

THE EUROPEAN LEGAL FIELD IN THE CONTEXT OF INTERNATIONAL COEXISTENCE: CURRENT CHALLENGES AND VECTORS OF DEVELOPMENT

O CAMPO JURÍDICO EUROPEU NO CONTEXTO DA COEXISTÊNCIA INTERNACIONAL: DESAFIOS ATUAIS E VETORES DE DESENVOLVIMENTO

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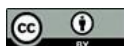
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Abstract

The article identifies the basic components of the interaction of the LSEU (LSEU) with international law (further – IL), examines its specific legal structure and mechanisms of functioning. The aim of the article is to thoroughly study the format challenges and outline the prospects for harmonization and further interaction between the LSEU and the IL. To achieve this goal, the comparative legal method was used, which made

Resumo

O artigo identifica os componentes básicos da interação entre a LSEU (LSEU) e o direito internacional (doravante – DI), examina a sua estrutura jurídica específica e os mecanismos de funcionamento. O objetivo do artigo é estudar exaustivamente os desafios do formato e delinear as perspectivas de harmonização e interação futura entre a LSEU e o DI. Para atingir esse objetivo, foi utilizado o método jurídico



it possible to analyze the common and distinctive features of the norms of LSEU and IL, as well as to assess their role in overcoming legal contradictions. The formal legal approach ensured the systematization of legal principles, terminology and sources of law, as a result of which LSEU was recognized as an autonomous supranational system with its own hierarchy of norms. The system-structural method helped to identify the internal coherence of the LSEU, its connections with international norms and the practice of judicial application of law. It is established that the European legal system, formed under the influence of international and national law, has a unique architecture, which is manifested in its ability to adapt and transform international norms through mechanisms of unification and parallel harmonization. The practice of the Court of Justice of the EU shows that LSEU often takes precedence over international obligations, which causes jurisdictional conflicts, especially in such sensitive areas as human rights and foreign economic activity. The need for a clearer definition of the boundaries of competences between LSEU and IL is proven, in particular in the context of the issue of the Union's accession to the ECHR. At the same time, promising directions for the formation of new coordination mechanisms that would take into account both the autonomy of the LSEU and generally accepted principles of IL are identified. Further scientific research could be aimed at developing practical recommendations for the effective harmonization of LSEU provisions with international treaties, in particular by revising their terms and legal justifications, which would ensure a more stable and fair functioning of both legal systems in a continuous global legal space.

Keywords: IL. Legal Autonomy. Legal Conflicts. Priority of Legal Norms. EU Competition Law. Case Law of the Court of Justice of the EU. Legal Regulation. EU Court Practice.

comparativo, que permitiu analisar as características comuns e distintivas das normas da LSEU e do DI, bem como avaliar o seu papel na superação de contradições jurídicas. A abordagem jurídica formal garantiu a sistematização dos princípios jurídicos, da terminologia e das fontes do direito, em resultado da qual a LSEU foi reconhecida como um sistema supranacional autónomo com a sua própria hierarquia de normas. O método sistémico-estrutural ajudou a identificar a coerência interna do LSEU, as suas ligações com as normas internacionais e a prática da aplicação judicial do direito. Está estabelecido que o sistema jurídico europeu, formado sob a influência do direito internacional e nacional, tem uma arquitetura única, que se manifesta na sua capacidade de adaptar e transformar normas internacionais através de mecanismos de unificação e harmonização paralela. A prática do Tribunal de Justiça da UE mostra que o LSEU frequentemente prevalece sobre as obrigações internacionais, o que causa conflitos jurisdicionais, especialmente em áreas sensíveis como os direitos humanos e a atividade económica externa. A necessidade de uma definição mais clara dos limites das competências entre o LSEU e o DI é comprovada, em particular no contexto da questão da adesão da União à CEDH. Ao mesmo tempo, são identificadas orientações promissoras para a formação de novos mecanismos de coordenação que teriam em conta tanto a autonomia do LSEU como os princípios geralmente aceites do DI. A investigação científica futura poderia ter como objetivo o desenvolvimento de recomendações práticas para a harmonização eficaz das disposições do LSEU com os tratados internacionais, em particular através da revisão dos seus termos e justificações jurídicas, o que garantiria um funcionamento mais estável e justo de ambos os sistemas jurídicos num espaço jurídico global contínuo.

