World Bank studied and based on a preliminary economic analysis confirmed the feasibility of a strategic project of the 21st century - laying an underwater cable in the Black Sea.

On December 17, 2022, the leaders of Georgia, Azerbaijan, Romania and Hungary signed an agreement on "strategic partnership in the field of green energy development and transmission".

[1] Vezirishvili-nozadze, K., Pantskhava, E., Kanashvili, T., European "Green Agreement" and its impact on the energy sector of Georgia, „Vectors of Social Science “3, 2022. https://doi.org/10.51895/VSS3/Vezirishvili-nozadze/Pantskhava/Kanashvili.

It should be noted that at the initial stage there was no such interest in this project, although many things have changed geopolitically in the background of the Russia-Ukraine war, including in the European Union, 2024 will be a turning point for this project. Since this project has already become a subject of mutual interest - two EU countries are involved in the implementation of the project, we hope that it will be given a special status by the EU.

1. European market - myth or reality?

Currently, economic studies of the Black Sea underwater project are conducted by Italian specialists (GESI). The Ministry of Finance of Georgia is on full alert and is negotiating with the World Bank. Azerbaijani green energy will pass through Georgia, the Black Sea and Romania and will be sold in Hungary. Brussels is trying to overcome its dependence on Russian energy with this project, the European market is opening for us and we are given the opportunity to sell the energy of renewable sources that are abundant in our country.

This project is very important for Georgia both from the point of view of improving the economic conditions and from the political point of view. Georgia is becoming necessary for Europe as a transit corridor. Until now, gas and oil supplied from Azerbaijan have entered Europe via Turkey, but the transfer of electricity (also obtained in a green way) presents other challenges.[2]

During the period of water abundance, our country sold 800 million kilowatt hours of electricity to Turkey, if the same energy was sold in Europe, three times more money would have entered the budget of Georgia.

Georgia hopes that this project will be given the green light, because the European Union has allocated 2.3 billion dollars, and two EU countries - Hungary and Romania - are part of this path.

Georgia is a country rich in hydro resources. Only 20% of the hydro potential of 40 billion kWh has been utilized.

Georgia is an import-dependent country in terms of energy. We have to cover the winter deficit from three countries - Russia, Turkey, Azerbaijan. That's why we should adopt local energy sources and remove dependence on neighbors.

Considering the relatively small size of the country, high indicators of ease of doing business and convenient location, Georgia has the opportunity to become the best place for energy project start-ups and pilot projects.

2. Adequacy of generation

Georgia consumes the maximum amount of electricity in the winter months. During this period, there is a period of water scarcity on the rivers, and therefore, it is not possible to provide the total demand with the generation of HPPs. Therefore, a significant increase in the import of fuel required for the production of electricity or its thermal plants is necessary.

The minimum demand for electricity is fixed in the spring period, when the generation of HPPs, on the contrary, is maximum and exceeds the consumption. During this period, there is a similar situation in the region of the Republic of Turkey bordering Georgia.

The rates of construction of renewable energy stations, especially of strategic importance regulating hydroelectric power plants, cannot keep up with the rates of consumption growth. Therefore, the share of fuel import required for generation by electricity and its thermal plants in covering electricity consumption is increasing. This situation is aggravated by the lack of sufficient strategic reserves in the country, both in the form of sources of generation and in the form of fuel stocks necessary for generation.

[2] Vezirishvili-Nozadze, K., "Black Sea Submarine Cable - Road to Georgia's Economic Recovery", International Conference, 2023.

3. Non-technical challenges

Despite the rather powerful inter-system infrastructure of Georgia, electricity trade between Georgia and European countries cannot be carried out through Turkey. There is no transit of large capacities from Azerbaijan to Turkey, despite the existing powerful transmission infrastructure.

Two regions of Georgia are occupied by the Russian Federation: Abkhazia and Samachablo (so-called "South Ossetia"). The engine room of the largest Georgian power plant Engurhesi is located in Abkhazia (the dam is in unoccupied territory). Samachablo is 40 km from Tbilisi, and it is just a few kilometers from the energy and transport infrastructure connecting East-West.

The energy system includes large-capacity cryptocurrency servers. The consumption of which depends on the price of cryptocurrency, which in itself is unpredictable. Therefore, even short-term (up to 1 year) system usage planning is associated with difficult challenges.

The construction of strategic facilities in the country is delayed, both in terms of hydropower plants and transmission infrastructure, which has a direct negative impact on the energy security of the country. Plans for the construction of announced free (and other) industrial zones and centers are also being delayed, due to which part of the energy facilities intended for their energy supply are working in an unloaded mode (eg: K/S Khorga), which puts an excessive burden on the system.

The implementation of the electric energy market is being carried out, which requires a qualitatively short response time from the National Center for the Management of the Energy System and suppliers of electric energy products.

4. Factors determining strength

HPPs provide 75-80% of the country's total electricity production, more than half of which are regulatory HPPs, which provide the ability to cover peak capacities.

All 500/400/330/220 kV substations of system importance are upgraded and their proper functioning is ensured.

The 500 kV electrical network of the eastern part of the system has the shape of a ring. which ensures that the loss of any line in this section does not result in interruption of power supply to customers.

The electric power system is equipped with modern and reliable management, protection and automation systems.

Georgia is a leader in the Caucasus region in introducing innovations and using modern technologies in the field of electric energy. Also, it is a leader in the growth of a new generation of professionals and in the occupation of advanced positions by this generation.

The electric power system of Georgia will technically have the ability to perform synchronous parallel work simultaneously with the systems of Russia and Azerbaijan, which will dramatically increase the reliability and stability of our system. Regardless of the loss of any inter-system connectivity between these countries, Georgia (as well as Azerbaijan) will be instantly rebalanced from the IPS/UPS (CIS-Baltic-Ukraine) synchronous zone. Realization of this possibility will be possible in case of regulation of non-circulating capacities generated in the ring of Georgia-Russia-Azerbaijan systems.

Georgia has the opportunity to connect to the Central European synchronous zone (European frequency on the 400 kV substations of Akhaltsikhe) in a technically possible short time (in case of installation of appropriate autotransformers in the Akhaltsikhe substation).

The electric energy sector of the country is provided with technical standards, norms and regulations, among which "Network Rules" and "Technical Operation Rules" have been implemented; which establish the technical parameters to be ensured by the system participants, including the transmission system operator, consumers, generation sources and distribution system operators. In addition, a ten-year plan for the development of the transmission network and a five-year plan for the development of the distribution network have been prepared, which outline the country's electric power system

development projects and provide adequate signals to potential investors of potential consumption and generation.

5. Main risks and threats

It is worth noting the following main risks of the safe operation of the electric power system of Georgia:

- Loss of Engurhesi. This danger originates from the occupied Abkhazia region, where the engine room of the Enguri power plant is located (the Enguri dam is in the controlled territory of Georgia).

- Disruption of the gas pipeline, which may occur in case of various technical malfunctions or sabotage. The occurrence of this risk, especially in winter, will lead to the termination of operation of thermal power plants.

- Sabotage on any 500 kV power line (corridor) connecting East-West. The occurrence of the mentioned risk can be dangerous during the period of water abundance, when this highway is busy.

- Increasing the share of constant current conversion and unstable generation sources in the energy system. Such sources do not have inertia, therefore, an unjustified increase in their share in the energy system of Georgia will significantly deepen the problem of inertia.

- A sharp increase in electricity consumption, which may occur as a result of intensive replacement of internal combustion engine cars with electric cars.

- Strong volatility of cryptocurrency prices, which leads to a sharp change in electricity consumption, which will complicate both short-term and long-term balancing of the energy system.

- Prosumers and autonomous users are synchronized with the main system and have their own generation source, usually in the form of small wind or solar plants. In the case of storms or sudden changes in weather, there is a sudden change in the electricity produced by these sources of generation, which causes a significant imbalance of electricity in the system.

- As a result of the Earth's global climate change, anomalous temperatures (cool summers, warm winters, extremely cold or hot autumn and spring days) are increasingly occurring. At the same time, the hydrology of rivers is becoming increasingly unpredictable and chaotic, which affects the generation of hydropower plants.

- During a critical natural-climatic condition (storm, ice cover, avalanche, landslides, very high or very low temperature), one or, in some cases, several power transmission lines may be out of order.

- Depreciation of the GEL due to the devaluation of the currencies of the neighboring countries. Investments, as well as payments for imported energy resources, are mainly made in US dollars and euros in Georgia. Therefore, the devaluation of the GEL leads to an increase in the cost of natural gas, the main fuel resource for electricity and thermal power plants. In addition, the devaluation of the currency puts a heavy burden on JSC "State Electric System of Georgia", as well as JSC "Georgian Oil and Gas Corporation" (the main supplier of natural gas for TPPs), which are financed by foreign financial institutions in euros and dollars.

- Cyber attacks on power system management systems.

6. Strategic directions of development

6.1. Increasing security of supply

Two criteria are used to assess the safety of electric power system supply:

- Adequacy of generation – the ability of generation sources to continuously meet the demand of consumers for electricity, both in the conditions of scheduled and unexpected outages of the network element;

- Reliability of the network - the ability of the transmission network to provide power to consumers in the event of loss of any single element without limitation and deterioration of the quality of electricity.

The consumption of electricity in the country is growing steadily within the range of 5-7% annually, while the construction of generation facilities, especially strategic hydroelectric power stations with reservoirs, is delayed, which causes significant challenges.

In order to correct the situation, in the short and medium term, the integration of highly efficient gas-fired combined cycle thermal power plants will be implemented in the system, as well as the construction of solar and wind plants, within the framework of system reliability.

In the long term, hydroelectric power plants with strategic purpose will be included in the system.

To ensure the reliability of the network, based on the best European experience, the operator of the transmission system of Georgia (JSC "State Electric System of Georgia") annually develops, and the Ministry of Economy and Sustainable Development approves the ten-year plan for the development of the transmission network of Georgia (Figure 1).

Fig. 1. Map of the driving forces of the development of the electric network of Georgia

- Prospective regulatory power plants;
- Prospective seasonal power plants;
- Prospective load increase;
- Transit withdrawal of heat stations;
- New gas stations O Existing generation region;

O Existing strong consumption region;

⇔ The need to strengthen inter-system connection;

⇔The need to strengthen intra-system connection;

⇔ Possibility of intercontinental trade.

6.2. The process of integration with European energy systems

Georgia is a member of the European Energy Union, which helps to stimulate the projects of strengthening the inter-system electricity transmission infrastructure of neighboring countries with Georgia and increases the transit potential of Georgia. Joining European structures will be a prerequisite for overcoming non-technical challenges with neighboring countries. In addition, European support will mitigate the risks associated with the occupied regions. The membership of the European structures in itself means the implementation of the best standards and the continuous development of the electric energy structure.

Work is underway within the framework of the cooperation project with ENTSO, the goal of which is to join JSC "Georgian State Electric System" as an observer.

