At the present stage, taking into account military and political instability, the violation of foreign territorial supremacy and independence of individual states of the world, the issue of enhancing the national security, strengthening of defensive potential and establishing effective cooperation in this area is a key objective for the EU member states as well as Ukraine. Maintenance of peace, their values and the welfare of their peoples is defined as an underlying purpose of the European Union (art. 3.1 of the Treaty on European Union 1992 (hereinafter TEU)) [1].

On June 28, 2016, the EU Global Strategy «A Shared Vision, a Joint Action: A Stronger Europe» was presented [2] – a political document of the European Council, which emphasized the need to strengthen the EU due to the external threats and increasing instability in the region. Defense, antiterrorism protection, cybersecurity, electric power industry and strategic communications are determined as the main security priorities. For this purpose, the need for synchronization and mutual adaptation of national defense planning cycles; use of EU funds to support defense research, technologies and multinational cooperation; widespread use of the capability of the European Defense Agency; development of the European defense industry has been highlighted.

The EU Common Security and Defense Policy is one of the most important areas of its activities within the framework of the Common European Union’s Foreign and Security Policy. It represents a complex of unified legal and policy tools for Member States and provides for specific rules and procedures governing the states within the EU (art. 24, 42–46 TEU). Building collaboration in the field of security and defense provides the Union with operational capability based on civil and military means of member states that can be used outside the Union to support peace, prevent conflicts and enhance international
security in accordance with the principles of the UN Charter of 1945. One of
the ambitious goals of the Common EU Security and Defense Policy is the
gradual development of a common defense policy that will lead to the common
defense of the member states. In this respect due to art. 42.2 TEU such
comprehensive integration is possible only with the unanimous consent of the
member states at European Council level.

With the aim of strengthening cooperation of the EU member states due
to art. 42.6 and 46 TEU Permanent Structured Cooperation (PESCO) has been
provided as a form of voluntary integration of Member States that are motivated
to take on additional liabilities in the security and defense matters. In particular
art. 42.6 TEU has determined that participation in PESCO may be taken by
Member States whose military capability meets the highest criteria and who
have agreed to make commitments to cooperate more closely in this area.
Unlike other forms of cooperation between EU Member States in the field of
security and defense, PESCO commitments have legally binding nature and
are established with the unanimous consent of all States, which are participating
in it. Art. 46 TEU stipulates that any Member State may both accede to the
specified forms of cooperation and refuse to participate in it, as notified to the
EU Council. PESCO decisions oblige only states, which are participating in
it and are not the EU acquis, which should be accepted by States candidates
for entering into Union (art. 20.4 TEU).

By legal nature PESCO is a form of enhanced EU cooperation (art. 20
TEU), based on the concept of multi-speed integration. It allows to provide
a higher or lower degree of integration within one integration union. The
diversity of conditions for integration and the difference in the levels of
economic, political, legal and cultural development of member states
encourages the use of variable rates, tools and methods of legal regulation of
integration processes [3, c. 307].

Protocol No. 10 to the EU’s founding treaties regulates the general
framework for such cooperation. In particular, art. 1 provides that PESCO is
open to any Member State which enters into commitments to enhance their
defense capabilities more intensively by expanding its national contributions
and participating, if necessary, in multinational forces, in major European
equipment programs and in the European Defense Agency activities and had
the opportunity, not later than by 2010, to provide, either at the national level
or as a part of a multinational armed services groups, special tactical armor
units for the planned missions, structured at the tactical level as a fighting
group, support elements, including transport and logistic activities, capable of performing the tasks specified in art. 43 TEU, for a period of 5 to 30 days, in particular in response to requests from the United Nations, which may last for 30 days at an early stage and may be extended to at least 120 days.

Art. 2 of Protocol No. 10 also provides for the general obligations of PESCO member states: 1) to cooperate with a view to achieving the adopted targets concerning the level of investment expenditure for military equipment and to regularly review these objectives in view of the security conditions and the international obligations of the Union; 2) to bring their defense systems in line with each other as much as possible, in particular by harmonizing the determination of their military requirements through the pooling and, where possible, the specialization of their defensive means and capabilities, and by encouraging cooperation in the field of military exercises and logistics; 3) to take clear measures to enhance the availability, interoperability, flexibility and ability to deploy of its armed forces, in particular by establishing common objectives concerning a commitment to armed forces direction, including possible revision of their national decision-making procedures; 4) to cooperate with a view to implementing the necessary measures to remedy the shortcomings, in particular through multinational approaches, without prejudice to the commitments made within the framework of NATO identified under the «Capability Development Mechanism»; 5) to participate in the development of the major common or European equipment programs within the framework of the European Defense Agency.