Palavras-chave: DI. Autonomia jurídica. Conflitos jurídicos. Prioridade das normas jurídicas. Direito da Concorrência da UE. Jurisprudência do Tribunal de Justiça da UE. Regulamentação jurídica. Prática do Tribunal da UE.

1 INTRODUCTION

The modern LSEU is characterized by a high degree of integration, autonomy and specific mechanisms of legal regulation, which, however, constantly interact with international legal norms governing relations between subjects of IL at the global level. Such interaction gives rise to both significant prospects for deepening international cooperation and numerous challenges related to differences in the principles, goals and mechanisms of functioning of these legal systems, which requires a thorough study of both their nature and structure and the specifics of interaction and mutual influence (MALONE, 2025).

A deep analysis of the relationship between the LSEU and IL reveals a number of significant legal problems. Among them, the issues of the primacy of individual norms, conflicts of jurisdiction and the process of adapting international standards to the LSEU stand out. The outlined legal processes are often accompanied by tension between the EU's desire to preserve the autonomy of its legal field and the need to fulfill generally accepted international obligations (SARACINO, 2024). IL, based on the principles of sovereign equality of states and the generalized effect of legal norms, requires the European Union to consistently harmonize its rules with global standards. These things become quite relevant in such areas of the state's legal security as: the protection of human rights, the regulation of international trade or environmental protection. There is an urgent need for a balanced approach to the harmonization of these two legal systems. The study and interpretation of these legal relationships is important not only for a deeper understanding of the functioning of the LSEU in the context of globalization, but also for predicting its evolution in the context of increasing global challenges. In addition, the analysis of this interaction creates opportunities for rethinking the concept of legal pluralism - the coexistence of diverse legal systems in a single legal space - and its role in the formation of a stable international legal order.

2 LITERATURE REVIEW

The study of the interaction between the independent LSEU, on the one hand, and IL, on the other hand, is highly relevant in modern legal science, due to the unique nature of LSEU as a supranational legal order which simultaneously operates within the

international legal field. The works of classic and contemporary scholars, such as Cattelan (2012) and Lindeboom and Wessel (2023), emphasize that the dualist doctrine, which historically defined the relationship between international and national law, remains the key conceptual framework for analyzing the interaction of LSEU with international norms, and offers an integrative approach that takes into account both the autonomy of LSEU and its dependence on international legal principles. From this perspective, LSEU not only adapts international norms, but also transforms them in the process of implementation, creating a unique legal phenomenon.

Well-known authors, such as Chiocchetti (2023), Moreiro González (2023) and Tosiek (2022), propose a conceptualization of the EU law order (further – EULO) through the prism of the so-called “LSEU paradigm”, which is interpreted in three dimensions: as a synonymous category of LSEU, as a system of interaction with the national legal orders of the Members, and as an autonomous legal nature that combines features of international and domestic regulation. This versatility highlights the very complexity of determining the place of LSEU in the context of its relationship with IL, which requires taking into account both universal principles and specific supranational mechanisms. Along the same lines, Peers (2015) and Teremetskyi et al. (2025) point out that the recognition of the autonomy of LSEU does not always imply its automatic superiority over international norms, but depends on specific areas of regulation, such as human rights protection, foreign trade or environmental policy, where the context of law enforcement plays a crucial role.

One of the non-standard aspects when conducting a study of the interaction of IL and the LSEU is the factor of the influence of national legal systems on the process of forming the construct of all IL. The issue is considered in detail in the scientific works of Lampach and Dyevre (2020), as well as Priebus and Anders (2024). Scientists do note that nation-states actively influence the content and development of IL through mechanisms of transfer of powers, participation in the development of new international norms and their subsequent approval at the national level. Also in their interpretation, the component of influence forms a direct feedback with LSEU, which, despite the desire for independence, still remains closely connected with the legal systems of its members. In addition, legal practitioners Orakhelashvili (2006) and Stone Sweet (2005) emphasize the component of multifactoriality and the dependence of the nature of the relationship between LSEU, IL and national legal orders on the context. They point to significant

differences in how different legal systems define the status of norms and, in particular, their primacy, binding force and legal nature. Such clear differences further complicate attempts to achieve clear harmonization between international, European and national law, making this field of research truly relevant and necessary.