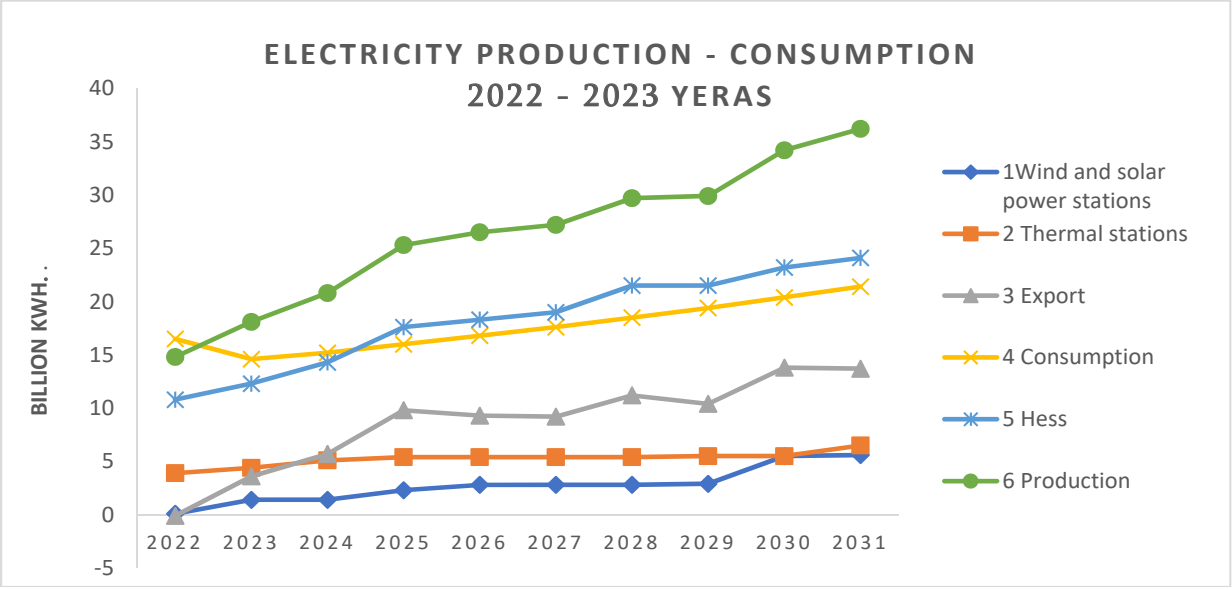
6.3. Utilization of energy resources

Only 20% of the economically justified part of the hydropower potential in Georgia has been utilized.

The country, which is trying to become energy-independent and has all the possibilities for this, does not use the existing hydro-resources, refuses not only to utilize the rivers with a small energy potential, but also to convert the potential of the country's most water-rich and energetically distinguished river - the Rion, into electrical energy. From the point of view of using the energy potential of Rion River, the village of Namokhvani is considered to be a strategically outstanding object. Namokhvanhesi project is suspended because the negotiations with the Turkish investor failed.

Georgia's energy is almost 80% dependent on the energy generated by HPPs. The deficit that the country has today is about one billion six hundred million kWh and if the blocking of projects continues, this deficit will increase year by year. Projects such as Khudong HPP, Namokhvani HPP Cascade, etc., are necessary to be implemented, as these are strategic facilities that ensure coverage of the current deficit, sustainable operation of the power system, and the quality of energy security. (see diagram 1).[3]

Diagram 1. Electricity production - consumption in 2022-2023



[3] Chomakhidze D., Vezirishvili-Nozadze K., University of Science and Technology, I. Jordan's house Center for the Study of Production Forces and Natural Resources of Georgia, "Production Forces and Natural Resources of Georgia" - refereed and peer-reviewed scientific journal No. 1(3). Tbilisi, 2023.

6.4. Variable - renewable sources of energy

In Georgia, out of 365 days of the year, there are 280 sunny days on average. The annual duration of sunlight is 2200 hours.

According to current estimates, the wind energy resource in Georgia is 4 billion kWh, of which only 2% is utilized. According to optimistic estimates, the solar energy resource is about 1 billion kWh, the utilization of which is less than 1%.

The construction of solar and wind energy utilization facilities requires relatively little time compared to the construction of hydroelectric power stations, however, day-night and shorter-term generation based on these sources is highly variable and requires the mobilization of system reserves to stabilize the energy system.

One of the necessary conditions for the reliable integration of wind and solar generation into the network is the accurate forecasting of their output, which avoids the need to mobilize excess reserves in the system. With the support of Western partners, work has been started to implement the relevant unified forecasting system.

In addition, with the financial support of donors, it is planned to complete the study of the integration of energy storage sources in the energy system of Georgia, including storage batteries and hydroaccumulation stations, by 2024, one of the main goals of which is the maximum possible integration of wind and solar stations into the country's power supply system.

The most favorable areas for wind power plants are located in the highlands of the Caucasus, in the vicinity of the Ricoti pass (Mount Sabueti), on the Javakheti plateau, and in the southern and central parts of the Black Sea coast of the country.

Today, geothermal waters are mainly used for primitive household or agricultural purposes (in greenhouses). The share of geothermal energy in the energy balance of the country is very insignificant. Samegrelo is the richest region with these resources. There are so many geothermal waters in Tbilisi that it is possible to freely build two geothermal plants near the Lisi lake and in the old district near the colorful baths, thus Tbilisi would become a "green" city.

Conclusion

Until 2030, our country has the opportunity to include 1331 MW of wind power and 520 MW of solar power plants in the electric power grid. As for hydro resources, our government has announced that it will buy out the Khudon HPP project for 13.5 million dollars and will also implement the Namochvani project itself. Then we can truly say that the Black Sea submarine cable will become the most important guarantee of our economic strength, and Georgia will turn from a transit country into an exporting country and an energy hub between Asia and Europe.

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THE IMPACT OF THE WAR IN UKRAINE ON POLISH-UKRAINIAN ECONOMIC RELATIONS FROM THE PERSPECTIVE OF THE ILLUSION OF EXPLANATORY DEPTH

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Abstract

The article explores the impact of the war in Ukraine on Polish-Ukrainian economic relations through the lens of the illusion of explanatory depth. It delves into the complexities and nuances of the economic ties between the two countries in the context of the ongoing conflict, shedding light on the potential consequences and challenges that have arisen. In order to analyse the matter in question, authors do research on the historical background, modern tendencies of the economic relations through social media and interviews with respondents from the field of Polish-Ukrainian relations. The significance of this paper is based on the current happenings, influence of war on the economic relations between these two countries and the rapid challenges and changes that these relations are experiencing.

Keywords: Polish-Ukrainian economic relations, illusion of explanatory depth.

Introduction

The illusion of explanatory depth refers to the mistaken belief that one fully comprehends causal relationships, when in reality, this understanding is often superficial. This concept is particularly relevant to the economic relations between Poland and Ukraine, as the abundance of information and propaganda from various sources can confuse public opinion. Despite their shared history, the onset of the war in Ukraine marked a new chapter in their relationship, characterized by a common identity and shared values. To truly understand complex issues such as the conflict in Ukraine, individuals must delve deeper into the available information rather than relying on surface-level understanding

Today, discussions about the war in Ukraine permeate scientific conferences, news articles, and social media platforms, opening up political and diplomatic discourse to the public. However, the effectiveness of propaganda persists, exploiting the illusion of explanatory depth to manipulate public opinion. Without a comprehensive understanding of the economic, political, and historical contexts, the electorate is susceptible to manipulation, potentially leading to internal conflicts based on social and cultural differences.

In researching this topic, the authors engaged with economists, students, and businesspeople to gain diverse perspectives. They found that individuals with similar backgrounds tended to share similar opinions, highlighting the influence of education and experience. For instance, economists from Poland and Ukraine typically hold comparable views on the subject. Conversely, those lacking expertise and relying solely on social media may have drastically different viewpoints.

1. Overview of Polish-Ukrainian Economic Relations

Ukraine and Poland have been partner countries since Kyiv declared its independence. In 1992, the two nations signed a bilateral agreement on "good neighborliness, friendly relations, and cooperation".[1]

[1] Zakon rada, "Договірно-правова база між Україною та Польщею" 1992.

Russia's full-scale invasion of Ukraine in February 2022 resulted in massive civilian casualties and infrastructure destruction. This forced people to flee their homes in search of safety, protection, and assistance. Poland became a refuge for millions of refugees, with over 10 million Ukrainians arriving in the first months of the war. Approximately 1.6 million chose to stay, adding to the 1.5 million Ukrainians already residing there.[2]

Throughout the full-scale war, Poland emerged as one of Ukraine's closest allies. It holds the position of being Ukraine's second-largest trading partner and export market globally.

	Exports ($,billions)	Import ($, billions)
2018	3,2	3,6
2019	3,3	4,1
2020	3,3	4,1
2021	5,2	4,9
2022	6,7	5,5

Poland benefits from a strategic economic partnership with Ukraine, as from the beginning of the full-scale war in 2022 to the end of May 2023, the country imported approximately EUR 8.2 billion and exported almost EUR 14 billion to Ukraine, which corresponds to one third of the European Union's exports and is 2.5 times higher than Germany's, said Janusz Wojciechowski, European Commissioner for Agriculture.[3]

Among the European countries hosting Ukrainians, Poland spent the most money - more than 12 billion euros.[4]

The largest volumes of cash were withdrawn in Poland and the largest volumes of transactions in retail chains using Ukrainian cards were also made in Poland (28% of the total). Other sources of expenditures by Ukrainians abroad were cash taken out of Ukraine, government support programs, and labor income in the host countries.

