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DO WE (REALLY) WANT TO TALK – POSSIBILITIES OF CONSTITUTIONAL JUDICIAL CONVERSATIONS UNDER THE EU-URAINE ASSOCIATION AGREEMENT

The phenomenon of the *dialogue des juges* currently attracts significant attention, becoming - as a mechanism or a legal institution - recently subject to a vital debate among both academia and judiciary. Notably, the "spirit of cooperation" at the European level, between national courts and the CJEU on the one hand and the CJEU and the EFTA Court on the other, has visibly increased in the last years. From the procedural angle, the interest for judicial dialogue might be reflected, *inter alia*, in Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature in Strasbourg on 2 October 2013, entering into force at the date of the 10thratification, introducing the mechanism of the preliminary ruling procedure before European Court for Human Rights (ECHR), aiming at strengthening the national implementation of the Convention by increasing interaction between the European Court in Strasbourg and domestic courts.

In a broader understanding, such judicial conversations are conducted, both vertically and horizontally, not only at differentiated levels of international, supranational and, finally, national courts but also in an equal variety of formal and informal ways, such as, *inter alia*, personal exchange, judicial visits, meetings and cooperation in various judicial networks and associations, as well as judicial exchanges with academic environment and transmission of legal concepts. [31, 75-99].

It should be argued that judicial dialogue constitutes undoubtedly a vital feature of the Court of Justice of the European Union (CJEU), particularly because of the unusual character of its jurisdiction[21, 548].One might have noticed already that, within the European legal order, the notion of judicial dialogue is significantly contributing to the so called *Europeanization* of constitutional law. Furthermore, the wishful movement at domestic level of the EU Member States finally takes place, as over the past years an increasing number of domestic constitutional courts have concurred to that above-mentioned development, taking an active role at the European level, interpreting and enforcing EU standards and especially making use of the preliminary ruling procedure, including these constitutional national judiciaries which are usually reluctant to enter the conversation with the CJEU, such as Italian, Spanish, French and most recently German Constitutional Court [37; 38; 39; 40; 41; 42].

Consequently, the European Union's constitutional legal space is becoming more and more interconnected. Particularly, since the entry into force of the Lisbon Treaty, which introduced a number of EU law amendments of a constitutional nature and now safeguards the participation of the Member States in EU decision-making processes, this field of EU law has been richly enhanced. EU constitutional law thus cannot be treated separately from the respective constitutional laws of the EU Member States, necessarily the latter being an immanent part of the first [13, 177-

208]. Both international law - in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms - and EU law standards are now becoming a benchmark in the process of constitutional adjudication, while considerably influencing the domestic constitutional standards, sometimes even determining a modification of the latter[36; 18, 318; 30, 170-173]. Constitutional review has thus expanded not only geographically but also in its mission and function, acquiring new subject areas, roles and responsibilities [25]. Moreover, the theories such as *constitutional pluralism* and *multilevel governance* have become the subject headings of European Integration scholars over the past decades."*Constitutional pluralism is a new branch within constitutional thought that argues sovereignty is no longer the accurate and normatively superior constitutional foundation*" [22, 385-406; 29, 53-90; 24, 501-537].These processes have doubtlessly eroded many *dicta* of the traditional Kelsenian legal hierarchy, including the position of the constitutional courts as guardians of the (national) constitutional supremacy.

Against this backdrop, it is argued that the European constitutional space is created not only by the EU legislator and its Court, but also by jurisprudence of the national constitutional courts, which usually play a major role in shaping the domestic constitutional legal framework, as it has been observed over the passed decades in particular in the Countries of Eastern and Central Europe within the processes of their transformation and subsequently „europeisation" [26; 27].Particularly therefore these courts should thus efficiently engage in a fruitful dialogue with the CJEU, providing a pivotal contribution to the ongoing debate concerning constitutionalisation of the European Union and the role national and European courts play in this process.

Having said this, the legal observations should be extended to provisions of the bilateral Association Agreements (AAs) between the EE and Ukraine, Moldova and Georgia, ratified by the Ukrainian Parliament in Kiev on the 16th of September 2014 [43].

By signing the AA Ukraine began obviously a new chapter in its complex history. Broadly speaking, the new legal framework aims at setting up a form of political association, economic integration and legislative approximation [14].The latter requires, nevertheless, to consider the legal developments at the EU level on the one hand and to enshrine the relationship between the EU and Ukraine towards a membership of the latter in the European integrated structures on the other. Thus, a question of a relationship between EU law, including the Agreement, and the domestic legal order arises, in particular in the light of the supremacy of the Ukrainian Constitution, as provided for in the provisions of Article 9 Ukrainian Constitution.