According to Müller-Graff (2018) and Van den Brink (2017), the current practice of the EU Court of Justice clearly demonstrates the tendency to prioritize the principle of autonomy of the Union's law, which is manifested even in cases of conflict with international norms, in particular in the field of human rights protection or regulation of foreign economic activity. This clear tendency raises debates about the limits of such autonomy and its compatibility with the universal principles of IL. Summarizing the discourse of the research issue, authors determine the expediency of substantiating the format for synchronizing and overcoming the challenges of LSEU with the universal principles of IL, contributing to overcoming legal conflicts and creating effective mechanisms for their harmonization in the future.

The aim of the article is to conduct a comprehensive study of the current challenges and prospects of interaction between the LSEU and IL, with a focus on identifying regulatory, institutional and conceptual contradictions.

3 METHODS

In conducting the research, the author used a combination of special legal and general scientific methods to ensure comprehensive coverage of the selected topic through the prism of legal science, and to provide a comprehensive description of the legal mechanisms operating at the junction of the EU and international community legal spaces. The comparative legal method is used as a basis, which allowed for an in-depth assessment of the differences and commonalities between IL and the legal provisions of the European Union, as well as a comparison of the peculiarities of the functioning of these systems in the context of resolving legal conflicts.

The author used the formal legal method to record legal structures, terminology, systematize sources of law and build a logical structure of the study, which allowed the author to characterize the law of the European Union as an independent supranational legal system with its own specific regulatory body, institutional architecture and autonomous law enforcement mechanism, which in certain cases may conflict with the

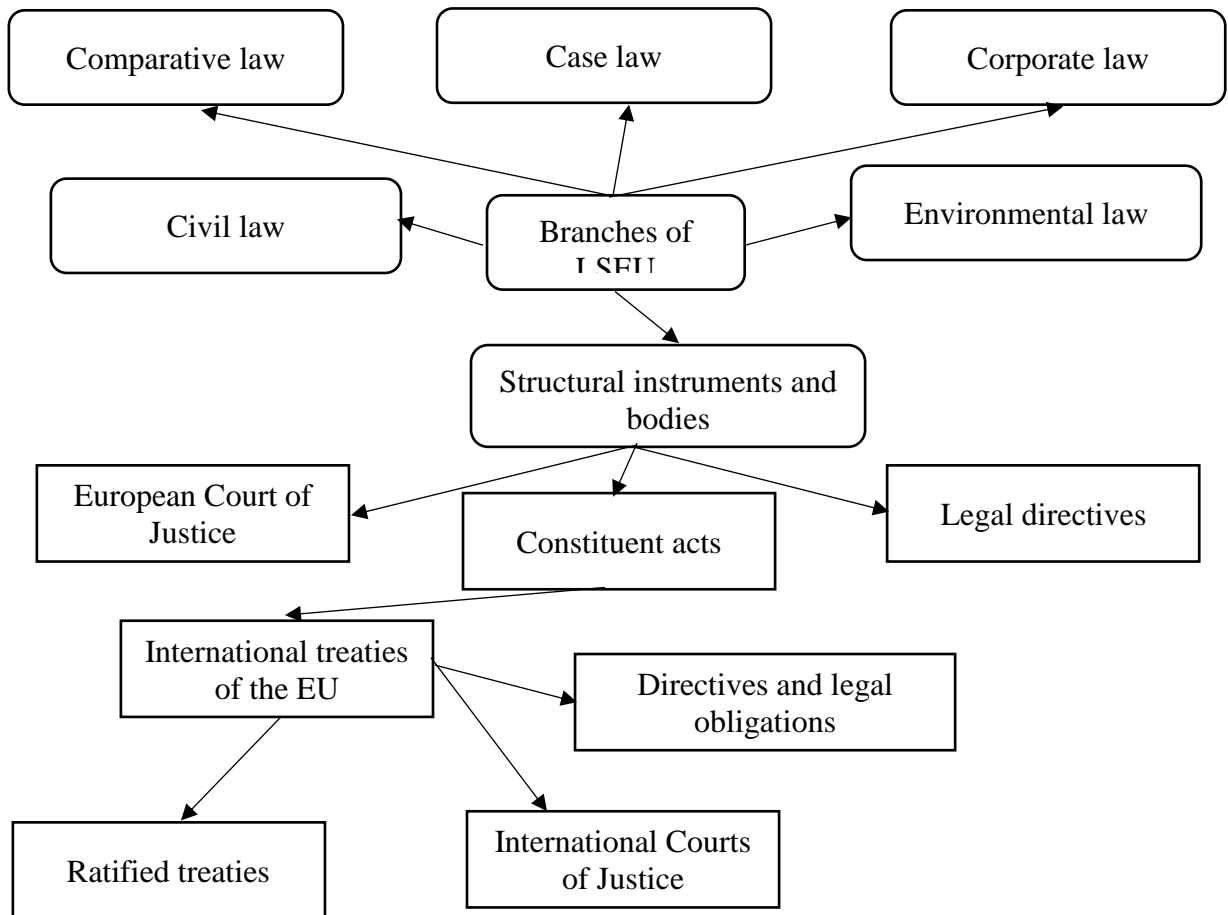
rules of public IL. The author also uses the systemic-structural method to analyze the specifics and authenticity of the LSEU. The author outlines the internal integrity and dynamism of the legal structure consisting of numerous interrelated elements, including primary and secondary law, case law, principles of law, as well as the specifics of legal interaction with IL within the framework of international treaties, case law and universal legal principles, etc.