At the end of 2023, Ukrainians spent 11.7 billion zlotys in Poland, which is equal to UAH 97.3 billion.[5]

According to Professor Maciej Duszczyk of the Center for Migration Studies at Warsaw University, Poland has no right to complain that helping Ukrainians is costing the country dearly. "We have spent 3.5 billion zlotys ($750 million) to help Ukrainians, but the calculations of Bartosz Marchuk, vice president of the Polish Development Fund, show that we have received 10 billion zlotys ($2.4 billion) from the taxes they paid," he said. Thus, since the beginning of the full-scale war, Ukrainians have brought Poland three times more taxes than the country spends on refugees.[6]

The influx of migrants from Ukraine was the main driver of the acceleration of retail sales in Poland in March, offsetting the negative impact of inflation and deteriorating consumer sentiment on household spending.[7]

Most Poles were involved in helping war refugees, who were immediately granted citizenship-like status with full access to healthcare and education. Poland has also provided Ukraine with important weapons-including howitzers, tanks, and even airplanes-worth more than $3 billion: 320 Soviet-era tanks and 14 MiG-29 fighter jets, and now has no more to offer, as Poland's military equipment has

[2] UNHCR, "Ukraine Situation: Response Snapshot - As of January 2022".
[3] Wojcicki, J., Twitter post. 2022.
[4] Ministry of Regional Development, Construction and Housing of Ukraine. 2023.
[5] Statistics Poland. 2023.
[6] Ukrainian World Congress (n.d.).
[7] Credit Agricole. 2022.

been depleted by about a third through transfers to Ukraine, and Warsaw is now replacing it with modern Western-made equipment. Arms exports to Ukraine will not stop completely.[8]

The amount of military aid provided to Ukraine is tracked by the Kiel Institute, the current data includes donations until the end of October (data from January 19, 2024, next update is planned for February 16, 2024).[9]

	Volume in euros (Rank in the recipient country ranking)	% of GDP (Rank in the ranking of recipient countries)
General obligations	4.341 billion euros (Rank: 7)	0.675% of GDP (Rank: 6)
Humanitarian obligations	0.347 billion euros (Rank: 11)	0.054% of GDP (Rank: 11)
Financial obligations	0.959 billion euros (Rank: 8)	0.149% of GDP (Rank: 4)
Military obligations	3.036 billion euros (Rank: 6)	0.472% of GDP (Rank: 8)

In fall of 2023, relations began to deteriorate. Poland, Slovakia, and Hungary announced restrictions on imports of Ukrainian grain.[10] The dispute between the governments arose because Ukrainian grain, as Polish farmers complained, flooded the market and lowered prices for domestic suppliers. Then, in September, the Polish government ignored the European Commission's call to lift the embargo imposed by Warsaw on grain imports. At the end of September 2023, Ukraine filed lawsuits with the World Trade Organization against three countries over the bans, which it said were a violation of international obligations.[11] "The embargo on Ukrainian agricultural products will have to be lifted. It has calmed the situation on the Polish market to some extent, but it was not well received politically. The European Commission and Ukraine are protesting," - said Czeslaw Sekerski, Minister of Agriculture. The European Commission has rejected Poland's proposal to reintroduce duties on agricultural exports from Ukraine. The minister noted that other ideas are being discussed, such as licensing of products coming to Poland.[12]

The anti-Ukrainian protests in Poland have spread to the transportation sector, with truck drivers blocking checkpoints and demanding the return of a system of limited licenses for Ukrainian trucks. Before the war, there was a permit system for drivers, with Poland and Ukraine receiving equal shares. After Russia invaded Ukraine, the EU suspended this permit system to help Ukraine keep its economy afloat. Because Poland is Ukraine's main link to Europe, the number of Ukrainian trucks has increased dramatically. Protesters limited the number of trucks that could cross the border. Military and humanitarian aid was allowed through, while the rest had to wait. The queue of Ukrainian trucks reached a distance of more than 20 miles. On December 11, 2023, Polish farmers stopped blocking one of the Yahodyn checkpoints for a week. On January 16, 2024, Polish carriers completed the blocking of the border in front of the Krakivets and Rava-Ruska checkpoints. Subsequently, traffic was unblocked in front of the Yagodyn and Shehini checkpoints. Registration and crossing of trucks in both directions is carried out as usual. This was reported by the State Border Guard Service of Ukraine.[13]

The border blockade poses a serious problem for Ukraine's international trade, as land routes are often the only viable means of transportation for the country.

[8]BBC. "Ukraine conflict: Russia warns of 'full-scale hostilities' in east." https://www.bbc.com/news/world-europe-66873495. [L. s. 03.04.2022].
[9] Kiel Institute for the World Economy (n.d.).
[10] Reuters. 2023.
[11]BBC. "Ukraine crisis: Russia announces 'partial withdrawal' of troops." https://www.bbc.com/news/world-europe-66849185. [L. s. 06.04.2023].
[12] Business Insider. 2022.
[13] State Border Guard Service of Ukraine (n.d.).

Polish law allowed all Ukrainian citizens who arrived in the country after February 24, 2022, and were granted temporary protection status to open and run businesses on an equal footing with Polish citizens. This was the main factor that contributed to the growth in the number of Ukrainian businesses. In January 2022, before the full-scale invasion, Ukrainian citizens opened 188 businesses in Poland, and as of June 2023, 29.4 thousand Ukrainian sole proprietors (analogous to Ukrainian individual entrepreneurs) were registered in Poland according to the CEIDG database.

Most of the businesses started by Ukrainians, more than 23%, are construction companies. 18% of Ukrainian companies operate in the information and communications sector, and 14% in other services. Among the services, 85% provide hairdressing and cosmetic services. The majority of construction companies perform finishing works (29%) and construction works related to the construction of buildings (18%). They account for 25 percent of all companies with foreign capital in Poland. Most of them are trading companies (22%), construction companies (19%) and companies engaged in transportation and warehousing (14%), according to the PIE report based on CEIDG data.[14]

The pace of establishment of Ukrainian companies in Poland is not slowing down, companies are being established, operating and are likely to operate in the territory of the Republic of Poland, thus contributing to the increase in state budget revenues.[15]

On January 18, the Polish government issued a special law on the extension of temporary protection certificates: "Persons who have received a temporary protection certificate from the Office for Foreigners with an expiry date of March 4, 2023, September 4, 2023 or March 4, 2024 do not have to apply for new documents. These certificates will be valid until March 4, 2025".[16]

It turned out that this refers to the extension of residence permits for third-country nationals who legally resided in Ukraine until February 24, 2022, fleeing the war. "Citizens of Ukraine who received temporary protection in Poland on the basis of the Special Act of March 12, 2022, i.e. received a PESEL number with the status of UKR, as of January 18, 2024, may stay in Poland on the basis of this status until March 4, 2024," the Ministry's website states. Along with the expiration of temporary protection for Ukrainian refugees, the opportunity to start a sole proprietorship on an equal footing with Polish citizens also ends.

At the same time, according to the Polish newspaper Dziennik Gazeta Prawna, the government is working to extend the period of protection for Ukrainian refugees.[17]

Poland and Ukraine need a reset that would restore their former strategic closeness - but this cannot happen without a breakthrough at the highest political level.

2. The Impact of War in Ukraine on the Economic Relations

The authors believe that it is the phenomenon of the illusion of explanatory depth that is relevant for the chosen topic. The illusion of explanatory depth reflects a discrepancy between surface familiarity and true comprehension. People often overestimate their understanding of everyday objects, systems, or concepts because they mistake their ability to recognize them with a deeper understanding of their workings. If a respondent is asked how well he or she knows how the kettle, computer, headphones or any other products from the daily activities work, the answer is considered to be a yes. However, if the following question would be about getting deeper into the knowledge of processes of work of those, specifics and characteristics, that may cause a very big shift and difference in the answers. Similarly, in fields like economics or politics, people may hold strong opinions on complex issues without fully understanding the underlying factors at play.

After the war started, the Polish-Ukrainian border witnessed significant activity in the context of grain trade and transportation. One situation that commonly arises involves the transit of Ukrainian grain

[14] PIE. 2023.
[15] Kaass.pl (n.d.).
[16] Government of Poland. 2024.
[17] Gazeta Prawna (n.d.).

through Poland to reach markets in the European Union and beyond. Due to infrastructure limitations and logistical challenges within Ukraine, the most efficient route for exporting this grain often involves crossing through Poland. The Polish-Ukrainian border serves as a critical transit point for this trade, with truckloads of grain crossing daily.

In recent weeks, the agricultural community in Poland has been rocked by a series of protests led by farmers expressing discontent over the influx of Ukrainian grain into the country. These protests highlight growing concerns within the Polish farming sector regarding the impact of foreign grain imports on domestic agriculture.

To analyze the topic deeper, the main points of why Polish farmers protest should be defined. The first one is a market distortion: the influx of Ukrainian grain which is cheaper than Polish has led to unfair competition, driving down prices for domestically produced grain and squeezing profit margins for Polish farmers. The following one is an effect on the livelihood: for many small-scale farmers, who form the backbone of Poland's agricultural sector, the increased competition from Ukrainian imports poses a threat to their livelihoods. They argue that they cannot compete with the economies of scale and lower production costs enjoyed by Ukrainian agribusinesses.

The situation on the border has really escalated the situation between economic relations between Poland and Ukraine. Authors believe that the phenomenon of illusion of explanatory depth is quite relevant in the discussion and description of this topic in context of succumbing to propaganda.

As Ukrainians living in Poland, the authors were able to analyze and observe the difference in opinion between Poles and Ukrainians on this issue. As a base, research and analysis of the social networks was done (comments, posts, etc.). Also, interviews with the experts from the field were conducted – it is shared below.

So, when it comes to the main messages in the social media, Ukrainians expressed their opinions and indignation because of the lack of the Ukrainian demonstrations at the border where Polish farmers hold their strikes. The propaganda worked well, and there also were comments claiming that gatherings on February 24 are not important if the organizers of these same gatherings do not ogranize the protests on the border. In terms of scale and power of the demonstrations, on February 24, more than 20 000 people came out in Warsaw, capital of Poland.

From the diplomatic point of view, there is an opinion that for Ukrainians not to have protests at the border was the right decision, since it should be regulated by governments, not the electorate.

Relations between Poland and Ukraine are very important nowadays, and the task of the Ukrainian state, as well as Polish, is to quickly react to situations like it . Why is it so important to understand that this issue should be resolved at the state level? Poland and Ukraine built their relationship as nations after the start of the war: incredible support both socially and economically. Human relationships and values are a very important factor in this matter. Strong messages on the social media: “Ukrainians are ungrateful – we helped them, and this is what we got,”; “Stop Ukrainization of Poland”; “Poland for Poles”, etc. On another hand there are: “Poles forgot that Ukraine stands for Europe”; “The real opinion of Poles is to scatter the grain and block the borders”. Unfortunately, propaganda has become quite successful on the Internet with this matter. It is important to understand that this is also an example of the illusion of explanatory depth. This phenomenon explains that a person bases the opinion solely on what is stated to be true by others – in this case, propaganda. He or she does not have sufficiently deep knowledge on this issue and bases his or her opinion on what propaganda offers, although with the highest probability, he or she looks at the situation superficially, without analyzing all the data and variables.

As a part of the empirical research for this article, the authors interviewed a lecturer, member at the Department of Economics in Kozminski University and an expert in the Macroeconomic Team at Polish Economic Institute, Sergiej Druchyn.

The discussion was related to the economic relations between Polish and Ukraine. “Economic relations between Poland and Ukraine after the start of the war improved. This is expressed in an increase in trade volumes, huge amounts of support from both refugees from Ukraine and from part of

the Ukrainian business, which also moved to the Polish market. The Polish government has created many simplified rules for Ukrainian employees and so that Ukrainians can open a business in Poland and legalize their economic activities. At the same time, of course, one cannot miss the fact of a certain, so to speak, trade war between Poland and Ukraine, which, in principle, begins in half of 2023. The reason was that the transit of grain, which was supposed to be exported to the rest of Europe, remained in Poland, which is why Polish farmers expressed their dissatisfaction. Clearly, this situation does not have a positive impact on trade and economic relations between Poland and Ukraine, however, this crisis should be managed in the near future – tools are already being developed to overcome this. Otherwise, Poland is one of the main contenders for the reconstruction of Ukraine. And also, on the Ukrainian side, many simplifications have been introduced for Poles, thanks to which opening and running a business in Ukraine seems to be a very easy procedure – Poles can do business in Ukraine on almost the same basis as citizens of Ukraine."