In consequence, the need of judicial cooperation between the CJEU and the Ukrainian Constitutional Court calls for deeper analyses and academic attention. Admittedly, '[w]*here a dispute raises a question of interpretation of an act of the institutions of the European Union, the arbitration tribunal shall not decide the question, but request the Court of Justice of the European Union to give a ruling on the question. In such cases, the deadlines applying to the rulings of the arbitration panel shall be suspended until the Court of Justice of the European Union has given its ruling. The ruling of the Court of Justice of the European Union shall be binding on the arbitration tribunal*' (art.332)[43].

It should be underlined in this context that the domestic constitutional court may enter dialogue with the CJEU in different ways. On one hand, national constitutional courts may apply EU law while interpreting the constitutional standards in

compliance with European legal order, as it was the case in a wave of decisions on European Arrest Warrant or the Lisbon Treaty. On the other hand, however, the domestic constitutional court may enter into a direct cooperation with the CJEU. Within its existing legal framework, this cooperation functions by means of preliminary references sent by national courts to the CJEU. By means of particularly this procedure in fact the constitutional framework has been accrued upon which the EU relies nowadays and the Member States have the duty to comply with. Noteworthy, from the CJEU perspective the preliminary reference procedure is a preferred one for establishing and developing constitutional principles, such as primacy of the EU legal order, its direct effect, fundamental rights and many others. Thus, a national constitutional judge may refer a case to the CJEU not only in order ensure as far as possible the effective and uniform application of EU law on the one hand and preventing divergent interpretation on the other, but also in order to determine a "demarcation line" [19] between the CJEU's and constitutional courts' cognition, necessarily touching upon a debate regarding the principle of supremacy.

However, it follows rather clearly from such a wording of the above-mentioned provision of AA that an effective control and further also an enforcement, with the EU's decisions having the force of law, is given not to Ukrainian domestic courts, including the Ukrainian Constitutional Court, but actually to the CJEU, requested by the *arbitration tribunal*. The clash seems, thus, to be at hand. Notably, such a legal construction provides undoubtedly for a great possibility of divergent interpretation given by the Ukrainian Constitutional Court, having under domestic law the jurisdiction in ruling on constitutionality of national legislation, and the interpretation given by the CJEU [14].

The system of preliminary references, undoubtedly most significant tool of structured mutual engagement [6], is based on the provisions of Article 267 TFEU, implemented by the provisions of Article 23 of the Statute of the CJEU and further the relevant provisions of the Rules of Procedure before the CJEU, entailing *"a division of duties between the national courts and the Court of Justice in the interest of the proper application and uniform interpretation of community law throughout all the Member States"* (para.14) [33]. The uniform application of European law constitutes a fundamental requirement of European legal order [34; 35], essentially depending on the ability and potential of the Member States to act as implementing agents [28, 14]. Admitedly, it is the national judge who has been considered as a first guarantor of effective application of EU law since the *Simmethal* judgment:"*[…] every national court must, in a case within its jurisdiction, apply Community law in its entirety and protect rights which the latter confers on individuals and must accordingly set aside any provision of national law which may conflict with it, whether prior or subsequent to the Community rule*" (par. 21) [32].

Against this backdrop, the contribution aims to develop the basic for a fruitful cooperation between the CJEU and the Ukrainian Constitutional Court, while looking closer at the Ukrainian constitutional environment and, finally, searching for a possible solution of the foreseable clash, caused by the divergent interpretation provided by these two courts.

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ACQUISITION OF CITIZENSHIP OF THE UNITED KINGDOM

United Kingdom - one of the most attractive country for immigration . UK legal framework provides for dual citizenship. The reasons for migration vary. Many people wonder how to get citizenship in England, but it is worth noting that this is the last stage before registration English passport. Currently British nationality have very prestigious. However , despite the high social status , the procedure for obtaining British citizenship standard and similar to other European Union countries.

An alien is entitled to become a citizen of the United Kingdom under certain conditions. A foreigner must reside in the country for at least 5 years, follow the rules of immigration law to be mentally healthy, and a good citizen, not attracted to justice. In addition to these requirements, the UK citizenship requires to prove his desire to be a citizen of the Kingdom. For the English allegiance alien must prove knowledge of the history and customs of England , and to support them. In this regard, the need to give an oath to the British Crown. This is to ensure that the government was sure of fidelity to man considered his application on the basis of which the decision .

Must be the owner of the certificate of naturalization - this document is a prerequisite for a passport. We can say that getting citizenship England is not difficult, but the government can deny this right in case of exposure of a foreigner in the provision of false data or before any important biographical facts. Most people go on a search for a better life in England. United Kingdom - one of the few countries which provides many immigration programs. Currently , the British government is taking steps to reduce migration from underdeveloped countries and Eastern Europe, because without a good education for citizenship is much more difficult .

Getting British citizenship has several advantages for investors and professionals. Attracts stable economic and political situation of the country, a good standard of living , perfect tax system. The possibility of a prestigious education and develop their careers , low crime rate , a very favorable climate , etc. Get British passport can be based on one of the migration visas: a job leadership of a company incorporated in England ; to open and doing business ; for investment purposes ;