4 RESULTS

4.1 Problems of correlation between LSEU and IL

The LSEU, according to generally accepted scientific positions, emerged as a result of a complex legal interaction between two basic legal orders: public IL and national law of the Members, being significantly influenced by both sides and at the same time forming a unique legal architecture that has no direct analogues in the world legal practice. In forming its own regulatory framework, LSEU has absorbed international legal approaches to harmonizing legal norms between subjects of IL, but at the same time actively used unification and harmonization tools that traditionally belong to the sphere of domestic lawmaking. On this reasonable basis, authors can show a model of the LSEU (Figure 1).

At the current stage of development of the EU legal area, there is a clear trend towards deeper harmonization of legislation in numerous areas – from environmental regulation to private law, and in many cases unification does not meet with fundamental resistance from national systems. At the same time, in a number of specialized areas, especially in matters of mixed or divided competences between the EU and its members, serious legal conflicts still arise that require detailed analysis (MAKEDON et al., 2024a). Mostly, these are narrow-sectoral or sub-sectoral issues where the delineation of jurisdictions and spheres of application of international and supranational law remains incomplete or conceptually ambiguous.

Figure 1.*Model of the modern LSEU*

Source: based on Lindeboom and Wessel (2023), Savić (2023)

The current stage of the transformation of the European legal space shows an existing tendency towards convergence and parallel harmonization of national legislation in various areas of law, from the regulation of environmental standards to the norms of complex private law. In many cases, this process of harmonization proceeds without significant resistance from the members of the European family. However, in some specialized areas, especially those related to the joint or shared exercise of powers between EU bodies and individual countries, complex legal conflicts continue to arise that require detailed study (MAKEDON et al., 2024a). Most often, we are talking about issues of a highly specialized nature, where the clear boundaries between the spheres of application of supranational and IL remain poorly established or even very controversial. A characteristic dominant factor that really complicates the definition of the interaction between LSEU and IL is the lack of a clear position in the founding documents of the Union and in the case law of the Court of Justice of the EU on the priority of a particular source of law. Depending on the nature of the

international legal norm, its content and legal force, preference may be given either to provisions of IL that have the status of “jus cogens” or to de facto binding norms of the LSEU. It is believed that generally accepted principles of IL, especially those enshrined in fundamental treaties such as the UN Charter, should prevail over secondary EU norms (DIR, 2024). However, when it comes to local international agreements concluded between individual Members or within regional formats, the dominant position is that LSEU takes precedence. This is particularly evident in the provisions of the EU Regulation “On Insolvency Procedures”, which in Article 44 directly repeals more than ten international treaties concluded by Members since the 19th century, within the scope of their competence (European Parliament & Council, 2015).