Authors also talked to a volunteer and a member of Reconstruction of Ukraine Club at Warsaw School of Economics, Eduarda Kornienko: "Before the war, relations between Ukraine and Poland were quite strained - the main reason for this was the historical context and the fact that politicians did not search for or did not find a common vector of development, a common narrative that would spread among both nations.

In Ukraine, during the term of President Yushchenko, who was very open to foreign politics, there were attempts to reach an agreement, but they did not reach a common denominator to improve economic relations and take it to another level. Poland and Ukraine are two democratic countries, our government is the people. Some time before the war, when Mr Zelensky was already the president, a communication appeared in the mass media claiming that we would finally be officially friendly countries, since the president of Ukraine, Vladymyr Zelensky met with the president of Poland, Andrzej Duda, and discussed cooperation plans, as we already know, Russian aggression. We saw photos of our presidents spending time together in a friendly atmosphere somewhere in Poland - this is where the light of these relationships was revealed.

The war begins, in the first days the Polish authorities do not react particularly actively, but people... And we get back again to the topic of nations - people reacted immediately, the focus of attention quickly shifted from past historical factors, and it turned out that we are closer to each other than we thought.

Poles became a shoulder of support for Ukrainians when the war that started on February 24, 2022 started. Despite the broadcasted propaganda and whatever it says, Ukrainians incredibly appreciated it, appreciate it and will always appreciate it. It is like "love at first sight", based on hurting showing that we have a lot in common, and many things unite us. If earlier we talked about the difference in languages and mentalities, it became the other way around - Poles who started literally taking Ukrainians to their homes began to understand that we actually have common values, and this will bring us closer together. Poles are still very much interested in Ukraine, Ukrainians are interested in Poland - of course, one of the reasons is that there are millions of Ukrainians living in Poland at the moment. The narrative that Ukraine protects the whole of Europe, including Poland, was needed - it helped and possibly pushed Poles to show more support especially during the beginning of the war. This led to the fact that the authorities quickly began to react, help and entice other countries to do the same. It is also worth noting that Poland supports Ukraine in the matter of promotion to the EU. But I would like to note that starting from "emotional hugs", these relations have now become more economic, where both parties think about their domestic politics, but at the same time know that there is a country nearby with which there is now a strong enough connection - both emotional and economic.

Interest in the war decreased. What really surprises me, by the way: in Poland, for example, people are still very much interested. Sure thing, one of the reasons is the fact that there are so many Ukrainians, and we are colleagues, friends, couples. At some point, the Polish authorities seem to have changed the focus of attention and focused on domestic politics - elections are coming. Then, Mr Muravetsky decides that the issue of Ukrainian grain needs to be reviewed. When the war began, there was an agreement on the emotional background that there would be transit for grain. But, in the

spring of 2023, the Polish authorities decided that this is not beneficial for domestic politics. The transit of grain is prohibited, despite the fact that Volodymyr Zelensky had a meeting with Polish representatives just a short time before that. The grain, by the way, is still standing on the border - since I often drive through Helm, I see these wagons standing there. The EU does not fully understand how to react to this due to the specifics of international law.

At the same time, it is necessary to remember that the Russian agency works – propaganda with the budget of a lot of money is in action, and it does it very well. The authorities are confused and quite limited in their actions – the elections are coming soon. The law does not prohibit peaceful protests, so farmers on the border stay.

I want to summarize by saying that economic relations between Poland and Ukraine will develop. This open border is very important for Ukraine, but in the same way, if you look at Poland's economy, by blocking the border the Poles are blocking themselves. A good moment was chosen: the war in Ukraine, the internal elections in Poland - an excellent moment for propaganda that aims to divide people. The destabilization happened indeed, but reasonable people understand it all."

Conclusion

To conclude, this topic is considered to be extremely relevant both for Polish and Ukrainian sides. Economic relations of Poland and Ukraine have undergone a transformation after the outbreak of the war in Ukraine, currently experiencing a challenge of the propaganda focused on setting Poles and Ukrainians against each other. Both these nations sociologically have a high respect and dedication to the fact of belonging to their nation, and this is what fuels the effectiveness of propaganda.

To summarize, the illusion of explanatory depth is an assumption that one perfectly understands cause and relationships, while in reality, it is far from the case. Authors claim that it is important and interlinked with the topic of economic relation between Poland and Ukraine, because propaganda from different parties and the amount of the information has its role in terms of confusing opinions of people.

Poland and Ukraine had their history which had its story, but when the war in Ukraine started, the brand-new page of relations began. What unites Poland and Ukraine is the united people and values of the nation. Ukrainians truly value that they are Ukrainians; Poles truly value they are from Poland.

So, the illusion of explanatory depth is the concept which lies in the idea that one has to dig into the information more in order to claim the level of knowledge on a certain question. Nowadays, the topic about war in Ukraine is discussed during the scientific conferences, and becomes a topic for articles, news, etc. Politics and diplomacy are more open to society than it was before because of the social networks. So why does the propaganda work so well? Authors claim that the illusion of explanatory depth is a powerful perspective for exploring this topic.

Without proper information about the backgrounds such as economic, political, historical and others, the opinion of the electorate can be easily manipulated and cause inner conflicts on the social and cultural base.

While working on this article, in order to have a big picture on the topic, authors talked to economists, students, people from business, etc. and it turns out that people with the same background have more similar opinions. For example, an economist from Poland and an economist from Ukraine would have similar opinions on this topic. At the same time, a Ukrainian and a Pole who do not have any background in the matter and base their opinion on what is presented in the social media, would have two completely different viewpoints.

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THE COMPLIANCE OF THE GEORGIAN GOVERNMENT'S LEGAL AND POLITICAL ACTIVITIES WITH THE GOOD GOVERNANCE PRINCIPLE: EASTERN PARTNERSHIP INITIATIVE

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Abstract

The study deals with the compliance of the Georgian Government's legal and political activities with the "good governance" principle envisaged by the Eastern Partnership initiative. The research was carried out within the framework of qualitative research. Based on secondary sources, the research of the Caucasus Research Resource Center (CRRC) reflected the public's mood about the Government's political activities. Within the research framework, I studied the strategic documents and plans of the Georgian Government, in which the convergence of the country's political course with the principle of "good governance" is mentioned. Through the analysis of strategic documents of the Georgian government, analysis of secondary sources, and local and international reports, I present the compliance of the legal and political activities of the Georgian Government with the principle of "good governance." The purpose of the presented research is to answer the question: what prevents the Government in Georgia, through its activities, from absolute compliance with good Governance while such international organizations as Transparency International Georgia, ISFED, OSCE/ODIR, in the presented reports point out mistakes and issue relevant recommendations.

Keywords: Eastern Partnership Initiative, Central Electoral Commission, Election, Good Governance, Good Governance Principles, ISO.

Introduction

Description of the context

I have learned strategic documents about Georgia's responsibility regarding the Eastern European Initiative; this research aimed to show how relevant Georgian government activities are to the path chosen by the country in 2009 when Georgia signed the EaP. For that, I analyzed documents and made compliance; the research will show how consistently the Georgian Government introduces the policy. Sometimes, the country is responsible for signing different kinds of partnerships, but most of the time, things are not happening. I am clarifying why we made some differences and giving some recommendations.

This research will only use the EAP part from multilateral cooperation to strengthen institutions and Good Governance in the elections sector from Georgia. Moreover, here is the compliance of the elections to Good Governance with the responsibilities taken for the country from the Eastern European initiative/partnership. The primary source is research regarding the Central Electoral Commission of Georgia and its compliance with the concrete ISO 9001-2015 standard. The one project finishes once it changes something for the better regarding the responsibilities, which is Georgia's and its Government's duty to follow and fulfil. Otherwise, things are changing only on paper and do not have an enforcement mechanism.

1. Literature review and theoretical framework

1.1 Eastern European Partnership

Eastern Partnership Initiative is a European Union project that Poland and Sweden prepared; those countries' foreign ministers mentioned this big event at the EU's Councils of General Affairs and

External Relations meeting in Brussels on May 26, 2008. On May 7, 2009, the Easter Partnership Initiative was inaugurated in Prague, Czech Republic. [18]

Members are the EU and 6 Easters European countries:

1. Georgia
2. Armenia
3. Azerbaijan
4. Ukraine
5. Moldova
6. Belarus

In August 2008 was brutal for Georgia as the Russia invaded Georgian territory and, in the end, Russia in violation of international law, Recognized Georgian territory Abkhazia and South Ossetia as independent states and expanded its military footprints within the mentioned territories.

In June 2008, the European Council invited the Commission to draft a suggestion for an Eastern Partnership (EaP) to support regional cooperation, stability and reinforce EU relations with its eastern neighbouring countries.

Regarding the Regional instability it was a necessity to be suggested the clear policy framework from European Union for the Eastern countries to ensure and maintain security for the Easters Neighbourhood.

For the European Union there are main values which are the most important for the Eastern Europe and the Southern Caucasus. Stability and prosperity, Security, Democracy and rule of law presents the paramount principles for the alliance. [19]

In exchange for implementing political and economic reforms, the EaP offers:

- new contractual relations
- deep and comprehensive free trade agreements
- steps towards visa liberalisation and a multilateral framework in which to discuss these issues

The Eastern Partnership:

- offers a solid framework for multilateral co-operation
- facilitates deepening of the bilateral cooperation with the EU

Eastern Partnership Initiative is presented with two different kinds of cooperations which is named as Multilateral Cooperation and Bilateral Cooperation. The disparity between the two lies herein.

1.2. Bilateral and Multilateral Cooperation

Multilateral cooperation

Partner countries share and face numerous common challenges. Collaboratively addressing those issues promotes cooperation and facilitates sharing best approaches.

Multilateral cooperation in the Eastern Partnership takes place across a wide array of issues:

- strengthening institutions and good governance, including resilience to external changes
- developing market opportunities through economic integration and trade agreements
- ensuring energy security and improving interconnection for energy and transport
- enhancing mobility and contacts between people with visa dialogue negotiations [20]

[18] The Diplomatic Service of the European Union, "Eastern Partnership". https://www.eeas.europa.eu/eeas/eastern-partnership_en [L. s. 17.03.2022].
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Bilateral cooperation

Association agreements (AA)

The EU has recognized specific principles and ideas for each eastern partner country to get closer to a European family regarding the association agreements. [21]

The EU has negotiated with EaP partners a series of association agreements which provide:

1. Enhanced political association
2. increased political dialogue
3. deeper cooperation on justice and security issues

The European Union presents the specific reforms that help partner Eastern European countries get closer to the EU values and international standards.

Free trade agreements (DCFTA)

As part of the association agreements, the European Union finalized discussions regarding an extensive and comprehensive free trade zone (DCFTA) with Georgia, Moldova, and Ukraine to:

1. Improve access to goods and services
2. Reduce tariffs, quotas, and trade barriers.
3. Ensure a stable legal environment.
4. Align practices and norms [22]

1.3. Visa Dialogue

Visa dialogue is one of the most crucial parts of the Eastern Partnership Initiative partner countries to help citizens of Eastern European countries move around Europe securely.