A practical step towards the development of PESCO was signing by 23 EU Member States the EU Report on Permanent Structured Cooperation on Security and Defense on November 13, 2017, which was approved by the EU Council on December 11, 2017. Currently 25 of the 28 Member States have supported this initiative (with the exception of the United Kingdom, Denmark and Malta) [4].

The Annex to the EU Council Decision on Permanent Structured Cooperation dated 08.12.2017 [5] states the 20 major commitments of PESCO participants. These commitments include a constant increasing defense spending from the state budget; increasing the share of defense research and technology expenditures to 2% of total defense spending; to contribute actively in the European Defense Fund; enhance efforts in the field of cyber defense cooperation, in particular regarding the exchange of information, training and
With regard to the last commitment in the Special Declaration [6], Member States have agreed on 17 initial projects which must be implemented to carry out PESCO tasks, including: European Medical Command, European Software (ESSOR); a network of logistic hubs in Europe and support for operations; military mobility; Center for the Competence of the European Union’s Training Missions (EU TMCC); European Training Certification Center for European Army; energy operating management; detailed military aid package for the disaster relief operation; marine (semi) autonomous systems for mine actions (MAS MCM); Port and Maritime Surveillance and Protection (HARMSPRO); modernization of maritime surveillance; a platform for the exchange of information on the rehabilitation of cyber-threats and incidents; Cyber Immediate Reaction Forces and Mutual Cybersecurity Assistance; strategic command and control system for EU missions and operations; IFV / amphibious assault vehicle / light armored vehicle; remote fire support (EuroArtillery); Operational Center «Operational Capability».

In accordance with art. 4 of the EU Council Decision on Permanent Structured Cooperation dated 08.12.2017 [5] PESCO management is carried out on two levels. Governance at the first level is carried out by the EU Council responsible for overall policy and decision-making management that defines global priorities in this area, evaluates the implementation of the commitments of Member States. Only PESCO members are entitled to vote, decisions are taken unanimously (with exception of decisions on the suspension of membership and the admission of new members, which are adopted by a qualified majority). Management at the second level relates directly to PESCO projects. The management of each individual project is carried out by those Member States only which take part in them. It provides for consultation with the EU High Representative for Foreign Affairs and Security.
Policy and the EU Military Committee, as well as reporting to the EU Council on the implementation of relevant projects.

As of today, the last most important practical step towards PESCO was the adoption by the EU Council of 06.03.2018 of the Recommendation on a Roadmap for the Implementation of the Program of Military-Strategic Cooperation of the EU Member States [7], as well as approval of the above-mentioned 17 projects. The PESCO «Roadmap» defines a strategic direction for structuring further work in the implementation and management of the program, including projects and defining steps to fulfill commitments. This document establishes a schedule for reviewing and evaluating the implementation of national plans for program implementation of PESCO Participating Member States; provides for a schedule for implementation of future European defense projects and fundamental provisions on project management to be approved by the EU Council by the end of June 2018.

In summary, it should be pointed out that under the current conditions of political and military instability, the Permanent Structured Cooperation of the EU member states in the field of security and defense has never appeared to be relevant and necessary as it is now. Military capacity-building of the EU Member States and strengthening of its defensive potential is important not only in the context of peace-building at the regional level, but also important for our state, which is actively supported by the European Union. At the same time, the deepening of the integration and use of PESCO’s capability depends directly on the national will of the Member States and, accordingly, on their readiness to assume new security and defense responsibilities.

**Literature:**


14


В. І. Кичун

АВТОНОМІЯ В УНІТАРНІЙ ДЕРЖАВІ: ЄВРОПЕЙСЬКИЙ ТА ВІТЧИЗНЯНИЙ ДОСВІД

Проблеми утворення та правовий статус територіальних автономій, основи їх взаємовідносин з центральними органами державної влади відносяться до тих небагатьох проблем державно-правової науки, які не втрачають своєї актуальності ні в часовому, ні в просторовому, ні в соціальному, ні в політичному вимірах. Звичайно, мова йде не лише про конституційно-правовий статус Автономної Республіки Крим, як невід’ємної частини України. Різні види автономних утворень існують сьогодні у складі більш ніж двадцяти унітарних держав і, як свідчить сучасна практика, в багатьох випадках з ними пов’язані найгостріші політико-правові проблеми, яскравим прикладом яких стали минулорічні події в іспанській Каталонії. В Європі унітарними державами до складу яких входять адміністративні автономні утворення, окрім України, є: Великобританія, яка має у своєму складі автономії: Північну Ірландію, острів Мен та низку інших малих островів; Данія – Фарерські острови, Гренландію; Іспанія – Країну Басків, Каталонію, Андалусію, Галісію, Вісторичні області; Італія – Сицилію, Сардинію, Долину Аости та інші адміністративні області; Фінляндія – Алонські острови; Франція – острів Корсика.

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