The question of close interaction between LSEU and IL in the sphere of relations with the Council of Europe and the mechanisms of the European Convention on Human Rights (further – ECHR), as the fundamental legal package of documents for the protection of human rights in Europe, is acute. Despite the fact that all EU Members are parties to the ECHR, the Union itself is not an official participant in it, which raises serious legal problems regarding the harmonization of the two legal systems (POLAKIEWICZ; SUOMINENPICH, 2024). Protocol No. 8 to the Treaty on European Union (TEU) in Article 2 clearly states that the accession of the EU to the ECHR should not violate the autonomy of its institutions or their jurisdiction, which is dominant in the analysis and acceptability of the legal admissibility of this step itself (European Network of National Human Rights Institutions, 2024). Of particular relevance is the legal document “Opinion 2/13 of the Court of Justice of the European Union”, which clearly expresses its objections to the draft agreement on the accession of the EU to the ECHR.

The main reason for the refusal was that the creation of an external court that could interpret the norms of the ECHR in a binding manner and extend its jurisdiction to the institutions of the Union contradicts the autonomy of the LSEU (Court of Justice of the European Union, 2014). Relations between the European Union and the United Nations in the legal sphere are also characterized by a certain degree of uncertainty, which is explained by the difference in the hierarchy of norms and jurisdictional priorities of both systems, etc. Although the Treaty on European Union (Article 21) explicitly states respect for the principles of the UN Charter, including obligations regarding international peace and security (European Union, 2012), in practice the dominant approach within the EU is

one that favours the autonomy of European law, even in situations involving international obligations (LAWSON, 2024).

Table 1.

Problems of interaction between LSEU and IL

Existing problem	Essential characteristic	Examples	Possible solutions
Conflict of jurisdictions	Lack of a clear delineation of competence between LSEU and IL in areas of mixed or divided competence	The Kadi case (C-402/05 P, C-415/05 P), where the Court of Justice recognized the primacy of EU norms over UN Security Council resolutions in the protection of human rights	Developing clear criteria for the priority of norms in EU treaties or case law
Autonomy of LSEU	LSEU seeks autonomy, which may contradict the international obligations of members	Opinion 2/13 of the CJEU, which rejected the EU's accession to the ECHR because of the threat to the autonomy of LSEU	Revision of the conditions for EU accession to international agreements to ensure compatibility with EU autonomy
Prioritization of norms	Ambiguity in determining the priority between jus cogens rules, the UN Charter and secondary LSEU	The Centro-Com case (C-124/95), where EU rules took precedence over UN sanctions resolutions	Improving the mechanisms for harmonizing international norms with LSEU through a dialogue between institutions
Harmonization and unification	Difficulties in harmonizing legislation due to resistance of national systems or specifics of international treaties	The EU Insolvency Procedures Regulation, which replaced a number of international treaties	Strengthening the dialogue between members and the EU to harmonize regulations
Relations with the Council of Europe	Difficulty of the EU's integration into the ECHR due to the lack of status of a party to the Convention and jurisdictional conflicts.	Protocol No. 8 of the TEU, which limits the impact of the ECHR on the EU's competence.	Development of a new agreement on the EU's accession to the ECHR, taking into account the autonomy of the Union.

Source: created by the author

In this context, the provisions of the UN Charter also play a role, in particular Article 25, which provides for the binding nature of Security Council decisions, and Article 103, which gives priority to the obligations of states under the UN Charter over any other international treaties. However, the Court of Justice of the European Union in *Kadi and Al Barakaat International Foundation v. Council and Commission* (Case C-402/05 P and C-415/05 P), which became a precedent in legal history, for the first time questioned the absolute legal force of UN Security Council resolutions (Court of Justice of the European Union (Grand Chamber), 2008b). The Court recognized that the provisions of the EU's founding treaties, in particular those protecting fundamental human

rights, take precedence even over international obligations arising from UN Security Council resolutions, , if such obligations contradict the fundamental legal principles of the Union. Thus, in the end, the CJEU affirmed the position that the UN Charter does not automatically prevail in the EULO, even when it comes to binding international legal instruments (SAVIĆ, 2023).