Visa facilitation and readmission agreements allow people from Eastern Partner Countries to travel more efficiently in Europe with visa liberalization and set some rules for people in a country illegally. Visa liberalization came into force in Georgia on March 28, 2017. [23]

1.4. Responsible bodies in the Council

The Working Party on Eastern Europe and Central Asia administers all aspects of EU relations and cooperation with countries in:

- Eastern Europe: Armenia, Azerbaijan, Belarus, Moldova, Georgia, Russia and Ukraine
- Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan

The Trade Policy Committee also advises and assists the Commission in negotiating and concluding trade agreements with the EaP partner countries.

Negotiations of international agreements with the Eastern partners

The Council is involved in all stages of negotiating and adopting the international agreements with the six Eastern European and South Caucasus partner countries:

- Providing the mandate for negotiations
- signing the agreement on behalf of the EU
- adopting the final decision and implementing it into EU law [24]

[21] Eastern Partnership Civil Society Forum, "EU-Georgia, Moldova and Ukraine Civil Society Platforms". https://eap-csf.eu/aadcftaplatforms/ [[L. s. 05.02.2024];]

[22] European Council of the European Union, "Working Party on Eastern Europe and Central Asia (COEST)" https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-eastern-europe-central-asia/ [L.s.29.06.2022].

[23] European Commission, "Visa liberalisation with Moldova, Ukraine and Georgia". https://home-affairs.ec.europa.eu/policies/international-affairs/collaboration-countries/visa-liberalisation-moldova-ukraine-and-georgia_en [L. s. 28.03.2017].

2. Democracy, Good Governance and Stability

Democracy, Good Governance, and Stability Work under the EaP Platform on Democracy, good Governance, and stability aims at strengthening democratic principles and good Governance in zones such as open organization, gracious benefit, legal, administration of state borders, battle against debasement, decisions, refuge and movement, Common Security and Protection Approach, respectful security, police participation or cybercrime. Work in these areas promotes the application of good Governance and appropriate reforms by learning from others and utilizing targeted pilot projects.

Participation in the system of Eastern Partnership is presented in two bearings: Multilateral and bilateral involvement. The objective of bilateral cooperation is to make a comprehensive political and legitimate system and assist in developing the participation of accomplice nations with the European Union. The goal of multilateral involvement is to supply an unused organization that permits participation within the field of standard interface and the ability to bargain with challenges. Multilateral cooperation includes four thematic platforms, flagship initiatives, and panels. The multifaceted format of the "Eastern Partnership" is coordinated by the Office of the State Minister of Georgia for Integration into European and Euro-Atlantic structures. The following sectoral ministries are responsible for the platforms: - Platform I - Democracy, Good Governance and Stability - Office of the State Minister of Georgia for Integration into European and Euro-Atlantic Structures; - II Platform Economic Integration and Convergence with EU Policies Ministry of Economy and Sustainable Development of Georgia; - Platform III - Energy Security - Ministry of Energy of Georgia; - IV Platform - Contacts between People - Ministry of Culture and Monuments Protection of Georgia.

While the EAP itself is a vast topic, in this research, elections are more specified in terms of a discussion of the convergence of EAP to sound governance principles within the framework of the Eastern European Partnership initiative, the understanding of the responsibility taken by Georgia, how far it is by the strengthening of democratic principles and Good Governance in the part of the elections. Namely with the principles of good governance principle 1. Fair conduct of elections, representation, and participation. And Principle 4. Openness and Transparency.

2.1 Central Electoral Commission's Strategic Documents

The 2020 parliamentary elections showed that the Commission needs transparency; errors and imbalances in the voting and election summary protocols were revealed during the recount. There were cases when the representatives of non-governmental parties and non-governmental organizations were not allowed to participate in the vote-counting process, emphasizing the inconsistent policy of the Central Election Commission. This was followed by the inaccuracy of the minutes summarizing the voting results, which led to mass demonstrations, dissatisfied citizens, a politically polarized environment, a boycott of the opposition, confrontations at the polling stations, taking the table lists

outside the polling stations, which is a violation of the law, and, the fact is, this process, which took place in Georgia in 2020 After the parliamentary elections, to the CEC. [25]

It led to a decrease in trust on the part of citizens. Even though the 2015-19 strategic document of the CEC states that the confidence of the population towards the elections was high, in the results of the 2019 survey of the Caucasus Barometer CRRC, we see that 31% of the population of Georgia (2317 respondents surveyed) do not consider the last 2018 presidential election Fair elections (CRRC, 2019). In addition, it is worth noting the research carried out by the NDI published by the Caucasus Research Resource Center (CRRC) from 2015 to 2020 (research carried out in 2015, 2016, 2020, 2021), which is related to the mood of the public about the activities of the Central Commission of Georgia.

[24] European Council of the European Union, "Working Party on Eastern Europe and Central Asia (COEST)". https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-eastern-europe-central-asia/ [L.s.29.06.2022].

[25] Manvelishvili, A., „Compliance of the activities of the Central Election Commission of Georgia with quality management standards" Georgian Institute of Public Affairs [L. s. 02.08.2022].

2.2 Caucasus Research Resource Center

The main question of the mentioned research is: "How would you evaluate the activities of the Central Election Commission?" Percentage of respondents surveyed in 2015

It was distributed as follows: very bad 2, bad -13, average - 63, good 20, excellent - 2 (National Democratic Institute, 2015). Respondents interviewed in 2016: very bad - 3, foul - 20, average - 58, good - 13, excellent - 1 (National Democratic.

Institute, 2016); From the respondents interviewed in 2020: very bad - 11, foul - 27, average - 33, good - 25, excellent - 4 (National Democratic Institute, 2020);

Among the respondents surveyed in 2021: very bad - 15, foul - 26, average - 33, good - 22, and excellent - 4 (National Democratic Institute, 2021). [26]t is obvious how the public's trust in the Central Election Commission has decreased over the years.

He raised an issue that, first, called into question the qualifications of CEC employees in the relevant positions and the organizational efficiency of the system, and this generally changes the citizen's attitude towards elections, which poses a threat to democracy.

The strategic document of the Central Election Commission of Georgia for 2015-2019 emphasizes increasing employees' competence and professional development through training.[27]

2.3 Example of Georgian Parliamentarian Election, 2020

The 2020 elections showed that the recount revealed errors and imbalances in the voting and election results.

In confirmatory summary reports. The document mentions the creation, inclusion, and use of modern electronic programs in the election processes. However, this was done for the first time during the parliamentary elections 2020, which was a pilot version only in Tbilisi's Krtsanisi district. Nevertheless, compliance with the requirements of the international standard of the strategic document management system of 2015-19 is Confirmed by the ISO 9001:2015 certificate.[28] [29]

Consequently, questions arise regarding the institute and how much everything written in the CEC's strategic documents is being fulfilled concerning the standards of the ISO 9001:2015 model. After the 2020 parliamentary elections, an "ambitious electoral reform" was to be carried out before the self-government elections, which was a response to the opposition's boycott. To improve the electoral system, the election code was reformed on June 28, 2021, at the third reading of the Parliament of Georgia, which was an obligation of our state through the mediation of the European Union, Charles Michel When signing the contract. Because of the reform, the procedure for staffing the election administration was changed to improve the institution.

The composition of the commissions has increased to 17, of which the parties will appoint nine members, and eight members will be chosen on professional grounds, which will positively affect the transparency and impartiality of further decisions. On election day, campaign materials are not allowed to be placed at the polling station within 25 meters from the entrance of the voting building. It

[26] Caucasus Research Resource Center, "Caucasus Barometer 2019 Georgia" https://caucasusbarometer.org/ge/cb2019ge/factsheet/ [L. s. 09.10.2019].
[27] CEC, "Strategic plan of Georgian election administration 2015-2019" https://cesko.ge/static/res/docs/%E1%83%92%E1%83%94%E1%83%92%E1%83%9B%E1%83%90.pdf [L. s. 05.02.2024].
[28] International Organization for Standardization," GEOST - Georgia - Membership: Corresponden member". https://www.iso.org/member/1950.html
[29] The Central Election Commission of Georgia, "The Central Election Commission is the holder of the ISO 9001:2015 certificate of the international quality management standard", CEC. https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/4118588-tsentraluri-saarchevno-komisia-khariskhis-martvis-saertashoriso-standartis-iso-90012015-sertifikatis-mflobelia [L. s. 25.06.2019].

is forbidden to physically obstruct the movement of voters in the voting building or within 100 meters of the building on the day of voting. [30]

2.4 Good governance principles

"Good Governance – the responsible conduct of public affairs and management of public resources – is encapsulated in the Council of Europe's 12 Principles of Good Governance. The principles cover ethical conduct, rule of law, efficiency and effectiveness, transparency, sound financial management, and accountability."

Principle 1

"Fair Conduct of Elections, Representation, and Participation

- Local elections are conducted freely and fairly, according to international standards and national legislation, and without fraud.
- Citizens are at the center of public activity, and they are involved in clearly defined ways in public life at the local level.
- All men and women can have a voice in decision-making, directly or through legitimate intermediate bodies representing their interests. Such broad participation is built on the freedoms of expression, assembly, and association.
- All voices, including those of the less privileged and most vulnerable, are heard and considered in decision-making, including over-allocating resources.
- There is always an honest attempt to mediate between various legitimate interests and to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved.
- Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected. "

Principle 2 - Responsiveness

Principle 3 - Efficiency and Effectiveness

Principle 4 - "Openness and Transparency

- Decisions are taken and enforced by rules and regulations.
- There is public access to all information that is not classified for well-specified reasons as provided by law (such as protecting privacy or ensuring the fairness of procurement procedures).
- Information on decisions, implementation of policies, and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of the local authority. "

Principle 5 - Rule of Law

Principle 6 - Ethical conduct

Principle 7 - Competence and Capacity

Principle 8 - Innovation and Openness to Change

Principle 9 - Sustainability and Long-term Orientation

Principle 10 - Sound Financial Management

Principle 11 - Human rights, Cultural Diversity and Social Cohesion

Principle 12 - Accountability"[31]

[30] Legislative Herald of Georgia," Article 10 – Composition of the CEC and procedures for electing the CEC Chairperson". https://matsne.gov.ge/en/document/view/1557168?publication=79 [Last edited 03.07.2023].

[31] Council of Europe, "12 Principles of Good Governance" https://www.coe.int/en/web/good-governance/12-principles#{%2225565951%22:[11]} [L. s. 05.02.2024].