No less illustrative is the case of *Centro-Com* (C-124/95), which considered the legality of refusing to make a financial transfer under a contract for the supply of medical equipment to Montenegro, which was not formally subject to the sanctions regime established by UN Security Council Resolution 757 (1992) (Court of Justice of the European Union (Grand Chamber), 1997). Analyzing the circumstances of the case and the legal nature of the measures taken by the Members to implement the existing UN sanctions decisions, the EU Court of Justice concluded that Members do not have the right to unilaterally take enforcement actions that contradict EU regulations, even if they are motivated by the implementation of international decisions. It was confirmed that the priority source of law for Members within the competence of the Union remains LSEU, which cannot be limited by acts of international origin without an appropriate harmonization mechanism.

In the case of *Intertanko* (C-308/06), which concerned a legal conflict between Directive 2005/35/EC aimed at preventing marine pollution from ships and the provisions of international maritime law, in particular the 1973 MARPOL Convention and the UN Convention on the Law of the Sea, the Court of Justice of the European Union (Grand Chamber) reaffirmed the autonomy and self-sufficiency of European LSEU (Court of Justice of the European Union (Grand Chamber), 2008a). Although all EU members have signed the relevant international agreements, the EU itself is officially a party only to the UN Convention on the Law of the Sea, and thus is not legally bound by the restrictions provided by MARPOL. The Court's decision emphasized that the existence of stricter EU rules on liability for marine pollution does not contradict IL, but, on the contrary, reflects the Union's commitment to a high level of environmental protection (ZIEGLER, 2016).

4.2 Legal conflicts between LSEU and IL

In the current legal context, which is being formed at the intersection of IL and the law of the European Union, the question of the nature of the rights that international

treaties can grant to individuals, as well as the mechanisms for the realization of these rights in national jurisdictions, is becoming increasingly relevant. One example of such a model is the 1924 Brussels Convention for the Unification of Certain Rules Relating to Bills of Lading, supplemented by the 1968 Protocol, which provides for the granting of rights to one individual or legal entity, such as the owner of the cargo against another person – the carrier, and these rights must be protected by national justice. However, the classical approach of IL stipulates that the granting of such rights is not directly effective without appropriate transformation, incorporation or at least recognition at the level of national legislation, unless otherwise expressly provided by the constitutional provision of a particular state (ODERMATT, 2024).

The difference in approaches to the interaction of international and national law is traditionally defined through the dichotomy of monistic and dualistic concepts. In the coordinates of the monist model, which is inherent in, for example, the Netherlands or France, the provisions of international treaties that are sufficiently clear, specific and self-executing can be directly applied in the domestic legal system. In contrast, in states that adhere to the dualist concept, such as the United Kingdom or Ireland, when any provision of an international treaty becomes effective only after implementation through national legislation (SARACINO, 2024; SHELUKHIN et al., 2021). In this case, different legal and technical models can be applied: from a simple reference to an international treaty in the final provisions to its full reproduction in the text of a national act or even to fragmentary amendments to only those parts of the legislation that are not consistent with an international obligation.

These variants of legal technique directly resonate with the mechanisms for implementing EU directives. However, the innovation brought by the Treaties establishing the European Communities (in particular, the Treaty on the Functioning of the EU) is that EU regulations have direct effect and are applied automatically throughout the Union, regardless of whether the constitution of a particular member state provides for it. Thus, even in countries with a dualistic legal doctrine, such as the United Kingdom before Brexit, EU legal acts with direct effect (regulations) were recognized as applicable without the need for a separate law. This was due to the European Communities Act 1972, which provided that all provisions of LSEU were automatically integrated into the British legal order (STONE SWEET, 2005).

This peculiarity of legal interaction between LSEU and national systems, even if a monistic paradigm is assumed, led the legal scholars Chiocchetti (2023) and Odermatt (2024) to the conclusion that the degree of legal influence cannot be equated between IL and LSEU: While IL is characterized by “moderate” or “divided” monism, LSEU is characterized by “radical” monism, which does not include any reservations about the supremacy of Union norms.