Compliance is determined only concerning the first and fourth principles. Good Governance principles initiated to implement EU accession priorities for Eastern partner countries. [32]

2.5 Ist Platform - Democracy, Good Governance and Stability

Multilateral cooperation includes four thematic platforms, flagship initiatives, and panels. The multifaceted format of the "Eastern Partnership" is coordinated by the Office of the State Minister of Georgia for Integration into European and Euro-Atlantic structures. The following sectoral ministries are responsible for the platforms: - Platform I - Democracy, Good Governance and Stability - Office of the State Minister of Georgia for Integration into European and Euro-Atlantic Structures.

3. Compliance of the legal and political activities of the Government of Georgia with the principle of "good governance" envisaged by the Eastern Partnership Initiative in terms of Elections

The study deals with the compliance of the Georgian Government's legal and political activities with the "good governance" principle envisaged by the Eastern Partnership initiative. The research was carried out within the framework of qualitative research. Based on secondary sources, the study of the Caucasus Research Resource Center (CRRC) is presented, which reflects the mood of the public concerning the political activities of the Government. Within the research framework, I studied the strategic documents and plans of the Georgian Government, in which the convergence of the country's political course with the principle of "good governance" is mentioned. Through the analysis of strategic documents of the Government of Georgia, analysis of secondary sources, and local and international reports, I present the compliance of the legal and political activities of the Government of Georgia with the principle of "good governance." The purpose of the presented research is to answer the question: what prevents the Government in Georgia, through its activities, from actual compliance with good Governance while such international organizations as Transparency International Georgia, ISFED, OSCE/ODIR, in the presented reports point out mistakes and issue relevant recommendations.

In research, the crucial observation is on the first principle of good Governance: Ensuring fair elections, representation, and inclusive participation.

4. Research question

What is preventing Georgia's Government, through its activities, from absolute compliance with good Governance while such international organizations as Transparency International Georgia, ISFED, and OSCE/ODIR, in the presented reports, point out mistakes and issue relevant recommendations regarding elections?

5. Analysis and Results

The Eastern Partnership does not propose an alternative to EU membership but seeks to deepen integration processes, promote shared values, and bolster security and economic development in partner countries. As I delve into this research, conducted through qualitative methods, I examine how much Georgia's political trajectory aligns with the principles of good Governance advocated by international organizations.

Research analysis draws on secondary sources, notably the Caucasus Research Resource Center (CRRC), which offers insights into public sentiment regarding the Government's political activities.

In the research, the analysis of secondary sources, the Caucasus Barometer (CRRC), studies how the data change about the activities of the Central Election Commission of Georgia in the part of voter confidence.

[32] Council of Europe," About the Partnership for Good Governance". https://www.coe.int/en/web/programmes/partnership-good-governance [L. s. 05.02.2024].

In the part of the qualitative research, case analysis, CEC strategic documents of 2015-19 and 2020-23 were used, which showed the implementation of the papers written by the CEC in actual activities, how much the CEC follows its own established regulations about the requirements of the international standard.

The core question guiding research is: What impedes the Georgian Government from fully embracing sound governance principles despite recommendations from international organizations such as Transparency International Georgia, ISFED, and OSCE/ODIR?

In focusing on multilateral cooperation, a study there explored the thematic platforms, flagship initiatives, and panels of the Eastern Partnership—research primarily concerns Platform I - Democracy, Good Governance, and Stability.

Reviewing recent parliamentary elections in 2020 uncovered significant lapses in transparency and accuracy, evident in errors and imbalances within voting and election summary protocols. Instances where non-governmental representatives were barred from the vote-counting process underscore the inconsistency of the Central Election Commission's policies. Such shortcomings fuel public discontent, foster political polarization, and erode trust in democratic processes.

Despite strategic commitments to enhancing employee competence and organizational efficiency within the Central Election Commission, findings reveal a decline in public trust over the years. While efforts have been made to introduce modern electronic programs and adhere to international standards, such as ISO 9001:2015 certification, challenges persist in implementing reforms effectively.[33]

Following the 2020 elections, an ambitious electoral reform was initiated to address opposition concerns. Changes to the election code and commission staffing procedures aim to enhance transparency and impartiality in decision-making. However, the gap between technical-organizational improvements and public-political satisfaction remains palpable.

Through case analysis and the examination of international reports, study findings assess the extent to which the Central Election Commission's activities align with the principles of good Governance. At the same time, strides have been made, particularly in technical domains, but public dissatisfaction persists, underscoring the need for sustained efforts to bridge this gap.

Ultimately, the journey toward good Governance demands procedural reforms and a genuine commitment to democratic principles and public accountability. As Georgia continues its path toward European integration, it must ensure that institutional reforms translate into tangible improvements in Governance and public trust.

Conclusion

In conclusion, while adopting international standards signals progress, faithful adherence to the principles of good Governance requires comprehensive reforms driven by political will and public engagement.

As part of the recommendations, it is essential that in the future, the election administration is staffed with persons selected on professional grounds; however, based on the results obtained and the current political reality, it is only possible to switch to this model partially. Representatives of the Precinct Election Commission appointed by political parties should not be limited to performing the registrar function; this will make the process more transparent. Publicizing the audit findings and reports of the Central Election Commission is essential. Disclosure refers to internal and international audit findings to allow stakeholders to review reports on whether the Central Election Commission complies with the ISO 9001:2015 model standard requirements.

Quality management audit of CESC, precisely ISO 9001:2015 model standard, should be public; an internal audit was conducted in 2020, 2021, and 2022, as well as an international control audit, which was carried out by "TUV AUSTRIA CERT GMBH." None of the audit results are public and

[33]Manvelishvili, A., „Compliance of the activities of the Central Election Commission of Georgia with quality management standards" Georgian Institute of Public Affairs [Last seen 02.08.2022].

accessible, which, based on the existing practice, raises more doubts in society, ultimately leading to voters' distrust towards the elections in general. Based on this, it is essential to make the system more transparent and periodically regulate internal and external audits; only in this way will it be possible to improve the existing model.

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10. International Organization for Standardization,” GEOST - Georgia - Membership: Corresponden member”. https://www.iso.org/member/1950.html [Last seen 05.02.2024];
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12. Legislative Herald of Georgia,” Article 10 – Composition of the CEC and procedures for electing the CEC Chairperson”. https://matsne.gov.ge/en/document/view/1557168?publication=79 [Last seen 03.07.2023];
13. Council of Europe, ”12 Principles of Good Governance” https://www.coe.int/en/web/good-governance/12-principles#{%2225565951%22:[11]} [Last seen 05.02.2024];
14. Council of Europe,” About the Partnership for Good Governance”. https://www.coe.int/en/web/programmes/partnership-good-governance [Last seen 05.02.2024].

EUROPEAN INTEGRATION AND THE LABOUR LAW REFORM IN GEORGIA. ACHIEVEMENTS AND CHALLENGES

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Abstract

This paper describes the way of legal harmonization for the purposes of labour safety and health in Georgia and is based on those historic decisions, which have been rendered by Georgia within the framework of the labour law reform. In order to have a full image of the processes, the waves of radical reforms are described, which began in 2006 in Georgia and the outcomes of the mentioned are analysed. The paper aims to analyse the reforms implemented on the path to European Integration and evaluate the results and challenges faced by Georgia standing on its path to European Integration. The paper also covers the analysis of the labour safety obligations undertaken by Georgia under the Association Agreement and the importance of informing the society, as a certain key on the way to effective enforcement of the taken measures.

Keywords: labour safety, labour legislation, labour norms, labour law, European Integration, Association Agreement, decent labour culture, labour safety culture.

Introduction

In order to observe labour safety and health, the legal harmonisation with European Law is carried out effectively in Georgia within the last decade, grounded by the Associate Agreement executed with the EU. According to the Article 254 of Chapter 14 of Section VI ‘’Employment, Social Policy and Equal Opportunities’’ of the Association Agreement, Annex XXX provides for 26 directives and their respective implementation time limits, which started to be calculated from the date on which the Association Agreement became effective, i.e. from September 1, 2014.[1]

Important and at the same time, initial, progressive steps in this direction were taken back in 2015, when the Labour Conditions Inspection Department was established in the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia. Since then, the system of monitoring and inspecting the labour conditions at the workplace has been improved and formed in the country. Consistent steps have been taken in terms of raising the awareness of employers and employees, which have promoted the development of the systems of observance of labour norms at workplaces.[2]

The very important reform with the purpose of labour safety and health protection was implemented in 2018, when the Parliament of Georgia adopted the Law of Georgia On Labour Safety upon the third Reading. The Law was partially in line with the framework directive – Directive 89/391/EEC of June 12, 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

It is noteworthy that at the first stage, the Law of Georgia On Labour Safety stipulated a compulsory mandate of inspecting the facilities with excessive hazard, and after the legislative amendment adopted in 2019, the Law On Labour Safety gained the status of an Organic Law, which means that from September 1, 2019, the labour safety standards came closer to the standard established in the EU states, the mandate of the labour inspection was increased and it started to cover all fields of economic

[1] ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 30.8.2014: https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02) [L. s. 12.03.2024].
[2] Analysis of the Reports on Annual Activities of the Labour Inspection: https://lio.moh.gov.ge/report.php?lang=1&id=2 [L. s. 12.03.2024].

activities. The Labour Inspection Department became authorized to conduct the inspection, searching and checking of a workplace at any time of the day and night, without prior notice, in order to ensure the efficient enforcement of the labour safety norms. The mentioned amendments and the gradual enforcement of the obligations undertaken under the Association Agreement were positively evaluated by the European Commission.[3]

Apart from the inclusion of the Framework Directive in the legislation of Georgia, as of 2023, based on the analysis of the action plans and annual reports of the Deep and Comprehensive Free Trade Agreement (DCFTA) under the European directives determined under the Annex xxx of the Association Agreement in the direction of labour safety and healthcare, it is revealed that the approximation index of the legislation of Georgia has equalled to 31%, and totally, the number of directives prepared for harmonisation purposes has equalled to 62%.[4]

The significant legislative amendments also need to be highlighted, which were made within the framework of the labour legislation reform of 2020. Herewith, the Law of Georgia On Labour Inspection has been adopted, which became the basis for the establishment of the Labour Inspection Service. Since January 1, 2021, the LEPL Labour Inspection Service has been granted a mandate for performing the supervision on labour norms. The agency became authorized to carry out the control of observing the labour safety norms, as well as, the ensuring of labour rights for employed persons, which is the outcome of the important changes made to the Labour Code. As a result of the above reform, the service has turned into an agency, which is authorized to inspect the performance of labour norms at any time of the day, applying both – preventive and controlling mechanisms to the cases of violation of the labour rights determined under the Organic Law of Georgia On Labour Safety, the Labour Code of Georgia and the Law of Georgia On Public Service. Within the increased mandate, the Labour Inspection Service was granted the full mandate to perform the supervision on such sensitive issues, as: direct and indirect discrimination, sexual harassment, forced labour and labour exploitation, enforcement of the agreements reached through labour mediation and other fundamental labour rights guaranteed by the legislation, whose proper observance ensures the creation of a healthy and safe work environment for employees.[5]

As a result of the amendments, the labour conditions supervision system in Georgia in line with the obligations undertaken by the Association Agreement, has come closer to the international labour norms, namely, the 81st Condition on Labour Inspection, which is among the priority conventions and the EU calls Georgia for its ratification together with other important conventions (among them, the Fundamental Convention on Occupational Safety and Health (C155) and the Protocol to the Forced Labour Convention (P29).[6]

As a result of the proactive and reactive activities increased in line with the increase of the Labour Inspection mandate, the number of persons killed by industrial accidents in 2022 has reduced by 41% compared to 2018, that is, after the Law of Georgia On Labour Safety had been adopted.[7]

Despite numerous successful steps taken by the state, a number of issues in the direction of labour conditions, among them, labour safety and healthcare, still remain a challenge, which was the consequence of the collapse of the labour conditions supervision system and the annulment of the number of norms/technical regulations in the country from 2006 to 2015, which brought significant damage to the labour safety culture in Georgia.

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[3] COMMISSION STAFF WORKING DOCUMENT, Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Communication on EU Enlargement policy, Brussels, 8.11.2023. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf [L. s. 12.03.2024].
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1. The Labour Law Reform and the Results Achieved

Within the last two decades, the labour law underwent the waves of different important changes, among them, the following stages are noteworthy:

- The changes made in 2006 within the framework of the State Regulation Policy;
- The historic stage of development of Labour Law – 2013;
- The stage of intensive development/renewal of labour law between 2017-2023.

1.1. Review of the changes made in 2006 within the framework of the State Regulation Policy

In 2006, neoliberal reforms were started in the labour legislation. Within the framework of the State Regulation Policy different supervisory agencies were abolished, among them was the system of supervision on the enforcement of the labour norms. Its abolishment significantly worsened the labour rights of the employees. The balance between the existing parties was breached in labour relations. In particular, the employees turned out to be under unfavourable and inequal conditions compared to the employers. The mentioned neoliberal economic approaches, the selection of the management methods of non-interference and the ''hidden hand'' of the market resulted in the situation, when the country turned out to contradict the international labour norms and the main principles of the European Social Charter.[8] The new Labour Code adopted in 2006 was widely reviewed as one of the most unilateral codes in the world, which left the employees without any protective mechanisms, violated and contradicted with the fundamental principles of the International Labour Organisation (ILO),[9] and Georgia has been its member since 1993. The collapse of the principles of regulating labour relations by means of labour agreement, including, using revocation of the system of overtime labour and remuneration of labour, mechanisms for the protection of the employees at night shift and the supervision system[10] was followed by absolutely different outcomes compared with those ideological approaches, which were implied under the liberal vision of that time. Apart from hindering the European Integration processes significantly, the mentioned decisions also significantly damaged the culture of decent labour, among them, safe labour, the level of unemployment was increasing steadily (see Diagram N1), which gradually caused the increase in the level of poverty and the socially unstable environment. In 2012, the mentioned approaches were revised due to the change of the authorities. The altered policy of the new government implied more balance, also, the development of the country's economy and advancement forward on the path to European Integration based on more centrist and social approaches.

[8] Commission staff working document accompanying the Communication from the Commission to the European Parliament and the Council - Implementation of the European Neighbourhood Policy in 2008 - Progress Report Georgia: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52009SC0513 [L. s. 12.03.2024].
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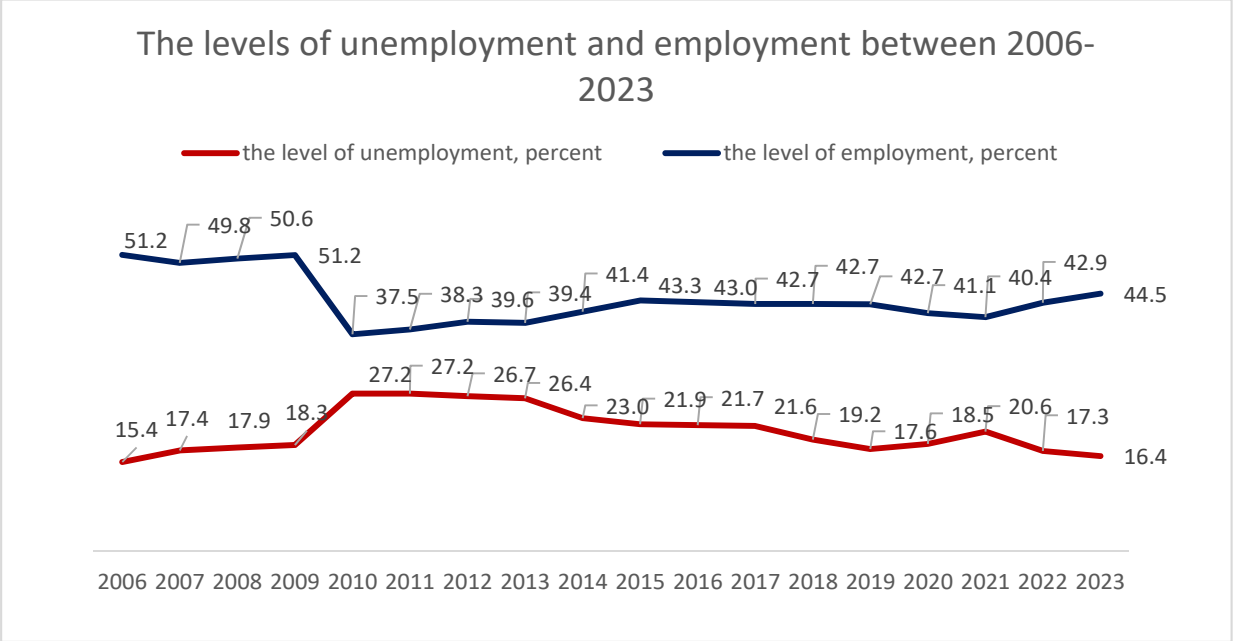
Diagram N1



Source: Georgian National Statistics Service

1.2. The historic stage of development of labour law-2013

The change of the Labour Code status and its formation as an organic law due to the constitutional reform implemented in Georgia in 2010, was followed by important changes in 2013, which were caused by the very significant errors stated by international organisations and the respective recommendations due to the Labour Code, that was effective until 2013 and which was a normative document adapted to the interest and priorities of an employer, based on its dispositional nature[11].

According to the legislative changes of 2013, which were prepared based on the recommendations and expert support of the international labour organization, also, the participation of the civil society, the legal framework with the purpose of protecting employee rights was developed in a new manner, but, at the same time, the interests of employers and their dominant position in labour relations were limited at a certain extent.[12].

The essential terms of a labour agreement and the opportunity of their amendment upon the agreement of the parties, the obligation to inform the employee (candidate) on the work to be performed, the form and the duration of a labour agreement, the grounds of a fixed-term and an indefinite-term agreement, duration of the working time and the overtime work, including the working time for the enterprises of the specific working regime and others were determined under the mentioned legislative changes. Based on the changes, the grounds for the termination of labour agreement and the procedure for termination were determined in a new manner, also, the issues of taking a leave due to pregnancy, childbirth and childcare and their remuneration, the regulatory norms for the reviewal and solution of collective and individual labour disputes.[13]

The mentioned reform, to some extent, regulated the very substantial discrepancy of the Labour Code that was effective until 2013 – the disbalance in labour relations and the dispositional clauses in

[11] Shvelidze, Z., Chapter I, Labour Law of Georgia and International Labour Standards: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_627047.pdf [L. s. 12.03.2024].
[12] Sanikidze, Z., Review of the Amendments Made to the Labour Code of Georgia on July 4, 2013, 2014: https://lawlibrary.info/ge/books/giz2014-ge-shromis_cvlilebebi.pdf [L. s. 12.03.2024].
[13] Organic Law of Georgia", Labour Code of Georgia'' (version effective until 2017).

labour norms and promoted the creation of the grounds for balanced labour relations. Based on the mentioned changes, we may conclude that Georgia has started building righteous labour principles.

1.3. The stages of intensive development/renewal of the labour code of 2018 - 2023

Very substantial changes in the labour legislation were made in 2018, when the Law of Georgia ''On Labour Safety'' was adopted in the third reading, which initially covered the facilities with increased risk and after the legislative changes made in 2019, the Law on Labour Safety obtained the status of an organic law, herewith, the scope of the law was increased and it was applied to all fields of economic activities. Based on the mentioned changes, the labour safety standards got closer to the standard established in the EU member states from September 1, 2019, the mandate of the labour inspection was broadened, the labour conditions supervision agency (the Labour Conditions Inspection Department of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, which was established since 2015 within the framework of the state program on the inspection of labour conditions with the mandate having a recommendatory character) became authorized to conduct the inspection, searching and checking of a workplace at any time of the day, without prior notice in order to ensure the efficient enforcement of the labour safety norms. [14]

Herewith, in order to improve labour norms and carry out effective supervision, the Law of Georgia ''On Labour Inspection'' was adopted in 2020, which became the basis for the establishment of an independent supervisory body in the form of the Labour Inspection Service, which operates as a legal entity under public law under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia since 2021. Besides, the labour safety norms underwent meaningful legislative changes and they were improved significantly according to the directive determined under the Association Agreement, therefore, a number of normative acts were adopted, including:

- by the Resolution №341 of July 1, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace were determined, where the norms determined by the Council Directive 89/654/EEC of November 30, 1989 are fully presented, the norms determined by the Council Directive 90/270/EEC of May 29, 1990 are partly presented;
- by the Resolution №457 of September 16, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of the Placement of the Signs Related to the Observance of Safety and/or Health at Workplace were determined, where the norms determined by the Council Directive 92/58/EEC of June 24, 1992 are fully presented;
- by the Resolution №590 of December 23, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at the Workplace upon Using the Means of Personal Protection were determined, where the norms determined by the Council Directive 89/656/EEC of November 30, 1989 are fully presented;
- Resolution №167 of May 1, 2023 of the Government of Georgia on the Approval of the Technical Regulations on the Minimum Requirements of Observance of Safety and Health while Manual Handling of Loads were determined, where the norms determined by the Council Directive 90/269/EEC of May 29, 1990 are fully presented.

Herewith, it is noteworthy that after the substantial changes in 2013, the Labor Code of Georgia continued the development with the purpose of the establishment of righteous labour standards and up to the present day, 20 amendments have been made to it, among them, the wave of changes implemented in 2020 is noteworthy, after which the directives of international labour law (8 directives) and prohibiting discrimination and gender equality (6 directives) were presented. Based on the implemented changes:

- The scope of the prohibition of discrimination and the list of the essential terms of a labour agreement were broadened;

[14] 2019 Report of Labour Inspection: https://lio.moh.gov.ge/report.php?lang=1&id=2 [L. s. 12.03.2024].