Despite the fact that the professional circle of researchers characterizes the European Union itself through the prism of independence and uniqueness of the constructed legal system, there is still a certain scientific opinion that considers LSEU as a form of specialized regulation within the framework of IL. This point of view became widespread in the early stages of integration, especially in the 1950s and 1960s, when the European Communities were perceived by some ILyers as an innovative model for the development of international legal cooperation. However, this perspective was consistently directly changed by the Court of Justice of the European Union, which, starting with the classic case of *Van Gend en Loos* (1963), laid the foundations for the concept of an autonomous LSEU. In this decision, it was emphasized that the LSEU has an authentic nature of origin, it is not reduced to international treaties, and provides for direct legal effect in relation to individuals and legal entities, and not only Members (Court of Justice of the European Union (Full Court), 1963).

A year later, in *Costa v. ENEL* (1964), the Court further clarified its views, stating that the Treaty establishing the European Economic Community had created its own legal order, which was binding on all national courts of the Members even in the event of a conflict with domestic law (Court of Justice of the European Union (Full Court), 1964). Thus, we can state that European law had gone beyond the traditional international treaty and had acquired the character of a developed regulatory system with its own logic and hierarchy. Although the concept of the EU as a “proto-state” has been discussed in the past, it has lost its scientific relevance in recent years due to its hypothetical nature and the further implementation of the above scenario may not take place at all. Instead, the Federal Constitutional Court of Germany proposed an original definition of “*Staatenverbund*”, or “union of states”, which describes the EU as a supranational structure that is neither a sovereign state nor an ordinary international organization. The Supreme Court of Denmark, in turn, treats the EU as an international organization, while national courts of other countries often occupy intermediate positions between these two

approaches. The Court of Justice of the EU itself has not officially given a formal definition of the nature of the Union, but an analysis of its practice allows us to conclude that European law has a unique nature – “sui generis” (MERUSI, 2024).

A telling example is the judgment in the case of *Commission v. Belgium and Luxembourg*, where Members attempted to justify a breach of the provisions of the Treaty on the European Community by referring to the failure of other institutions of the Union, in particular the Council, and using the principle of “tu quoque” known from IL. The Court of Justice of the EU strongly rejected this argument, noting that the LSEU is not based on traditional international legal mutual obligations, but is a normative system that directly regulates the rights and obligations not only of States but also of individuals, providing mechanisms for their protection (MAKEDON et al., 2024b). The established principle of autonomy was then given a powerful development in the case of *Germany v. Council* (the so-called “banana decision”), which concerned the compatibility of a European regulation with the rules of the General Agreement on Tariffs and Trade (GATT). The Court stated that an international treaty, even if formally binding on the EU, cannot prevail over Community law if it does not provide direct legal effect in the European system (MOREIRO GONZÁLEZ, 2023). Thus, the regulation remained in force despite its contradiction with international obligations (Table 2).

Table 2.

Conflicts between LSEU and IL

Conflict	Nature of the problem	Implementation practice	Ways to solve the problem
Priority of norms	Uncertainty about the precedence of international or LSEU in disputed situations	The case of <i>Costa v. ENEL</i> (1964): The EU Court of Justice established the supremacy of LSEU over national and international norms	The hierarchy of norms is clearly set out in EU treaties or court decisions
Direct effect of law	EU regulations are directly applicable, while international treaties often require implementation	<i>Van Gend en Loos</i> (1963): Direct effect of EU regulations on citizens and companies	Creating common standards for recognizing the direct effect of international treaties in LSEU
EU autonomy	LSEU's desire for self-sufficiency creates conflicts with international obligations	The “banana” judgment (<i>Germany v. Council</i>): Priority of EU regulations over GATT rules	Strengthening cooperation between the EU Court of Justice and international courts to harmonize approaches
Monistic/dualistic provisions	Different approaches of members to the integration of IL complicate harmonization	European Communities Act 1972 (UK): Direct effect of LSEU in a dualistic system	Unification of mechanisms for the implementation of IL in the Members

The status of the EU	Uncertainty about the nature of the EU as an international organization or supranational entity	The case of the Commission v. Belgium and Luxembourg: Rejection of the international legal principle of <i>tu quoque</i>	Determination of the EU's legal status in international agreements and judicial practice
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Source: created by the author

The analysis illustrates an essential departure from the model inherent even in monist legal systems, where international treaties with self-executing provisions have direct effect. The EU Court of Justice, without explicitly stating that LSEU is completely separate from IL, actually refuses to recognize international treaties as sources capable of automatically limiting EU regulations or directives without explicitly stipulating this in the founding treaties or recognizing the direct effect of such a treaty. In practice, this means that even in situations where IL traditionally provides for primacy over domestic law, LSEU maintains its own hierarchy of norms, in which international treaties take a subordinate place, unless incorporated into LSEU through appropriate procedures.

4 DISCUSSION

Much attention was paid to the superiority of some rules over others, the mechanisms of their implementation, the balance of jurisdictions, and the legal nature of the subjects of the European and IL. The scientific findings correlate with the views expressed in the works of such scholars as Peers (2015) and Saracino (2024). Scholars emphasize the unique legal nature of the EU, a system that cannot be formally classified as either international or national law. However, this study goes further than previous research, demonstrating new manifestations of the autonomy of LSEU, especially in judicial practice and in the hierarchy of norms. Compared to the positions of legal scholars Orakhelashvili (2006) and Stone Sweet (2005), who focused on the gradual formation of the European legal area within the IL, the current analysis shows a clear formation of a separate institutional and judicial autonomy of the EULO. The most illustrative is the consideration of a number of certain key cases by the EU Court of Justice, when the decisions made not only confirmed the pure autonomy of European law, but also consolidated the practice when international norms, even mandatory ones, do not receive automatic priority. Such a position calls into question the traditional understanding of the dominance of *jus cogens* norms, which is generally accepted among authors such as Priebus and Anders (2024) and is also provided for in the UN Charter. Of particular value

to the study is the development of an analytical model of the interaction between LSEU and IL at several levels, taking into account not only formal differences between the norms, but also the underlying institutional mechanisms that ensure their application (MERUSI, 2024). For example, it is proved that even in countries with a dual legal order, LSEU realizes the effect of “radical monism”, becoming the main legal basis for national courts and administrative bodies.

The scientific novelty also lies in the fact that for the first time the nature of a new type of subject of IL is considered in detail, not a state, but a supranational legal system with its own normative autonomy (SARACINO, 2024). It is this phenomenon that is becoming a catalyst for changes in the traditional understanding of IL as a universal matrix where other legal systems fit. In this context, LSEU is not just embedded in the international legal order, but enters into legal competition with it for legitimacy and priority.

5 CONCLUSION

The LSEU, which emerged as a result of a long evolutionary interaction between the national legal orders of the Members and the norms of IL, has over time transformed into a unique supranational legal entity, which is manifested not only in the autonomy of its regulatory framework and the ability to directly influence the rights and obligations of individuals and legal entities, but also in the specific interpretative practice of the Court of Justice of the EU, which interprets international legal acts through the prism of the European legal context. The acquired independence has caused a number of significant contradictions between European and IL, especially regarding the application of key international documents, such as the UN Charter or the ECHR, where the most acute legal conflicts arise in areas of shared competence, when the automatic preference for one of the systems can undermine the fundamental principles of legal predictability and stability.

It was determined that a practice of rethinking existing approaches to the interaction between the European and IL has been formed by developing a holistic model of the hierarchy of norms, which would clearly determine the priority of the EU founding treaties, acts of secondary LSEU or norms of international agreements, in particular those that have the character of *jus cogens* or are part of global international agreements, and such principles of legal integration would be advisable to be enshrined at the level of

primary LSEU or within the framework of a special institutional mechanism for coordination between European and international bodies. All necessary measures will not only prevent parallelism of jurisdictions and ensure the rule of law, but will also contribute to the deepening of the compatibility of the EULO with generally accepted standards of IL, which, in turn, forms new links regarding the harmonious combination of the integration ambitions of the European Union with the fundamental provisions of the IL without prejudice to its institutional integrity and acquired autonomy.

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