- The mechanism for the execution of the agreement reached through mediation was regulated;
- The issues related to the internship at the workplace were adjusted;
- The concept of incomplete working hours for the purposes of organization of the working time and the guarantees for the persons employed at such job were determined, in particular, the obligation of the employer to provide the employees with the information on the part-time and full-time jobs existing in the institution and to make it possible for the employees to shift from the part-time job to the full-time job and vice versa The changes also concerned the working time, the breaks and the holidays, the overtime work and the procedure for its compensation, night work and the periodic medical supervision of the persons employed at night jobs, maternity leave and childcare leave, also, the issues of conducting medical tests for pregnant women and their compensation, massive dismissal procedures and the procedure for calculation of the number of dismissed employees within a determined period of time. Upon the transfer of enterprise, the obligations of the transferor and the receiver (the employer) enterprises; the obligations of the employer in terms of providing information and holding consultation for employees at the workplace; The respective procedures were defined (the content of the information, the terms of providing information, the obligation of the parties to observe confidentiality in terms of the received information); The state supervision body responsible for the enforcement of the labour legislation was determined and the sanctions were stipulated.

2. The Association Agreement and the Review of the Obligations Undertaken with the Purpose of Improvement of Labour Norms

Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (hereinafter referred to as the Association Agreement), signed in 2014, establishes a number of obligations for Georgia, which is on its path towards European Integration. It is noteworthy that the Declaration of 2008 of the World Labour Organisation ''On Social Equality and Fair Globalisation'' defines decent labour, and respectively, Articles N 227, 229, 231, 239, 348 of the Association Agreement focus on the reinforcement of righteous labour culture in the country observing the international labour standards. Among them, Article 348 underlines the enhancement of the dialogue and cooperation between the parties in order to promote a decent work agenda, employment policy, health and safety, social dialogue, social protection, social participation, gender equality and the prohibition of discrimination at the workplace, also, corporate social responsibility.

Pursuant to Article 354 of Chapter 14 ''Employment, Social Policy and Equal Opportunities'' of Section VI ''Other Fields of Cooperation'' of the Association Agreement, Annex XXX determines: Labour Law with 8 Directives; Prohibition of discrimination with 6 Directives; Health and Safety at Workplace – with 26 Directives.[15]

As it was already noted, the 8 European Directives on Labour Law and the 6 European Directives on prohibition of discrimination and gender equality were included in the labour legislation pursuant to the amendments made in the Labour Code in 2020. As for the European Directives on workplace health and safety (26 in total), which include:

- The Framework Directive (89/391/EEC) and the Directive on Minimum Requirements (89/654/EEC);
- 2 Directives regulate the labour safety norms directly in terms of ships;
- 2 Directives regulate the labour safety norms directly with the purpose of extraction of minerals;
- 8 Directives regulate the harmful effects of physical, chemical and biological agents;
- 1 Directive regulates the protection from the risks related to the impact of asbestos;

[15] ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, 30.8.2014: https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02) [L. s. 12.03.2024].

□ 11 Directives determine the minimum safety requirements according to the specifics of the sector and the hazardous activities/equipment.

Herewith, the Annex XXX of the Association Agreement includes the periods of adoption of each European Directive, and the information prepared in accordance with the analysis of the expert reports for the purposes of its implementation is presented in the Table N1:

Table N1

Adoption Period, Quantity and Review of the Status of the 26 Directives Determined under the Annex XXX of the Association Agreement[16]				
Adoption period	**Number of directives**	**Topic of directive**	**Name of the European Directive**	**Adoption status**
2018	1	Improved medical treatment on ships	Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels	the directive is fully reflected
2019	2 directives (also, 2 for new and existing workplaces)	Framework Directive	Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	the directive is fully reflected
		Working with display screen equipment	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	the directive is partially reflected
2021 (for existing workplaces)		Minimum requirements at the workplace	Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	the directive is partially reflected
		Work equipment	Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was elaborated under the Twinning Project
2020	2 directives (also, 2 for new and existing	The use of personal protective equipment	Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal	the directive is partially reflected

[16] Annual Reports of LEPL Labour Inspection Service (2021-2022).

	workplaces)		protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	
		Placement of signs	Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	the directive is partially reflected
2022 (for existing workplaces)		Extracting minerals through drilling	Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
2023 (for existing workplaces)		Extracting minerals on the surface and under the ground	Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
2021	2 directives (also, 2 for new and existing workplaces)	On temporary or mobile construction sites	Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		Potential risk arising from physical agents (vibration)	Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
2022	5 directives (also, 1 for existing workplaces)	The impact of asbestos	Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos	The draft prepared according to the Directive was processed under the Twinning

			at work	Project
		Explosive atmosphere	Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (fifteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		Physical agents (artificial optical radiation)	Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		On ships intended for fishing	Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The draft prepared according to the Directive was processed under the Twinning Project
		Manual handling of loads	Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC	The Directive is fully reflected
2023	10 directives (also, 1 for existing workplaces)	Impact of carcinogens and mutagens	Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive requires full processing and technical expertise
		Biological agents	Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological	

			agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	
		Chemical agents	Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	
		Physical agents (noise)	Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	
		Physical agents (electromagnetic field)	Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	
		Impact of chemical, physical and biological agents	Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work	
		The first list of indicative values. Risks related to chemical substances at work	Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work	
		Indicative limit values	Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and	

			amending Directives 91/322/EEC and 2000/39/EC	
		Indicative limit values	Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC	
		The use of sharp medical tools in the hospital and healthcare sector	Council Directive 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU.	

Based on the analysis of the information provided in the above Table, as of 2023, it is ascertained that in the legislation of Georgia:

The following 6 Directives are fully reflected:

1. Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work;
2. Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace;
3. Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace;
4. Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work;
5. Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers;
6. Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels.

2 Directives are partially reflected:

1. Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment;
2. Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites.

3 Directives are ready to be heard:

1. Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work;
2. Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling;
3. Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries.

Draft is prepared based on 5 directives:

1. Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents;
2. Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation);
3. Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work;
4. Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres;
5. Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels.

And the 10 Directives to be adopted in 2023 fully require processing and technical expertise.

2.1 Review of the Labour Safety Directives Reflected in the Legislation of Georgia

As for the issue of inclusion of the Directives determined under the Annex XXX of the Association Agreement in the direction of observance of labour safety and health at workplace, the review of the mentioned is depicted in the Table N2:

Labour Safety Directives Reflected in the Legislation of Georgia		
	EU legislation determined under the Association Agreement	**Comment on the inclusion in the legislation of Georgia**
1	Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	Framework Directive is reflected in the Organic Law of Georgia On Labour Safety
2	Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eight individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is partly reflected in the Resolution N477 of the Government of Georgia, the draft technical regulations and the table of conformity are prepared under the Twinning Project
3	Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels	The directive is fully reflected in the Order N5 of December 13, 2018 of the Director of the Sea Transport Agency of the Ministry of Economy and Sustainable Development of Georgia 'On the Approval of the Minimum Health and Safety Standards for the Vessels Moving under the State Flag, adopted under the Order of the Director of the Sea Transport Agency.

Labour Safety Directives Reflected in the Legislation of Georgia		
4	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is partly reflected in the legislation of Georgia, in the Resolution №341 of July 1, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace (Article 13)
5	Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №341 of July 1, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace
6	Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №590 of December 23, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of Observance of Safety and Health at Workplace upon Using the Means of Personal Protection
7	Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №457 of September 16, 2022 of the Government of Georgia, Technical Regulations on the Minimum Requirements of the Placement of the Signs Related to the Observance of Safety and/or Health at Workplace
8	Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC	- The Directive is fully reflected in the Legislation of Georgia, in the form of the Resolution №167 of May 1, 2023 of the Government of Georgia on the Approval of the Technical Regulations on the Minimum Requirements of Observance of Safety and Health while Manual Handling of Loads

Based on the mentioned, we may conclude that the value of approximation of legislation in the direction of labour safety has equalled to 31%.

3. Review of the results achieved and the challenges of the enforcement of labour legislation

The following important progressive steps may be highlighted in terms of the approximation of the Georgian legislation with the European legislation on the path to the European Integration:

- The approximation of the legislation of Georgia pursuant to the EU directives on labour safety determined under the Annex XXX of the Association Agreement, which equals to 31% as of 2023, in total, the number of the labour safety directives prepared for harmonization purposes equals to 62 %;

- Along with the obligations undertaken by Association Agreement, it is noteworthy that Georgia has come closer to the international labour norms, namely, the 81st Convention On Labour Inspection, which is among the priority conventions;
- In 2022 the number of the persons killed due to the industrial accidents reduced by 41% compared to 2018, i.e. after the Law of Georgia On Labour Safety was adopted.

Despite the results achieved, based on the analysis of international agreements and the legislation of Georgia, by summing up the supervision system reports in the country, the following challenges are revealed in the direction of enforcement of labour norms:

- Lack of the labour safety culture;
- Low awareness of employers and employees in terms of labour rights and obligations;
- Informal sector, as a global challenge and new forms of labour, as one of the characteristics of the dynamic nature of global economy;
- Violation of the terms of implementation of EU directives;

Herewith, the lack of the modern professional personnel in the country in technical and engineering terms can still be considered as a challenge, which speaks about the need to create respective educational programs. The outdated equipment of the Soviet Union period, which is particularly frequent in the organisations operating in the mining and heavy industries, is also problematic[17]. The situation is complicated by the circumstance that their full removal from the production is related to significant financial factors. The large ratio of the informal sector may also be regarded as a separate challenge[18], where the disregarded mechanisms for the observance of labour conditions are directly reflected in the legal condition of employees.

Conclusion

The process of harmonisation of labour law with the European law has been actively performed within the last decade, which is based on the international obligations undertaken by Georgia, among them, the Association Agreement executed with the European Union is noteworthy, which resulted in the labour conditions supervision system. The framework directives on the observance labour safety and health were gradually implemented and, on this path, pursuant to the recommendations of the International Labour Organisation, the legislative labour novelties and changes were implemented in Georgia in 2020, which mostly covered the requirements of all directives falling under the labour law. The guarantees of legislative protection and proper enforcement of labour rights were improved by means of creating an independent supervision agency for labour norms, LEPL Labour Inspection Service.

Here we should also mention the fact that the approximation of the labour relations, among them, labour conditions supervision system with the international labour norms played an important role in the process of granting Georgia the status of an EU candidate state and reinforced the opportunities of enforcement of the fundamental principles of decent labour in practice.

Along with the implemented reform, it is noteworthy that the reduction of the number of dead persons due to the accident occurred at the workplace by 41% in 2022 compared to the one in 2018, i.e. after the Law of Georgia On Labour Safety became effective, confirms the fact of effective enforcement of the legislation. Herewith, based on the work process with increased risk, certain violations of labour safety in the mining and construction sector, give the grounds for the analysis that the authorities must ensure the implementation of the remaining directives within the determined terms, also, they must continue active policy by implementing proactive measures, which must have a large scale nationwide and be maximally inclusive, in terms of the participation of both – employees and business representatives. The mentioned approaches will make it possible to maximally enhance the labour safety culture in the country, which will have positive effect in terms of human rights protection, also, it will promote the sustainable development of business and the process of Georgia's European Integration.

[17] Annual Reports of LEPL Labour Inspection Service (2021-2022).
[18] National Statistics Office of Georgia, Informal Employment Rate (2021-2023).

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